



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Monday, 24 September 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, 2 October 2018 at 4.00 pm

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

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

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

AGENDA

	<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 - 10
Part 1 - Items for Decision	
5. Kelham Hall Ltd, Kelham Hall, Main Road, Kelham, Nottinghamshire, NG23 5QX (17/02071/FULM)	11 - 45
6. Kelham Hall Ltd, Kelham Hall, Main Road, Kelham, Nottinghamshire, NG23 5QX (17/02075/ADV)	46 - 61
7. Kelham Hall, Kelham Hall Ltd, Main Road, Kelham, NG23 5QX (18/00947/LBC)	62 - 71
8. Land At New Lane, Blidworth, NG21 0PH (17/02326/FULM) Site Visit – 11.00am – 11.15am	72 - 134
9. Land Off North Gate, Newark On Trent (18/01137/OUTM)	135 - 151
10. Land at Enfield Court, Harby, Notts (18/01217/OUT) Site Visit – 10.00am – 10.10am	152 - 167
11. Balderton Working Men's Club and Institute, 69 Main Street, Balderton (18/01241/FUL) Site Visit – 9.20am – 9.30am	168 - 178
12. 3 Council Houses, High Street, Harby, Notts, NG23 7EB (18/01382/FUL) Site Visit – 10.20am – 10.30am	179 - 191
13. Land At Rear 37 Easthorpe, Southwell, NG25 0HY (18/01360/FUL)	192 - 202
14. Crane Cottage, 38 Main Street, Farndon, Newark On Trent, Nottinghamshire, NG24 3SA (18/01508/FUL) Site Visit – 11.45am – 12.00pm	203 - 216
15. Crane Cottage, 38 Main Street, Farndon, Newark On Trent, Nottinghamshire, NG24 3SA (18/01509/LBC) Site Visit – 11.45am – 12.00pm	217 - 229
Part 2 - Items for Information	
16. Appeals Lodged	230 - 232

17. Appeals Determined 233

Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

18. Exclusion of the Press and Public

To consider resolving 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 involve the likely disclosure of exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Act.

19. Future Fishing LTD, Unit 17, Hardy's Business Park, Hawton Lane, Farndon, 234 - 239
NG24 3SD

NOTES:-

A Briefing Meeting will be held in Room F3, 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, 4 September 2018 at 4.00 pm.

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

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks,
Councillor 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 and Councillor B Wells

APOLOGIES FOR Councillor Mrs Y Woodhead
ABSENCE:

75 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors D.R. Payne, I. Walker and B. Wells declared Personal Interests in Agenda Item No. 8 – 37 and 39 Halloughton Road, Southwell, Nottinghamshire (18/01258/FUL) as they were Members of the Trent Valley Internal Drainage Board.

76 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

77 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 7 August 2018.

AGREED that the minutes of the meeting held on 7 August 2018 be approved as a correct record and signed by the Chairman.

78 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda Item No. 7 was taken after Agenda Item No. 11, the agenda resumed its stated order thereafter.

79 OMBUDSMAN DECISION - SOUTH CLIFTON

The Committee considered the report of the Business Manager Growth & Regeneration, which updated the Committee on a recent Ombudsman decision and sought approval for the payment to the complainant of the sum recommended by the Ombudsman by the way of remedy. The Ombudsman's finding was that there had been maladministration and injustice and they recommended the Council pay the sum of £700 to the complainant by way of remedy. The Ombudsman decision was attached to the report. The report also detailed the information relating to the complaint.

AGREED (unanimously) that the Ombudsman finding of maladministration and injustice be accepted and the recommended remedy of payment of £700 to the complainant be approved.

80 11 FRIEND LANE, EDWINSTOWE, NOTTINGHAMSHIRE (18/00139/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of a single independent detached two bedroom dwelling and a detached single garage.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Planning Case Officer regarding the correct separation distances between the proposed dwelling and the closet neighbouring dwellings, which were different to those within the report but in any case did not alter the overall Officer recommendation.

Members considered the application and felt that the location was inadequate for the proposed development and would set a precedent for backland development in that area. The impact from this development on the business situated to the south of the property was also raised.

(Councillor P. Duncan entered the meeting during the Officer presentation and took no part in the debate or vote).

AGREED (with 12 votes for and 1 abstention) that planning permission be refused for the reasons contained within the report.

81 37 AND 39 HALLOUGHTON ROAD, SOUTHWELL, NOTTINGHAMSHIRE (18/01258/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought to demolish two semi-detached properties known as 37 and 39 Halloughton Road and erect two detached replacement dwellings with garages within the boundaries of the above properties and garden.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the following: Southwell Civic Society; neighbouring parties; Newark & Sherwood District Council Access and Equalities Officer and Nottinghamshire County Council Highways.

Members considered the application and one Member felt that the application was finely balanced due to the two bungalows which had no significant merit but were situated in the conservation area and to be replaced by two significantly larger properties, which had one additional bedroom and study. Concern was raised regarding whether the properties would appear larger when built than they appeared on the proposed plans.

The Business Manager Growth & Regeneration confirmed the status of the site to the Potwell Dyke in terms of current visual appearance (drawing Members attention to a photograph within the late items schedule) and residents responsibilities for

maintenance given riparian ownership. The proposed hedge was also discussed and it was proposed that the hedge should not be planted within at least 8 metres of the Potwell Dyke. The Business Manager confirmed that the hedgerow was to delineate the boundary and the scheme was conditioned for a boundary, which could explicitly refer to a distance.

A Member commented that he was pleased that the three detached houses would sit side by side; although the houses were higher than the existing. It was also suggested that Officers provide a 4 metre line from the centre line of the dyke as this was a serious level of concern due to the flooding in 2017 and would not want to see a further flooding event. The applicant through an informative should be reminded of riparian ownership duties.

A Member also requested that a further condition be included to prevent the proposed houses being built and the two bungalows not being demolished. It was suggested that the two bungalows be demolished within 6 months on completion of the property to the right of the plan and no occupation of either property until demolition of the bungalows had taken place.

(Councillor J. Lee was not present for the Officer presentation and did not take part in the debate or vote).

AGREED (unanimously) that full planning permission be approved subject to the conditions and reasons contained within the report and the following additional conditions:

- (i) The boundary scheme be located further south in line with NCC comments on distance with a planting and maintenance scheme which would maintain the principle of a wild life corridor. The applicant through an informative be reminded of the right of riparian duties;
- (ii) The two bungalows be demolished before occupation of Plot 39.

82 FORMER GARAGE SITE, THORPE CLOSE, CODDINGTON, NOTTINGHAMSHIRE (18/00413/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for the demolition of an existing garage court and the erection of one bungalow. There were ten garages on the site which were proposed to be demolished.

Members considered the application and whilst one Member felt that the site was not suitable for the development and would cause further problems regarding car parking and the potential loss of the bus service should the roads become further congested with parked vehicles. Other Members considered that the scheme was good and the access position for neighbouring properties had been addressed.

AGREED (with 13 votes for and 1 vote against) that planning permission be

approved subject to the conditions and reasons contained within the report.

83 LAND AT THE WATER TOWER, GOLDSTRAW LANE, FERNWOOD (18/00474/FULM)
(MAJOR)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for the conversion of the existing tower and new build development to provide a total of thirteen residential units.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the following: Neighbour; Fernwood & Newark residents; and Newark & Sherwood District Council Community Facilities Manager.

Councillor N. Mison, local Ward Member for Farndon & Fernwood spoke in support of the application and commented that the water tower had not been used for 50 years and the use had been unresolved for 20 years. He felt that the water tower should be retained; it was a land mark that could be seen from the A1 and railway line when entering Newark. The proposed scheme would retain the Art Deco style. The car parking had not been too bad on the morning of the site inspection; neighbouring residents had however raised concern regarding the extra car parking the scheme may incur. He felt that there were car parking and viability issues which were presented in the report.

Members considered the application and felt that the water tower was a local land mark and would like to see it retained and developed. Residents' concerns regarding car parking had been shown within the schedule of communication, which they felt could be overcome. It was suggested that the wide footpaths could be reduced to allow for parallel parking on the road side. It was also suggested that the retention and maintenance of the clock could be included within a condition should the committee be mindful to approve the application. It was further suggested that the Parish Council be asked to reduce the footpaths to allow for the required three additional car parking spaces or if the footpaths had not been transferred to Nottinghamshire County Council, the work could be suggested to the developer.

AGREED (with 11 votes for 2 votes against and 1 abstention) that contrary to officer recommendation full planning permission be granted subject to appropriate conditions to be considered by the Business Manager Growth & Regeneration.

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

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	For
R.A. Crowe	For

Mrs M. Dobson	Against
P. Duncan	For
G.P. Handley	For
J. Lee	Abstention
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	For
Mrs L.M.J. Tift	For
I. Walker	Against
B. Wells	For
Mrs Y. Woodhead	Absent

84 FUTURE FISHING LTD, UNIT 17, HARDYS BUSINESS PARK, HAWTON LANE, FARNDON (18/01118/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission to retain the existing building and use as a Sui Generis Retail Warehouse Club with ancillary B1 (Business) and B8 (Storage and Distribution) uses. The application is retrospective in nature and the building has been in situ since May 2016 according to the planning application forms.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Agent, the letter was attached in full at appendix 1 of the schedule.

Members considered the application and felt that a full investigation of the site was required to ensure that all the units had authorised use.

AGREED (unanimously) that the item be deferred to allow the whole site to be looked at by the Planning Authority in order to understand any wider issues that would relate to the determination of this current scheme.

85 PARK FARM, MAIN STREET, CARLTON ON TRENT (18/00698/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought to vary the plans condition attached to the planning permission 06/01847/FUL to vary the approved plans.

Members considered the application acceptable.

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

86 LAND AT ENFIELD COURT, HARBY, NOTTS (18/01217/OUT)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought outline planning permission for the erection of four market dwellings consisting of two semi-detached and two detached properties, on land formerly used for agriculture but which now appeared to be for storage. All matters were reserved apart from the access.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Agent, a Technical Note had been added as appendix 3 to the schedule.

Councillor Mrs Rose representing Harby Parish Council spoke in support of the application in accordance with the views of Harby Parish Council

Members considered the application and it was commented that the proposed development would complete Enfield Close and the removal of the metal framed structure would benefit the village. It was also commented that there was a market for properties in Harby, a thriving school and whilst there was not a bus service, the locals had established a car share scheme with two neighbouring villages. A member raised the issue that the aerial photographs were out of date and therefore it was difficult to gain an understanding of site factors. The Chairman proposed that a site visit should take place as a site visit had not previously been undertaken as it was felt that the Officer recommendation of refusal was down to policy issues and not site factor issues.

A vote was taken for approval but was lost with 6 votes for and 8 votes against.

AGREED (unanimously) that the item be deferred pending a site visit.

87 APPEALS LODGED

AGREED that the report be noted.

88 APPEALS DETERMINED

AGREED that the report be noted.

89 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 6.11 pm.

Chairman

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	17/02071/FULM
Proposal:	Application for temporary (5 year) permission in relation to improved security and campsite operation, comprising: Planning Permission for a vehicle security gate to main entrance, estate fencing along driveway and front boundary; Change of use of sports field for camping and caravanning operation comprising a maximum of 50 pitches; Planning Permission for mains cabinet; Retrospective Planning Permission for 8no. electricity distribution boxes; Retrospective Planning Permission for WC block; Retrospective Planning Permission for family shower block; Retrospective Planning Permission for unisex shower block and Elsan Point; Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total);
Location:	Kelham Hall Ltd Kelham Hall Main Road Kelham Nottinghamshire NG23 5QX
Applicant:	Mr Jonathan Pass
Registered:	21.05.2018 Target Date: 20.08.2018 Extension of Time Agreed: 05.10.2018

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

The Site

Kelham Hall is composed of two listed buildings, the Grade 1 building which is a mid C19 manor house built by Sir George Gilbert Scott and A. Salvin and the Grade II former monastic buildings built in 1927-9 by Charles Clayton Thompson. The former manor house is a red brick and slate structure with Gothic detailing. The architectural detailing here is quite ornate. The former monastic buildings are built of brick and concrete and are arranged around a courtyard. These

buildings are built in the Arts and Crafts style and use typical features like tile detailing, overhanging eaves and leaded lights. In addition the monastic complex includes a chapel, constructed as a large dome. The Dome has stained glass decorative lancet windows.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape. The site has a fascinating and complex history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use and were occupied by the District Council between 1973 and September 2017. In recent years elements of the building have been leased to the applicant and used for various functions including weddings and corporate events.

The Hall and grounds are within the village of Kelham as well as the designated conservation area. The main access to the site is from the A617 Newark to Mansfield Road. Owing to the proximity of the site to the River Trent, a large proportion of the eastern side of the site is within Flood Zone 2 and Flood Zone 3 according to the Environment Agency maps.

Relevant Planning History

There have been numerous planning and listed building consent applications in relation to the Hall in recent years. Some of these applications were in relation to the sale of the building by the District Council to Kelham Hall Ltd. (the current occupier). The most relevant applications to the current application are set out below:

17/01021/FULM and 17/01022/LBC - Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

Application approved by Committee October 2017.

17/02075/ADV - Advertisement Consent for new signage (9 No. in total) including illumination as necessary.

Application currently pending.

18/00947/LBC - 2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site.

Application currently pending.

18/00954/LBC - Retrospective permission for an electricity distribution box located close to the southern boundary wall (read in conjunction with application ref: 17/02071/FULM).

Application withdrawn.

44840699 - USE GROUNDS FOR (A) CARAVAN AND CAMPING RALLIES AND (B) SHOWS

This permission was granted in September 1984 relating to the playing field as subject to the current application. It was however conditioned on the basis that, 'The permission shall be

exercised by the Newark District Council only' and that 'The 5 and 7 day rallies shall be restricted to a maximum of 50 units at any one time and all units shall be located within the area cross hatched on the attached plan' (the playing field).

44871171 - VARIATION OF CONDITION FOR SEVEN NIGHT STAY CARAVAN RALLY FOR 250 UNITS

This application was approved in 1987 but related solely to 'one caravan rally for a maximum of 250 units to be held between 25th September, and 2nd October, 1988.'

The Proposal

As described by the description of the development above, the proposal has been submitted in an attempt to facilitate a temporary use of the site for a camping and caravanning use. The proposal relates to both the use itself as well as additional facilities to support the use including a vehicle security gate and welfare facilities. As is referenced by the description of development, a number of elements of the proposals are retrospective in nature.

The change of use sought is for a camping and caravanning use for up to 50 units for 5 years. This has been reduced during the life of the application from the original proposal which sought temporary permission for up to 250 units.

The Planning and Heritage Statement (P&HS) (which has been revised during the life of the application) makes reference to the historic use of the site for camping and caravanning but for the avoidance of doubt this was through 'personal' permissions granted to the District Council through their previous occupation of the building and thus any such use which has occurred following the sale of the building has been strictly unauthorized.

The P&HS provides an overview of the elements of the current proposal which has been incorporated into the description of the development above.

Planning Permission for a vehicle security gate to main entrance, estate fencing and stock fencing along driveway and front boundary;

This element of the proposal relates to the entrance along the western boundary of the site with the proposed security gate set back along the driveway around the bend (around 50m from the highway edge). The proposed estate fencing would be splayed to ensure highways visibility. The gate is proposed to be a black, galvanised steel sliding gate with an approximate width of 5.5m and approximate height of 1.2m (albeit decorative elements of the gate would be slightly higher).

The proposed estate fencing would be along a section of the front western boundary and along each side of the first section of the driveway up to the proposed gate. The proposed height would again be approximately 1.2m.

Planning Permission for mains cabinet;

There is a mains cabinet which exists along the southern boundary of the site and has approximate dimensions of 1.6m in width and depth and 2.5m in height. For the avoidance of doubt, as confirmed through the latest site plan, the location of this cabinet is to be moved from the existing position which abuts the wall. The revised plan demonstrates that the cabinet would be moved a minimum distance of 0.3m northwards.

Retrospective Planning Permission for 8no. electricity distribution boxes;

The 8 no. electricity distribution boxes are located around the perimeter of the sports field (one being attached to the southern boundary wall and thereby subject to a separate application for listed building consent. Their approximate dimensions are 0.63m in width; 0.4m in depth and 1.1m in height.

Retrospective Planning Permission for WC block;

The WC block exists along the southern boundary of the site and has approximate dimensions of 6.24m in width; 8.5m in depth and 3.3m in height.

Retrospective Planning Permission for family shower block;

The family shower block exists along the southern boundary of the site and has approximate dimensions of 4.87m in width; 2.64m in depth and 2.6m in height.

Retrospective Planning Permission for unisex shower block and Elsan Point;

The unisex shower block and Elsan Point exists along the southern boundary of the site. The shower block has approximate dimensions of 8.6m in width; 3.05m in depth and 2.55m in height. The Elsan point is 1.2m in width and 1.1m in height. The block is accessed by steps which are approximately 1.24m in width and 1.1m in depth.

Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total);

The 3 security cameras exist at the entrance to the site; close to the southern boundary near the camping and caravanning facilities; and to the north of the building near the Dome. The security cameras are mounted on concrete blocks and a pole with a total height of approximately 6.5m.

The original application submission also included retrospective planning permission for the erection of a demountable tap but this has since been removed from the site and therefore removed from the application submission.

The application has been appraised on the basis of the revised suite of plans and supporting documents, the majority of which were received by email dated 13th August 2018. The latest site plan was received 3rd September 2018.

- EX1D Proposed Site Plan
- EX3B Proposed Security Gate and Boundary Details
- MD1 Existing Site Plan
- Planning and Heritage Statement Rev C: September 2018
- GTA Response to LPA & Consultees Comments 010818 Rev A

It should be noted that as outlined by the planning history section above, there are currently separate applications for 9 no. proposed advertisement signs, two of which require listed building consent due to their attachment to the gate posts.

The supporting information submitted with the application comprises:

- Planning and Heritage Statement
- Flood Risk Assessment
- External Signage Strategy
- Additional Justification ‘GTA response to LPA& Consultees Comments’ received 1 August 2018

Departure/Public Advertisement Procedure

Occupiers of 38 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. An additional round of re-consultation has been undertaken in respect to the revised plans and documents received during the life of the application.

Planning Policy Framework

The Development Plan

The relevant policies of the Development Plan in relation to this application are as follows:

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
 Spatial Policy 3: Rural Areas
 Spatial Policy 7: Sustainable Transport
 Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities
 Core Policy 6: Shaping our Employment Profile
 Core Policy 7: Tourism Development
 Core Policy 9: Sustainable Design
 Core Policy 10: Climate Change
 Core Policy 12: Biodiversity and Green Infrastructure
 Core Policy 13: Landscape Character
 Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design
 Policy DM7: Biodiversity and Green Infrastructure
 Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Historic England Good Practice Advice Notes (notably GPA2 and GPA3)
- Historic England Advice Notes (notably Note 2: making changes to heritage assets)

Consultations

Averham Kelham and Staythorpe Parish Council – *Additional comments received 22nd August 2018:*

Following the AKS Parish Council meeting held Monday 13th August 2018, the AKS PC voted to object to the following planning applications:

18/00954/LBC

17/02075/ADV

17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown many having contacted Kelham Hall to request they be blanked out. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposal makes no reference as to how the gated entrance may be managed. However the current proposals contravene that legislation and should therefore be refused.

Mains Cabinet, distribution boxes, WC block, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland.

The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

We would also echo the concerns of the NSDC Conservation Planner and English Heritage that these should not be viewed in isolation to the camping and caravanning proposal.

Camping & Caravanning

The Kelham Hall and associated estate is noted as being a significant heritage asset on a National level therefore the PC fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 50 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

Even considering the reduced numbers the proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal for the development of the hall and totally inappropriate in the conservation area.

The revised proposal will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

There are no proposals as to how the extent of the camping and caravanning pitches would be monitored and regulated to ensure compliance with the numbers proposed. The PC is concerned given recent experience with Kelham Hall Ltd. that they would operate within the boundaries of their current proposal.

The proposal would permit camping and caravanning 365 day a year which would be a massive increase on the limits currently permitted, set at 28 days per year. This would have a significant detrimental impact on the conservation area, surrounding residents and Kelham Village itself.

We note the comments in the Response to Consultees Comments document with interest especially in relation to the Phase 1 scope of works. Work on a building and project of this nature is relatively unique and challenging making it expensive when compared to more standard restoration type projects. The PC would challenge the statement that camping and caravanning operation proposed would contribute anywhere near the 10% figure stated and is therefore misleading.

The original application made no reference to the financing of refurbishment works being dependent upon a camping and caravanning operation and was approved on that basis any would question why that should be changed.

The documentation submitted by the applicant makes numerous references to balancing harm against public benefits. It should be noted that all planning policy is intended to serve the public

interest rather than that of individuals. This part of the application is not in the public interest and seeks only to benefit the applicant and purely on a financial basis.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7 days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

Original comments received:

Following the AKS Parish Council meeting held Tuesday 12th June 2018, the AKS PC voted to object to the following planning applications:

18/00947/LBC
17/02075/ADV
17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Signs numbered 1, 2 and 3 placed along Main Road are large and out of scale with all other signage along Main Road.

Given their size and location in close proximity to the main highway they will be a potential distraction to drivers and hence increase the risk of potential accidents along what is a busy highway.

Signs placed adjacent to the main entrance will block the sight of vehicles exiting the Hall, again increasing the risk of potential accidents.

The wording of signs 4a and 4b are not appropriate and in the case of 4a contravene the regulations governing Public Rights of Way. The pedestrian gate and associated footpath adjacent the Lodge are a Public Right of Way and defined as such with the Land Registry. This route allows public access from Main Road via the Lodge Gate through the grounds of the Hall to the Church of St Wilfrid, by default it also provides pedestrian access to the Hall. Placing the sign as detailed implies that there is no pedestrian access whatsoever via this route and appears to be an attempt to discourage residents and general public using a defined public right of way. In the case of sign 4b it would be more appropriate to amend the wording to read "Main Vehicular Entrance 500m 2nd on the left" so as not to deter people using the pedestrian gate adjacent the Lodge. It should also be borne in mind that it is a criminal offence to obstruct a public right of way.

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposals including the proposed management of the entrance gate contravene that legislation and therefore refused. As stated above obstructing a public right of way is a criminal offence.

Mains Cabinet, distribution boxes, WC block, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland. The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

Camping & Caravanning

The PC would fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 250 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

The numbers proposed are out of proportion for the size of the playing field. The proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal and totally inappropriate in the conservation area.

The proposals make no allowance for the required level of parking provision for the numbers proposed and have actually reduced the existing parking numbers.

The proposal would involve 250 cars, caravans, camper vans and the like coming to site, plus the potential for approximately 1,000 people. This will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7 days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

NSDC Conservation – Additional comments received 24th August 2018:

Thank you for consulting conservation on revised information for application 17/02071/FULM and & 18/00954/LBC.

With regards to the signage element please see my comments for 18/00947/LBC & 17/02075/ADV.

With regards to application 18/00954/LBC I note the tap has been removed from site (I believe?) and from this application, which of course removes my concern about this item.

The Agent attests that despite my inspection some time ago the base for the distribution box has not in fact been cut into the wall and has caused no actual harm to the boundary wall. As this part of the site is now overgrown we have no way of verifying this at present and in order to determine the application we would usually assume the supporting information was true and take this at face value. I also note that a season's scrubby growth has gone some way to reducing the visual impact of the unit, although this could die back and be cleared at any moment so has no permanence in terms of mitigation. As such my concern for this item is the same as for the rest of the outdoor camping and caravanning equipment dealt with under 17/02071/FULM, see below.

17/02071/FULM

Principle of camping and caravanning

I see a significant reduction in the number of proposed pitches (although no reduction in number of facilities required) and their restriction to the southern end of the site. I believe this may be a less intrusive layout than was approved for the Council, but I am not sure if the Council's permission was year round like is being proposed here, so whether this is tangible improvement over the last use or not. When the Council operated the site it did not have extra outdoor facilities in the grounds, so in this respect this proposal still remains a more intrusive scheme.

I have already outlined how and why the camping and caravanning and its associated facilities are harmful, although I acknowledge this is now a less harmful scheme than first proposed. Nevertheless it is still a visually intrusive element in the otherwise green and designed historic gardens. This harm is to the setting of the Hall, the church, the unregistered park and garden, causing harm to the significance of these elements of the historic environment. As the defining and principal asset in Kelham Conservation Area there is also harm to the character and appearance of Kelham Conservation Area. Given that this is not physical harm to the fabric of

these assets and how this impact has now been reduced this is harm is less than substantial to the significance of these heritage assets.

However, I do accept a temporary 5 year permission limits this harm. While 5 years is not an insignificant amount of time, it is not (to use a term often used in wind turbine debates) a 'generation of harm' so will in people's memory only be a temporary fixture.

I also accept there is an explanation of how the revenue from the camping and caravanning will be used to cross fund and bring about the approved scheme for extensions and conversions to Kelham Hall. While there are various benefits to bringing this scheme forward, and therefore some weight to be given to these benefits against the harm identified, it must be understood that this weight should be limited. Simply put, we still have no justification that camping and caravanning is required at all to bring about the benefit of a new use at Kelham Hall. It may well be required by *this* applicant to bring about *this* approved scheme (although no independent verification is available), but we have no evidence to suggest this is the *only or best* scheme to re-use Kelham Hall. A less ambitious scheme may well be viable without any revenue from camping and caravanning – we simply do not have this information. I also note that even if camping and caravanning was fully justified the position and appearance of the facilities now put in place could be better. There is some explanation for why this harm is limited, how it will help bring about a benefit and I am also aware that the camping and caravanning is not of course a new use, but it nevertheless is a harmful use in this setting what has been submitted is not in itself 'clear and convincing' justification, so should be given limited weight.

Estate and stock fencing

I am pleased to see the proposed stock fencing has been removed from the amended site plan. However, it has not been removed from the revised Planning and Heritage Statement and this needs clarifying please. As per my earlier consultation comments I was concerned by the untraditional and unattractive nature of this fencing in this setting. The use of estate fencing instead is acceptable. I cannot now see any annotation for any fencing to the Southern boundary so presume there will be no fencing here. Please note that I believe any existing stock fencing here to be unauthorised.

In terms of the detail of the estate fencing, this now seems to be a neater and more traditional detail and I appreciate this revision being made.

Security cameras

The existing and unauthorised security cameras have been added to the proposal – these are very unattractive structures being galvanised metal on large concrete bases. Even if the case was made for their need surely we could get a much less intrusive design and finish? At the very least black poles on a green (?) painted base?

In conclusion there is harm identified from the camping and caravanning and a limited justification for this. There is also harm from the unattractive security cameras (again less than substantial to the identified heritage assets) which could no doubt be lessened by a better design.

Original comments received 22nd June 2018

History, Significance and Designations

Kelham Hall is a Grade I listed building of outstanding national architectural and historic significance. The present Hall was built and enlarged c.1859-61 in the Gothic Revival style, by Sir George Gilbert Scott, renowned architect, for John Manners-Sutton. It is a fine example of

Victorian Gothic architecture and of Gilbert Scott's work. Despite the lavish plan for the building some elements were never fully executed, leaving curiosities like the incomplete columns and the crude infill where a staircase was never carried out. This rebuild incorporated the earlier Renaissance Revival style services range dating from 1844-46, designed and built by A. Salvin for the same client.

We understand the present Hall was at least the third house to have existed on the site and while no house is recorded on the site in Medieval times, a house is recorded in the Averham parish register in 1674. Kelham also saw significant activity in the Civil War. Map regression and documentation shows a designed landscaped pre-dating the present Hall with treescape, ha-ha and fish pond / water feature.

The grounds primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860.

While not formally designated the grounds should be considered as a non-designated park and garden heritage asset.

Within the grounds, but historically always the parish church, is the Grade I listed medieval Church of St Wilfred and adjoining graveyard, to the east of the Hall.

In 1903 the Hall was tenanted and later bought by The Society of the Sacred Mission and became a Theological College with an additional wing and new chapel added in 1928 by CC Thompson in the Byzantine style, Grade II listed. Part of this domed chapel was never completed, leaving weather boarded walls instead of completed apse.

From 1973 the Hall passed into the hands of Newark and Sherwood District Council with further adaptation for this new use.

The Hall and grounds are adjacent to Kelham village, which also contains Home Farm (Grade II), associated with the Hall. The Grade II listed lodge and adjacent elaborate gate once marked the original vehicular entrance to Kelham Hall, leading carriages directly into the Carriage Court. The Carriage Court is now a covered structure and used for functions. The gated entrance is used for pedestrians only now, with the existing vehicular access having been created to the west of the grounds.

The site sits within Kelham Conservation Area.

There is a strong historic and visual link between all the heritage assets and together they form a unique complex of very high significance.

There is a significant archaeological potential on this site, from the Civil War, early houses and the designed landscape.

Policy and Legislative Framework

In examining the impacts upon the significance of heritage, weight must be afforded to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the desirability of preserving the setting of a listed building. The legislative requirement indicates that it is not enough to simply weigh the extent of harm against the associated public benefit arising out of the proposals as required by the development plan, but that decision makers are reminded to give considerable weight and importance to preserve the special significance of a listed building. This duty applies whether substantial or less than substantial harm has been found. A similar duty has

been found to exist in case law to the statutory duty (section 72 of the Act) to preserve or enhance the character or appearance of a conservation area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan in any determination that determination shall be in accordance with the plan unless material considerations indicate otherwise. The relevant policies of the Newark and Sherwood Core Strategy Development Plan Document (adopted March 2011) are CP9 on Sustainable Design and CP 14 on the Historic Environment. The relevant policies of the Newark and Sherwood Allocations & Development Management Development Plan Document (adopted July 2013) are Policy DM5 Design, Policy DM9 Protecting and Enhancing the Historic Environment and Policy DM12 Presumption in Favour of Sustainable Development.

Section 12 of the National Planning Policy Framework (NPPF) (Conserving and Enhancing the Historic Environment) gives the Government's stance on the determination of applications affecting the heritage assets. In common with all applications concerning direct or indirect impact on designated and undesignated heritage assets, paragraph 128 requires *'an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting'*. It is made clear that this description of significance should be proportionate to the asset's importance. Similarly, paragraph 129 requires local planning authorities to *'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'*. It goes on to note that this should form part of the assessment of impact on any asset.

Paragraph 131 requires local planning authorities when determining applications to *'take account of the desirability of sustaining and enhancing the significance of heritage assets'*. Paragraph 132 takes this further stating 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'*. It goes on to clarify that *'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

In paragraph 132 notes that substantial harm to or loss of a grade II listed building should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings, should be wholly exceptional. Should a proposal lead to less than substantial harm to the significance of a designated heritage asset, the NPPF states that this harm should be weighed against the public benefit of the proposal' (paragraph 134).

Paragraph 135 notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Paragraph 137 of the NPPF refers specifically to how *'local planning authorities should look for opportunities for development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance'*.

Paragraph 140 refers to enabling development and the need to ensure it would secure the future conservation of a heritage asset.

ID 18a of the Planning Practice Guidance covers *Conserving and Enhancing the Historic Environment*. Paragraph 001 of this section states that, *'Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to*

achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.'

Paragraph 013 of the PPG talks about what the setting of a heritage asset is (using the definition given in the glossary of the NPPF) and how it should be taken into account. This section states 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.'* It talks of how setting is often expressed by reference to visual considerations but is a wider experience.

The advice enshrined in Historic England's Historic Environment Good Practice Advice in Planning Notes 2 and 3, on Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets respectively are also useful references.

Comments on the proposals

With regards to the signage element please see my comments for 18/00947/LBC & 17/02075/ADV.

With regards to the distribution box on the boundary wall and demountable tap please see my comments for 18/00954/LBC.

Principle of camping and caravanning

The visual impact of camping and caravanning, even without the provision of equipment for the use of visitors, is negative in the grounds of Kelham Hall. Kelham Hall has relatively small grounds, yet are no less significant for it, but the effect being that most places are within site of the Hall or within or near a designed or pleasant vista to or from the Hall and/or are of themselves of significance as being part of the designed landscape. A Country House estate is differentiated from other large houses by the grounds around them and the setting of country houses is intimately linked to the significance of the building as a whole.

The location of the current camping site is such that from the current (ie not historic) vehicular entrance the tents and caravans form part of the first vista one sees of the Hall. On special event days the camping and caravanning can fill most of the front field, being the defining feature in the view. On less busy days the site is still visible in this entrance vista. I note this application is for 250 pitches – the hatched area on the plan shows that this will fill all the front field, former parkland, filling the west facing outlook from the Hall. In size alone this will have a significant visual impact on the Hall and Church.

The associated equipment (toilet blocks, electricity boxes etc) has also been laid out such that when enjoying the grounds they are hard to avoid. The equipment is at least confined to one area, but this is an area that includes the edge of the cricket field, an orchard and a designed walk along the southern boundary. While hard standing takes up most of the northern part of the site, the camping and caravanning will inevitably take up a good majority of the remaining open and green parts of the grounds, greatly reducing the areas of the grounds that do complement the Hall.

The equipment applied for as part of this application is not in itself attractive and has a temporary and functional character and appearance, like the green distribution boxes and flat roofed portacabins for showers etc. While it may be possible to 'lose' the smaller green distribution boxes in the vegetation there is no way to disguise the portacabins and their negative visual impact is

somewhat inevitable. On top of the tents and caravans these are the more permanent, visually intrusive and incongruous elements of having this use here.

The reality is that the camping and caravanning use at Kelham Hall is harmful in heritage terms, by creating a visually intrusive element in the otherwise green and designed historic gardens. This harm is to the setting of the Hall, the church, the unregistered park and garden, causing harm to the significance of these elements of the historic environment. As the defining and principal asset in Kelham Conservation Area there is also harm to the character and appearance of Kelham Conservation Area.

With the exception of a small area of damage to the boundary wall it is accepted that this is not physical harm to the assets but the visual intrusion does lead to less than substantial harm to the significance of these heritage assets. Considering how important setting is to Kelham Hall and the sheer size of this proposal the impact on its setting will be quite significant.

If this camping and caravanning use is to be justified it must be met with a clear and convincing justification in the form of public benefit. I understand the case is outlined that this use will cross fund the approved scheme to re-use the Hall as a hotel and function space. This justification needs much further investigation.

Firstly, it would only be right to consider generating funds from a harmful development for cross funding purposes if there were some identified conservation deficit to plug, and I do not believe this has been identified or agreed. We would also need to be assured that what is being proposed is the minimal in terms of size and in terms of length of permission to achieve the conservation benefit and I can see no assurances on this. I understand this issue has been put to the Agent and we are awaiting a reply, but I wanted in the mean-time to comment formally from Conservation.

Gates

The proposed security gates are not the same gates shown on pg 39 of their Design and Heritage Statement and this should be clarified.

I have no objection to the use of estate fencing around the entrance way, but while I appreciate estate fencing is visually permeable, I would rather not see a rather modern splayed boundary line being created from estate fencing at the entrance, unless there is some highway imperative. It would be much nicer to define the boundary up to the entrance road, giving it a more traditional feel.

In terms of detail of this fencing, I am not sure why a plastic cap detail is needed and it seems a bit odd and clumsy to have a repeating pattern of jointed panels with abutting uprights when the benefit of estate fencing is it can carry on infinitely without doubling up on the uprights.

I am not keen on the stock fencing which is mesh galvanised wire between timber posts. This is neither traditional nor attractive and would end up being quite visible being along the main A617 roadside and along the southern boundary, which one enjoys from the designed walk here. Currently these boundaries are unfenced (not including what I think is a more recent unauthorised wire fence on the south boundary) so this represents a decline in standards. If fencing is to be allowed here it must meet the minimal test of preservation in terms of impact on both the Conservation Area and Listed Buildings. Estate fencing is the obvious choice along the A617. Along the southern boundary which gives way to farmer's fields a post and rail fence could be suitable, but how would this interact with the existing red brick boundary wall here?

Conclusion

Some elements of this proposal could be improved, notably the enclosures, but there is a fundamental concern over the principle and equipment of the camping and caravanning proposal which unless overcome would sustain a conservation objection.

NSDC Environmental Health - I refer to the above application and wish to object to the number of caravans requested in the application.

The reason for this is that the existing number of showers and toilets and elsan point do not support the number of requested touring caravans.

Previously the site was licensed for 50 touring caravans.

NCC Highways Authority – *Additional comments received 29th August 2018:*

Further to comments dated 11 June 2018, in accordance with drawing EX1/C it is now understood that the number of camping/caravanning pitches has been reduced to 50 and that parking is included alongside each pitch.

In terms of other elements within this proposal, there are no issues that have an impact upon the public highway, except to reaffirm that any fencing will need to be sited on or outside of the public highway boundary.

In conclusion, no objections are raised.

Original comments dated 11th June 2018:

The application site is located within the grounds of Kelham Hall where planning permission has recently been obtained to convert the Hall into a hotel and spa (17/01021/FULM). Off-street parking associated to that proposal consisted of a 160 space main car-park, with a 200 space overflow car-park for events.

Under the current submission, drawing EX1 shows the sports field will be used to accommodate up to 250 camping/caravanning pitches, yet it would appear the overflow parking area described above has been substituted by a parking allocation of c.73 spaces plus 6 disabled user spaces. No justification has been given to determine whether the reduced complement is sufficient to meet demand, and so further information is required to clarify this matter.

Historic England – *Additional comments received 28th August 2018:*

Thank you for your letter of 21 May 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

As set out in our previous planning advice on 17/010021/FULM and 17/01022/LBC for the main scheme of work at Kelham this is a building and landscape of particular importance and complexity including the Grade I Hall itself, Grade II* Gazebo and Garden Wall in designed landscape grounds with Grade II listed Railing Piers, Urns, Lodge and Gateway and Grade II listed former monastic buildings all within a Conservation Area.

As set out in the applicant's submitted documentation the Hall is complex multi-period structure whose origins may lie prior to the Civil War. The Grade I listed Church of St Wilfred is within the designed landscape and the archaeological potential of the park is high both for remains associated with the medieval village and the development of the designed landscape but perhaps most significantly for the remains of activity associated with the Civil War and the Scots Army command to the rear of the Edinburgh Fort besieging Newark.

We note the previous consent to the Council for campsite / rally uses and welcome the statement in the submitted documents that the further campsite / rally use is a temporary solution whilst the Hotel Scheme is developed rather than a use compatible with a high end offer and the long term sustainable conservation of this nationally important set of assets. We would not regard the campsite / rally uses as conducive to the high quality restoration and reuse of the Hall and Park nor to the conservation of its significance; this is use harmful and we are concerned as to the proposed 5 year term reflecting a solid planned programme of works leading to opening for hotel guests.

We are concerned also that whilst your authority applied a sound multi-part condition in respect of archaeological investigation and analysis of the park and buildings we are not aware of this work having progressed as yet to a detailed written scheme of investigation. This work requires a degree of specialist methodological input and consultation in its design and could not be specified on generic basis. As such we trust that there will be early discussions between the archaeological consultants to the applicant and your authority's expert advisers (to which we would be happy to input alongside your retained archaeological curator).

The term of any new temporary consent should be robustly tested by your authority if it is minded so to grant, and we advise any such consent should be tied to progress milestones in respect of archaeological investigation and analysis of above and below ground remains such that the detailing of the hotel and grounds scheme may appropriately and effectively address significance as revealed.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132, 134, 135, 139, 141 of the NPPF on the basis that the temporary harmful nature of the proposals shall facilitate a sustainable long term solution for the site.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Original comments received:

Thank you for your letter of 21 May 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

As set out in our previous planning advice on 17/010021/FULM and 17/01022/LBC for the main scheme of work at Kelham this is a building and landscape of particular importance and complexity including the Grade I Hall itself, Grade II* Gazebo and Garden Wall in designed landscape grounds with Grade II listed Railing Piers, Urns, Lodge and Gateway and Grade II listed former monastic buildings all within a Conservation Area.

As set out in the applicant's submitted documentation the Hall is complex multi-period structure whose origins may lie prior to the Civil War. The Grade I listed Church of St Wilfred is within the designed landscape and the archaeological potential of the park is high both for remains associated with the medieval village and the development of the designed landscape but perhaps most significantly for the remains of activity associated with the Civil War and the Scots Army command to the rear of the Edinburgh Fort besieging Newark.

We note the previous consent to the Council for campsite / rally uses and welcome the statement in the submitted documents that the further campsite / rally use is a temporary solution whilst the Hotel Scheme is developed rather than a use compatible with a high end offer and the long term sustainable conservation of this nationally important set of assets. We would not regard the campsite / rally uses as conducive to the high quality restoration and reuse of the Hall and Park nor to the conservation of its significance; this is use harmful and we are concerned as to the proposed 5 year term reflecting a solid planned programme of works leading to opening for hotel guests.

We are concerned also that whilst your authority applied a sound multi-part condition in respect of archaeological investigation and analysis of the park and buildings we are not aware of this work having progressed as yet to a detailed written scheme of investigation. This work requires a degree of specialist methodological input and consultation in its design and could not be specified on generic basis. As such we trust that there will be early discussions between the archaeological consultants to the applicant and your authority's expert advisers (to which we would be happy to input alongside your retained archaeological curator).

The term of any new temporary consent should be robustly tested by your authority if it is minded so to grant, and we advise any such consent should be tied to progress milestones in respect of archaeological investigation and analysis of above and below ground remains such that the detailing of the hotel and grounds scheme may appropriately and effectively address significance as revealed.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132, 134, 135, 139, 141 of the NPPF on the basis that the temporary harmful nature of the proposals shall facilitate a sustainable long term solution for the site.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning

and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Trent Valley IDB – The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Mission Drain, an open watercourse, exists through the northern part of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvery, 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. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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

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

Severn Trent Water – No comments received.

Environment Agency –

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Kelham Hall: Works in Connection with Camping & Caravanning Operations", Rev B, 11504/12, May 2018, William Saunders, and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe routes into and out of the site to an appropriate safe haven.

2. Electricity hook-up points use high level outlets set a minimum of 900mm above ground level. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To ensure safe access and egress from and to the site.
2. To increase resilience and reduce the impact of flooding on the development.

Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

NCC Flood – Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

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

Cadent Gas - 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.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The change of use to a camping site cannot be in keeping with the conservation area and the listed building setting
- Concern regarding light and air pollution from the increase in vehicles entering and leaving the site
- There are concerns as to how the 50 caravans limit will be regulated
- The occupiers have breached rules and regulations in the past
- At the moment cars park haphazardly and have in some cases partly destroyed the woodland and conservation habitat
- There are children at the local school who have Kelham Hall as their address so they are presumably living in the caravans year round
- The use of the camping site is not in line with the caravan site license or 1984 planning permission
- The effluent of the toilets are processed by a single domestic treatment unit which is domestic in size and inadequate for the numbers of people using it
- Run-off of sewage brings health concerns
- There are permanent caravans on the site

Comments of the Business Manager

Principle of Development

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.

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus on the Sub-Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). SP3 goes on to confirm that, development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses certain uses as outlined by Policy DM8.

Section 6 of the NPPF, 'Building a strong, competitive economy' confirms at paragraph 83 states

that, planning policies and decisions should enable *'the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well-designed new buildings.'*

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five outlined criteria. The outlined criteria relate in many respects to matters which will be considered in further detail below (i.e. the impact criterion is discussed in the context of highways movements in the subsequent highways section of the report and the character and scale criteria are considered in detail in the below heritage assessment). For the avoidance of doubt officers consider that Kelham Hall falls within the main built up area of Kelham which is readily accessible to Newark. It is noted that the services within Kelham are limited to a Church and public house (which has recently been re-opened following a period of closure), however given the nature of the proposed development (and indeed the extant approval which relates to the site), the proposal offers the opportunity to support and potentially increase the service offer within the village.

SP3 confirms that the rural economy will be supported including through the encouragement of tourism. It is notable that the reference to tourism development in the need criterion is intended to be revised through the emerging Core Strategy. The revised wording requires employment and tourism uses to be sustainable and meet the requirements of the relevant Core Policies as opposed to the extant document which requires demonstration of a rural / village location.

I am mindful that full weight cannot be attached to the emerging plan at the current time, however it would in any case be necessary to assess the proposals against the requirements of other relevant Core Policies, notably Core Policy 7: Tourism Development.

It should be explicitly stated that the wording of CP7 has been fundamentally altered and essentially completely re-written through the July 2017 emerging plan. However, elements of the justification text remain identical including the acknowledgment that a healthy tourism industry within the District can help sustainable economic growth, and contribute to prosperous communities and attractive environments. Equally it remains the case that increasing the proportion of visitors who stay overnight is identified as a priority for future tourism development.

The weight attached to emerging policies is a matter for consideration of the decision taker. In reaching a judgement of how much weight should be attached to the emerging policy I am conscious that the extant policy wording does give rise to issues in terms of its consistency with national policy. Moreover, there were no objections to the revised policy at the recent publication stage and the Inspector did not identify the revised wording for discussion at the hearings. On this basis, Officers are content that significant weight can be attached to the wording of CP7 as presented in the emerging plan document.

The revised wording confirms that, within rural areas, proposals may be considered acceptable subject to a number of matters as follows:

- Design and layout; and
- Individual and/or cumulative impact on local character (including the built and natural environments), heritage assets, biodiversity, amenity, transport, infrastructure, community services and in locations adjacent to the open countryside landscape character; and
- Compliance with the locational requirements of Spatial Policy 3.

Clearly the majority of matters within the first two bullet points lend themselves to a more detailed discussion in respect of other material consideration of the proposal such as heritage and highways implications. It has already been stated above that the proposal is considered to comply with the locational requirement of SP3 and as such officers are content that the principle of the proposed tourism use is acceptable against both national and local planning considerations subject to the further discussion on other matters as outlined below.

Impact on Heritage Assets

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* This stance is mirrored by Section 66 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) also 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 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)).

Indeed, 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.

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.'* Again officers note that the emerging plan features slightly amended wording to the policy but the overall stance remains consistent.

Policy DM9 mirrors 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."*

The proposals amount to a number of implications to both designated and non-designated heritage assets. Given the largely retrospective nature of the proposals, the heritage implications can be readily and robustly assessed. The proposals have been subject to consultation with relevant expertise including internal conservation colleagues and Historic England. Whilst not advancing to an objection as such, the original comments of Historic England (listed in full above) did raise concerns in respect of the proposal confirming their view that the use of the site for campsite / caravanning rallies is not conducive to the conservation of Kelham Hall's significance and thus it is stated that; *'this use is harmful.'* There is no identification of the scale of such considered harm but the identification of any level of harm trigger the duties of s.66 and s.72 to be given considerable weight and importance.

It is notable that the proposals have been revised during the life of the application in terms of reducing the number of proposed caravans from 250 to 50 units. This is clearly a significant reduction which has been appraised in respect to its heritage harm by both the revised comments of Historic England and NSDC Conservation. For the avoidance of doubt, both parties continue to maintain that the proposed use, even on a temporary basis would amount to heritage harm.

Paragraph 194 of the NPPF is clear that any harm to a heritage asset should require clear and convincing justification with paragraph 196 going further to state that where the identified harm is less than substantial it should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is subject to an extant planning permission which allows for the conversion of Kelham Hall into a hotel with associated spa and restaurant. The submitted P&HS confirms that the extant proposals continue to be the long term vision for Kelham Hall and that the current applications are a 'temporary measure' to assist in raising the necessary funds to redevelop the Hall. The document assesses the elements of the scheme in terms their impact on the heritage assets. Whilst it is concluded that the site security elements (e.g. fencing and gate) would have a negligible impact, it is accepted that the general camping and caravanning use (including associated retrospective development) would create some impact on the setting of the Hall. Mitigation measures for the identified harm are outlined at page 41 of the document. These points largely relate to the positioning of the equipment as far as possible away from the primary heritage asset. The document contends that the signage strategy (subject to separate advertisement and listed building consents) will have a minimal impact.

The key point to take from the above is that the proposals *would* lead to less than substantial harm to the significance of the relevant assets and therefore the requirements of paragraph 196 of the NPPF (in terms of weighting against the public benefits) must be applied in reaching a decision.

It is fully appreciated that in approving the extant scheme for a change of use to a hotel and spa facility, the LPA were satisfied that the public benefits associated with the proposals were sufficient to outweigh the then identified heritage harm. These benefits were largely attributed to enhancing the nighttime and tourism economy of the District and some direct heritage benefits such as removal of existing modern interventions and reinstatement of landscaping.

Whilst a camping and caravanning use does offer some benefits to the tourism economy, these are not considered comparable to the benefits of a more formalized hotel; restaurant and spa use. I note that the camping and caravanning could contribute towards the existing use of Kelham Hall for functions such as weddings, but without the lawful implementation of the extant permission for change of use (which is subject to a number of strict pre-commencement conditions) any such use is considered unauthorized. It is accepted that the current proposal is temporary in nature but it is Officers' submission that in order to attach any meaningful weight to public benefits of the proposal this would have to be in the context that the current proposed use (and associated structures) is wholly necessary to build the funds required for the approved conversion such that the heritage assets could be brought into a long term use and deliver the public benefits associated with a hotel; spa and restaurant use. On this basis, Officers have sought a level of financial evidence to prove that the current proposal is wholly necessary to allow the extant permission to be realized.

This has been addressed through the document titled '*GTA response to LPA& Consultees Comments*' dated 1st August 2018. It is suggested through this document that the level of heritage harm amounting from the revised proposed (i.e. a maximum of 50 units) would equal the harm which has been previously established on the site through the previous operations of the District Council permission. Furthermore, it is stated that the benefit of the current proposal in comparison to that operated by the District Council is that the proposed use would be restricted to an area to the southern end of the field (rather than the permission for the District Council which allowed the use on the entirety of the field). However, on the contrary the current proposal clearly includes other elements which were never required through the Council's use of the site such as the welfare facilities; security cameras; and security access gates. Members should note that Officers have agreed alterations to the finish of the originally proposed (and indeed existing) security cameras during the life of the application through the recommendations of the Conservation Officer. These changes could be secured by condition.

The Statement goes on to discuss matters of finance in respect to why the proposed use is necessary to allow the extant planning permission for conversion into a hotel and spa to be realized. The following is deemed worthy of direct repetition in the context of the discussion on heritage impact:

Since gaining planning and LBC approval, the applicant, owner and Managing Director of Kelham Hall Ltd has worked closely with a finance company and Project Manager, to determine a development plan for the realisation of the approved scheme. With regards to finance, the proposed redevelopment relies entirely on this funding package, with works delivered in distinct phases. The Phase 1 scope of works has been agreed, consultants appointed and the detailed design stages are progressing. Phase 1 comprises the following:

- *Alterations to create a new hotel entrance and reception;*
- *Provision of 40 hotel bedrooms and en-suites;*
- *1no. Manager flat;*
- *Creation of new driveway and turning area/frontage to the hotel;*
- *Restoration of lost Parterre;*
- *Provision of additional car parking.*

Funds to service the loan are accrued from the existing operations on the site, i.e. weddings, functions, events, office rentals, camping and caravanning. The camping and caravanning operation represents approximately 10% of the Phase 1 project value over a period of 5 years and is therefore considered an essential factor in funding the initial phases of the proposed development and should therefore be considered when balancing the harm with the public benefit.

As part of organisational works being undertaken in advance of the redevelopment, temporary welfare facilities have been provided within the proposed campsite area in the form of mobile units, and these form part of this application. This will ensure that campers no longer need to use the Hall's facilities, rendering them free for the various works being undertaken, both now, during the investigation and design development stages, as well as the construction works. It is the intention that these temporary welfare be used throughout the 5 year development period and be fully removed once Works are complete.

Officers infer from this that the camping and caravanning use contributes towards 10% of the funding of the Phase 1 works. The revised submission dated 1st August 2018 goes on to detail that Phase 2 (i.e. the rest of the development) is due for completion in 2023 but there is no commentary as to how the camping and caravanning use would contribute to the loan beyond the completion of Phase 1 (due in Jan 2020). This matter has therefore been raised with the agent and the following response provided:

'the camping and caravanning operation represents 10% of the Phase 1 project value over a period of 5 years. Therefore, the camping operation will still need to exist over this period to generate this revenue. Even though the Phase 1 works will be complete before this 5 year period, it will still be a significant contributing factor towards servicing the loan.'

It is explicitly stated that once the hotel scheme is fully operational in 2023, the camping and caravanning use and associated infrastructure will no longer be required as the hotel and function operation will be self-sustaining.

Officers have carefully considered the position presented in terms of whether this represents appropriate justification for the level of heritage harm identified. In an ideal scenario Officers would have preferred to be given a thorough and full financial justification. The latest comments of the Conservation Officer are also relevant to note that ultimately:

Simply put, we still have no justification that camping and caravanning is required at all to bring about the benefit of a new use at Kelham Hall. It may well be required by this applicant to bring about this approved scheme (although no independent verification is available), but we have no evidence to suggest this is the only or best scheme to re-use Kelham Hall. A less ambitious scheme may well be viable without any revenue from camping and caravanning – we simply do not have this information.

This is a difficult position to address. Whilst Officers would fully concur with the Conservation Officer comments, the difficulty comes in how one would reasonably seek that this evidence be provided. Whilst there undoubtedly remains a potential that the building could be used for another end use or by another end user, the role of the LPA is to assess the application on its own merits. Officers have identified no prescriptive reasonable route that the applicant could take to explore *all* other uses and even if these were to be identified as having a lesser heritage harm, there is no guarantee that they would come forward given that the intentions of the applicant are clear in the context of the extant permission which exists on the site.

10% is notably not a significant contribution to the Phase 1 funding overall. However, the statement is clear that there would be no requirement for the use beyond 2023 and equally acknowledges that the use could cease at an earlier date should the final bedrooms be implemented prior to 2023. The implication of this is that there would be no justification for the camping and caravanning use to occur nor for the associated facilities to exist beyond 2023. This would clearly be conditioned to the grant of any temporary planning permission. The use and all associated infrastructure could be removed in full from the site after a period of 5 years with no lasting heritage harm.

It is fully acknowledged that the proposed use, albeit having increased over recent years, is not foreign to the site noting that planning permission granted to the District Council in 1984. Although this was not granted under the current heritage regime, the matter remains that a degree of heritage harm has been occurring already for a number of decades. The current application is temporary in nature and restricts the use to an area of land at the south of the cricket field which is further away from the designated asset of the Hall. Any acceptances of heritage harm, whether temporary or not, is not a judgement to be taken lightly. However, in the context of the already accepted public and heritage benefits which would be delivered through the implementation of the extant hotel conversion scheme, and acknowledging that the revenue from the camping and caravanning use contributes towards the funding for such implementation, Officers consider that, on balance the proposals would achieve the requirements of paragraph 196 of the NPPF. In reaching this view, Officers are mindful that the alternative to refuse the scheme, (and take enforcement action against the use and associated built form which has been operating on an unauthorized basis) would potentially risk that the extant hotel conversion scheme would no longer be capable of being financed and ultimately potentially risk the designated heritage asset falling into decline.

The latest comments from Historic England make reference to the need for a condition to be attached to any forthcoming temporary consent for *“progress milestones in respect of archaeological investigation...”* However, as is also referenced by the comments, archeological remains would be required to be investigated by the original extant consent and Officers do not consider that it would be reasonable for an additional condition to be attached to the temporary consent hereby applied for given the nature of the development which Officers consider is unlikely to have adversely affected buried archeological remains. The proposals impact on other heritage assets including the Historic Park and Garden have been assessed and given special consideration within the Planning Balance.

Impact on wider Landscape Character (including Trees)

Notwithstanding the heritage context discussed above, Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate

that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within Policy Zone Trent Washlands 11: Cromwell North and South Muskham. This zone is identified as a predominantly flat, large scale arable landscape with large semi-irregular fields; often with low trimmed gappy hedgerows. Kelham Hall is explicitly referenced through the LCA as being surrounded by mature tree cover with a parkland landscape still in evidence. The zone is identified as having a moderate landscape sensitivity with an overall intention to conserve and create. Indeed one of the specific aims of the policy zone is to conserve the historic woodland and parkland landscape around Kelham Hall as well as conserving historic sites within the landscape as a whole.

The application proposals relate predominantly to a change of use and modestly sized associated built form which is largely already in situ. The P&HS acknowledges that the field where the caravans would be positioned, although being historically open parkland, was cleared of trees when the monks occupied Kelham Hall and has been left open in nature since. Although the application submission has not been accompanied by a tree survey, I am confident that the development, would not adversely affect the longevity of trees within the site. I have partially reached this view on the basis that the majority of the larger structures (e.g. the toilet and shower blocks) are not built on foundations owing to their design which is temporary (and ultimately movable) in nature.

I am mindful that the introduction of up to 50 caravans would have the potential to significantly impact upon the landscape character of the immediate site (albeit at a significantly reduced level from the originally proposed 250 units). Taking account of the previous use employed by the District Council; the temporary nature of the development; and the screening afforded by the tree lined boundaries of the site, Officers are confident that these factors would allow landscape impacts to be negligible to a degree to which it would not be worthy of resistance of the application in their own right. If temporary permission were to be forthcoming then this would need to be conditioned on the basis that the land is reinstated to its former state (i.e. any built structures removed) at the expiry of the 5 years.

Impact of 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.

Parts of the site are located within Flood Zones 2 and 3 according to the Environment Agency maps. Flood Zone 3 primarily affects the east of the site (immediately adjacent to the River Trent) whilst the extent of Flood Zone 2 affects the majority of the existing building as well as the

northern extremes of the site where the main car park is situated.

The field where the camping use is proposed is predominantly within Flood Zone 1 and therefore sequentially appropriate for the change of use. The structures associated with the camping development e.g. the shower blocks, along the southern boundary of the site would fall within Flood Zone 2. It is considered that this element of the proposal would be classed as recreation facilities which fall within the 'water-compatible' development category. Table 3 of the Technical Guidance confirms that water compatible development is appropriate within Flood Zone 2.

The application submission includes a Flood Risk Assessment to which NCC Flood as the Lead Local Flood Authority have declined to provide specific comment and the Environment Agency have commented raising no objections subject to conditions. I concur that, should permission be forthcoming, the imposition of such conditions in relation to mitigation measures including identification of safe routes will ensure that the development is appropriate in flood risk terms and therefore compliant with Core Policies 9 and 10 and the relevant elements of the NPPF and the PPG.

Impact on Highways Network

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.

The original comments of the Highways Authority raised concern in respect to the demonstration that the previously approved overflow parking area (approved through the extant permission) has been reduced in size through the current submission. However, the revised proposal would no longer conflict with the area of proposed parking through the extant application as the camping and caravanning pitches would be positioned towards the south of the cricket field. This has been acknowledged by the revised comments of the Highways Authority.

The proposals relate to works to the highways access in terms of the installation of a security fence and estate fencing to part of the western boundary. The access gate is set some 50m from the highways edge thereby allowing adequate space for vehicles (even if they are towing caravans) to pull into the site without obstructing the highway. The proposals are therefore considered compliant with Spatial Policy 7.

Impact on Amenity

The NPPF seeks to secure a high 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.

It is acknowledged that Kelham Hall is an established building at the edge of the village. Nevertheless there are residential properties in close proximity to the site which warrant consideration in respect of the additional amenity impacts that will inevitably arise from the proposed development, notably, the residents of Home Farm Close as well as the properties on Blacksmith Lane both to the north of the development site.

It is notable to reference that the site has been previously utilised for a camping and caravanning use when the District Council were in occupation of the building (which has continued to be used for such purposes since the Council sold the building). To some degree therefore the neighbouring properties will be familiar with associated impacts arising from such a use. Nevertheless the current proposal seeks to regularize and formalize the use for a period of 5 years and therefore an assessment of likely amenity impacts remains of great importance. Given the separation distances afforded by the driveway and an area of vegetated land to the north of the driveway, I am confident that the proposed use would not create an imposition on neighbouring amenity in terms of direct overlooking or overbearing impacts. It is my view that the most likely amenity implications of the proposal would be the overall activity within the site which could lead to increased vehicular movements and noise. I also note the concern raised during consultation in respect to increased light and air pollution. It must be considered that this could occur alongside increased activities within the Hall itself as the development associated with the extant planning permission is delivered (albeit to a varying degree over time in line with the phased delivery of the extant permission).

Kelham Hall has long been established as a commercial use which in recent years has amounted to an increase in events such as weddings and corporate occasions. I do appreciate that this caused some friction particularly for the occupiers of Holme Farm Close to the north of the site. I understand that there have been occasions where cars have wrongly driven down Holme Farm Close trying to access Kelham Hall. Matters of amenity were fully considered and ultimately determined to be appropriate in the assessment of the extant permission for the hotel; spa and restaurant use.

The revised application has now demonstrated that the 50 camping and caravanning units would be positioned to the south of the cricket field some distance away from the boundary with the neighbouring residential properties. On the basis of the revised positioning and the reduction in overall units, Officers do not consider that the impacts to neighbouring amenity would be materially different or indeed perceivable from the previously established use of the site. On this basis the proposal is considered compliant with the relevant amenity criteria of Policy DM5.

Other Matters

The current application includes an electricity distribution box which in its existing position would require listed building consent due to its attachment to the boundary wall of the site. It was originally sought that this be considered retrospectively with an associated listed building consent application. However, it was unclear how the box had affected the wall and therefore it was advised that the box would be unlikely to receive listed building consent. In line with discussions with the Conservation Officer, the latest site plan received 3rd September 2018 confirms that the proposal now seeks to move the box a minimum of 0.3m away from the wall and that any damage made to the wall would be made good. This could be secured by appropriately worded condition if Members are minded to approve. To confirm, given that the proposed box is no longer proposed to be attached to the wall, the need for listed building consent falls and as such the associated listed building consent application has been withdrawn.

The Council's Environmental Health Team commented on the original proposal for up to 250 units and objected on the basis that the facilities provided would not support this many units. Clearly the scheme has now been revised to 50 units which has been granted a site license in the past.

Matters of whether the welfare facilities provided for this number of units would be sufficient would be dealt with through any subsequent site license should permission be forthcoming.

Overall Balance and Conclusion

The proposals relate to a temporary planning permission for the change of use of part of the cricket field to operate a camping and caravanning use for up to 50 units. As is detailed by the description of the development, the proposals also include a number of associated elements to facilitate this use, the majority of which are retrospective in nature.

The site is subject to constraints which require careful consideration notably the designated heritage assets which affect the site both in respect to the listed building itself and also the Conservation Area. There is no dispute that the proposals amount to heritage harm and therefore in the context of paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal. The rationale for the submission of the proposals is on the basis that they are necessary to support the re-development of Kelham Hall in respect to the approved applications for a hotel and spa facility. Officers have been clear that in order to attach any meaningful weight to public benefits of the proposal the proposals must be demonstrated as being financially necessary to allow for the implementation of the extant permissions. Evidence has been provided during the life of the application which on balance, Officers consider to be sufficient to accept the level of harm identified. This judgement is however purely on the basis of a temporary permission for up to 5 years after which time all aspects of the proposal would be required to be removed.

The development as revised is considered acceptable in respect to all other matters including residential amenity; landscape character impacts; flooding; and highways safety. On this basis, the recommendation is for approval subject to the conditions as outlined below.

RECOMMENDATION

That temporary planning permission is approved subject to the conditions and reasons shown below:

01

Within three months of the date of the permission hereby granted, all camping and caravanning units within the site shall be restricted to the area demonstrated by the hatching at the south of the cricket field on plan reference 'EX1D Proposed Site Plan.' No camping or caravanning units (or associated vehicles) shall be positioned outside of this area for the lifetime of the temporary development hereby approved. The temporary use hereby approved shall be restricted to a maximum of 50 units at any one time.

Reason: In acknowledgement of the temporary nature of the permission and to define the approved development.

02

The use of the land for camping and caravanning purposes shall cease on or before five years from the date of the permission.

Reason: In acknowledgement of the temporary nature of the permission and to define the approved development.

03

Within one month of the cessation of the use for camping and caravanning purposes a scheme of remediation shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt this scheme shall include a timetable for the removal of all associated development as detailed in the description of development unless planning permission has been granted for their retention in the meantime. The scheme shall be carried out in accordance with the approved details and timetable.

Reason: In acknowledgement of the temporary nature of the permission and to restore the site appropriately noting the heritage assets which are affected.

04

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

- EX1D Proposed Site Plan
- EX3B Proposed Security Gate and Boundary Details
- Planning and Heritage Statement Rev B
- GTA Response to LPA & Consultees Comments 010818 Rev A

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

Reason: So as to define this permission.

05

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Kelham Hall: Works in Connection with Camping & Caravanning Operations", Rev B, 11504/12, May 2018, William Saunders, and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
 2. Electricity hook-up points use high level outlets set a minimum of 900mm above ground level.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe access and egress from and to the site and to increase resilience and reduce the impact of flooding on the development.

06

Within three months of the date of the permission hereby granted, the alterations to the existing security cameras as detailed by page 39 of the Planning and Heritage Statement Rev C: September

2018 shall be fully implemented on site and retained for the lifetime of the temporary development hereby approved unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the level of heritage harm to the associated listed building.

07

The owners/operators of the campsite operation hereby approved shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation on the site. This register shall be made available within 1 calendar month of a written request by the Local Planning Authority.

Reason: The proposed unit/visitor accommodation would be situated in the open countryside, outside any defined settlement boundary where new residential development will be strictly controlled. The proposed unit/accommodation is only acceptable as a tourism development. To grant permission without such a condition would be contrary to policies Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

08

The pitches for the camping operation hereby permitted shall not be occupied as a person's sole, or permanent place of residence.

Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation in the interests of sustainable development in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

09

The pitches for the camping operation hereby permitted shall not be occupied by the same person or persons, for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the unit is not occupied for residential purposes in a location where new residential development would not normally be permitted in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

10

Within three months of the date of the permission hereby granted, details of the exact positioning for the electricity box and its associated plinth referred by 'EDB-5 Detail' on plan reference 'EX1D Proposed Site Plan' and any associated works to the wall required from the movement of the box and its associated plinth, shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, these details shall include a reasonable timescale for the works to be undertaken. The works shall thereafter be carried out in full in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the heritage asset of the wall in the event that the unauthorized positioning of the box and its associated plinth has affected the wall.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb

Business Manager – Growth and Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	17/02075/ADV	
Proposal:	Advertisement Consent for new signage (9 No. in total) including illumination as necessary.	
Location:	Kelham Hall Ltd Kelham Hall Main Road Kelham Nottinghamshire NG23 5QX	
Applicant:	Mr Jonathan Pass	
Registered:	16.05.2018	Target Date: 11.07.2018
	Extension of Time Agreed: 05.10.2018	

The application has been referred to Members for completeness given that it is associated to a major application which is required to be referred under the scheme of delegation due to the Parish Council objection.

The Site

Kelham Hall is composed of two listed buildings, the Grade 1 building which is a mid C19 manor house built by Sir George Gilbert Scott and A. Salvin and the Grade II former monastic buildings built in 1927-9 by Charles Clayton Thompson. The former manor house is a red brick and slate structure with Gothic detailing. The architectural detailing here is quite ornate. The former monastic buildings are built of brick and concrete and are arranged around a courtyard. These buildings are built in the Arts and Crafts style and use typical features like tile detailing, overhanging eaves and leaded lights. In addition the monastic complex includes a chapel, constructed as a large dome. The Dome has stained glass decorative lancet windows.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape. The site has a fascinating and complex history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use and were occupied by the District Council between 1973 and September 2017. In recent years elements of the building have been leased to the applicant and used for various functions including weddings and corporate events.

The Hall and grounds are within the village of Kelham as well as the designated conservation area. The main access to the site is from the A617 Newark to Mansfield Road. Owing to the proximity of the site to the River Trent, a large proportion of the eastern side of the site is within Flood Zone 2 and Flood Zone 3 according to the Environment Agency maps.

Relevant Planning History

There have been numerous planning and listed building consent applications in relation to the Hall

in recent years. Some of these applications were in relation to the sale of the building by the District Council to Kelham Hall Ltd. (the current occupier). The most relevant applications to the current application are considered below:

17/01021/FULM and 17/01022/LBC - Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

Application approved by Committee October 2017.

17/02071/FULM - Application for temporary (5 year) permission in relation to improved security and campsite operation, comprising:

Planning Permission for a vehicle security gate to main entrance, estate fencing along driveway and front boundary;

Change of use of sports field for camping and caravanning operation comprising a maximum of 50 pitches;

Planning Permission for mains cabinet;

Retrospective Planning Permission for 8no. electricity distribution boxes;

Retrospective Planning Permission for WC block;

Retrospective Planning Permission for family shower block;

Retrospective Planning Permission for unisex shower block and Elsan Point;

Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total);

Application currently pending.

18/00947/LBC - 2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site.

Application currently pending.

18/00954/LBC - Retrospective permission for an electricity distribution box located close to the southern boundary wall (read in conjunction with application ref: 17/02071/FULM).

Application withdrawn.

The Proposal

The current application seeks advertisement consent for an external signage strategy at various locations within the site to serve the proposed end use approved by the October 2017 planning permission (hotel and spa use). Consent is sought for 9 adverts in total as detailed below. For the avoidance of doubt, two of the signs (4a and 4b) are proposed to be attached to the listed building and therefore a listed building consent application has been submitted and is subject to separate consideration. The application has been revised during its lifetime with revised plans received 13th August 2018. The application has been considered on the basis of the following plans and

documents:

- Planning and Heritage Statement Rev B
- GTA Response to LPA & Consultees Comments 010818 Rev A
- Proposed Signage EX2A
- Proposed Signage Details EX4
- External Signage Strategy Rev. B

Roadside Signage

- Sign 1 – 2.2m in width by 2.2m in height (with a 1.87m by 0.95m banner spanning the top of the structure)
- Sign 2 – 2.2m in width by 2.2m in height (with the potential for four individual banners of 1.87m by 0.37m)
There would be two of this sign either side of the main entrance
- Sign 3 – 2.2m in width by 2.2m in height (with a 1.87m by 0.95m banner spanning the top of the structure)

The roadside signage would be illuminated with LED strips to the underside of the capping strip (600 lumens max).

Gatepost Signage

- Signs 4a and 4b – both 0.8m in width by 1.2m in height

Car Park Signage

- Sign 5 – 1m in width by 0.6m in height
- Sign 6 – Signage board to replace existing board approximately 2.1m in width by 2.4m in height (with a sign measuring approximately 1.75m in width by 1.3m in height).
- Sign 7 – 1.33m in width by 1.2m in height (with a 1m by 0.4m banner spanning the top of the structure)

The car parking signage would be illuminated with LED strips to the underside of the capping strip (600 lumens max).

The positioning on the signs has been demonstrated by site plan reference EX2 Rev. A.

Departure/Public Advertisement Procedure

Occupiers of 38 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 7: Sustainable Transport

Core Policy 9: Sustainable Design
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design
Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (Advertisements) 2014
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Averham Kelham and Staythorpe Parish Council – *Additional comments received 22nd August 2018:*

Following the AKS Parish Council meeting held Monday 13th August 2018, the AKS PC voted to object to the following planning applications:

18/00954/LBC

17/02075/ADV

17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown many having contacted Kelham Hall to request they be blanked out. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposal makes no reference as to how the gated entrance may be managed. However the current proposals contravene that legislation and should therefore be refused.

Mains Cabinet, distribution boxes, WC bock, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland.

The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

We would also echo the concerns of the NSDC Conservation Planner and English Heritage that these should not be viewed in isolation to the camping and caravanning proposal.

Camping & Caravanning

The Kelham Hall and associated estate is noted as being a significant heritage asset on a National level therefore the PC fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 50 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

Even considering the reduced numbers the proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal for the development of the hall and totally inappropriate in the conservation area.

The revised proposal will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

There are no proposals as to how the extent of the camping and caravanning pitches would be monitored and regulated to ensure compliance with the numbers proposed. The PC is concerned given recent experience with Kelham Hall Ltd. that they would operate within the boundaries of their current proposal.

The proposal would permit camping and caravanning 365 day a year which would be a massive increase on the limits currently permitted, set at 28 days per year. This would have a significant detrimental impact on the conservation area, surrounding residents and Kelham Village itself.

We note the comments in the Response to Consultees Comments document with interest especially in relation to the Phase 1 scope of works. Work on a building and project of this nature is relatively unique and challenging making it expensive when compared to more standard restoration type projects. The PC would challenge the statement that camping and caravanning operation proposed would contribute anywhere near the 10% figure stated and is therefore misleading.

The original application made no reference to the financing of refurbishment works being dependent upon a camping and caravanning operation and was approved on that basis any would question why that should be changed.

The documentation submitted by the applicant makes numerous references to balancing harm against public benefits. It should be noted that all planning policy is intended to serve the public interest rather than that of individuals. This part of the application is not in the public interest and seeks only to benefit the applicant and purely on a financial basis.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

Original comments received:

Following the AKS Parish Council meeting held Tuesday 12th June 2108, the AKS PC voted to object to the following planning applications:

18/00947/LBC
17/02075/ADV
17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Signs numbered 1, 2 and 3 placed along Main Road are large and out of scale with all other signage along Main Road.

Given their size and location in close proximity to the main highway they will be a potential distraction to drivers and hence increase the risk of potential accidents along what is a busy highway.

Signs placed adjacent to the main entrance will block the sight of vehicles exiting the Hall, again increasing the risk of potential accidents.

The wording of signs 4a and 4b are not appropriate and in the case of 4a contravene the regulations governing Public Rights of Way. The pedestrian gate and associated footpath adjacent the Lodge are a Public Right of Way and defined as such with the Land Registry. This route allows public access from Main Road via the Lodge Gate through the grounds of the Hall to the Church of St Wilfrid, by default it also provides pedestrian access to the Hall. Placing the sign as detailed implies that there is no pedestrian access whatsoever via this route and appears to be an attempt to discourage residents and general public using a defined public right of way. In the case of sign 4b it would be more appropriate to amend the wording to read "Main Vehicular Entrance 500m 2nd on the left" so as not to deter people using the pedestrian gate adjacent the Lodge. It should also be borne in mind that it is a criminal offence to obstruct a public right of way.

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposals including the proposed management of the entrance gate contravene that legislation and therefore refused. As stated above obstructing a public right of way is a criminal offence.

Mains Cabinet, distribution boxes, WC block, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland. The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

Camping & Caravanning

The PC would fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 250 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

The numbers proposed are out of proportion for the size of the playing field. The proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal and totally inappropriate in the conservation area.

The proposals make no allowance for the required level of parking provision for the numbers proposed and have actually reduced the existing parking numbers.

The proposal would involve 250 cars, caravans, camper vans and the like coming to site, plus the potential for approximately 1,000 people. This will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7 days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

NCC Highways Authority – Whilst the applicant may wish to consider road traffic signage in accordance with Dept. of Transport standards, the proposed signage is acceptable providing it is sited outside of the public highway boundary.

NSDC Conservation – *Additional comments received 24th August 2018:*

Further to the submission of revised and additional information on the above advertisements applications I have the following new comments. For clarification I now have no objection to these signs which I feel, on balance, are acceptable in terms of heritage impact.

2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site 18/00947/LBC

Despite the re-consultation I do not think there has been a revision to these signs. As such my comments and overall no objection to these signs as given in my comments of the 22nd June still applies. If I am failing to see a revision to these signs please do speak to me.

Advertisement Consent for new signage (9 No. in total) including illumination as necessary 17/02075/ADV

Sign 1 & 3 – these are the directional signs proposed for access off the A617. Despite them being depicted at different sizes in the revised signage strategy (perhaps this could be amended for clarity?) they are in fact to be the same size as each other. I am pleased to see these signs have been reduced in size from that previously submitted. The Agent compares these signs to the existing directional sign to the Kelham Fox Public House. These signs are actually larger than this, but not drastically so, and I appreciate sign 1 at least is likely to be looked at via higher speeds than the Kelham Fox sign. The photo montage submitted, while of sign 2, is the same overall height and width as sign 1 and 3 and does give a good indication of overall impact. Given the reduced size, backdrop of trees and shrubs, muted colour palette and helpful montage I am happy that these are now acceptable in the balance.

Signs 2 at entrance – again, these signs have been reduced in size. In addition a helpful montage has been submitted which I think demonstrates that these signs are, on balance, acceptable, and should provide adequate signage for the existing facilities as well as forthcoming activities, avoiding any further unauthorised and temporary banners.

For signs 4a and 4b please see text above – no changes proposed.

Signs 5 and 6 – retrospective and no changes proposed.

Sign 7 The annotation of this sign in the revised strategy is confused, and should actually, I believe, indicate a sign which is 1330 tall x 2200 wide. In which case the sign has been reduced in size and therefore impact, which given this potentially sensitive location by the Church and Hall is important. I am content this is now low enough that it won't interrupt one's line of sight to the Church, it is also not to be seen head-on in key views of the Hall. Again, in the balance, I feel this revised sign is acceptable.

The general sign details, as given in plan EX4 are acceptable and I am pleased to see the proposed illumination has added bulk to these signs.

In conjunction with my earlier comments I now find the additional information and amendments to have provided an acceptable external signage scheme for Kelham Hall moving forwards.

Original comments received 22nd June 2018:

2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site 18/00947/LBC

This proposal relates, I believe, just to signs 4a and 4b, located on the gate piers by the Lodge at Kelham Hall.

The Lodge and Gateway are Grade II listed in their own right, dating from 1858 and probably designed by Gilbert Scott as part of this significance phase of Kelham Hall. The gates are an important part of the wider Kelham Hall complex and are also prominent within Kelham Conservation Area.

Overall I have no objection to these signs. They are large, but equally they are sited on a relatively monumental gate structure. They have also been aligned with the top of the gates and the adjacent door head. I also accept that the muted colour scheme of them helps limit their impact. 3mm deep is also slim, but does this include the drip strip (if this is what it is?) at the top? I presume these are not illuminated?

Given the confusion which arises from this being a retained but un-used vehicular entrance I accept this may well be some people's first approach to the Hall and that a sign of some

prominence is needed to both announce the Hall but also re-direct people. I also understand this is a public right of way, so I expect the writing needs to be altered to read that it is *vehicular* access only that is being re-directed?

I am not entirely convinced the information couldn't be contained on one signboard only, but equally there is a certain merit in the symmetry. If we are to approve such large signs here I would feel more comfortable if this was set against an assurance there would never be any temporary unauthorised signage here publicising events. As such, I wonder whether one board could be directional and the other used to publicise events and functions, using the same style and format?

Advertisement Consent for new signage (9 No. in total) including illumination as necessary 17/02075/ADV

For signs 4a and 4b please see text above.

Sign 1, 2 & 3. These are huge signs! I have just got the tape measure out and realised these are far in excess of a domestic room height, the height of sign 3 is almost 12 ft tall for example! (If I have converted these figures wrong then please do come back to me).

I appreciate there needs to be some visibility with road traffic but this is surely excessive. Also sign 2, itself 11.4 ft long by over 9 ft tall, is essentially a solid sign over this sign area and comes as a pair. These are sited at what is now the main entrance to the Hall, giving people their first glimpse and introduction to the Kelham Hall.

Not only is this the boundary to the park and garden of Kelham Hall, a heritage asset in its own right (albeit not Registered), but this area is integral to the setting of the Hall. In addition the signs are within the Conservation Area of Kelham, in an area made green by the grounds of Kelham Hall, which gives way to open countryside. These signs are more akin to an industrial estate than a historic rural country house estate. The signage for Kelham House opposite is far more the scale one would expect.

I am sure that if these were drawn up as a street scene montage we would see how excessively sized these are.

Add into this impact from the proposed lighting and I am very concerned these will be excessively imposing. By using lighting one could argue the signs are already much more visible and could achieve the same impact at a greatly decreased size.

I believe signs 5 and 6 are actually retrospective and are the signs we saw on site last week? I have no objection to these signs, which seem about the right size to convey the information they need to give. Obviously the setting here would be more attractive without either of these signs, but I do accept they are located in fairly robust locations and on balance are acceptable.

I presume sign 7 is meant for pedestrians rather than vehicles? Even if for cars, at this point cars would be going very slowly, so I am not convinced the sign needs to be anything like this big either. In this case the sign is additionally potentially in the line of site and setting of the Grade I listed church so has a particularly sensitive location. Again, I feel a far smaller sign will sufficiently direct people to the camping reception, one at a much more pedestrian scale.

Unless there are some very persuasive highways arguments for the size of signs 1, 2, 3 and 7 I believe these to be excessively sized and unjustified at this size. Even if there were justification they remain harmful. While overall they would cause less than substantial harm to the significance of both the Grade I Listed Hall, Grade I listed Church, the unregistered park and garden and the

Conservation Area, the impact is by no means insignificant and the signs would be excessively intrusively visually.

Notwithstanding the signs which Conservation thinks are acceptable or could be modified, there is an overall Conservation objection to this application. I am, however, happy to look revised plans if submitted.

NSDC Environmental Health - No objections to the signs or associated lighting.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The site map already in situ at Kelham Hall shows properties on Home Farm Close as if they are in the same ownership
- The sign for the gates says no access to Kelham Hall but does not state that access is allowed to the Church – the issue of access could have a significant impact on the village and community, not to mention potential detriment to life
- The position of Sign 3 is unclear – previous Kelham Hall signs at Home Farm Close have made vehicles stop and use Home Farm Close as a turning circle
- Illuminated signs along the public highway in a conservation area would not be appropriate
- Signs 5 and 6 show Home Farm Close with two properties to rent that have nothing to do with Kelham Hall Ltd.
- A proper brown tourist sign should be used
- Monitoring of the additional traffic which comes into Home Farm Close should be undertaken – the Close has become a parking area for people wishing to avoid the charges at the Hall

Comments of Business Manager

Principle of Development

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 132 of the NPPF I consider the main issues in determining this application for advertisement consent to be related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management Document.

The above regulations advise that in determining advertisement applications the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The factors that are considered relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Impact upon Amenity

“Amenity” is not defined exhaustively in the aforementioned Control of Advertisements Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

The justification text for Policy DM5 states that the impacts of advertisements in terms of visual amenity will be assessed by reference to criterion 4: Local Distinctiveness. Broadly this element of the policy seeks to ensure that new development reflects the character of the locality in terms of its scale, form and design.

Given that the site also lies within the Kelham Conservation Area and that Kelham Hall itself is listed, policies CP14 and DM9 of the Council's LDF DPDs are relevant, which 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 16 of the National Planning Policy Framework (NPPF).

Paragraph 200 of the National Planning Policy Guidance states that, '*Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.*' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, '*special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area*'. In this context, the objective of preservation is to cause no harm. The courts have in more recent years clarified that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

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 application relates to a total of 9 adverts, (albeit the labelling on the site plan only goes up to 7 as there are 2 no. 'Sign 2's and the gatepost signs are labelled as 4a and 4b). I am conscious that in numerical terms this is a significant level of advertisement to have for one site. However, I am equally conscious that the site area is around 17.5 hectares and as such the signs are considered to be adequately dispersed around the site. It is my view that the signs most likely to impact upon public visual amenity are those set along the roadside. These are positioned in four locations along the A617 at the western boundary of the site but also the two gatepost signs along the northern boundary of the site would be subject to public perception. The four signs on the western boundary are considered reasonably necessary to provide a formal entrance to the site for potential users approaching from either the north or the south. Signs 1 and 3 would announce that the site entrance is approaching and Signs 2 (2 no.) would flank the formal entrance of the site. I have carefully considered whether the same purpose could be achieved through a lesser numerical number of signs but appreciate that it may be difficult for highway users to appropriately slow to turn into the site without the prior warning afforded by Signs 1 and 3. I am also conscious that the site has already historically featured advertisements in relation to the previous occupation by the council.

The proposed signage strategy has been assessed in full by colleagues in Conservation with comments listed in full in the above consultation section. Officers concur with the comments made in respect to the original size of the signage proposed and it is on this basis that the revised submission has been submitted. Nevertheless there is no doubt that a number of the advertisements proposed remain of a significant scale, particularly signs 1-3 which would span 2.2m in width. In order to justify this size of sign, Officers requested a photomontage which has now been included within the revised External Signage Strategy document in respect to Sign 2.

Further justification has been provided in respect to existing signage which exists in Kelham and also the following statement in terms of legibility of the text on the proposed advertisements:

'We would be very reluctant to reduce the signage further, as the text would simply not be legible to those within moving vehicles, rendering them useless and potentially dangerous. I have checked the proposals against national design guidance (ref. attached Local Transport Note 1/94 Appendix A) and the lettering size is already below the minimum recommended. The text measures 80mm in height, whereas the minimum recommended is 125mm for speed limits between 40-50mph (the situation where sign 1 is to be positioned) and 75mm for 20-30mph (passing the entrance of Kelham Hall).'

The revised signage strategy has been appraised by Conservation colleagues noting an original objection. As is detailed above, the revised strategy is on balance deemed acceptable from a conservation perspective. Reference is made to the incorrect annotation of Sign 7 which has since been addressed through revised details. I would concur with this stance. It remains the case that the size of the proposed signage is in some instances significant. However, in the context of the submitted justification and photomontages, Officers concede that it would not be reasonable to negotiate a further reduction in their size and therefore on balance the proposal is deemed acceptable in respect of visual amenity.

Impact upon Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. Nottinghamshire County Council as the Highways Authority have been consulted as part of the application process. Their comments listed above confirm that there is no objection to the proposed advertisements. Reference is made that the applicant may wish to consider road traffic signage (i.e. such as the brown sign used previously by the District Council). I concur that this may be beneficial in respect to directional signage but clearly the applicant has sought specific advertisement consent for the proposed development as outlined and it falls for the authority to assess the application before them. Having clarified with the Highways Authority that they are satisfied that the number or size of the proposed signage would not create a distraction to drivers, Officers are satisfied that the proposed advertisement strategy would not create detrimental impacts to public safety.

Other Matters

Both the Parish Council and the letters of representation received make reference to the content on the proposal including in reference to the perceived presence of a right of way across the site. It has been confirmed that there is no public right of way which crosses the site. Officers do not consider that it would be reasonable to dictate the wording on the proposed signage given that it would not have implications in terms of public safety or visual amenity.

Conclusion

It falls for Members to assess the application for advertisement consent on the basis of matters of visual amenity and public safety. Officers have worked with the applicant during the lifetime of the application to secure some reductions to the sizes of the proposed signage. As is detailed above, the signage strategy now proposed is considered proportionate to the end use to which it would serve and is deemed acceptable both in respects to visual amenity and public safety. The recommendation of Officers is therefore one of approval as detailed below.

RECOMMENDATION

That advertisement consent be granted subject to the following conditions:

Conditions

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisements hereby permitted shall not be carried except in complete accordance with the site location plan and approved proposed plans and documents reference:

- Proposed Signage EX2A
- Proposed Signage Details EX4
- External Signage Strategy Rev. B

Reason: So as to define this consent.

03

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

04

No advertisement shall be sited or displayed so as to:-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

09

The maximum luminance of any sign shall not exceed 600 lumens.

Reason: To protect drivers from glare resulting from uncovered light sources near the public highway in the interests of highway safety.

10

The lighting permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

This permission relates solely to advertisement consent and does not permit any building or other operations.

02

The application as submitted is acceptable. In granting consent without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb

Business Manager – Growth and Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	17/02326/FULM		
Proposal:	99 New Dwellings With Associated Access, Earthworks and Other Ancillary and Enabling Works.		
Location:	Land At New Lane, Blidworth, NG21 0PH		
Applicant:	New Lane Blidworth LLP		
Registered:	04.01.2018	Target Date:	05.04.2018
	Extension of Time Agreed Until 07.09.2018		

This application is being presented to the Planning Committee at the discretion of the Business Manager. Although the Officer recommendation conforms to the comments of the Parish Council, in this instance the specific factors of the application are considered worthy of consideration by Members of the Planning Committee.

The Site

The application site comprises approximately 3.13 hectares of grassland currently maintained as arable farmland within the settlement of Blidworth as defined by the Proposals Map of the Allocations and Development Management DPD. There is a public footpath which crosses the site towards the south eastern corner and the designated conservation area of Blidworth abuts the southern boundary of the site. The site as existing is predominantly open with hedged boundaries. Although there is no formal vehicular access to the site, it appears that the site has been previously accessed both to the north from New Lane and from the south from Marriott Lane.

There is a significant gradient change within the site whereby the site displays a central valley. The topography of the development site falls across the site from the north to south, approximately 9 metres from New Lane to the natural bowl in the centre, before rising again to the southern boundary, reaching a high point in the south eastern corner of approximately 11 metres above the natural bowl level.

The site is on the western edge of the settlement directly adjacent to the defined Nottingham Derby Green Belt. As such land to the west is predominantly open in character. The site is otherwise surrounded by residential curtilages of varying plot sizes. The eastern boundary of the site is shared with a number of bungalows occupied by elderly residents developed and managed by Nottinghamshire Community Housing Association with on-site warden and communal facilities (at Marklew Close). These bungalows are set at a lower level than the site itself. The site is bounded by trees and hedgerows.

Relevant Planning History

There is planning history relating to the north eastern corner of the site:

14/00791/OUT - Proposed Erection of 4 Detached Dwellings (Outline Application - renewal of extant permission ref: 11/00162/OUT). *Application Permitted July 2014 but no longer extant on the basis that no reserved matters applications have been received within three years as required by condition.*

Prior to the above application this portion of the site was also subject to refusals for similar development including one refusal (on the basis of the means of access and setting a precedent for piecemeal development) which was subsequently allowed on appeal (**11/00162/OUT**).

The Proposal

The original proposal related to an application for 100 dwellings however, as is discussed further below, the application has been amended during the lifetime of the development and now seeks full planning permission for the erection of 99 dwellings. For the avoidance of doubt, the development has been assessed below on the basis of the following plans (the majority of which were received 4th July 2018):

- Revised Site Masterplan – 6938(08) 100 Rev. F (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 2 of 2) – 1577-02B
- Amended Street Elevations 1 and 2 – 6938(08) 101 Rev. A
- Revised Street Elevations 3 to 5 – 6938(08) 102 Rev. D (received 8th August 2018)
- Amended Street Elevations 6 to 8 – 6938(08) 103 Rev. A
- Amended Street Elevations 9 to 12 – 6938(08) 104 Rev. A
- Amended Street Elevations 13 to 15 – 6938(08) 105 Rev. A
- Revised Boundary Treatment Plan – 6938(08) 106 Rev. C (received 8th August 2018)
- Amended House Type 202A – 6938(08) 10 Rev. B
- Amended House Type 202L – 6938(08) 11 Rev. B
- House Type 202L (Pitched Porch) – 6938(08) – 11-02
- Amended House Type 301 – 6938(08) 12 Rev. B
- Amended House Type 302CL – 6938(08) 15 Rev. B
- Amended House Type 304 – 6938(08) 16 Rev. B
- Amended House Type 304 – 6938(08) 16-02 Rev. B
- Amended House Type 306 – 6938(08) 17 Rev. B
- Amended House Type 402 – 6938(08) 18 Rev. C
- Amended House Type 404 – 6938(08) 19 Rev. B
- Amended House Type 412 – 6938(08) 20 Rev. B
- Amended Single Garage – 6938(08) 21 Rev. A
- Amended Twin Garage – 6938(08) 22 Rev. A
- Amended Garage Sales Centre – 6938(08) 23 Rev. A
- Semi Detached Bungalow – 6938(08) 24
- Terraced Bungalow – 6938(08) 25
- House Type 302CL Semi – 6938(08) 26
- House Type 302CL Semi – 6938(08) 27
- Amended Location Plan – 6938(08) 98 Rev. B
- Amended Existing Site Plan – 6938(08) 99 Rev. A
- New Lane Highway Works – C2627-SK006-2 Rev. B
- Amended New Lane Highway Works TRO – C2627-SK006-3 Rev. B

- Free Standing Brick Substation – UDN-460
- Utility Survey (demonstrating existing topographical levels) – 1293 Rev. 0 dated 27.02.15 (received 31st July 2018)

In addition to the above, the application has been accompanied by the following supporting documents:

- Design and Access Statement (Amended reference 6938 Rev. A);
- Transport Assessment;
- Residential Travel Plan (Amended dated 21st June 2018);
- Flood Risk Assessment;
- Environmental Enhancement Strategy;
- Code for Sustainable Home Ecology Assessment;
- Archaeological Desk Based Assessment;
- Phase 2 Geo-Environmental Assessment Report;
- Utility Survey;
- Viability Appraisal (Amended received 16th July 2018).

The housing schedule for the proposed development is included in detail on the submitted Masterplan but is summarized as follows:

House Type	No. of Units
2 bed two storey dwelling	29
3 bed two storey dwelling	48
2 bed dormer bungalow	8
4 bed two storey dwelling	14
Total	99

The proposed development would be accessed via a single point of access from New Lane to the northern boundary of the site. The internal road network measures 5.5m with 2m footways either side designed into three cul-de-sacs. As part of the revised submission, the application intends to undertake works to New Lane which are discussed in detail in the Highways section of the appraisal below but briefly comprise the widening of New Lane to a minimum of 5m (5.5m near the access point) between Hilton Park and the development site and the continuation of the footway along the south side of New Lane.

The proposals incorporate a balancing pond and water attenuation basin broadly centrally within the site but towards the eastern boundary. The proposal also includes the realignment of the existing public footpath which crosses the site with the amended route adjacent to a small area of green space in part. The majority of the existing boundary treatments would be retained albeit the boundary plan reference above demonstrates additional boundary treatment including fencing to parts of the eastern boundary.

The scheme is intended to be delivered through 10 different house types including (as per the revised application in contrast to the original) 8 dormer bungalows. The maximum eaves height of the two storey dwellings are 4.875m with the overall maximum pitch height of the development being approximately 8.5m. The proposed dormer bungalows would be approximately 2.2m to eaves and 6.1 to pitch. The schedule of accommodation included on the Revised Site Masterplan outlines the gross internal floor area of each of the house types ranging from 65.12m² (2 bed. 2

storey) to 128.46m² (4 bed. two storey). Materials proposed include a selection of red facing bricks with a feature brick proposed to accentuate window cills and heads. Proposed roof tiles are slate grey and red, concrete tiles.

Departure/Public Advertisement Procedure

Occupiers of 67 properties have been individually notified by letter. Three site notices have been placed at various locations surrounding the site (at the point of the proposed access; at the start of the public footpath to the east of the site; and at the south of site at the end of Marriott Lane). An advert has also been placed in the local press. An additional round of consultation was undertaken on receipt of the revised plans which included all parties who had provided comment on the original scheme. Further rounds of consultation have been undertaken to relevant parties along the eastern boundary in respect to the latest revised boundary plans.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
MFAP 1 – Mansfield Fringe Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Development Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development
Policy Bl/Ho/3 – Blidworth – Housing Site 3

Other Material Planning Considerations

National Planning Policy Framework 2018
Planning Practice Guidance
Developer Contributions and Planning Obligations Supplementary Planning Document 2013
Publication Amendment Core Strategy July 2017
Rights of Way Circular (1/09) Version 2 October 2009

Consultations

Blidworth Parish Council – Additional comments received 17th August 2018:

Blidworth Parish Council strongly OBJECT to this application based on the grounds of:

Road safety

Over development of the site

Added infrastructure

Health and Safety to the area

Access issues

Additional comments received 20th July 2018:

In addition to our comments submitted previously Blidworth Parish Council would like to strongly OBJECT to this application based on the grounds of:

Road safety

Over development of the site

Added infrastructure

Health and Safety to the area

Original comments received:

Blidworth Parish Council wish to strongly OBJECT to this proposal based on the following:

Design and Visual Impact

The location of this development was once part of Greenbelt, and will have an impact on the landscape. The design and visual impact of this development will impact highly on the Village.

The Parish have reason to believe that due to Blidworth being a mining Village, subsidence is present and there is a potential fault running through the site.

The Water supply is already compromised as illustrated by residents. The water pressure is low enough to cause significant issues to some households and further demand will exacerbate this problem. Pipe width is already compromised.

The telephone network cannot support fast broadband as Blidworth is over 3K from the nearest telephone exchange and this will lead to slower broadband speeds which are not easily remedied.

Privacy, Daylight and sunlight

Consideration has not been taken into account of the residents in the area. Residents on Marklew Close will lose privacy, daylight and sunlight as the proposal sees the erection of a large fence to the rear of their gardens. With the difference in heights, the new residents will be able to potentially see directly into the properties of the residents on Marklew Close losing their privacy

and the fence will cause loss of both sunlight and daylight into their homes. (See photographs attached)

Noise, Smell and Pollution

Due to the proximity of the new development current residents would be subject to noise, smell and pollution. Furthermore the local area has been subject to contamination from the local tip (now fenced off due to it being a hazard) and no study or assessment has yet been carried out to identify the potential level of contamination. (Potential identified in The Strategic Housing Land Availability Assessment carried out in 2010). By the nature of this land, the building plot sits lower on the land than the tip and could allow contamination to occur.

Historic maps of the area show a quarry on New Lane which took in ash and Clinker from the surrounding pit villages. The Proposed development shows the creation of an Attenuation Basin for flood water. As such this basin will be contaminated if rainwater drains through the land to enter it. Again by the nature of this land, the building plot sits lower on the land than the tip and could allow contamination to occur.

Access and Traffic

Blidworth is currently under strain from excessive traffic passing through to other destinations. Building Development in Rainworth, Mansfield (Lindhurst Development) and Ravenshead all add to this problem. The potential of an additional 200 cars + (from 100 dwellings) will cause further delays, accidents and wear on the current road system (which needs attention). Our recent discussions with VIAEM regarding the junction with Blidworth Lane and Warsop Lane, Rainworth indicates an increase in the volume of traffic travelling in and out of the village and requires further investigation.

The Newark and Sherwood District-wide Transport study produced in 2010 by the WYG illustrates figures that are clearly out of touch. New developments in the surrounding areas (Mansfield District Council and Gedling Borough Council) have not been taken into account and a new up to date assessment needs to be carried out which will reflect the actual increase in the number of road users.

The Strategic Housing Land Availability Assessment carried out in 2010 states this proposed site is not suitable. The Highways Engineers comments state: *Visibility and on site highway layout to be provided to standard. Off site highway works required. Traffic Assessment required. Abuts that part of New Lane that is effectively a country Lane with a narrow carriageway and no footway. New Lane in this vicinity is not therefore of a standard that could support further development.* As far as the Parish are aware further works or assessment have not been carried out and since this time the road has deteriorated further.

Furthermore the same assessment provides a suitability conclusion of: *The site is not suitable. Possible highway constraints in this location make this site unsuitable for development*

New Lane itself is a two way single carriageway which is currently difficult for two cars to pass and will not be suitable for HGV's lorries and other traffic. It is extremely difficult to access at the present time due to parked cars (see photos attached) and will be far worse with an increase in vehicles, and most definitely not suitable for construction traffic.

The Parish are concerned that there is no proposal of how to control traffic entering and leaving New Lane. The Road is currently classed at single track as we are not aware of any white lines defining two way traffic. The Road is clearly substandard and has not been subject to the essential surveys/assessment that it requires.

Several pieces of grassed highway land on New Lane from the junction with Mansfield Road have been maintained by the Parish Council for over 20 years.

Health and Health and Safety

The current road structure into New Lane is problematic and causing many safety issues. It is not suitable for purpose. Car parking to use Blidworth's local shops and amenities means that the safety of pedestrians, disability scooter users and motorists are unable to use the pavements and cross the road safely. In making this a major road junction would ensure the Health and Safety of residents is compromised further.

The Parish also have concern for access when required by the Emergency Services. The Health and safety of the homeowners could be compromised if such services cannot access the site.

The Health and Safety of our residents at several of the 'Elderly Residents complex's' within the Village will be compromised as increased traffic will make crossing road junctions to access local amenities such as the Library and Doctors surgery extremely difficult. This will be increasingly difficult for our elderly and disabled residents.

The safety of horse riders which use New Lane as an important bridleway will also be compromised.

The steepness of the site makes icing a significant issue in winter.

The Parish are informed by residents that there are significant issues with flooding, especially sewage overflow, during times of heavy rain on Dale Lane, Blidworth. Severn Trent Water has attended site on many occasions to pump out sewage and make safe. The sewers on Warsop Lane regularly block and also require manual pumping.

The Planned Attenuation basin has potential Health and Safety issues as it could be hazardous for children who could play in the surrounding area. The Parish are unable to identify how this will be policed, when in place to avoid danger from drowning.

The health of local residents are also affected. At a recent Safety meeting the Manager of Marklew Court had received concern from their residents that not only will their light and privacy be compromised but the residents that have retired here would be unable to enjoy their homes.

The Parish also have concern for the children from the local school that walk regularly to the Library. The road at present continues to be not safe and increased traffic will only intensify this problem which may result in the children not being able to make this journey.

Ecology, Landscape

The study shows that potential residents will be encouraged to walk, and cycle within the Village. Firstly the roads are currently not safe or suitable. The original footpath that runs through the

land will be removed. The Parish are not aware of any 'Public Right of Way order' which has been submitted to allow this to happen. Potential walkers which will generally be children will mean crossing 2 roads and a minimum of 8 drop kerbs/drive accesses. The current footpath is used by children to avoid current roads and congestion.

The approach to a green infrastructure proposes that our children are encouraged to cycle to the neighbouring secondary school in Rainworth. The Parish for many years have had concern for our children walking to school due to the speed of motorists on Mansfield Road leading to Warsop Lane. The Parish have recently submitted a petition to Nottinghamshire County Council in an attempt to reduce the speed limit in an attempt to secure the safety of our children. If we cannot ensure that our children can be safe walking to school, how can we possibly entertain the idea of cycling? The pavement and tracks are not safe or fit for purpose.

New Lane is part of the Sustrans Cycle Track and no provision has been made for the safety of cyclists.

The Ecology statement states that 12500m² of the development will be lawn and 1000m² will be landscaped. Although the plans show the majority of dwellings to have 2 spaces for off street parking other cars and visitors will need to park on the road. In future years, how can the Parish be sure that this lawned area won't be turned into more parking for the vehicles?

There is a considerable amount of wildlife within this area including pipistrelle bats and common buzzards that roost and nest on or near the site.

Natural springs have also been identified on the site by consultees.

We cannot see any provision for open spaces for children to play.

Crime (and fear of)

With an increased population in the Village and a diminishing Police presence in the area, we feel the Village may see an increase in crime.

Economic Impact

Local schools and Doctors surgeries both in the Village of Blidworth and its neighbouring villages of Rainworth and Ravenshead are at full capacity putting a strain on resources and causing problems to long standing residents in the village who are having to travel out of the village for these services. As no provision for CIL or section 106 monies has been made, this development is unviable without provision for the services the village already needs.

The Parish Council also feel that there is not enough provision for 'Affordable Housing' within the development.

Planning history/related decisions

It can be seen from the comments by the Flood Risk Management Team (NCC) that a number of potential plots are at the risk of flooding. Both the County and District Councils and Severn Trent Water are aware of flooding issues in the vicinity of the area.

In addition, the Parish Council would like to add:

The Allocations and Development Management Options report states that Southwell is considered to be a town requiring respect for its historic nature and that Southwell underwent a “conservation area character appraisal”. Blidworth is a village with an equally important history and whilst smaller but not insignificant, requires similar protections. The church dates back to 1066. Blidworth has notable history stretching back to the Domesday book and is building its local profile with features such as the Rockings ceremony and sculpture, Will Scarlet’s grave, the Druid stone, Memorial to Matthew Clay and Mill refurbishment.

The Village of Blidworth, on the edge of the Newark and Sherwood District does not receive the due care and respect that it deserves. There appears to be no ‘joined up thinking’ in terms of adjacent/area developments. This has an enormous impact on our Parish boundary in terms of traffic, schools and public services.

Blidworth is an area of outstanding rural character and natural beauty, with significant equine leisure activity which is a major source of employment in the area. Blidworth has been labelled a “regeneration area”. Given the very small amount of land designated for employment use within our village envelope, it would be better to class Blidworth as a “sustainable community”. An increase in road traffic, building on important bridleway routes, and loss of green belt land all contribute to a loss of our ability to sustain an important aspect of our village character and employment.

Blidworth Parish Council expects that the promise made by the National Government to listen to local communities under the Localism Bill to be supported and upheld by Newark and Sherwood District Council.

NSDC Conservation – Additional comments received 2nd August 2018:

We have reviewed the amended plans received on the 4th July. These plans attempt to address concerns raised in my original comments (sent 12/2/18). The proposed dwellings in the southwest corner adjacent to the CA are now orientated towards Marriott Lane and a commitment is made to add chimneys to some house types. The layout is also improved with regards to the footpath running through the site.

Whilst it is felt that the scheme could be further improved in terms of layout and design, we feel that the revisions sufficiently address concerns raised in our previous comments, and overall, we continue to consider that the development will not fundamentally harm any designated heritage assets in this case.

Original comments received 12th February 2018:

We have previously considered historic environment issues with regards to strategic housing on this site during pre-application discussions in 2015 (ref PREAPP/00042/15). In essence, the proposal site is not situated within the Blidworth Conservation Area (CA) although it is situated directly adjacent. Impact on the setting of the CA is therefore a material consideration.

Legal & 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 the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Observations

Development on the site is acceptable in principle in accordance with the Council's LDF Allocations DPD (site BI/Ho/3).

The proposal will result in the construction of 100 dwellings laid out along a spine road from New Lane with a central attenuation basin and several secondary cul-de-sacs. The housing stock is typically 2 storey brick and tile with detached garages.

The footpath running from Meadow Road down to the southwest corner of the site is an historic track (see map extracts attached), and offers important first glimpses of the CA. Indeed, the rising land towards the former windmill (Grade II listed) is an important characteristic of the CA, noting that the CA boundary encompasses a significant area of countryside setting around the historic core of the village. The submitted masterplan truncates the footpath. We consider that the scheme would be improved if this route was preserved and incorporated into the scheme. This might be achieved by flipping the proposed layout on a vertical line so that the attenuation basin was on the western side and the spine road closer to the eastern edge of the site (therefore potentially enabling the existing footpath to be incorporated in full or part). Alternatively, could the basin be moved further southwards to allow incorporation of the footpath?

In addition, the scheme would be improved if the layout of properties in the southwest corner could be realigned to take into account the setting of the CA (notably units 31-38), presenting a more attractive entrance to old Blidworth. The current layout will result in the back gardens of units 31-33 and 34-36 being prominent when viewed from Marriott Lane, for example. Units 31-33 would benefit from being turned 90 degrees (to face southwards), and the arrangement formed by 34-36 should be reviewed.

However, in general terms, we do not find the development to be fundamentally harmful to the setting of any heritage assets. Any opportunities to enhance landscaping around the site, as well as maximising connectivity to and from the CA would be welcomed. The design scheme could be improved by using natural roofing materials as far as practicable, and consideration of features such as chimneys.

The desk-based archaeological report is comprehensive. It presents evidence that there is low to moderate interest within the site for a range of archaeological potential strata. In this context, it will be appropriate to condition a written scheme of investigation (to be agreed).

NSDC Planning Policy - The principle of residential development on this site is established through the provisions of Policy BL/Ho/3 as part of the Adopted Allocations and Development Management DPD. The Publication Amended Core Strategy has recently been through an Independent examination and the Inspectors report is awaited. Whilst this proposed an amendment to the percentage of development allocated to Blidworth from 25% of principal village growth down to 20%, this was based on the detailed work undertaken for the Preferred Approach to sites and settlements which was undertaken as part of the Plan Review process. Only those sites which are no longer deliverable are proposed for deallocation and in Blidworth this is site Bl/Ho/4 Dale Lane. The remaining allocations, of which this is one continue to be identified and in combination are sufficient to meet the residual housing needs of Blidworth as expressed through the Publication Amended Core Strategy. Although full weight cannot be attached to these documents at this stage, it shows that the principle of development for this site remains unchanged from the current Adopted Development Plan Documents. The principle of 100 dwellings on this site is therefore acceptable.

The policy allocating the site included an number of additional criteria to be addressed as part of any development proposals for this site, including the provision of a Transport Assessment; Masterplan; surface water management; archaeological investigation and impact from coal mining activities. I note the provision of documentation to address these matters. Officers will need to be satisfied that the details within these documents are acceptable to the relevant consultees.

With regard to the provision of affordable housing, the applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 in full is not viable, so we will need to be content that this has been robustly demonstrated. The provision of 2 bed social housing is in line with findings of the Housing Market and Needs Assessment (HMNA) 2014. Greater emphasis is placed on smaller 1 and 2 bed dwellings is identified though the HMNA but the current mix proposed would accord with the provisions of CP3.

In conclusion, there are no in principle policy reasons to suggest this application is unacceptable.

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

NSDC Parks and Amenities Officer – No comments received.

NSDC Community Sports and Arts – The Parish Council is keen to secure an improved community asset which would serve its purposes and the local community, the preferred scheme is undecided as at but discussions are ongoing and there are potentially three option under consideration, an extension to the existing Blidworth Leisure Centre to provide additional community space, the acquisition from NCC of the library building which could be developed into a community hub resource or the development of a new community hub.

Therefore any community facility contribution that could be secured could support the progression of the preferred scheme.

NSDC Strategic Housing –The Council's Affordable Housing Supplementary Planning Document (July 2014) seeks 30% affordable housing provision on all qualifying sites on proposals of 5 units and above (Planning Guidance recommends 10 in rural areas). (CP1 refers). In line with

Council policy therefore, 30 of the proposed 100 units are required for the purposes of affordable housing.

I note that the applicant has submitted viability and the Council has accepted 19 affordable dwellings on site. The proposal from the site plan appears to provide 19 x 2 bed houses (tenure not provided). This is unacceptable in terms of addressing housing need in the area. The Council will require the following (type and tenure):-

	Rent	Intermediate (S/O)	Total
2 Bed House	6	4	10
2 Bed Bungalow	4	2	6
3 Bed	2	1	3
	12	7	19

Housing Need Summary

The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Blidworth is part of the Mansfield Fringe Sub area and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 83 flats/maisonettes, the highest level of need and for 44 semi-detached houses, the second highest demand for any type of property. Bungalows form a significant requirement and accords with the Council's own research into meeting the needs of older people.
- Property size: 1 and 2 bedrooms account for total need for affordable housing, totally 333 homes. 83 households require 1 bedroom and 250 households require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Blidworth: 280 households currently living in the Mansfield Fringe area preferred Blidworth for their future location preference. This is highest level of demand in the sub area.
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types including 3 bedroom family homes and I have included a small element of this property type in the provision.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need for affordable housing and the Council therefore considers that developing new affordable housing will deliver council priorities in terms of housing need. There is a breadth of evidence to support need for smaller affordable homes in this location.

NSDC Environmental Health (contaminated land) - I have now had the opportunity to review the Geo-environmental Preliminary Risk Assessment undertaken by RSK, March 2015 and the Geo-environmental Ground Investigation Report undertaken by HSP Consulting Engineers Ltd, December 2017 in support of the above planning application.

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

Following intrusive sampling the Geo-environmental Ground Investigation Report concludes that

no samples taken have exceeded their respective screening criteria for the use proposed. The report then states that this is representative of minimal risk and that no remedial works are required.

I generally concur with this assessment and therefore a land contamination condition is not deemed necessary in this instance.

NCC Highways Authority – Additional comments received 9th August 2018:

Further to comments dated 24 April 2018, revised submissions have been made to address previous matters of concern.

Drawing SK006_2B shows a proposal to widen New Lane to a general width of 5.5m.

Where this is not possible two suggestions are made:

- The introduction of traffic calming build outs to offer priority movement.
- The introduction of 'no waiting at any time' waiting restrictions.

In both cases the design and implementation of the features will be subject to additional Highway Authority checking/safety auditing and, most importantly, approval of a Traffic Regulation Order. This involves a legal and democratic process and therefore cannot be fully guaranteed to occur.

Notwithstanding the above it is considered that the proposal can be approved subject to the following conditions:

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning areas is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway 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.).

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

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

The shared private driveway adjacent to plot 6 shall be laid out to a width of not less than 4.25 metres for at least 5 metres back from the back edge of the footway.

Reason: To ensure that vehicles entering and leaving the driveway may pass each other clear of the highway.

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway / parking / turning area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area 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 development hereby permitted shall commence until a scheme has been submitted and approved in writing by the LPA for the surfacing of public footpath FP1 between the development and Marklew Close. Such a scheme shall then be implemented in full prior to occupation of the 20th dwelling.

Reason: To promote sustainable travel

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing SK006-2B shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order to enable the priority workings, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

Prior to commencement of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing SK006-2B on New Lane in the vicinity of Mansfield Road. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

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 any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

The proposed development requires the stopping up or diversion of a public right of way. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up or diverting the public right of way will be required. This is a separate legal process and the applicant is advised to contact the Countryside Access team at Nottinghamshire County Council for further information.

The proposed waiting restrictions and priority traffic referred to in the conditions require a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note that the Order process may take 9-12 months

Original comments received 27th April 2018:

This proposal is for the construction of up to 100 new dwellings which will be served by a new access off New Lane.

The development traffic impact for the forecasted years of 2020 and 2025 has been assessed on the New Lane and Dale Lane junctions with Mansfield Road. It has been established that the New Lane junction would continue to operate well. The Dale Lane junction is predicted to be at or over its capacity without the development traffic so there is no headroom to accommodate additional vehicles. However, the predicted impact due to development traffic is small.

The Transport Assessment submitted as part of this application states that New Lane is proposed to be widened. A plan (drawing no. SK003 Rev. A) has been provided showing details as to how this will be achieved. As this plan is not to scale it is difficult to fully assess whether the works proposed can be provided satisfactorily on site. There is a section of approx. 50m of New Lane from Hilton Park in a westerly direction shown with a proposed carriageway width of 5m, instead of the 5.5m width required.

To provide a widened carriageway the existing verge on New Lane to the west of Hilton Park is to be reduced in width. This affects the visibility for emerging vehicles from adjacent dwellings, shown on the plan as 'existing driveways', and from Hilton Park. For example, the proposed kerb line adjacent the driveway to the west, for 'Mizpah' would result in a vehicle having to emerge into the live carriageway of New Lane with no visibility to the west. Whilst this existing driveway already has restricted visibility, this proposal would result in an increase in the likelihood of vehicular/pedestrian conflict. Reduced/restricted visibility is also a concern for the adjacent driveway shown and for vehicles exiting Hilton Park.

Concerns have been raised by the Rights of Way section (VIA East Midlands), for which comments have been submitted separately.

In view of the above, it is recommended that this application be refused for the following reason:

New Lane is substandard in width to cater for the additional traffic generated by the proposal and the proposed widening of it (as indicated on drawing SK003 Rev. A) would remain inadequate and, more importantly, result in an increased danger to users of the highway owing to the detrimental impact on visibility for drivers emerging from adjacent access drives and the Hilton Park access.

NCC Rights of Way – *Additional comments received 20th July 2017:*

Apologies for the delay in responding to this consultation. I have requested a contribution to improve the affected footpath, from where it leaves the development site to Marklew Close, in lieu of the direct link that it will provide to local services and facilities. The applicants acknowledge the importance of the route in linking to bus stops and local facilities. The surface is currently natural and so is muddy in winter. It really needs upgrading to tarmac to provide the

quality of link that the developer is suggesting it will provide. Dave Albans in Highways Development Control has also referred to this in his response.

Public Rights of Way comments are as follows:

Thank you for your consultation for the above planning application. I have attached a copy of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site, for your reference.

The applicant has acknowledged that the footpath that crosses the site, Blidworth Public Footpath No. 1, is a well-used route that provides a good link through the site to the centre of the village.

Following direct consultation with this department the applicants have adequately accommodated the route, on a diverted alignment, within their development proposal. It is clear that some of the new route will be on roadside footways that will, in all likelihood, become adopted as part of the highway network under the terms of the Section 38 agreement for the development. It may be practical for the full length of the footpath through the site to be constructed to adoptable standard and for the footpath within the site to be extinguished under the provisions of Section 257 of the Town and Country Planning Act 1990. Alternatively, the footpath will need to be diverted under Section 257, with the sections on proposed adopted highway extinguished in the same Order. An application under this act should be made to the Planning authority and is a separate application to the planning permission. The Highway Authority will be happy to supply the text and accompanying plan for the necessary Legal Order, at cost. For further information the applicants should contact the Countryside Access team on countryside.access@nottscc.gov.uk or 0300 500 80 80 to discuss in the first instance.

The current route of the Public Footpath should remain open for use and free from obstruction for as long as is possible. During construction, if it is necessary for the footpath to be closed to ensure public safety, then the applicants should contact the Countryside Access Team, on the contact details above, to arrange a Temporary Traffic Regulation Order. A minimum notice period of 6 weeks is required and the applicants will be responsible for covering all costs associated with the closure and for ensuring that the closure is physically implemented on the ground.

I am a little concerned that the applicants felt the need to stipulate in their Design and Access Statement that the footpath will be retained. This is a legal requirement and not a gesture of goodwill by the developers. It is important to acknowledge that the footpath will provide a direct link between the new development and the amenities and facilities in the centre of the village and the public open space and play area to the South West of the site. This will place increased user pressure on the route, in particular the section in between the development site and Mansfield Road, which is the link to local shops and public transport. In keeping with the applicants statement in the Design and Access Statement that key routes will be 'maintained and enhanced', a commitment is sought from the developer to fund the upgrading of the surface of Blidworth Public Footpath No. 1 to tarmac, between the development and Marklew Close.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council

Original Comments received 19th January 2018:

Thank you for your consultation for the above planning application. I have attached a copy of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site, for your reference.

Blidworth Public Footpath No. 1 is recorded as running directly across the proposed development site. Where Public Rights of Way are affected by development, current good practice guidance recommends that:

- Paths should be routed through public open space and segregated from estate roads and footways wherever possible so that they are well overlooked and pleasant to use, and
- Developers should endeavour to provide a route for the path on its existing line. Only if this is not practicable should a diversion or extinguishment be considered.

Whilst the Site Masterplan acknowledges the existence of the Public Footpath the proposed realignment is unacceptable. The applicant has made no attempt to accommodate the legally recorded line of the route or to offer footpath users segregation from the highway network. The proposal will, in effect, extinguish the section of Blidworth Public Footpath No. 1 that runs through the proposed development site. In addition, the link that the applicant has proposed to provide from the Southern end of the development to Marriott Lane, via Blidworth Public Footpath No. 1, does not meet the point where the footpath accesses the development site. I have attached a plan clearly detailing the legally recorded route of the footpath across the site, for your reference.

The proposal as drafted would require the diversion of part of the Public Footpath that is external to the development site and would therefore require the permission of any other landowner that would be affected. This would require a diversion under Section 119 of the Highways Act 1980, rather than the more appropriate provision of Section 257 of the Town and Country Planning Act 1990, which is the appropriate provision for diverting public rights of way affected by development.

For the reasons outlined above this department has no option but to object to this application.

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

NCC Archeology – No comments received.

NCC Developer Contributions – In terms of education; a proposed development of 100 dwellings would yield an additional 21 primary and 16 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £240,555 (21 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education contributions; this will be covered under the CIL regulations. Further information about the contribution sought and the justification for it can be found in the attached document.

It should be noted that the County Council are currently reviewing its Planning Obligations Strategy and therefore the above may be subject to change.

NCC Flood – Additional comments received 6th August 2018:

Should the applicant ensure the rear gardens along the eastern boundary of the site are graded such that the overland flow of water from the gardens does not run towards the existing properties then that removes our concern about increasing the risk of flooding to the adjacent properties.

Additional comments received 20th July 2018:

The documents submitted do not mitigate the concerns raised in my email dated 10 April 2018 regarding surface water run-off from plots 86-100 towards existing properties. The proposed boundary treatment is insufficient to prevent concerns. It is recommended this issue should be dealt with prior to any approval being given.

Additional comments received 5th March 2018:

Current preliminary comments: No Objections

1. Revised information submitted addresses the concerns previously raised.
2. It is strongly recommended that all areas of the development used for surface water flow paths or attenuation are legally protected to ensure they remain as designed for the lifetime of the development.
3. It is also recommended that all prospective owners are made aware of the surface water design for the development.

Original Comments received 18th January 2018:

Current preliminary comments: Object

1. Whilst the principles of the surface water proposals are robust the layout puts a number of properties at risk of flooding. Plots 22, 23, 24, 62, 73, 74, 85, 86, 87 and 88 are all a concern.
2. The layout also fails to adequately address the existing flow path across the site, particularly at the boundaries.
3. There FRA does not consider exceedance flow paths across the rest of the site. Due to the steeply sloping nature of the site it is critical that this is considered to ensure there are no properties on flow paths.
4. Consideration should be given to localised SUDS features that may reduce the reliance on and operational risk of a single infiltration basin

Nottinghamshire Wildlife Trust – Additional comments received 14th February 2018:

Thank you for re-consulting Nottinghamshire Wildlife Trust on the above application. We note that the applicant has submitted revised landscaping plans and we have the following comments on these plans.

We welcome that the plans have been revised to address some of our previous concerns regarding use of native species. We note that species rich grassland is now proposed around the balancing pond and to the northern boundary, rather than an amenity mix as previously specified. Also, the

ornamental hedgerow to the north of the balancing pond has been replaced with a species rich native mix hedgerow.

Whilst the above amendments would improve the biodiversity value of the balancing pond and northern boundary areas, we remain of the opinion that *green infrastructure on site is limited and lacking in connectivity* and that this should be addressed before the application is determined.

The revised landscaping plans also now show the proposed type and location of nest boxes and bat boxes. We welcome that 30 bat boxes and 15 bird boxes have been added to the landscaping plans, however have some concerns over the proposed types and locations.

Bird boxes are currently proposed to be located largely on the western aspect (11 out of 15) of the new dwellings. To protect bird boxes from prevailing winds and extreme temperatures, it is generally recommended that bird boxes face north and east. We would also wish to see a range of boxes proposed to benefit different species of bird. We would expect that some of the boxes would be integrated into new dwellings, rather than retrofitted where there is no guarantee of their long term survival.

Bat boxes are currently proposed on both westerly (21) and easterly aspects (7) with 2 tree mounted boxes. Best practice guidance suggests that south and west are the most appropriate locations, with a range of different aspects encouraged to ensure that they are unshaded for most of the day. As for bird boxes, we would expect a range of types of bat boxes to be provided, with the majority of these integrated in new dwellings for longevity.

In summary, whilst the revised plans have addressed some of our concerns, further revisions are still required. There are also still a number of other outstanding issues with this application as detailed in our previous responses.

Original comments dated 23rd January 2018:

Thank you for consulting Nottinghamshire Wildlife Trust on the above application.

We have reviewed the New Lane, Blidworth, Code for Sustainable Homes Ecology Assessment (Dr Stefan Bodnar, March 2015) and the New Lane, Blidworth Environmental Enhancement Strategy (Dr Stefan Bodnar, November 2017) and have the following comments.

New Lane, Blidworth, Code for Sustainable Homes Ecology Assessment (Dr Stefan Bodnar, March 2015)

Whilst we are generally satisfied with the methodology employed, there are a few points which require further clarification:

- The survey was undertaken in March 2015 which is almost three years ago. The NPPF states that planning decisions should be based on up to date information. We therefore recommend that *the LPA seeks confirmation of the date of the most recent Preliminary Ecological Appraisal*. The Environmental Enhancement Strategy seems to suggest a survey was undertaken in 2017, but we have not seen a full report to confirm this.
- Section 2.1 makes reference to a desk study including consultation with Shropshire Ecological Data Network – we assume that this is an error and the Nottinghamshire Biological and Geological Records Centre were contacted, however you may wish to confirm this with the applicant. The desk study has made no mention of Local Wildlife Sites – this information would have been supplied by the NBGRC.

- The report makes no mention of the fact that the site lies **within the 5km buffer zone** identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. 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 are of the opinion that indirect impacts could include noise disturbance and pollution, caused by development and operations in conjunction with an increase in traffic and recreation, to potential breeding and feeding habitat in the nearby area.
- Unless the site has changed significantly (this would be clarified through more up to date survey), we are satisfied with the reports' conclusions regarding great crested newt and reptiles – habitats on site are considered largely unsuitable for these species.
- Badgers are highly mobile species and could have moved into the site/surroundings since 2015. We would recommend, as a precaution, **conditioning a pre-commencement walkover survey to check for evidence of badgers**, with implementation of any necessary avoidance and/or mitigation measures.
- Hedgerows on site are considered to be of value to breeding and foraging birds – we are therefore supportive of recommendations for **retention and enhancement of hedgerows across the site**. Any vegetation clearance should be undertaken **outside of the bird breeding season** and equivalent or greater **replacement planting** with native species should be incorporated into the landscape plan.
- Hedgerows may also be used by foraging and commuting bats. **Hedgerow retention and a carefully designed lighting strategy** should help to minimise potential impact on bat foraging.

New Lane, Blidworth Environmental Enhancement Strategy (Dr Stefan Bodnar, November 2017)

This document is more recent than the above report and appears to make reference to a survey undertaken in 2017. If this is the case, we are satisfied that survey work is sufficiently up to date. The site description remains largely unchanged and therefore potential impacts on protected and priority species and habitats are expected to remain as previously detailed.

We are generally supportive of the recommendations for **retaining features of conservation value, managing the SuDS for wildlife and making ecological enhancements** on site. Should the application be approved, we would expect a **condition** to be used to ensure that these measures are fully implemented and managed over the lifetime of the development.

We have some concerns over the current landscaping and layout plans for the site. Our comments are as follows:

- The overall layout of the site shows very **limited green infrastructure**. We would like to see greater consideration given to providing joined up habitat across the site, for example hedgerows and swales.
- There is only a single area of open space currently proposed which is taken up with the attenuation 'pond'. This SuDS area has included some design features which would be beneficial for biodiversity (i.e. wet grassland mix and native scrub), however **improvements** could be made such as replacing the proposed ornamental hedge along the northern edge with a native, mixed species hedge and using a species rich grassland mix rather than amenity grass. This could go some way to compensating for the loss of the hedgerow at the site access point – currently only ornamental replacement planting is proposed at the site entrance. Given that the boundary plan

shows this attenuation area enclosed with knee rail fencing, we assume that this is not proposed to be a publicly accessible space. Therefore, **the shape and profile of the balancing pond could also be improved to provide more varied edge habitat, with areas created to permanently hold water.** The SuDS area should be **managed** as proposed in the 'Managing SuDS for wildlife' section of the report. A separate public open space with amenity features should be provided to ensure provision for both new residents and biodiversity.

Additional enhancement recommendations are given in 2.2.1 and we would expect to see a **condition** used to secure implementation.

- Point 1 recommends **supplementary planting** with native species to increase the area of woodland and hedgerows. We note that N&SDC's policy Bl/Ho/3 requires retention and enhancement of boundary treatments, particularly along the southern boundary. Addition of a buffer strip of native woodland planting along the southern boundary could fulfil this requirement.
- Details of **exact type and location** of at least 30 bat boxes and 15 bird boxes should be provided to demonstrate how they could be incorporated into the proposed development.

Whilst not referred to in the report, we would expect **hedgehogs** to be present in the local area. Hedgehogs are recognised as being of 'principle importance' for conservation of biodiversity under Section 41 of the NERC Act 2006. Therefore, planning authorities need to ensure that these species are protected from any adverse effects of development. We recommend a **condition** to ensure **connectivity** across the site is created by providing access under garden fences (see www.hedgehogstreet.org for more information).

In summary, we recommend that the LPA:

- Seeks further clarification on a few points regarding age of survey information.
- Ensures that landscaping and other site plans provide a layout and planting scheme which enhances biodiversity through addition of green infrastructure and design and management of wildlife-friendly SuDS.
- Secures all ecological recommendations through use of planning conditions, should the application be approved.

Ramblers Association – wish to lodge an OBJECTION to this proposal on behalf of Ramblers. The Design and Access document acknowledges that this site is crossed by a well-used right of way (Blidworth Footpath 1) and even includes a photo. Unfortunately there is no subsequent mention of how this footpath is to be dealt with. The drawings in fact indicate that it is to be built over. Until this problem is dealt with we have no alternative other than to object.

NHS England – No comments received.

Newark CCG – No comments received.

Severn Trent Water – No comments received.

Anglian Water - No comments received.

In respect to the original round of consultation, representations were received from 105 individual local residents/interested parties which can be summarised below. Copies of petitions against the development with a total of 208 signatures have also been received.

Principle of Development

- There is no demand or need for homes in Blidworth
- There are properties that have been for sale for a while and social housing providers are selling off their properties as the demand is so low
- There are other sites that would be far more suitable on the outskirts of the village
- An application for four houses was rejected a few years ago so why would a much larger development be acceptable
- The field should be removed from consideration altogether and re-designated for some nature / community purpose
- Mansfield and Gedlings Councils are developing planning for new houses on either side of the village plus recent and future building in Rainworth
- Who are going to buy these houses
- The 19 affordable homes will still be too expensive for local young families
- Understand that new homes are needed for young people
- There is a need for homes for the elderly as the elderly population is growing
- 19 affordable homes is not good enough – 81 homes that do not meet affordable criteria is not in keeping with the rest of the village
- The land in front of the library should be in the ownership of the Parish Council not the developers
- There are surely sufficient brownfield sites within the District to accommodate housing needs
- The Green Belt status of the site which existed in 2012 is not being honored
- The Meadows is used for growing food – is housing more important?
- There are already new houses on Belle Vue Lane, bungalows at the end of Belle Vue Lane, houses at the site of the Jolly Friar and new houses at the site of the Lion pub on Main Street – none of which have been sold
- Many of the houses at Warsop Lane development remain unsold
- The limited number of affordable units suggests the majority of residents would travel further afield increasing the traffic flow and not adding to the village economy
- Affordable housing should be 30%
- Blidworth needs 2 and 3 bed properties not 4 beds
- If the development cannot support a policy compliant level of affordable housing and infrastructure then it is not sustainable development
- Developer contributions are necessary to mitigate the impact of the development
- The site should not have been allocated if it was going to be unviable
- NSDC should go for a complete new town option
- 100 new dwellings is far too many for the site
- The term affordable can only be described as loosely defined
- Bungalows are required
- The population of Blidworth is skewed by elderly residents as evidenced by the 5 residential / care homes and 3 sheltered / retirement complexes
- The reasons for resisting application 16/01478/OUTM should be continued to decline these proposals
- The pit houses in the village are available around the £100k mark but still take time to sell yet the affordable units are estimated to cost £130k+

Impact on Highway Network including Public Footpath

- The junction of New Lane and Mansfield Road is already extremely dangerous
- There are always parked cars at the junction visiting the shops on Mansfield Road
- Widening the junctions would not help
- The Transport Assessment makes no mention of the fact that many more cars will start to use the Meadow Road junction causing more hold ups
 - Visibility is very poor at the Mansfield Road junction particularly when turning right
 - The surveys don't seem to have taken account that there is not enough room for 2 way traffic due to parked cars
 - Pedestrians crossing also cause traffic to wait
 - The Travel Plan aims to reduce use of cars but this will mean an increase in pedestrians will in turn will disrupt traffic flow
 - The automatic traffic counter was placed at a very strange point which blurs the data in favour of the developers and gives misleading results
 - No account seems to have been taken of all the new developments which will be undertaken over the next 10 years (Lindhurst Village, Warsop Lane development, Three Thorn Hollow development)
 - The 2011 Census data cannot be trusted – it refers to 7 residents using the 'Underground, Metro, light rail and train'
 - The access to the field on New Lane is very narrow and an existing cycle and bridle path meets Mansfield Road at a potentially difficult and dangerous junction
 - Village residents know that at key times in the day the roads very busy and a further 100 plus vehicles is not sustainable
 - An increase in vehicles will cause further accidents and make cycling, horse riding and walking extremely dangerous
 - Traffic exiting Meadow Road onto the corner of Main Street / Mansfield Road (opposite the Dale Lane junction) are faced with a busy, blind corner
 - Use of the byway which extends up New Lane will cause significant erosion of the road / track and place walkers and cyclists at risk
 - Existing residents will be faced with significant queues at peak times
 - There is an existing dropped curb near the shops which is frequently used by disabled people and push chairs
 - New Lane has not been built to handle this volume of traffic and widening is not available to the shops
 - New Lane is part of the national cycling network (route 6) so increasing traffic will increase hazards
 - Children regularly ride their bikes up New Lane to access Marriott Lane Park
 - The village has already become very busy with traffic in recent years
 - There are dangerous near misses at the New Lane / Mansfield Road junction – additional vehicles would be totally unmanageable, unreasonable and extremely dangerous
 - Members had to mount the pavement when they visited recently on the committee bus
 - There are concerns for the safety of road users even if the road is widened
 - Increased traffic will endanger the horse riding community and jeopardize equestrian businesses
 - No road improvements have been carried out to keep pace with the volume of traffic in the village
 - Emergency vehicles would have difficulty passing due to parked cars

- Widening would be needed to allow two cars to pass outside the library but this would mean restricting parking furthermore
- Increased congestion would affect local businesses
- The development would lead to increased traffic through the village in general
- Meadow Road / New Road would be used as a rat run making the dangerous junction of Meadow Road, Dale lane and Main Street even more dangerous
- The footpath diversion does not meet the requirements set out by the Rights of Way Officer
 - The footpath should be in a green corridor of 2m between boundaries
 - The pavements and roads around the area are already busy and can in no way support the extra traffic
 - The school use the library on a Wednesday afternoon and at times traffic in the area make this a difficult venture
 - The paths aren't wide enough for elderly residents to use
 - It takes at least 7 minutes to exit New Lane onto Mansfield Road in the morning but you add the additional cars of the development
 - The traffic survey should be done on the main roads as well – a survey was done a few years ago so it would be possible to monitor the actual increase of traffic flow between both times
 - At the time of the public consultation for land allocation another exit was ruled out
 - The proposed footpath diversion would take the route across two roads and by a large pond which will create significant dangers for users
 - Most people in the village work outside of the village and have more than one car since public transport is very poor
 - Many plots only seem to have one parking space which will lead to on street parking
 - Parking for the shops is already tight and hazardous
 - The character of the footpath will be totally changed
 - Parked cars will cause an obstruction to the re-diverted footpath
 - Yellow lines from Hilton Park to Mansfield Road would reduce congestion but would also upset the locals with reduced parking
 - The Transport Assessment is incorrect in referring to Mansfield Road as a T-junction – it is a crossroads
 - There are accesses from Mount Pleasant directly opposite the junction of New Lane and Mansfield Road and this road is used on a daily basis
 - Blidworth has seen a significant increase in the volume of traffic since the introduction of traffic calming measures in Rainworth – vehicles approaching Rainworth from the West now use Blidworth as a shorter option
 - The Council should carry out a new traffic survey
 - The pavements are very restricted and cannot be used by two people walking side by side so they have to use the road
 - Photographs submitted on traffic on New Lane
 - Public Rights of Way are routes over which the public have a legal right to pass and re-pass at any time and are protected by highway law
 - The rerouting of the public footpath would cause a great concern to many residents
 - Other ways of exiting the development would need to be looked at in the future which could alter the character of the village
 - The Meadows is a quiet road that has never been adopted
 - There is no provision to prevent traffic exiting the site via Meadow Road onto Mansfield Road

- Road widening should take place on the New Lane side of the development as neighbouring boundaries are liable to subsidence
 - Increased traffic will pose a risk to children
 - It is an appalling and illogical idea to bring the volume of traffic expected to an already dangerous junction
 - There should be one parking space per bedroom – parking is horrendous on the Warsop Lane scheme
 - New Lane should be a 5.5m carriageway with 2m footways either side to accommodate the development
 - The traffic will create sound and air pollution
 - The Ramblers and NCC Right of Way object to the development
 - The footpath is widely used
 - The traffic survey was undertaken in July in the school holidays
 - The data is skewed
 - The rural nature of New Lane is not mentioned in the assessment
 - Drivers will choose to use the unadopted road / bridleway which joins Cross Lane and Rickett Lane to the A60
 - The decision should take account of local knowledge of the existing traffic situation
 - Roundabouts with crossing points would be essential
 - Shopper parking at the back of the shops and library would also help
 - The consultation event on the 22nd February 2017 said there would be a relief road between the New Lane site and Mansfield road which has not been included with the proposal
 - A cyclist was recently seriously injured at the junction of Meadow Road
 - Pedestrians cross for community meetings at Sherwood Forest church next to the garage
 - Good practice recommends a green space corridor for the public footpath rather than joining a road network
 - The site allocation requires assessment of the impact on New Lane and the junction – this is not adequately addressed
 - The car parking is in no way limiting car use in line with the Travel Plan
 - The public transport is limited to one direct bus to Nottingham which is an hourly service which stops early evening and does not operate on Sundays
 - The Travel Plan makes reference to Oxfordshire bus services
 - The available space for road widening is minimal
 - A small grass area adjacent to no.1 The Meadows is very important as a turning circle
 - The anticipated increase in the use of the path generated by the development would create conflict between motor vehicles and pedestrians
 - There was a head on crash at the junction of Mansfield Road on 30th January 2018 - 100 houses will make the traffic situation worse
 - There is no apparent evidence that the highway issue has been resolved

Impact on Amenity

- The development would cause a loss of privacy, overshadowing and overbearing impacts due to its size, depth, width, height and massing
 - To build right behind a sheltered housing scheme for the elderly is at the least disrespectful
 - The sheltered housing adjacent house the most vulnerable in our society – to cause disruption in the last years of their lives is unacceptable
 - There is a lack of design for privacy and protection for the sheltered housing scheme with a fence built right up to the boundary

- There will be a four bedroom house looking directly into neighbouring gardens totally removing privacy
- The access to the development is very close to existing properties which will cause noise and disruption and car light glare
- If street lights are needed for road safety they would light up gardens and houses nearby
- The council has a duty to care to the neighbouring residents who pay their council tax
- The properties that back onto The Meadows will have gardens adjoining their existing fencing which will make residents feel less secure
- The bungalows all have bedrooms backing onto the development
- The properties backing onto Marklew Close should be bungalows
- The distance of 20-22m shown on the plans between the existing bungalows and the new homes is the minimum requirement under planning laws – the distance should be increased due to land levels
- The proposed pond will be a danger to children
- The proposed fence would severely limit the light and destroy any view for the elderly people who live in the sheltered housing
- Overbearing will create a loss of natural daylight which is vital for health and wellbeing
- There is likely to be significant noise pollution from 100 new properties in a valley setting
- The buildings will run along neighbouring boundary fences 14ft away from bungalows – the fence would be 4ft higher than the eaves of the bungalow restricting light
- Fences could cause storm damage during high winds
- Some residents on Marklew Close are house bound and therefore the adjacent countryside is even more valuable
- Social housing has been allocated to the properties that back onto the bungalows which will create issues
- The area is well used by dog walkers, cyclists and horse riders and families going to the playground on The Meadows
- There will be an overbearing impact on numbers 1-9 Marklew Close – numbers 8 and 9 have stepped gardens due to the field rising along the boundary
- The back door, lounge and bedroom windows of neighbouring bungalows are below the level of the field
- There is a right to light easement (Prescription Act 1832) and these properties have enjoyed uninterrupted light from across the field for more than 20 years – this would be infringed if development goes ahead
- The proposed properties are two stories high and the ground floor will be some 6ft higher than the bungalows
- No permission has been sought from neighbouring residents to remove the hedge
- There would be security issues to the sheltered housing scheme
- Occupiers of Plot 100 will look directly into properties on Hilton Park at a distance of 15m (indicative sketch submitted)
- Photographs of relationship with Marklew Close bungalows
- The development will overshadow the community center and communal lawns
- The Council should consider their responsibilities under the Human Rights Act in particular Protocol 1, Article 1 in relation to a peaceful enjoyment of all possessions including home and land and Article 8 in respect for private and family life
- The 1.8m boundary fence would result in severe overshadowing and loss of light
- Neighbouring residents stand to lose a small area of land at the front of the property which would deny access into the back garden with a trailer and mowing machine – the land is also used for parking so as not to block the lane

- There is a concentration of low cost housing seemingly out of sight at the back of the estate
- The footpath would be moved bringing people onto neighbouring front gardens which is open plan and not fenced
- The fence will be at waist height from the new dwellings allowing residents to see straight into the dwellings on Markhew Close – trellis should be added on top
- There would be a no mans land between the boundaries
- The bank is effectively 10ft higher than neighbouring doorsteps so a 6ft fence would be 16ft high just 20ft from the lounge window – anything less would lose right to privacy

Impact on Character

- Blidworth is a village which still hangs on to a community spirit despite the closure of three pubs in recent years – this proposal will severely degrade the village character
- Blidworth benefits from a rural location which would be lost through the development
- The Meadows is used routinely by local people allowing them to benefit from this part of rural surroundings
- The countryside character was specifically chosen as a reason to live adjacent to the site
- Building on green land is simply unnecessary
- The development would affect the village historic value
- It is called The Meadows for a reason
- This is part of the ancient strip field farming method and has only ever been agricultural land
- The development will have an impact on the villages identity
- The view from other parts of Blidworth will be totally transformed from overlooking a country meadow to an intense housing estate
- The proposed development is located well to the north of the historic core of the medieval settlement
- Considering the proposed destruction of green space it would be useful to bear in mind HM Government's recently published 25-year Environment Plan, the published Public Health Report on Health Equity: Improving Access to Green Space, NSDC's policy on development in the buffer zone of an SPA and Nottinghamshire County Council's Local Transport Plan 2011-2026 (particularly chapter 7)
- The wellbeing of citizens is becoming a serious concern for all public bodies and the protection and creation of green space is seen as crucial
- Plot 100 does not follow the building line of houses 1-6
- This is an area of historical importance and a new development will have an overbearing impact on the character of the area and the landscape

Impact on Trees and Wildlife

- Existing hedgerows should be retained
- Regular dog walkers see wildlife in the field and the surrounding hedgerows which would clearly be affected
- Where the houses are planned there are very well established hedges, oak trees, wild flowers etc. which would be lost even if there was an attempt to preserve them
- Traffic pollution would disrupt natural ecology flora and fauna
- Wildlife and rural areas need protection
- Bats and Slow Worms have been seen at the site but no provision has been made for these

- Impacts on wildlife and Onature would be irreversible
- There is a wealth of wildlife on the site
- This area of countryside links up without interruption to the area of the protected night jar bird
- The area is a haven for wildlife including bats, owls and foxes
- The ecology survey is out of date
- Concur with objection from Notts Wildlife Trust
- The development would be a loss to walkers and bird watchers

Impact on Infrastructure including Flooding

- Assuming there would be around 400 new residents in the village the impact on the doctors surgery, the pharmacy and the school will be huge
 - It is already difficult to get an appointment at the doctors within a realistic timeframe
 - Concerns are raised in respect to possible flooding further down in the village, particularly at Dale Lane which is already prone to flooding in times of heavy rain
 - Historically there was an issue with field contaminations and drainage
 - Joseph Whittaker School missed out on development funding and is straining under present commitments and aged buildings
 - There is no bus service after 8:30pm
 - When it rains there is standing water in the field for some considerable time before it drains away
 - It can take days to a get a prescription from the pharmacy
 - The current drainage infrastructure will not support 100 extra dwellings
 - The developers do not intend to make any contributions to the local facilities / amenities
 - The wait for appointments at the doctors is 3-6 weeks
 - The village primary school is almost at capacity and does not have the staff, funding or space to handle the additional children from the development
 - The proposed attenuation would be inadequate due to The Meadows being tarmacked over
 - When existing flood problems were raised at the consultation event the developers response was that it wasn't at the site of the development so it wasn't their problem
 - The site is in a natural dip which has a steep slope – how will sewerage and waste water be removed from the site
 - The natural springs in the valley burst in the winter of 1965 cascading water across the field to 9inches deep – the pond proposed would be filled in a couple of minutes
 - There is one short high street in the village
 - The land level changes will create surface water drainage issues to surrounding properties
 - The Meadows are liable to flood and there is an ongoing issue of landslip into the gardens of Marklew Close
 - Parents are already having to travel to other places to take their children to school as Blidworth Oaks can't accommodate the number of children in the village
 - The open space of the site is mostly made up of the attenuation basin which is necessary for the site to be developed – there is no provision for play areas / public areas on the site
 - Severn Trent's own hydraulic modelling of the existing sewage network indicates that the development may be at high risk of sewer flooding
 - Consideration should be given to localized SUDs that may reduce the reliance on and operational risk of a single infiltration basin
 - It is extremely difficult to find a local dentist

- The % of people rating their health as very bad in Blidworth in the 2011 Census is higher than national average
- Who would police the quality of the drainage pond
- Neighbouring gardens already suffer from excess surface water running from the fields with the gradient of the land

Other Matters

- There is a subsidence risk in the area
- Working from the former colliery run under the site and in the past a sinkhole formed there
- There is no point in stating the development is suitable for disabled or buggies being step free when the properties are two stories
- There was asbestos work in 2017 in close proximity
- Residents on The Meadows did not receive notification of the public event held by the developers – leaflets were not distributed with due care and attention
- The plan includes no proposals to consider the storage and collection of waste for the new properties
- There is potential for encountering evidence of archaeological remains of medieval date within the site which has been assessed as Low to Moderate
- The officer should visit the site and speak to those in the sheltered accommodation
- A site visit should be carried out by Members
- All the documents on the website aren't available to view
- Digging foundations would make the area more prone to the collapse of surrounding land
- Any financial losses to the businesses due to increased traffic issues should be mitigated
- Should the application be approved construction should be in controlled hours
- The affordable housing should not be segregated within the site
- The land was removed from the Green Belt at a time of corruption in the Authority (the Red House scandal) – it should therefore be investigated whether bad decision making alone was the only reason the site was allocated for housing
- The Planning Inspector for the previous application on the site for four dwellings questioned the viability and likelihood of the site ever being delivered for major development

An additional 45 comments have been received on the basis of the revised consultation periods, details of which can be summarized as follows:

Principle of Development

- No objection to more houses in principle but the location is inappropriate
- The proposals attempt an inadequate compromise which is an unsustainable build in the wrong place at the wrong time
- Views of residents and the Parish should be listened to as they know best what is good and sustainable for their own village
- The site should not have been allocated without complete certainty that it was suitable for development particularly with respect to issues of highways access
- There is already threat of house developments to either side of borders
- The revised proposals are still simply too large
- The sheer number and type of houses being proposed is ludicrous for Blidworth

- Development should be considered on Dale Lane instead where there is already a bus route
- The proposal raises a number of concerns against Spatial Policy 3
- The lack of contributions means the site is not sustainable

Impact on Highway Network including Public Footpath

- New Lane and surrounding roads would be unable to cope with the additional traffic
- There are blind spots for traffic trying to join New Lane
- This is already a busy and congested area
- This development could cause in the region of 200 additional cars
- There have been near miss accidents on a daily basis
- The proposed changes to include 'one way' type areas would cause more danger and congestion
- New Lane is a narrow bridlepath that is not wide enough for the development even with the plans for widening
- The Transport Assessment does not address the policy requirements of BI/Ho/3
- There is too much car parking on site
- Local bus services are sparse and the timetable in the Transport Assessment is inaccurate
- Visibility at the New Lane junction is difficult
- Many elderly residents use scooters in this area with Blidworth having an older population
- Available space for road widening is minimal
- No provision is made to prevent traffic exiting the site via Meadow Road onto Mansfield Road which is a substandard junction
- Relying on using the existing footpath is not feasible as children accessing the school would have to cross at a busy junction
- The amended plan does not alter Dale Lane junction being considerably heavier which would contravene the traffic report concluding the junction is at capacity
- The footpath as revised still meanders around and does not keep to the original path
- The road should be wide enough for two cars to pass and for footpaths either side
- There is already a problem with parents dropping children off at the local school
- The Highways report of 10th January 2018 states that the access is unsuitable – this has been expressed by the Highways Authority and two independent planning inspectors and the SHLAA
- The changes to New Lane in terms of priority to vehicles is likely to build up traffic in peak times and cause traffic to try and take short cuts
- Blidworth village has limited parking and the sections shown as No Waiting on the TRO are in regular daily use by people visiting the shops etc.
- There have been additional accidents since the application came in
- The Transport survey needs to be done in term time
- Transport Surveys should be done on Mansfield Road and Main Street too (previous surveys were done a few years ago so difference could be compared)
- Another exit is briefly being discussed but this was ruled out at public consultation
- There will be at least 127 cars associated with the proposal which is in excess of 100 journeys at peak times
- A no parking zone will severely hamper local independent businesses that rely on the limited parking on offer
- The widened road will reduce pedestrian safety
- Accidents have increased among all types of road users

- If the access becomes congested people will start using green lands up on to Marriott Lane and Rickett Lane causing more accidents
- The Sustrans route is an excellent feature of the village and will be spoiled for all
- The proposed carriageways do not conform to Fire Safety standards risking residents safety
- The village is already used as a rat run
- Blidworth is only on 3 bus routes and there are infrequent
- The footpath crossing the site will be dangerous for pedestrians
- New Lane is a popular access point for local walks and cycling
- The footpath would go past more intensely positioned housing
- There is already problems for parking for the businesses at the New Lane junction – this development may lead to the closure of the Post Office – Tesco has already had an impact on sales
- Traffic is gridlocked when the schools finish
- If the development requires traffic calming then it must be proposed in the wrong location
- New Lane is incapable of accommodating improvements to the highway and provision of a footway to meet the 6Cs standards
- New Lane does not have street lights
- The build outs on New Lane would make journeys with horse boxes difficult
- Residents are frequently scared when trying to negotiate this lane by scooter
- Ambulances are frequently required to Marklew Close
- There will be insufficient parking for all the houses leading to congestion elsewhere
- Sustrans 6 is a popular cycle route to Sherwood Pines and beyond
- The footpath does not at any point join up with Marklew Close and therefore the request by NCC for contribution is incorrect
- There is not adequate space for the restrictions proposed given that it is already a congested road

Impact on Amenity

- There would be an increase in vehicular noise and unwanted light from car headlights and street lights
- The plans are not clear in terms of the boundary treatment at Marklew Close
- The bank on the eastern boundary is a major issue and it sits at a height of 1.5m from neighbouring properties
- There is a gap between the bank and the boundary
- The loss fence of 1.2m would lead to overlooking of bedrooms and lounge windows resulting in loss of privacy
- However, a higher fence would be oppressive given the gradient changes
- The responsibilities of the Council in terms of the Human Rights Act should be considered – the application would have a dominating impact on the quiet enjoyment of neighbouring properties
- The build would be overbearing to the sheltered housing which will negatively effect the elderly and disabled people living there both in terms of the closeness of the fence and the increase in traffic
- There is likely to be significant noise pollution
- Revised plans better showing dormer bungalows
- The revised plans still mean that the quality of life for a number of my residents will be spoiled by over shadowing
- The field is 8ft higher than neighbouring properties

- The boundary is not on top of the bank as shown on the plans but directly behind neighbouring fences and 4ft lower than the proposed new boundary fence – the gap would be a dumping ground
- The windows of the new build would be 12ft higher than neighbouring bungalow windows
- Residents will be able to lean over the fence overlooking neighbouring residents
- People would be able to get access to neighbouring gardens if the hedge is retained
- Plot 96 is much closer to the boundary than the bungalows and completely unacceptable
- The plans do not reflect the true boundary of neighbouring properties – Plot 96 would be within metres of a lounge window to a neighbouring property – it should be a dormer bungalow
- House no. 99 will look directly into neighbouring bedrooms, conservatory and garden and a distance of 14 / 15m
- House no. 99 does not follow the building line of plots 1-6 – this is clearly a commercial decision as the additional landscaped area includes the show houses
- The revised boundary plan is better but the matter remains of who will maintain the wildlife areas
- Plot 96 is two storey and the garden will come directly to the boundary of a bungalow so it should be another dormer bungalow to avoid overbearing
- The revised boundary offers no security to the neighbouring development
- The council has responsibilities under the Human Rights Act Protocol 1, Article 1
- The proposal would represent an unneighbourly form of development

Impact on Character

- The nature of the rural charm would be lost
- Building houses so close to the Conservation Area would impact on the enjoyment of the CA
- The widening of New Lane will damage the environment – vehicles will overwhelm the narrow country road
- The proposal is located within the historic core of the medieval settlement
- The playground off Marriotts Lane is a pleasant semi-rural resource and a green space for the community
- The development would have a severe impact on access to the local countryside

Impact on Trees and Wildlife

- The site has well established hedges, oak and other trees
- The site is frequently used by ramblers and horse riders
- The proposal would negatively affect bird and wildlife habitats
- There is no indication of the mature hedgerow forming the rear boundary of Hilton Park properties
- Road widening will result in the wholesale damage to the tree at the rear of no.9 Hilton Park and the hedgerow rears of 11/15 Hilton Park
- There are birds nests in the hedgerows including house sparrows which are a species in decline

Impact on Infrastructure including Flooding

- The land has a problem with drainage with standing water when it rains

- The development would have an impact on local services including the local GP surgery which is already stretched
- Having stagnant water on the site is unfeasible and a health hazard
- The schools are oversubscribed
- It takes weeks to take an appointment at the nearest dentist in Rainworth
- The local primary school is full and there are waiting lists for classes – the houses are family houses so this would be a daily impact on traffic too
- Raw sewage is ejected in the lower areas of the main road and shops
- There is already a poor water pressure
- Internet facilities are already overwhelmed
- Surface water runs onto Marklew Close – a retaining wall should be placed on the boundary
- The existing plot area would be insufficient for the new houses

Other Matters

- If approved, the development should be conditioned to ensure appropriate hours of construction
- The open space is mostly made up of the attenuation basin which is necessary for the site to be development
- There are no provisions for play areas / public areas
- Affordable housing should be 30% minimum
- Blidworth requires 2 and 3 bed properties not 4 bed
- If the scheme cannot be policy compliant then it is not sustainable development
- The site should not have been allocated if it is not viable
- The builders involved with the site have a bad reputation elsewhere
- The intentions of the developers are to make the most profit
- The land was previously Green Belt during a period of corruption within the Council
- There is no mans land in front of the library which should be in the ownership of the Parish Council not the developers
- No notice was received of the original public consultation event
- There is no consideration of the storage and collection of waste
- Documents are unavailable to view online
- Health and safety concerns with the balancing pond
- Members should undertake a site visit
- Original objections still stand
- The play area has become prone to vandalism and drug use and this problem would worsen with an increased young population
- Road widening may cause subsistence to neighbouring properties

Comments of the Business Manager

Principle of Development

Members will be aware that the starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan *unless* (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013).

The Allocations and Development Management document was adopted in July 2013. The application site has been allocated within this document by Policy BI/Ho/3 for residential development of a maximum of 100 dwellings. Reference has been made through the consultation process in terms of the sites previous inclusion within the Nottingham Derby Green Belt. However, for the avoidance of doubt, the village envelope inserts for the previous Local Plan confirm that the site was never incorporated within the Green Belt designation. Indeed it was a preference to avoid releasing Green Belt land which contributed to the sites allocation. It is noted that the Strategic Housing Land Availability Assessment (SHLAA) 2010 document concluded that the site was not suitable for development owing to highways safety concerns but these were subsequently resolved prior to the adoption of the Allocation and Development Management document. The principle of residential development on the site is therefore acceptable and numerically the proposal would be policy compliant subject to a consideration of other material planning considerations.

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply against. Nevertheless, in line with the published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of housing schemes on allocated sites remains fundamental to sustaining a healthy housing land supply position.

Remaining with the National policy position, the Ministry of Housing, Communities and Local Government issued an updated National Planning Policy Framework in July 2018. This document confirms at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to identify three overarching objectives to which this relates; an economic objective; a social objective; and an environmental objective. The document carries at its heart, a presumption of favour of sustainable development.

Housing Mix, Type and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. Blidworth is part of the Mansfield Fringe Sub area where the greatest demand of Property Type for existing households was for bungalows. In terms of property size the results of the assessment showed that in the market sector a third of existing households required two bedrooms (with three bedrooms being the second preference) and almost half of concealed households needed one bedroom. Blidworth is identified as being a popular location for occupation by concealed households.

The application site is 3.13 hectares in extent. The development for 99 dwellings would therefore deliver approximately 32 units per hectare which meets the expectations of Core Policy 3. The

revised scheme has been submitted on the basis that it would provide 37 no. two bed units; 48 no. three bed units; and 14 no. four bed units. It was originally presented that the entire scheme would comprise two storey accommodation delivered through 10 different house types. However, this has been revised following Officer negotiations such that the proposal would now include 8 dormer bungalows. The scale of the development is referred to by the submitted Design and Access Statement with the assertion that the two storey nature of the development would blend well with the existing site context.

In the absence of more detailed localised information presented by the application, Officers consider it a reasonable approach to rely on the outcomes of the 2014 Survey in terms of the housing mix and types which should be promoted. The bulk of the proposal is weighted towards two and three bed units which is considered broadly acceptable albeit it is notable that the scheme does not include any one bed units (identified as a preference for concealed households). However, Officers are mindful that even though there are no one bed units, the gross internal floor space for some of the two bed properties is modest (the lowest being 65.12m²) such that they may be suited to single occupiers in any case. Officers are also minded to attach positive weight to the inclusion of 8 dormer bungalows which has arisen through the revised plans owing to original concerns raised. On this basis, the proposal is considered to largely accord with Core Policy 3.

Impact on Highways

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.

Paragraph 108 of the NPPF specifies that in assessing sites that may be allocated for development, it should be ensured that; appropriate opportunities to promote sustainable transport modes can be taken; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network can be mitigated to an acceptable degree.

The application submission has been accompanied by a Transport Assessment (TA) and a Framework Travel Plan (which has been revised during the life of the application). The TA confirms that the proposed vehicular access would be from New Lane which is a two-way single carriageway road that provides access to Mansfield Road to the east and access to farm properties and a handful of dwellings to the west. It is acknowledged that the characteristics of New Lane change in a westwards direction representing a track before eventually meeting Cross Lane. It is also acknowledged that New Lane is on the National Cycle Network Route 6. The nature of New Lane is that the width of the carriageway varies considerably along the road being approximately 4m adjacent to the site and widening to 7m at the approach on Mansfield Road. The footway along New Lane as existing is also not consistent.

The development proposals include works to the highways network outside of the red line for the application site (on land owned by the Highways Authority). These works have been amended throughout the life of the application but for the avoidance of doubt are included on the plan references *SK006_2 Rev. B* and *SK006_03 Rev. B* received 4th July 2018. The proposed works include the widening of New Lane; a proposed Traffic Regulation Order to ensure 'No Waiting at any time' close to the Mansfield Road junction (a matter still subject to ongoing debate with NCC in terms of whether this is necessary for this scheme); and areas of vehicular priority. It would

however remain the case that the width of the carriageway along New Lane and its associated footpaths are by no means consistent.

The submitted Transport Assessment details that additional development traffic is estimated as 67 two-way in the morning peak hour and 74 in the afternoon / evening peak hour. More specifically, the development traffic impact is stated as 2% on the Dale Lane junction in both peak hours and the impact at New Lane / Mansfield Road is 7% in the morning and 8% in the afternoon / evening peak hour.

It is notable that the vast majority of representations received during consultation have referred to the potential highway implications of the proposal referencing numerous concerns as summarised above. Indeed as is already referenced, the inference of the SHLAA assessment of the site back in 2010 was that development would not be appropriate based on unsuitable access arrangements. This has been subject to ongoing negotiations with NCC as the Highways Authority including meetings at the pre-application stages of the current submission.

The concerns raised in respect of highways safety are significant and require thorough consideration as a material consideration in determination. Given the technical nature of the matter, Officers have taken lead from the expertise of NCC as the Highways Authority. Their comments are listed in full in the above consultation section of the report which originally formed an objection to the development proposals. This objection was on the basis that New Lane is substandard in width to cater for the additional traffic of the development and the highways works for the original proposal would be inadequate and result in an increased danger to users of the highway owing to the detrimental impact on visibility for drivers emerging from adjacent access drives and the Hilton Park access.

The revised plans received during the life of the application were discussed with the relevant Officers at NCC prior to their submission. Formal revised comments were received from NCC Highways on 9th August 2018 and are listed in full above. Crucially the revised comments remove the original objection on the basis that, in NCC Highways view, the proposal could be approved subject to carefully worded conditions.

One of these conditions refers to the need for the New Lane improvement works (shown indicatively on the revised highway works plans) to be implemented prior to any development commencing on any part of the application site. It is acknowledged that the design and implementation of these features will need to be subject to additional Highway Authority checking and safety auditing and, most importantly, approval of Traffic Regulation Order prior to the commencement of development.

The comments received during consultation are not taken lightly and it is fully appreciated that there remains outstanding public concerns in respect to the revised highways plans and the associated New Lane works. Specifically, some of the comments have raised the issue of how the waiting restrictions and traffic priorities would negatively impact upon the existing businesses at the junction of Mansfield Road. It is suggested in some cases that the development would amount to the future closures of businesses on the basis that the works to New Lane prevent parking for potential customers. Clearly this would be an undesirable impact in the context of the NPPF's economic role and the associated local planning policies which demonstrate a support for employment uses. It is understood that available street parking for businesses is already limited and congested and thus Officers concur that the incorporation of 'No waiting at any time' areas on both the north and south of New Lane close to the junction could negatively effect on street

parking. The potential risk to the commercial operations existing on Mansfield Road and overall congestion on New Lane must however weigh negatively in the overall planning balance.

At the time of print NCC are yet to confirm that the TRO works and the consequential impacts which are of concern, are required pursuant to this permission. As Members will be aware if the TRO works are not necessary they should not be sought. If they are not sought the negative impacts on parking restrictions will not be realised to the same degree. An update on this matter will be provided at Committee.

It is noted that comments during the revised consultation period have also made reference to the road amendments on New Lane creating an issue in respect to the ability for emergency services to access the site and the surrounding dwellings. This is clearly a significant concern that warrants serious consideration. As such Officers have specifically raised this point with NCC as the Highways Authority and the following response has been received:

I have had a look at the plans and can see that the priority workings reduce the carriageway to single lanes of 3.5454 and 3.5165 metres. The minimum acceptable lane width is 3.2 metres (reference Table DG1 of the 6Cs Design Guide).

I suspect that the comments may be based on the minimum acceptable overall carriageway width of 3.7 metres (rather than lane width). It is the priority workings that are key here as the carriageway becomes a single lane at these points.

Officers are therefore satisfied that the proposed works would retain the ability for access by emergency vehicles should a need arise.

In terms of the internal road network, the carriageway width would be 5.5m wide with a footway of 2m either side. Parking would be provided through a mixture of off-road driveways, garages and parking courts with a minimum of one space per dwelling. The intention is for the internal roads to be adopted by the Highways Authority following completion of development. The Highways Authority have recommended conditions in respect to the internal road network and associated parking provisions for the development.

The implications of the development in terms of the highways safety of the wider road network have been carefully considered through negotiations with the Highways Authority such that the Highways Authority are now satisfied that the highways safety impacts can be mitigate. In planning terms there are likely negative consequences to weigh in a planning balance if the TRO works involving double yellow lining are required. That's said, in purely highway terms, there is no objection, in attaching weight to NCC comments, to granting planning permission.

Impact on Public Right of Way (PRoW)

Blidworth Public Footpath No. 1 is recorded as running directly across the application site from the eastern boundary to the southern corner of the site. Spatial Policy 7 requires development proposals to provide safe, convenient and attractive accesses for all and to provide links to the existing network of footways, bridleways and cycleways, so as to maximize opportunities for their use.

National advice for PRoW is contained within the Rights of Way Circular (1/09) Guidance for Local Authorities (2009). This confirms that the effect of development on a PRoW is a material consideration in the determination of applications for planning permission. Further advice is that

in considering potential revisions to an existing right of way, *'any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.'*

The original submission acknowledged the existence of the PRow demonstrating realignment along the south of the attenuation basin before showing the need to cross the inner estate roads twice to meet the original alignment along the western boundary of the site. As is detailed by the comments listed above, this was met with objection both from consultees, including NCC Rights of Way Officer, and neighbouring interested parties. Officers have discussed this with the applicant during the life of the application and the alignment of the public footpath has been altered by the revised plans submitted. However, even the revised alignment requires users to cross one of the estate roads and walk between the public footpath and parking spaces at two points. Part of the proposed footpath (between Plots 57; 58; and 66) would be adjacent to a small area of open green space.

Revised comments have been received by NCC Rights of Way Officer on 20th July 2018 as outlined in full above. The route now shown appears to be broadly accepted albeit there is a request for a contribution to upgrade the footpath as it leaves the development site towards Marklew Close given the development would give a less direct routing of the path. Indeed the surfacing materials for this section of the footpath are required to be agreed and implemented by one of the suggested conditions of the Highways Authority. Concern has been raised by neighbouring parties that the footpath actually connects to Meadow Road rather than Marklew Close. These comments were directed towards NCC Rights of Way Officer and it has been confirmed that the correct route of the existing right of way does adjoin Marklew Close (albeit in the corner at the junction with Meadow Close). Officers are therefore satisfied that the wording of the suggested condition by NCC Highways is reasonable.

It is notable that the site is allocated under the Development Plan and was done so on the knowledge of the existence of the public footpath through the site. It is highly likely that (in the context of a proposal with only one vehicular access) the public footpath would need to be realigned. There is also a strong likelihood that such realignment would at some point necessitate crossing the internal highways network. As is confirmed by the aforementioned Circular, this need not be fatal in principle as there may be instances where avoiding estate roads are not possible. The revised scheme does at least now incorporate that sections of the public footpath would be immediately adjacent to areas of public open space. The submitted landscaping plans demonstrate that this area would predominantly feature grassland bordered by hedgerows and include three Hornbeam tree specimens. This would at least retain a degree of openness for the users of the public footpath and allow for the enjoyment of the limited areas of open space which are proposed for the site.

Impact on Land Use and Landscape Character

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

Paragraph 117 of the NPPF states that: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the*

environment and ensuring safe and healthy living conditions'. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. Whilst the concerns referred to during consultation in terms of loss of agricultural land for food production are noted, the loss of the land from agricultural land has already been accepted in principle through the site allocation process. It would therefore be inappropriate to resist the current application solely on this basis.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within the Blidworth Wooded Estate lands Policy Zone 46 where the landscape condition is defined as very good. In terms of built features, the landscape actions are to conserve the sparsely settled character of the area by concentrating any new development within the core of Blidworth village. The application site is within the village envelope for Blidworth as defined through the Allocations Map and thus the proposal would meet the aspirations of the LCA.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site, a matter which was indisputable in its allocation for residential development. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. In this respect it is notable that, as existing, the western boundary of the settlement at this point is relatively sparse and dominated by single storey developments which owing to the topographical landscape form are relatively discrete features of the landscape. The development proposed on the other hand would introduce the rear elevations of two storey dwellings and their associated garages to the settlement edge. However, having considered the specifics of the site surroundings I do not consider that this change would be necessarily fatal in landscape character terms. Specifically, the site is immediately adjacent to residential curtilages to the north and south which offer similar relationships with the boundary of the Green Belt. In addition to this, the boundary treatment plan submitted with the application confirms that the existing hedge on the western boundary of the site would be retained. This is considered beneficial in terms of ensuring that the existing field pattern is not lost.

Overall, and indeed in line with the site allocation, Officers have not identified the proposal to be detrimental to landscape character in itself. The proposal is therefore compliant with Core Policy 13. The impacts of the design and layout of the proposal in terms of the more internal intricate arrangements are discussed in further detail below.

Impact of Design and Layout

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

It is noted that the site itself is outside of the designated Conservation Area (CA) however the southern boundary of the site is shared with the CA. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings. Notwithstanding that the proposed dwellings would be outside of the designated CA, in being directly adjacent to it, the development could still have an impact on the character and appearance of the CA, and so the decision maker should still be mindful of Section 72 (1) which states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

The original proposal related to the construction of 100 dwellings laid out along a spine road from New Lane with a central attenuation basin and several secondary cul-de-sacs. The housing stock was typically 2 storey brick and tile with detached garages. Overall the scheme promoted 10 different house types delivered through detached, semi-detached and terrace development. Although the revised proposal has dropped a unit and introduced 8 no. dormer bungalows, the overall layout presented remains relatively similar with the incorporation of the central balancing pond.

Parking is proposed to be provided for all units with some fronting the street and others delivered alongside the gable end of dwellings. Whilst the latter approach is undoubtedly preferable in design terms it is fully appreciated that this has subsequent implications in terms of land take. Even with the revised scheme, there are still elements of the site (notably towards the south of the site through the delivery of the two bed units) where the street frontage would be characterised by car parking, noting attempts to utilize tree and landscape planting and a willingness from the applicant to condition hard landscape surface treatment. The relationship of this area of the proposal with the adjacent CA was raised as a concern by the Conservation Officer in assessing the original scheme more specifically through the uninviting nature of the rear elevation of plots when interpreted from Marriott Lane. The revised plans have attempted to address these concerns by the re-configuration of this corner of the site. Plots 31 to 34 are now proposed to be orientated southwards and plots 35 to 38 orientated westwards. The plan annotation confirms that the roofs of these plots would include a brick finish chimney. Although this has not been demonstrated on the plans submitted, if otherwise approved, further details of these chimneys could be conditioned.

Whilst the re-orientation of the plots at this point of the site is considered beneficial in terms of now addressing the Conservation Area (rather than the original scheme which somewhat turned its back on the CA); the benefits have in some respect been negated by the parking requirements which amount to a row of 9 parking spaces in front of Plots 35 to 38 with no landscaping between to soften the impact of the hardstanding. There would be a small area of open space adjacent to the hardstanding but the landscaping proposals includes no further landscaping for these areas. This has been subject to discussions with internal conservation colleagues to ascertain a view as to whether this amounts to a level of heritage harm. The latest comments received 2nd August 2018 confirm that the development would not fundamentally harm any designated heritage asset. Officers agree with this stance particularly noting that the allocation of the site has accepted that

the land will be developed for housing (which would inevitably bring a degree of associated built form) and as such no reason to resist the application purely on heritage grounds has been identified.

Another area of notable hard standing for parking would be in the south eastern corner of the site. Officers are conscious that in a development of this size, there is a balance to be struck in land take terms. The benefit of it being within this area of the site is that it would be at the end of the final cul-de-sac of the development and therefore largely only perceptible to the occupiers of the plots to which it would affect, who would be aware of the environment they are buying in to. However, it remains Officers view that the delivery of parking in such a manner at any point in the site should weigh negatively in the overall design and layout balance.

The application has been presented on the basis that the attenuation basin proposed to be delivered broadly centrally within the site would provide the amenity green space necessitated by a housing development of this nature. Notwithstanding the viability case presented (discussed in further detail below), Officers have raised concerns during the life of the application in terms of this approach but moreover the overall lack of green infrastructure within the site. Indeed this has also been referenced by the comments of Nottinghamshire Wildlife Trust. The efforts of the revised scheme to address this are considered by Officers to be poor. The only additional open space which has been included on the revised submission is that already referred to adjacent to the realigned public footpath between Plots 57; 58 and 66. Whilst there will be an element of buyers beware to occupiers in terms of the open space within the overall site, to be clear Officers consider that this approach represents poor design in the context of the Development Plan and the associated advice of the NPPF.

It is unpalatable to Officers that the proposed scheme falls short of the usual design aspirations that the LPA would strive towards; however as will be discussed in the overall balancing act below, in this case, it is not considered that the implications of the design approach are so significantly harmful to warrant a refusal in their own right. This stance is taken partly on the basis of the positioning of the site at the edge of the settlement directly adjacent to the designated Green Belt. As Members are aware, the purpose of the Green Belt is to protect urban sprawl and retain openness and therefore there is some comfort that the land to the west of the site boundary is highly unlikely to be developed upon in the future (especially given the new NPPF). Moreover, whilst Officers continue to disagree with the applicants view that the balancing pond within the centre of the site should be accounted as public open space (given that it is necessary for surface water mitigation and therefore could at times be filled with water), the presence of the pond does provide a break to built form which would assist in the visual softening of the proposal from within the site.

It is not the intention of the LPA to be prescriptive in terms of the specific design of dwellings to be delivered within allocated sites. The use of different house types within the site is a benefit of the scheme insofar as it will assist in adding visual interest internally within the site. The design of the properties are not considered particularly innovate but would nonetheless be appropriate to the site surroundings noting the presence of other nearby modern development such as Hilton Park on the opposite side of New Lane to the north of the site. The relationship with the CA has already been referenced but the control of materials through condition if the scheme were to be approved would further ensure that the heritage value of the site surroundings are protected.

Impact on Amenity

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. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

To deal firstly with the amenity provision for the prospective occupiers, the provision of rear amenity space for each individual dwelling is welcomed albeit expected for a major residential scheme of this nature. The size of individual garden plots differs throughout the site albeit this too is expected to cater for the differing bed sizes (i.e. a narrow linear garden to a two bed dwelling would be considered commensurate whereas the four bed dwellings would warrant a larger garden). In terms of amenity relationships through built form within the site, officers did identify a number of relatively tight relationships on the original scheme (such as a distance of approximately 11m between the rear elevation of a 4 bed unit and the side gable of a neighbouring plot). This has been addressed through the revised scheme such that officers are now confident that the amenity relationships are acceptable to secure an adequate level of amenity for proposed occupiers noting again that there will always be an element of 'buyers beware' for this type of development.

The level of neighbouring objection received to the scheme from the local community is significant. Officers have taken the opportunity to visit the site from numerous vantage points to understand fully the impacts of the scheme.

In terms of the original scheme a number of the letters of representation made reference to the amenity relationship for the bungalows along Marklew Close. It is understood that this development is an assisted living scheme operated by Nottingham Community Housing Association and therefore a number of the residents are elderly. The suggestion is that these residents should be afforded the right to enjoy the later years of their life without the disruption and imposition that this development would bring. Whilst I sympathize with this stance, the position of the LPA is that the site is allocated for residential development and accordingly one needs to expect a reasonable residential to residential relationship being provided. Officers do concur that every opportunity should be taken to ensure that the residential form that does come forward on site preserves neighbouring amenity as far as is reasonable in planning terms.

Officers raised concerns with the applicant in relation to the original proposal and the relationship of two storey plots against the eastern boundary of the development where it is shared with the Marklew Close bungalows. This was discussed at length with the applicants and a number of suggestions were presented by the applicants to overcome this concern. Primarily, it is notable that Plots 88 to 95 are now proposed to be dormer bungalows (with their dormer windows on the principle elevation orientated away from the shared boundary). The latest round of consultation comments include concern that Plot 96 should also be amended to a bungalow but given that this plot would not be immediately adjacent to the neighbouring bungalows, Officers do not consider this to be necessary noting that any outlook towards this two storey property from the bungalows would be at an oblique line of site.

The proposed boundary treatment has been subject to lengthy negotiations and indeed more than one set of revised plans (which for the avoidance of doubt have been subject of further rounds of re-consultation with the affected properties bordering the site at Marklew Close and the Parish Council). The latest boundary plan submitted was received on 8th August 2018 reference 6938 (08)

016 Rev. C. This plan shows that the boundary treatment to the rear gardens of Plots 88-89 and 96-97 would retain an existing hedge. For Plots 90-95 however, there would be an alternative boundary treatment and one which on the face of it would be somewhat unusual but has nevertheless arisen as an attempted compromised solution.

The boundary treatment for Plots 90-95 proposes a 1.2m timber post and rail fence to the boundary. Behind this, there would be a small area annotated (and indeed annotated on a revised landscaping plan) as a wildlife landscaped margin. Further behind this, between around 1.4m and 3.2m from the eastern site boundary, there would be the erection of a 1.8m close boarded timber fence. Whilst Officers originally suggested that the wildlife corridor between the fences be part of the open space maintained by a management company, this was resisted by the applicant. As an alternative Officers recommend that plots 90-95 be provided as affordable housing, such that the common boundary and wildlife corridor will remain in a single maintenance ownership. In reality, this space will not require any maintenance and will simply be left to thrive as an area of wild landscaping, being cut back only as required. In this context the revised landscaping plan confirms that the species planted would be nectar-bearing shrubs and herbaceous plants that would not require any maintenance.

The need for an engineered solution to the boundary of the east of the site arises from a significant change in land levels with the neighboring development. The land level difference between Marklew Close and the application site is shown to be approximately 1.3m from the section plan. A boundary treatment of 1.2m would therefore broadly align with the eaves height of the existing bungalows. The matter is compounded by the extremely modest length of the rear gardens at Marklew Close at around 5m. On this basis, the outlook of the rear of the bungalows would feature a fence at a perceived height of around 2.5m just 5m from rear windows. This relationship has been demonstrated by cross sections which have been updated in line with the updated boundary treatment plans.

It is not lost on Officers that this element of the site demonstrates a contrived and complicated arrangement. Officers have carefully considered whether or not this is an acceptable amenity relationship. Clearly, incorporating bungalow accommodation at this point of the site is beneficial in respect to the opportunity for overlooking and loss of privacy between the proposed and existing occupiers. So too is the insistence on a wildlife corridor. The distances between the rear elevations ranges from around 18.7m for Plots 94 and 95 and between 20 and 21 for the remaining bungalow plots which border Marklew Close. Given the nature of the land levels it is appropriate that the distances be assessed as if it were a two storey dwelling against a bungalow on a flat site. If this were the case then the separation distances mentioned would be at around an acceptable level albeit 18.7m would be bordering on unacceptable. However, in this case the sections submitted have demonstrated that the rear windows of the proposed development would not be afforded a view to the garden or the windows of the properties on Marklew Close given the proposed boundary treatment.

There are however other implications in terms of keeping the boundary height low. A 1.2m fence along the boundary would not afford appropriate privacy if occupiers of the proposed bungalows were to come to the end of their gardens (notwithstanding the safety issues that could arise noting the change in topography) but on the contrary, anything above 1.2m (or harsher than a post and rail fence) could create the potential for an overbearing impact to the occupiers of Marklew Close. In this context, there remains a current fallback position whereby the land owner could erect a 2m fence along the eastern boundary without planning permission at present. If the proposed development were to be approved it would at least have associated conditions to

remove permitted development rights and ensure the retention of the landscaping against the boundary which would aid in preserving neighbouring amenity and discouraging any use of the rear extremes of the gardens (which would still be afforded a generous amount of 'useable' garden space).

The site is bounded on three of the four boundaries by neighbouring residential curtilages. To the north of the site, notwithstanding the presence of New Lane, the proposal has the potential to impact upon the neighbouring properties at Hilton Park. At present the rear elevations of these properties look towards the existing open site which is notably more prominent due to the topographical changes across the site. However, these topographical changes mean that the site is set at a lower level than the dwellings on Hilton Park and therefore the opportunity for impacts of overbearing and overlooking would be significantly reduced. The plot most likely to affect amenity (as identified through the concerns raised through consultation) is Plot 99 in the NE corner of the site. The site masterplan demonstrates that existing tree cover would be removed at this point of the site and the principle elevation of Plot 99 would be set back approximately 4.7m into the site boundary. The comments received during consultation make reference to a distance of approximately 15m (in reference to the original plans) between this plot and neighbouring dwellings. However, Officers consider this to be the distance between the principle elevation of Plot 99 and the rear boundary of the garden to Hilton Park properties noting that the closest built form distance to the two storey rear elevation (the closest property also has a single storey conservatory which would reduce the distance slightly) is approximately 26m. Given the site circumstances and the intervention of New Lane (as shown by street scene elevation 2) Officers do not consider this to be an unusual amenity relationship which would amount to detrimental impacts through overlooking and loss of privacy. It is appreciated that the outlook of the site will fundamentally change for the occupiers of the Hilton Park properties but the amenity relationships at this point of the site are not considered to warrant a resistance of the proposal.

Moving to the southern boundary of the site, the amenity relationship with the properties at Marriott Lane has been significantly altered throughout the life of the development owing to original concerns raised as to how the plots in this element of the site addressed the adjacent Conservation Area. The properties in this corner of the site now have their principle elevations orientated towards the existing dwellings on Marriott Lane. The closest relationship would be for Plot 34 where the gable end would be approximately 10.2m away from the principle elevation of no. 4 Marriott Lane. However, this would be at a point of a single storey garage on the neighbouring property and therefore would not in Officers view amount to an overbearing impact. The distance afforded by both the proposed and existing road network but in other respects safeguard neighbouring amenity at the point of the site.

Despite significant negotiations throughout the life of the application, the matter remains that there are elements of the scheme in respect to amenity which are compromised. The implications of this are considered in the overall balancing act undertaken below.

Impact on Flood Risk and Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The size and nature of the development nevertheless warrants the submission of a Flood Risk Assessment (FRA) which was submitted with the original application undertaken by HSP Consulting Engineers Ltd. dated December 2017.

The submitted FRA covered matters of drainage noting that the development proposal would equate to approximately 15,710m² of impermeable area (based on the original submission so likely to have reduced marginally owing to the loss of one unit). Due to the topography of the site, the use of permeable paving is not considered feasible on this development. It is acknowledged that the development site is located within an area that is subject to a high risk of surface water flooding noting a historic flooding incident on Meadow Road adjacent to the site in 2007. Nevertheless, it is presented that the proposed development will provide betterment of the existing surface water regime. The submitted FRA confirms that the approximate volume of the proposed drainage basin is 2299m³ and that the required volume of storage for the development's impermeable area is 1025m³.

Members will note the original comments of NCC as the Lead Local Flood Authority which objected to the scheme in terms of the layout of the development potentially putting a number of properties at risk from surface water flooding. Comments also referenced the need for a greater consideration of the use of sustainable urban drainage features rather than reliance on and associated operational risk of a single infiltration basin. The applicant has worked with NCC Flood Team during the life of the application in an attempt to resolve these concerns through the submission of an amended drainage plan. The applicant maintains that the use of localized soakaways is not plausible due to the site topography and may in fact result in an increased flood risk. The revised details were then accepted by NCC Flood Team and their original objection removed. However, since that time, further concerns were raised by neighbouring parties in respect to the surface water run off consequences along the eastern boundary. This led to further discussions in the context of the overall boundary treatment negotiations which at one point led to the request for the applicant to incorporate a dwarf brick wall and land profiling as a direct attempt to ensure that surface water does not burden the properties on Marklew Close owing to the land level changes. These changes were disputed as being required by the applicant evidenced through a topographical survey of the existing site which demonstrates that the land level falls towards the centre of the site (where the proposed drainage basin would be). Furthermore assurances have been provided to state that proposed levels will maintain existing as much as possible to ensure gradients north to south. Exact levels of the proposed development, including levels of the rear extremities of gardens along the eastern boundary can be secured by condition prior to the commencement of these plots. Noting that the latest comments of the Lead Local Flood Authority have removed their concerns in acknowledgement of the additional details provided, Officers do not consider that it would be reasonable to insist on the inclusion of an engineered boundary wall.

It is notable that original FRA shows that results of modelling exercises confirm that the proposed development cannot be accommodated in the existing sewerage network without capacity improvements. However, the Sewer Capacity Assessment included at Appendix 10 of the FRA appears to contradict this view in one respect stating that capacity improvements are likely to be required (specifically at the connection point between New Lane and The Meadows) and on the other seemingly confirming that Rainworth Sewerage Treatment Works has sufficient capacity to accommodate the flows from the development. Consultation has been taken with Severn Trent Water in an attempt to clarify the position. Unfortunately no comments have been received to date despite numerous requests.

In the absence of comments from Severn Trent Water, Officers have requested clarification from the applicant and the following response has been provided (which has been corroborated by their drainage engineers):

The capacity report states that exiting sewer is a combined foul and storm. Section 1.3 states the development is ONLY providing a foul connection as ALL storm water is being dealt with on site. This is dealt within the FRA. Therefore the capacity report is only considered for foul sewerage in the rest of the report. S2.4 states Capacity improvements are likely to be required to accommodate [Foul] flows from the entire development. S3.3 states Under the Water Industry Act (1991), developers have a right to connect foul and surface water flows from new developments to public sewers. The Act places a general duty on sewerage undertakers, including Severn Trent Water, to provide the additional capacity that may be required to accommodate additional flows and loads arising from new domestic development.

Therefore Severn Trent will upgrade the sewer to accommodate the additional foul demand on the sewerage system. A timetable will be agreed for these works on a phased release of completed properties.

Taking account of the above response Officers are satisfied that, subject to the improvements which as correctly stated would be a requirement for the sewerage undertaker; and appropriate conditions in respect to site drainage; it is not considered that the proposed development would result in any increased flood risk and would ultimately pro-actively manage surface water in accordance with the requirements of Core Policy 9.

Impact on Trees and Ecology

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

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The site is located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined ICA and proposed IBA, as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

The original application was accompanied by an Environmental Enhancement Strategy which incorporates a Phase 1 Habitat Survey dated November 2017. A Preliminary Ecological Assessment revised through the life of the application (dated January 2018) has also been received. The survey identifies that there are native hedges along most of the site boundaries but that the hedgerows are of low species diversity and relatively recent origin. However, it is equally acknowledged that the trees and hedges on site are suitable for breeding birds and that the trees could contribute to commuter routes and foraging areas for local bat populations.

Reference is made to a nearby Oak Tree protected by a Tree Preservation Order (TPO). Officers have noted that the mapping system available to the LPA appears to plot this tree along the eastern boundary of the site. However, having visited the site there is no evidence of this tree at that point in situ and thus it is assumed that this is an error to the mapping system. Officers are therefore satisfied with the conclusions of the survey that there are no TPO trees which would be affected by the proposed development.

The development would require the removal of three tree specimens along New Lane all of which being Category C. There would also be the removal of a short section of the predominant hawthorn hedge along the northern boundary to create the site access. In addition, there are three instances where the development would impose on the Root Protection Zones (RPA's) of trees to be retained (two being Category B, the other Category C).

The survey makes references to a SUDs scheme as included within an FRA dated August 2017. Clearly, as identified above, the scheme has been presented on the basis of the FRA dated December 2017 and thus it appears that the Ecology work is based on an earlier iteration of the development. This is not necessarily fatal to assessment in principle, however, it does mean that Officers have been mindful of the benefit of any mitigation attributed to this approach.

The proposal has been assessed in detail by Nottinghamshire Wildlife Trust (NWT) as detailed in full in the consultee section above. Whilst the recommendations in relation to bat boxes, hedgehog accessibility and works outside of bird breeding condition could be secured by condition if permission were otherwise forthcoming, what is more fundamental and notable from the comments is the overall lack of connectivity which the site provides. This has already been identified in the context of good design but also has implications in terms of the site being within the proposed SPA as identified above. The revised site masterplan has attempted to address this matter but as discussed above in Officers submission has had limited success in terms of overall connectivity. In terms of the proposed SPA, the development could indeed increase pressure through increased walking etc. from the occupiers of the site. Without appropriate mitigation through open space either within the site or contributions to existing spaces off site, this must fall to weigh negatively in the overall planning balance undertaken below.

Land Contamination

NPPF paragraph 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. This has been addressed through a Phase II Geo-Environmental Assessment Report and a Preliminary Risk Assessment with the application which has been assessed by colleagues in Environmental Health. It is confirmed that the sampling in the report concludes that no samples taken have exceeded their respective screening criteria for the

use proposed. The development is therefore considered appropriate without the need for further works through condition.

It is noted that issues of subsidence and land contamination have been received through the consultation process. The site allocation references the legacy of former coal mining activities and the need for their consideration. It is confirmed that the site is located in a Coal Mining Development Referral Area due to the mining activities previously undertaken at depth at the site (ceased in 1981). The Preliminary Risk Assessment Report submitted includes a discussion of mining and incorporates a colliery report in one of the appendices. On the basis of these details the report recommends appropriate foundation types for the proposed dwellings. Officers are satisfied that the previous land uses of the site have been appropriately considered and have identified no evidence to dispute that the development type would be appropriate on this basis.

Impact on Archaeology

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

Policy BI/Ho/3 requires the investigation of potential archaeology on the site and any necessary post determination mitigation measures. On this basis the application submission has been accompanied by an Archaeological Desk Based Assessment dated December 2017. The report concludes that the overall archaeological potential of the site has been assessed as being low and that an archaeological watching brief would be the most appropriate mitigation.

NCC Archaeology has been consulted on the application but unfortunately no response has been forthcoming. The report has been fully considered by officers including conservation expertise and there is no dispute to the conclusions reached. On the basis of the submitted desk based assessment, I am satisfied that the applicant has met the requirements of the allocation policy and subject to the condition of a watching brief as suggested, any potential archaeological value of the site would be preserved,

Developer Contributions and Viability Position

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

As is referenced already, the applicant has engaged in pre-application discussions on the development proposals prior to the submission of the application. Matters of viability were brought up at pre-application stage with a case presented that the scheme could not afford to deliver a policy compliant scheme. This was subject to discussions with an Independent Viability Consultant at pre-application stage who calculated that the development would generate a negative viability of -£335,000 taking account of policy contributions except affordable housing. It is notable that this assessment was undertaken in October 2016. Discussions then advanced with Officers and the Independent Consultant to ascertain what level of affordable housing could be delivered on site if other contributions were sacrificed (notably at the time of the pre-application NCC Education stated that the existing schools could accommodate the development). The Independent Consultant confirmed that with no other contributions, the development could provide 16% affordable housing on site (response dated 31st October 2016). In May 2017, the applicant presented that they were struggling to gain interest from registered providers to take on the affordable units and thus suggested alternative means of securing affordable provision such as changing the rented units to discounted market sale and provide shared ownership.

All of the above discussions led to the offer as presented by the letter dated 3rd January 2018 to support the original application. The offer presented was that the development would deliver 19 affordable units on site (10 social rent and 9 shared ownership) with no other off site contributions. Officers are mindful that the pre-application discussions go back some time and thus the position has changed since this time. In the context of the consultation responses, including a request for education provision, and a lack of open space provision within the site, Officers raised significant concerns during the life of the application that the proposal needed re-consideration from a viability perspective.

The revised plan submissions have been accompanied by a revised viability position dated July 2018 (received 16th July 2018). The position of this document is that the proposed offer is for the developer to deliver £200,000 of an overall Section 106 package with no on site affordable housing. It is stated that this would give a residualised profit of 12.22%. Clearly this is a lesser offer than that previously presented and thus Officers have requested an Independent Review as to whether this is appropriate for this site.

The Consultant has provided the following assessment:

“

| GENERAL | | |
|-------------------------------|---------------|------------|
| Net Developable Site Area | | 2.78Ha |
| Development Scenario | | Greenfield |
| Total Unit Numbers | | 99 |
| | | |
| AREAS | | |
| Net Residential Sales Area | Houses | 8611sqm |
| | Apartments | 0sqm |
| Gross Construction Area | Houses | 8611sqm |
| | Apartments | 0sqm |
| | | |
| AFFORDABLE HOUSING | | |
| Affordable Housing Parameters | Delivery Test | 0-30% |

| | | |
|---|---------------------------|------------------|
| Affordable Housing Tenure Mix | | 60% Social Rent |
| | | 40% Intermediate |
| SALES VALUES | | |
| | Houses | £1980qm |
| | Apartments | NA |
| CONSTRUCTION COSTS | | |
| | Houses | £1263sqm |
| | Apartments | NA |
| ABNORMAL DEVELOPMENT COSTS | | |
| Abnormal Construction Costs | | £653,114 |
| LAND VALUE ALLOWANCE | | |
| Residual Land Value with Planning Permission | | -£480,000 |
| Existing Land Use Value | Based on EUV
£20,000Ha | £55,600 |
| Share of Uplift in Land Value to Landowner | | NA |
| Land Value Allowance in Viability Appraisal | | £250,000 |
| | | |
| OTHER FEES & COSTS | | |
| Professional Fees | | 8.0% |
| Legal Fees | | 0.5% |
| Statutory Fees (Planning, Build Regs, Warranties) | | 1.1% |
| Sales/Marketing Costs | | 3.0% |
| Contingencies | | 3.0% |
| Finance | | 5.0% |
| FIXED DEVELOPER CONTRIBUTIONS | | |
| CIL | | £0 |
| Planning Obligations | | £0 |
| FINANCE COSTS | | |
| Interest | | 6% |
| Arrangement Fee | | 0% |
| DEVELOPMENT PROFIT | | |
| Development Profit Return on GDV | Market Housing | 20% |
| | Affordable Housing | 6% |

Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal. The applicant's Contingency allowance of 3% and finance costs based on 6% interest including arrangement fees have been agreed. 3% is accepted for sales and marketing costs on a site of this scale.

For the purpose of the initial appraisal, no Sec106 Contributions or Affordable Housing obligations were included. CIL charges do not apply in this location.

The applicant proposes a sales rate of £1980 sqm which represents a 4% increase since the scheme was last appraised in 2016. HEB Surveyors have been consulted and advise that sale prices have stagnated in this area over the last two years and that the proposed sale value is reasonable. This is comparable to recent evidence prepared in connection with the Council's CIL review and has

been agreed. The total sale value applied to the development floorspace equates to a total development value of £17,049,000.

The applicant proposes a base build cost rate of £1263/sqm which is consistent with current BCIS rates benchmarked to the Mansfield area and has been agreed. This represents a 21% increase in build costs since the last appraisal in October 2016.

The applicant also lists a number of construction costs as 'abnormal costs' beyond the base rate including :-

| | |
|-----------------------------------|----------|
| 1, Earthworks and Retaining Walls | £229,848 |
| 2, Abnormal Foundations | £102,018 |
| 3, Off Site Highway Works | £155,285 |
| 4, Right of Way Diversion | £32,175 |
| 5, Flood Mitigation | £79,420 |
| 6, Externals | £54,368 |

The applicant has proposed a benchmark land value of £1Million. The initial residual land value appraisal indicated a negative figure of -£480,000. It is acknowledged that some value must be placed on the land in this type of appraisal so a nominal figure of £250,000 has been adopted.

Viability Results & Conclusions

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

The appraisal indicates negative viability of -£762,000 with no infrastructure or affordable housing contributions.

The principal issue is the unprecedented increase in Post-Brexit construction costs which have increased by 21% since the last appraisal whilst sale values have only increased by 4%. The abnormal costs at £653,000 have not been independently assessed but since the scheme would still demonstrate negative viability if these were removed, it is not deemed necessary.

The applicant accepts that some infrastructure contribution is necessary to make the development sustainable and has offered £200,000. This is considered reasonable in context with the viability assessment."

Given the above the position of the applicant presented a case most recently that they could provide £200,000 of S106 contributions (to be split however the LPA considered it appropriate to do so) with no affordable housing units. However, following negotiation and clarification of funding, particularly with respect to affordable housing, that position has now changed. I explore this further below.

Affordable Housing

The policy stance of Core Policy 1 is that 30% on-site affordable housing should be provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 99 dwellings 30% equates to 30 dwellings.

Throughout the life of the viability discussions, the applicant has suggested that they would wish to provide affordable housing which is secured via planning condition. A condition allows greater funding opportunities and support from Homes England as an investment provider, a route not available if secured by S106. Following discussions with strategic housing colleagues it is clear that funding is restricted if affordable provision is required via a S106 route. In very simple terms we are in a position where the applicant will accept 30% affordable provision if secured by condition as additional funding can be secured. They are stating they cannot provide affordable provision if a S106 is required.

The obvious question in this regard is to explore the circumstances in which a condition as opposed to a S106 can and should be used. This Authority has had conditions imposed upon it via appeal which secured S106 agreements via condition. Both the Inspector Training Manual (dated 15 February 2016) and Circular 11/95: Use of conditions in planning permission do not preclude conditions albeit they should be utilized in exceptional circumstances. Legal advice has confirmed that if we conclude there is such circumstances in this instance the LPA can impose a planning condition. In this case it has been agreed by colleagues that the issue of funding is a live one within the industry if a S106 is required. Importantly this proposal involves development on an allocated site and would release other developer contribution monies to further mitigate the impacts of the development elsewhere. On this basis, I consider a planning condition to secure affordable housing is appropriate in this instance. Recommended condition 25 sets this out, including explicit reference to **achieving 30% affordable housing** on a split and tenure type which is policy compliant basis.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to **£137,022.93** for the entire 99 units. The development **does not seek to provide this on viability grounds.**

Education

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

The comments of Local Education Authority suggest that the development would yield an additional 21 primary and 16 seconding places. A contribution of **£240,555** (21 x £11,455) has therefore been sought. Aside from issues of viability, the education contribution has been subject to discussions during the life of the application on the basis that the pre-application response indicated that the existing schools within the development could accommodate the additional pupils. It has been confirmed that since the time of pre-application advice (March 2015) the situation has changed such that the existing school can no longer accommodate the development without a contribution. Following negotiation and despite the scheme being able in viability terms of afford £200,000 the **applicant has agreed to provide the full contribution of £240,555.**

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This amounts to

£97,675.38. No comments have been received in respect to how these monies would be spent by the relevant health authorities. In any event the applicant **does not seek to provide this on viability grounds.**

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 99 dwellings would be **£4,706.46.** However, Nottinghamshire County Council who manage the public libraries have made no specific request towards library provision and is therefore assumed that existing stock can accommodate the potential extra demand. The applicant **does not seek to provide this on viability grounds.**

Open Space

A development of up to 99 dwellings is required to make a contribution towards open space in the form of provision for Children and Young People; Amenity Green Space and Natural and Semi-Natural Green Space. As is already debated above, the level of on-site amenity provision is extremely limited. Officers dispute that the proposed attenuation drainage basin should be included within any open space provision given that this is necessary in order to adequately drain the development and may at times feature water. As such it would need to be appropriately fenced off for security reasons and thus cannot be used as amenity open space for the proposed residents. Overall the level of open space within the site is approximately 167m² (an area of land adjacent to the proposed re-aligned public footpath), which falls short of the requisite on site provision. **No off site contribution is proposed on viability grounds.**

Public Footpath

Although not a policy requirement as such, the comments of NCC Rights of Way have advised that they would seek a contribution towards the upgrade of the existing public footpath as it leaves the development site and meets Marklew Close. This is a site specific request but in any case has been recommended as a condition by the Highways Authority comments and therefore it is not considered necessary to include an off-site contribution separately.

Whilst there remains a shortfall with respect to community facilities, libraries, health and children's play space it has been known for some considerable time that the development of this allocated site would be unviable without significantly reduced contributions. That said, there must be a balance whereby at some point the lack of ability to provide contributions makes a development site unviable. Balanced against this is that the applicant is now offering full on-site affordable housing and education provision (a S106 requirement not identified by NCC at pre-application stage). On this basis, in an overall planning balance (and this application is indeed balanced) I consider the range of contributions offered is acceptable.

Other Matters

Comments made during consultation have referenced other schemes in the village which have been refused (notably an application on Main Street reference 16/01478/OUTM). Having reviewed the application file for this development which was for 30 dwellings, I do not consider that its assessment can be comparable to current scheme which is materially different. Notably the scheme at Main Street was within the Green Belt.

Overall Balance and Conclusions

The proposal relates to an allocated site in the settlement of Blidworth which is considered sustainable in principle. The proposal meets the aspirations of the allocation in terms of delivering 99 dwellings (the allocation seeking a maximum of 100). It will not be lost on Members in the context of the above discussion that the final iterations of the proposal which seek determination by no means represent a fully policy compliant scheme.

The length of time taken to bring the application for consideration by Members (noting that the original 13 week target date was in April this year but moreover that pre-application discussions have been ongoing since February 2015) is an indication of the complexities that have arisen since submission.

The above report has identified a number of instances where the proposal represents challenges in terms of areas of hardstanding and parking (which are mitigated only to a degree by hard and soft landscaping solutions) and an unusual boundary treatment along the eastern boundary which has been engineered in an attempt to overcome adverse amenity impacts to neighbouring properties set at a significantly lower level topographically.

The above issues must however be weighed in the round taking account of all material planning considerations. The scheme now provides for full policy compliant affordable housing on-site and a full education contribution, which is more than the Council's viability advisor states can be reasonably secured in an appeal scenario.

The proposal would contribute to the Districts allocated housing delivery through the development of 99 dwellings in a sustainable settlement as allocated by the Allocations and Development Management DPD. This includes through the incorporation of bungalow accommodation which meets an identified local need.

In an overall balance, none of the design challenges detailed above (subject to confirmation of the TRO issue) are considered, in themselves to be fatal to the acceptability of the scheme in overall sustainability terms. On this basis, approval is recommended.

RECOMMENDATION

- (1). Approve full planning permission subject to the conditions outlined below;**
- (2). Approval of the application subject to a signed Section 106 agreement.**

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:

- Revised Site Masterplan – 6938(08) 100 Rev. F (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 2 of 2) – 1577-02B
- Revised Boundary Treatment Plan – 6938(08) 106 Rev. C (received 8th August 2018)
- Amended House Type 202A – 6938(08) 10 Rev. B
- Amended House Type 202L – 6938(08) 11 Rev. B
- House Type 202L (Pitched Porch) – 6938(08) – 11-02
- Amended House Type 301 – 6938(08) 12 Rev. B
- Amended House Type 302CL – 6938(08) 15 Rev. B
- Amended House Type 304 – 6938(08) 16 Rev. B
- Amended House Type 304 – 6938(08) 16-02 Rev. B
- Amended House Type 306 – 6938(08) 17 Rev. B
- Amended House Type 402 – 6938(08) 18 Rev. C
- Amended House Type 404 – 6938(08) 19 Rev. B
- Amended House Type 412 – 6938(08) 20 Rev. B
- Amended Single Garage – 6938(08) 21 Rev. A
- Amended Twin Garage – 6938(08) 22 Rev. A
- Amended Garage Sales Centre – 6938(08) 23 Rev. A
- Semi Detached Bungalow – 6938(08) 24
- Terraced Bungalow – 6938(08) 25
- House Type 302CL Semi – 6938(08) 26
- House Type 302CL Semi – 6938(08) 27
- Amended Location Plan – 6938(08) 98 Rev. B
- Free Standing Brick Substation – UDN-460

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

Prior to any development above slab level in respect to Plots 31 to 38 inclusive, details of chimneys in respect to these plots shall be submitted to an approved in writing by the local planning authority. For the avoidance of doubt, the details shall include height and material finish. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the setting of the adjacent Conservation Area.

04

Prior to any development above slab level a schedule of materials for all plots detailing all facing materials including bricks and roofing tiles (to be natural roofing materials in respect to Plots 31 to 38 inclusive) shall be submitted to and approved in writing by the local planning authority.

Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

05

No groundworks within the site shall commence until a written scheme of Archaeological investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- o The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- o The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

06

Notwithstanding the details shown on the Landscape Proposals hereby approved (shown on plan reference Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D and Amended Detailed Landscape Proposals (Sheet 2 of 2), prior to any development above slab level, a revised scheme of the proposed type and location of nest boxes and bat boxes shall be submitted to and approved in writing by the local planning authority. The nest boxes should be positioned to face north and east and demonstrate a range of boxes including integration into the dwellings hereby approved. Bat boxes should be on the southern and westerly aspects and demonstrate a range of boxes including integration into the dwellings hereby approved. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To increase the ecological connectivity and potential within the site.

07

Prior to the commencement of any development above slab level, a detailed Management Plan for the Sustainable Urban Drainage Scheme shall be submitted to and approved in writing by the local planning authority. The Management Plan shall follow the advice outlined by 2.1.3 Sustainable Urban drainage Scheme within 'New Lane, Blidworth Environmental Enhancement Strategy document Prepared November 2017' by Dr. Stefan Bodnar. The Management Plan should ensure general management recommendations outlined by this document are followed as far as reasonably practicable. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To increase the ecological connectivity and potential within the site.

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

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

Prior to the commencement of any development above slab level, an ecological walkover survey shall be undertaken by a qualified ecologist and an updated report outlining species present with mitigation measures where necessary shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To protect any ecological potential within the site.

11

The approved Landscape Proposals hereby approved (shown on plan reference Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D and Amended Detailed Landscape Proposals (Sheet 2 of 2), (notwithstanding the requirements of condition 6) 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.

12

No dwelling hereby approved shall be occupied until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the development does not increase the risk of flooding.

13

Prior to any occupation of the dwellings hereby approved, the boundary treatments shown on the approved plan 'Revised Boundary Treatment Plan – 6938(08) 106 Rev. C (received 8th August 2018)' shall be implemented on site and shall then be retained in full for a minimum period of five years from the date of the decision with the exception of the boundary treatments for Plots 88-99 inclusive which shall be retained for the lifetime of the development in accordance with a management and maintenance scheme that shall firstly be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the lifetime retention referred to includes the setback fences and wildlife corridors (as detailed on plan reference Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D) hereby approved in respect to Plots 90-95 inclusive, which includes the affordable provision detailed in condition 25 below.

Reason: In the interests of residential and visual amenity.

14

Prior to the commencement of any development above slab level, details of the existing and proposed ground and finished floor levels of the site and approved buildings shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, in respect to Plots 88-99 inclusive, this shall include ground levels within rear gardens at the eastern boundary of the site. 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 amenity and ensuring that there is no additional surface water run-off to existing properties.

15

Construction works shall not take place outside the following hours:

8am to 6pm Monday to Saturday

9am to 1pm Sunday

And not at all on bank or public holidays

Unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

16

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning areas is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway 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.).

17

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

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

18

The shared private driveway adjacent to plot 6 shall be laid out to a width of not less than 4.25 metres for at least 5 metres back from the back edge of the footway.

Reason: To ensure that vehicles entering and leaving the driveway may pass each other clear of the highway.

19

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

20

Prior to the commencement of any development above slab level, a scheme shall be submitted and approved in writing by the LPA for the surfacing of public footpath FP1 between the development and Marklew Close. Such a scheme shall then be implemented in full prior to occupation of the 20th dwelling.

Reason: To promote sustainable travel

21

DRAFT SUBJECT TO REQUIREMENT FOR TRO BEING CONFIRMED

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing SK006-2B shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order to enable the priority workings, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

22

DRAFT SUBJECT TO REQUIREMENT FOR TRO BEING CONFIRMED

Prior to commencement of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing SK006-2B on New Lane in the vicinity of Mansfield Road. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

23

In respect solely to the following Plot numbers: 1, 14-24 inclusive; 86-99 inclusive, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (and any order revoking, re-enacting or modifying that Order), other than development expressly authorized by this permission, there shall be no development under Schedule 2, Part 2, 'Minor Operations' Class A 'gates, fences, walls etc. unless consent has firstly been granted in the form of a separate planning permission.

Reason: In the interests of visual and residential amenity.

24

In respect solely to the following Plot numbers: 88-96 inclusive, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (and any order revoking, re-enacting or modifying that Order), other than development expressly authorized by this permission, there shall be no development under Schedule 2, Part 1, 'Development within the Curtilage of a Dwellinghouse' of the Order in respect of:

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

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

unless consent has firstly been granted in the form of a separate planning permission.

Reason: In the interests of visual and residential amenity.

25

No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- I. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces comprising the following split, unless otherwise agreed in discharging this condition:

| | Rent | Intermediate (S/O) | Total |
|----------------|------|--------------------|-------|
| 2 Bed House | 5 | 3 | 8 |
| 2 Bed Bungalow | 5 | 3 | 8 |
| 3 Bed | 2 | 1 | 3 |
| | 12 | 7 | 19 |

- II. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- III. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- IV. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- V. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall not be occupied otherwise than in accordance with the approved scheme and be retained for the lifetime of the development.

Reason: To provide for a clearly identified affordable housing need in accordance with Policy CP3 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

03

The applicant 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 any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

04

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

05

The proposed development requires the stopping up or diversion of a public right of way. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up or diverting the public right of way will be required. This is a separate legal process and the applicant is advised to contact the Countryside Access team at Nottinghamshire County Council for further information.

06

The proposed waiting restrictions and priority traffic referred to in the conditions require a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note that the Order process may take 9-12 months

Background Papers

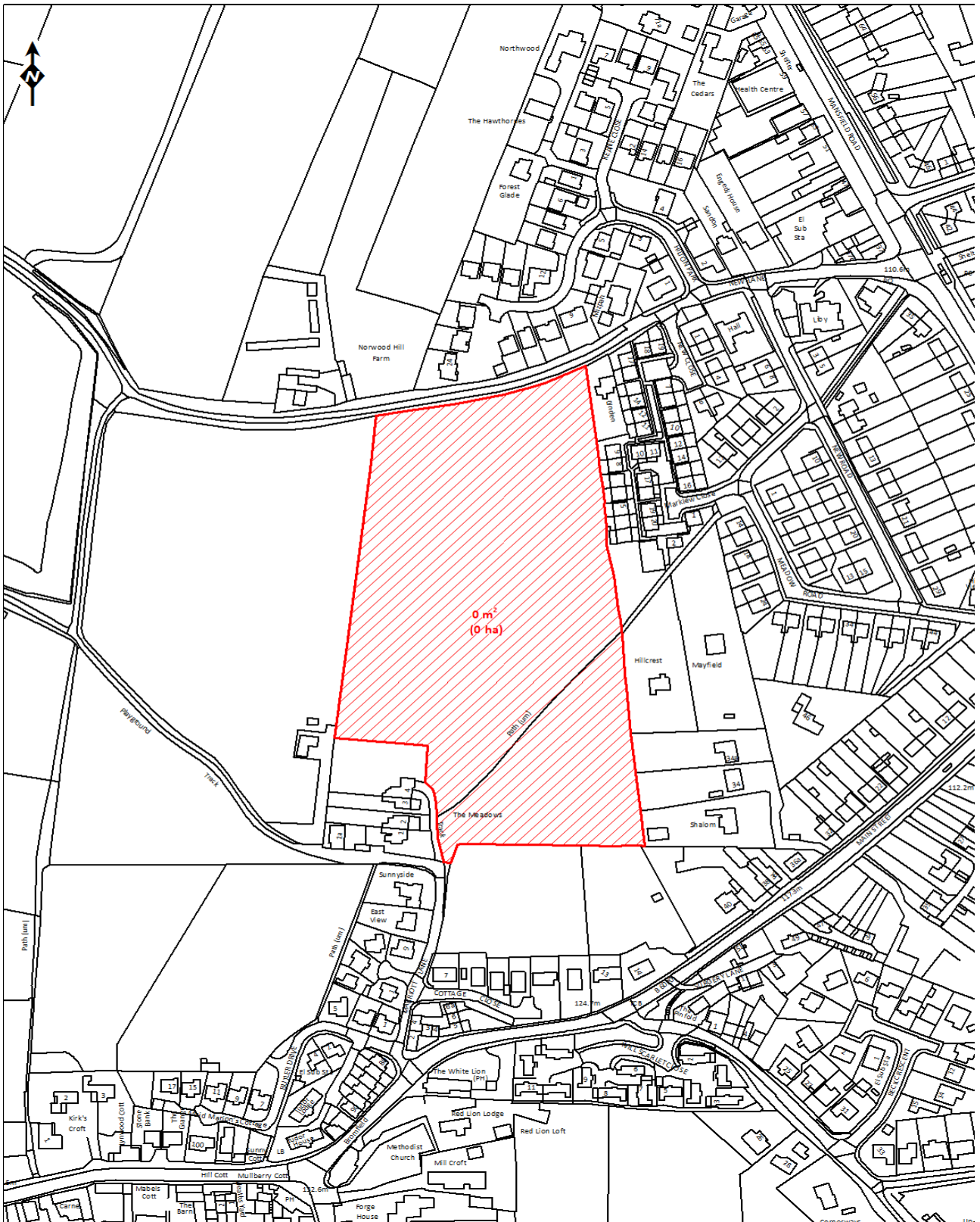
Application case file.

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

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

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 17/02326/FULM



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

| | | |
|------------------------|---|---------------------------------------|
| Application No: | 18/01137/OUTM | |
| Proposal: | Variation of condition 25 attached to planning permission 13/00997/OUTM for Proposed Erection of Retail Development Bulky Goods/Open A1/Open A1 Convenience uses and provision of car parking to serve same. Proposal submitted to allow the use of Unit B as A1 (non-food). | |
| Location: | Land Off North Gate, Newark On Trent | |
| Applicant: | Newark Property Development Ltd – Mr Phillip Rowe | |
| Registered: | 29 June 2018 | Target Date: 28 September 2018 |

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 application site forms an area of vacant land approximately 1.65 hectares in extent accessed via North Gate. The site abuts the river edge and forms part of the wider North Gate development site which as discussed below has been subject to an extensive planning history.

The proposal site is situated within Newark Conservation Area and is adjacent to the former malting of Northgate Brewery (which is Grade II listed) and the substantial former officers and brew house which front North Gate (also Grade II listed). The proposal site was formerly part of the Wellington Foundry, being part of an extensive industrial landscape along the river. The Millennium Bridge is located to the south-west of the site and Kings Marina is located to the north-west on the opposite side of the riverbank. To the south-west are offices and car parking belonging to No. 67 North Gate, together with a BP petrol filling station which fronts North Gate.

The surrounding area has a mixed commercial and residential character, taking in modern edge of centre retail stores, a petrol station and office development intermixed with Edwardian and Victorian terraced dwellings.

The majority of the site is within Flood Zone 2 and a small proportion immediately adjacent to the River Trent is within Flood Zone 3 according to the Environment Agency maps.

The site, including the Warwick and Richardson’s Brewery site is identified in the Allocations and Development Management DPD Map 1 - Newark North Proposals map as R/Ho PP ‘retail housing site with planning permission.’

Relevant Planning History

The site has been subject to an extensive planning history which has been detailed below. The applications highlighted in bold text are considered most relevant to the determination of the current application.

18/01160/NMA - Application for a non-material amendment to planning application 13/00997/OUTM to allow amendment to Condition No. 7. Pending consideration.

18/01154/NMA - Application for a non-material amendment to planning permission 13/00997/OUTM to request minor amendments to the footprint of proposed Unit C. Pending consideration.

17/00904/NMA - Application for a non-material amendment to planning application 13/00997/OUTM - Proposed Erection of Retail Development. Approved 7 June 2017.

16/01958/RMAM - Reserved Matters Application for the erection of retail development Bulky Goods/Open A1/Open A1 Convenience uses and provision of associated parking (and discharge of conditions attached to Outline Approval Reference No: 13/00997/OUTM relating to Phasing (2), Landscaping (3 & 17), Archaeology (5), Land Contamination (6), Drainage (8 & 9), Highway Requirements (10, 13, 14, 27 & 28) Pedestrian link (11), Appearance of buildings (16), Waste (19), Service Management Plan (22), Security Measures (24)) – Pending Consideration.

15/01858/OUTM - Application to vary condition 25 of planning permission 13/00997/OUTM for Proposed Erection of Retail Development Bulky Goods/ Open A1/ Open A1 Convenience uses and provision of car parking to serve same. Proposal submitted to allow the use of Unit B as A1 (non-food). Application refused by committee in February 2016 for the following reason:

“The proposal to vary Condition 25 in order to allow for the sale of non-food goods would result in a broadening and change in character of goods sold, resulting in an intensification of the retail use of Unit B, with the effect that there would be a greater level of trade draw from the Town Centre when compared with the consented scheme. It is considered that this increased level of trade draw would result in an unacceptable level of harm to the vitality and viability of the Town Centre and so be contrary to the provisions of Core Policy 8 of the Core Strategy DPD, Policy DM11 of the Allocations & Development Management DPD and the National Planning Policy Framework which forms a material consideration. Accordingly the applicant has failed to adequately demonstrate that the Condition deemed necessary to control the range of goods sold from the development in order to protect the vitality and viability of the Town Centre is no longer necessary.”

Appeal allowed 9 September 2016. However, the time period for applying for reserved matters approval pursuant to this outline planning permission has now expired, and this outline permission has therefore now lapsed.

14/01864/OUTM - Proposal consists of 28 semidetached townhouses/mews houses with 56 integral car parking spaces, these intended to occupy a site currently consented for 99 apartments and two retail units. Application withdrawn.

13/00997/OUTM - Proposed Erection of Retail Development Bulky Goods/ Open A1/ Open A1 Convenience uses and provision of car parking to serve same. Application approved by Committee in December 2013.

11/01607/OUTM (Appeal Reference APP/B3030/A/12/2174284) – Proposed erection of retail

development comprising bulky good/open A1/open A1 convenience uses and provision of car parking to serve same. Appeal allowed 8 February 2013.

10/01489/OUTM - Application for replacement outline planning permission for residential development in order to extend the time limit for implementation. The application was withdrawn.

07/01608/RMAM - Erection of 90 dwellings and 116 car parking spaces. Approved 16th April 2008 under delegated powers. This related to the south-eastern part of the wider site (adjacent to the Almshouses and brewery). According to the applicants this approval was commenced on site within the lifetime of the application and is therefore extant.

05/02004/OUTM - Residential development was approved on 6th December 2005 by Committee as recommended. This related to the south-eastern part of the site (adjacent to the Almshouses and brewery).

05/01984/FULM - Erection of 99 apartments with integral parking and creation of 2 retail units and public piazza space. Approved under delegated powers on 6th December 2005. This application is considered an extant application due to a lawful commencement in December 2008. Crucially the application was subject to a legal agreement which connected to the outline scheme considered on the wider site at the same time (05/02004/OUTM). The S106 required the works in application 04/01241/FULM for the Brewery and Maltings Building to be completed. These have been done and as such the terms of the S106 have been met.

04/03092/OUTM - Residential Development relating to the south-eastern part of the site adjacent to North Gate was refused on 16th June 2005 by Committee due to lack of affordable housing and inadequate play facilities.

04/01241/FULM – The refurbishment and extension of adjacent Warwick & Richardson Brewery & Maltings to form 49 residential units and 3 retail units and the refurbishment and extension of Maltings to form bar/café/ restaurant plus associated parking was approved 23rd December 2004. This permission has been implemented.

03/02997/FULM - Erection of 99 apartments with integral parking and creation of 2 retail units and public piazza space. This application was refused on 16th June 2005 by Committee on the grounds of a lack of affordable housing and play facilities and detrimental impact on the Conservation Area and Listed Brewery building.

The Proposal

In December 2013 outline planning consent (13/00997/OUTM) was granted for the erection of a retail development comprising 4 units. The units comprised a total gross floor space of 6753m² and were broken down as follows:

| Unit No. | Use | Proposed Floor Space (gross) |
|-----------|-----------------------------|------------------------------|
| A | Open A1/Open A1 Convenience | 1,520 sq m |
| B | Bulky Goods | 1,325 sq m |
| C | Bulky Goods | 1,850 sq m |
| D | Open A1 | 264 sq m |
| Mezzanine | Bulky Goods/Open A1/Open | 1,794 sq m |

| | | |
|-------|----------------|--|
| Space | A1 Convenience | be provided with mezzanines is not specified |
| | | |
| | | Total of 6,753 sq m |

The application relied on the submission documents of the 11/01067/OUTM application which was allowed at appeal.

The development was laid out with the access and spine road located in the position previously approved under 11/01067/OUTM. The remainder of the site was reconfigured with the units, other than Unit D being towards the rear of the site (riverside boundary). Units A and B were positioned in the western quarter of the site whilst Unit C was located in the northern quarter abutting The Malting's building. Units A and B were separated from Unit C by the access road which serves the customer parking to the front. A shared servicing area was shown to the rear of Units A, B and C extending across the rear of the site. Unit D was proposed located adjacent to the Almshouses and is significantly smaller than the approved building in the same position under 11/01067/OUTM. Unit D was not provided with a service area and would be serviced from the customer parking area.

The application was permitted subject to numerous conditions and condition 25 stated:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended:

Unit A on Drawing PL08 Rev K shall not exceed 1,520 square metres gross floorspace;

Units B and C on Drawing PL08 Rev K shall not in aggregate exceed 4,705 square metres gross floorspace and shall not be used for the sale of any goods other than those within the following categories:

(a) Electrical goods and other domestic appliances

(b) Bathroom suites - furniture and accessories; kitchen units - furniture and accessories, floor and wall tiles

(c) DIY products, materials, tools and machinery for repair maintenance and improvement of the home, the garden and of motor vehicles

(d) Motor and cycle goods

(e) Furniture, bedding, floor coverings, soft furnishings and textiles;

Unit D on Drawing PL08 Rev K shall not exceed 528 square metres gross floorspace and shall not be used for the sale of convenience goods, but may be used for the bulk sale of wine and spirits.

Reason: In order to protect the vitality and viability of the town centre from significant harm, to ensure that the range of goods sold is appropriate for the sites location and layout and to control the character of the development.

An application was submitted in 2015 (15/01858/OUTM) to revise the wording of the above condition to essentially remove the restriction points a) to e) from Unit B thus allowing a restrictive A1 use within Unit B. This application was refused by Committee in February 2016 but approved on appeal in September of the same year. The revised wording of the condition stated:

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended:

Unit A on Drawing PL08 Rev K shall not exceed 1,520 sq m gross floorspace;

Unit B on Drawing PL08 Rev K shall not exceed 2,225 sq m gross floorspace and shall not be used for the sale of convenience goods;

Unit C on Drawing PL08 Rev K shall not exceed 2,480 sq m gross floorspace and shall not be used for the sale of any goods other than those within the following categories:

- (a) Electrical goods and other domestic appliances
- (b) Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles
- (c) DIY products, materials, tools and machinery for repair maintenance and improvement of the home, the garden and of motor vehicles
- (d) Motor and cycle goods
- (e) Furniture, bedding, floor coverings, soft furnishings and textiles;

Unit D on Drawing PL08 Rev K shall not exceed 528 sq m gross floorspace and shall not be used for the sale of convenience goods, but may be used for the bulk sale of wine and spirits.”

However, the time period for applying for reserved matters approval pursuant to this outline planning permission has now expired and this outline permission has therefore now lapsed.

The purpose of the current application is to seek approval for the identical revision to Condition 25 attached to 13/00997/OUTM again, as previously approved under reference 15/01858/OUTM. The covering letter with the application states:

The District Council will be aware that the previous amendments to condition no 25 were sought to meet the requirements of Next which had been seeking to relocate from its existing store within Newark. The Council will also be aware that on the basis of changing market conditions, retailers such as Next have been re-considering their store investment and opening programmes. However, this should have no bearing on the acceptability of amendments now sought as the appeal decision in respect of planning permission 15/01858/OUTM made very clear that these amendments would be acceptable in policy terms regardless of whether Unit B was occupied by Next or another retailer.

Paragraph 16 of the appeal decision in respect of planning permission 15/01858/OUTM stated that:

“whether Unit B would or would not be taken up by Next is irrelevant; the key issue whether the change to the condition relating to Unit B would have a significant adverse impact on the town centre, irrespective of the end occupier. Both retail experts for the appellants and the Council consider that it would not. Whilst I note that this relates to the specific use of the unit by Next, given the range of sales/density and net floorspace figures tested by PBA and AN, including a higher net floorspace ratio by AN, a reasonably robust range of potential occupiers and demonstration of their impacts would be encompassed by the retrospective reports.”

Critically, paragraph 17 of the appeal decision goes on to state that:

“based on the evidence presented to me and the respective reports the difference between the effect of the scheme with or without the proposed condition would not, in my view, result in a significant adverse effect on the vitality and viability of the town centre, even if Next are not the eventual occupiers of the unit.”

Given the range of scenarios that were tested as part of the previous application (including a worst case scenario which the Council’s retail expert concluded would not give rise to significant adverse impacts), and the conclusions of the previous appeal decision, we do not consider it necessary for this application to be supported by a new retail impact assessment.

However, following receipt of an objection from Newark Town Council on the grounds that an up-dated Retail Impact Assessment has not been provided, additional information has been submitted to seek to demonstrate that there will be no material change in the retail impacts arising from this proposal since the matter was previously considered at appeal in 2016.

“Since the time of the previous appeal, the Council has published a new Town Centre and Retail Study prepared by Carter Jonas. As noted in our previous submissions, this study found that the overall health of Newark Town Centre had improved in recent years. The Town Centre and Retail Study also provided updated estimates of the existing and future comparison retail turnover of Newark Town Centre. Taking a proportionate approach, we have applied these updated figures to the turnover and trade diversion assumptions applied by Alyn Nicholls Associates in its advice to the District Council in respect of planning application 15/01858/OUTM.

| | 2016 | 2021 |
|--------------------------------|----------------|----------------|
| Turnover of Newark Town Centre | £131.0 million | £150.8 million |
| | | |
| <i>Approved Development</i> | | |
| <i>Trade Diversion</i> | | £7.98 million |
| <i>Trade Impact</i> | | -5.3% |
| | | |
| <i>Proposed Development</i> | | |
| <i>Trade Diversion</i> | | £9.26 million |
| <i>Trade Impact</i> | | -6.1% |

This revised assessment shows that, notwithstanding the updated comparison retail turnover figures for Newark Town Centre presented within the Council's Town Centre and Retail Study, trade impacts would be identical to those considered previously by the appeal Inspector. It is clear on the basis of these figures that, as with planning permission 15/01858/OUTM (to which Newark Town Council did not object), the proposed variation of condition no 25 would have no significant adverse impacts on Newark Town Centre. The application proposals would therefore accord with Core Policy 8, Policy DM11 and para 89 of the NPPF."

Departure/Public Advertisement Procedure

Occupiers of fifty-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.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 8: Retail Hierarchy

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change
Core Policy 14: Historic Environment
NAP1: Newark Urban Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering 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 DM10 – Pollution and Hazardous Materials
Policy DM11 – Retail and Town Centre Uses
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – “Objection was raised to this application as Members felt they were unable to assess the application properly without an updated Retail Capacity Study for the Town.”

NCC Highways Authority – “This proposal will have negligible impact on the public highway. Therefore, no objections.”

Environment Agency – No formal comment to make as the EA did not request the planning condition that the applicant is seeking to vary.

Canals and Rivers Trust – No comment to make.

Trent Valley Internal Drainage Board – “The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving water courses 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.”

NCC, Lead Local Flood Authority – Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by the Government for those applications that do require a response from the LLFA.

NSDC Archaeology Consultant – “No archaeological input is required for the variation of condition 25 on this site.”

NSDC, Planning Policy – “The Development Plan context is provided by Core Policy 8 (as adopted) and Policy DM11, both of which set a 2,500 sq m threshold for application of the impact test. Nevertheless CP8 as proposed for amendment through the Amended Core Strategy is a material consideration and, applying the tests at Para 216 of the NPPF, can in my view be afforded significant weight. Within Newark Urban Area this would require impact from retail development located outside of a defined centre and which has a gross floorspace equaling or exceeding 400 sq m to be considered through the undertaking of a proportionate assessment. The proposal clearly exceeds this threshold.

I am mindful of the need for any assessment to be proportionate, and that the no longer extant consent which previously varied Condition 25 was supported by an impact assessment. This was assessed on our behalf by Alyn Nicholl Associates, who tested a worst case scenario and recommended that the level of impact on Newark Town Centre fell below significant adverse. Following refusal by Planning Committee the Inspector which dealt with the appeal considered that on the basis of the range of sales/density and net floorspace figures tested a reasonably robust range of potential occupiers and demonstration of their impacts had been provided for, and neither suggested an significant adverse impact. Significantly there is also a fallback position provided by the consent which remains extant, and on which the Inspector concluded that the difference between the scheme with and without the propose condition would also not result in a significant adverse impact on the vitality and viability of Newark Town Centre.

From my perspective the key issue is therefore whether anything has materially changed, or whether there are other reasons why the previous assessment and conclusions reached by the appeal Inspector should be considered no longer relevant. I am unaware of any change in conditions, including the health of Newark Town Centre, which would indicate a revisit of the assessment as being necessary from that point of view. Moving on, the applicant’s assessment was undertaken in December 2015, over 2 ½ years ago, and through the appeal process we highlighted concerns that the applicants assessment took trade draw figures from 2011 as their starting point, now potentially approaching 7 years ago. Nevertheless the Inspector was satisfied that the assessment provided a suitable basis for contributing towards a decision issues in September 2016, almost 13/4 years ago now. On balance whilst I still hold some reservations about the use of a trade draw dating back to 2011, I am therefore inclined to advise that in my opinion, the assessment (and conclusions reached through its appraisal) would continue to indicate a level of likely impact below that of significant adverse.

I would therefore offer no objection to the proposal on that basis.”

NSDC, Environmental Health (Contaminated Land) - “The original application (13/00997/OUTM) is subject to a contaminated land planning condition for which matters are still outstanding. This latest application appears to be for variation of conditions which are not related to contamination, we would therefore have no comments to make, providing that the requirements of the contamination condition on 13/00997/OUTM are still in place.”

NSDC, Access and Equalities Officer – No observations.

Representations have been received from one local resident/interested party objecting to the application on the following grounds:

- Object to the use of this site for retail, despite this use having been previously allowed on appeal;

- Prior to that previous application, the site has been proposed and permitted for housing – a more appropriate use for the location and one for which need has only increased in the mean time;
- The existing consent should be allowed to lapse and use for housing should be resurrected by the owner.

Comments of the Business Manager

The application has been submitted as a Section 73 variation of condition application. In determination of such an application the decision maker must have regard to the entire proposal albeit it is acknowledged that there exists an extant permission on the site which must be afforded appropriate weight. Essentially the principal assessment will be the impacts that would arise from the variation of condition proposed, notably on the retail impact on Newark Town Centre. Exactly the same proposal was approved on appeal in September 2016, when the Inspector concluded:

“A key factor in this case is clearly the effect of the extant consent. This represents a significant fallback position. Given the reasonably small difference in the AN report worst case figures of an effect of -6.1% as opposed to -5.3% of the scheme on the turnover of Newark Town Centre (comparison goods) in 2020, as based on the evidence presented to me and the respective reports the difference between the effect of the scheme with and without the proposed condition would not, in my view, result in a significant adverse effect on the vitality and viability of the town centre, even if Next are no the eventual occupiers of the unit.”

The crucial material planning consideration will be whether there has been any material change to the retail impact on the town centre since September 2016. Much of the discussion from the 2013 approval (13/00997/OUTM) is still relevant and for clarity the text from this committee report has been included in italics.

Principle of Retail Development

In policy terms the application site is classed as ‘out of centre’. It lies outside the defined boundaries of the Newark Town Centre, identified on the Allocations and Development Management DPD Map 1 – Newark North Proposals but has the benefit of a very recent extant planning permission, allowed on appeal in February 2013 after the Inspector’s Examination had closed and proposed modifications had been published.

The Inspector’s appeal decision letter made clear that the Council and the appellant, both of whom had undertaken a detailed assessment of the retail capacity of Newark for bulky goods provision and a town centre Retail Impact Assessment.

The Inspector advised in paragraph 17 and 18 of his letter under the Statement of Common Ground that:

“The parties agree that the appeal proposal would have no significant adverse impact on the vitality and viability of Newark town centre, subject to the imposition of appropriately worded conditions that have been agreed.”

In assessing the proposal the Inspector commented:

Paragraph 54 “Finally, I turn to consider the factors that weigh in favour of the appeal site as a sequentially preferable out of centre location for a retail warehouse development. The Framework at paragraph 24 states that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.”

Paragraph 55. “The principle factor in favour of the appeal site is its location on a main road between the town centre and Northgate Retail Park. It enjoys good accessibility and good visibility to the passing public.”

Paragraph 56. “It is adjacent to Northgate Retail Park, a well-established retail warehouse location that serves the Newark catchment area. While the profile of this retail park has strengthened in recent years, the profile of some solus retail warehouses elsewhere has declined. The appeal site would benefit from the profile of the retail park and the clustering effect that comes from close proximity to it, as have the solus retail units of Aldi and Halfords. It would therefore be well placed to take advantage of the customer base that the retail park attracts.”

Paragraph 57. “I consider that the appellant company has applied the appropriate degree of flexibility to the appeal proposals. I conclude on the first main issue that there are no suitable or available sequentially preferable locations for this type of retail development in Newark.”

The Inspector went on to conclude in paragraph 62 of his letter that “There is no evidence to show that it would have a materially adverse impact on nearby centres, including the town centre, or that there is a better location in Newark for retail warehouse development of the type proposed. It would therefore assist, not undermine, the objectives of Core Strategy Policies CS8 and NAP1.”

Paragraph 64. “Moreover, it would assist the regeneration of under-used land that is close to Newark town centre and on an important arterial route to it. It would also assist in securing the retention and the effective use of ‘The Maltings’, a listed building which is in urgent need of restoration.”

Paragraph 70 summarizes the Inspector’s assessment as “I believe that significant benefits would arise from the appeal proposal and they should be realized sooner rather than later. Having regard to the presumption in favour of sustainable development, which is at the heart of the Framework, and the exhortation that decision making “means approving development proposals that accord with the development plan without delay” (paragraph 14), it is clear to me that planning permission should be granted.”

Since the Inspector’s decision in 2011, the site has been subject to an extant permission for retail development noting the scheme has evolved through the approval reference 13/00997/OUTM. It is a material consideration that the site has an extant permission for retail development at this quantum of development and therefore the principal of development is already established.

Notwithstanding this, the variation in condition sought would have potential implications to the occupiers of the units proposed and thus could potentially impact upon the retail offer of the

Town Centre. The original application submission included no justification or retail impact assessment (RIA) in connection with the current proposal. However a RIA was requested to assess the previous application to alter Condition 25 in 2015 (15/01858/OUTM) and this was produced by Peter Brett Associates LLP and dated December 2015.

That RIA confirmed that the purpose of the application was to meet the requirements of NEXT, who are currently located adjacent to the site at the Northgate Retail Park. It was intended that if condition 25 was to be varied, it would allow the unrestricted non-food retail sale of goods including clothing, footwear, fashion accessories and homewares. The RIA went on to detail the turnover and trade draw of the proposed development before moving on to outline the Town Centre impacts. The RIA concluded that the proposed development would not lead to any significant adverse impacts on the vitality and viability of the Town Centre. This same information has been submitted an assessment in summary form to support this current application.

The RIA was based on the RIA submitted with the 2011 application (the appeal application). At the time of the appeal, various criticisms and reservations were raised in regard to the RIA. An independent review was undertaken by Carter Jonas on behalf of the LPA during the assessment of the 2015 application, which estimated that the potential turnover of the proposed development at 2020 is about £21.5 million. The potential uplift in turnover arising from the occupation of Unit B by NEXT is a little under £3.5 million. This separate impact assessment undertaken on behalf of the LPA was completed adopting the same set of information and analysis as utilised in the assessment of the 2011 appeal proposal. It was concluded that the existing scheme (without the change to Condition 25) diverts about -£7.8 million of expenditure from the town centre which amounts to an impact of -5.3%. The proposed scheme (with the proposed change to Condition 25) may divert -£9.26 million which represents an impact of -6.1%.

For the purposes of the planning appeal in 2016, it was accepted that the appeal proposal would not have a significant adverse impact on the vitality and viability of the town centre so long as a condition was imposed to ensure that the character of retail uses on the site did not change from that proposed at that time. The Inspector also concluded that this was the case whether Unit B was to be occupied by NEXT or some other comparison retailer.

Whilst it is currently the view of Newark Town Council that a Retail Impact Assessment needs to be submitted with this current application in order for the proposal to be assessed properly, I am also conscious that any request for additional information needs to be proportionate. In response to this objection, the agent has submitted some additional information (but no new assessment) and the Town Council has been re-consulted on this basis. The additional information has taken the existing and future comparison turnover of Newark Town Centre from the 2016 Carter Jonas Study and applied Alyn Nicholl's turnover and trade diversion assumptions from the 2016 appeal to those figures. The agent also takes the view that the health of Newark Town Centre was shown to have improved in the 2016 Carter Jonas Study and so this would cancel out any increased impact from an increased turnover and trade diversion and therefore the level of impact on Newark Town Centre of the 2016 appeal and the existing proposed application to vary Condition 25 is effectively the same.

Conclusion on Retail Impact

There is no guidance or rule of thumb as to the level of impact on a town centre that would be unacceptable. Each case has to be assessed on the particular circumstances arising at that time. The key issue is therefore whether anything has materially changed, or whether there are other reasons why the previous assessment and conclusions reached by the appeal Inspector should be considered no longer relevant. This appears to have been confirmed that NEXT will not be moving to this site by a recent Certificate of Lawfulness (Proposed use) for the expansion of the existing NEXT store at Northgate Retail Park via a mezzanine. The other additional change of which Officers are aware (and has been reported in the press and by the occupier themselves via a pending planning application) is the intended move of Marks and Spencer out of the town centre. It is noted that this proposal essentially seeks an increase in comparison retail use rather than convenience (which is what is required by Marks and Spencer via the pending application). That only leaves a question regarding whether the risk of M&S moving from the town (there is no absolute commitment in writing to vacate, albeit representatives have confirmed that closure is likely irrespective of securing permission via the pending application) is a matter which goes to the heart of the Town Centre Health Check and consequently whether this also needs to be assessed in an overall assessment. The Council is awaiting advice on this specific element and will provide an update report for Committee if available. If not Members will be advised of a possible need to defer.

Layout and Scale

The current proposal does not alter the layout and scale of the extant permission and thus much of the discussion from the previous committee report remains of relevance:

Whilst the application is made in outline, access, layout and scale are matters which form part of this application with only detailed design and landscaping being reserved. The proposed layout of the site has been significantly reconfigured to extend the units across the rear of the site, other than the smaller Unit D and to locate the car parking to the front. The access remains in the position originally approved and the car parking area extends to the front boundary and abuts the adjoining petrol filling station. This is a similar layout arrangement to the nearby Northgate Retail Park and the Aldi supermarket off Cow Lane where the front boundary is delineated by a feature brick wall and railings. It is considered that provided careful consideration is given to the treatment of the front boundary to Northgate in order to provide screening to the car park and to respect the relationship of the development to the adjacent Brewery building the arrangement of parking to the front of the buildings is acceptable.

The proposal retains a dual use of the access by customers and service vehicles. However, the applicant previously provided opening and delivery hours which remain unchanged and were conditioned by the inspector in the allowed planning appeal. Opening hours would be from 0800 until 2000 with deliveries taking place between the hours of 0900-1030 and 1900-2100 for Units A-C and between the hours of 1900-2100 for Unit D. I am satisfied that these restrictions limit the opportunities for conflict between customers and delivery vehicles. No separate serving area is proposed to serve Unit D, which was the case with the larger Unit F which previously was approved

on this part of the site. This unit, as previously would be serviced from the customer car park which the Inspector considered acceptable.

Pedestrian linkages and crossings from the car parking to the shops are direct and disabled bays are provided outside the units.

I turn now to the scale of the units. In accordance with the conditional planning permission the scale of the building adjacent to the Almshouses (Unit D) is up to 7 m in height whilst the remaining units Units A, B and C are shown up to 14m (including any chimneys). The scale and footprint of Unit D, which is smaller than the approved scheme is considered to respect the setting of the imposing Brewery building and will be read in relation to the Almshouses rather than as an integral part of the larger Units to the rear. It should be noted that the detailed design is reserved for subsequent approval. However the submitted Drawing Number PL10_12 Rev C in my view demonstrates that buildings of the scale parameters set out could fit into the site context without significantly affecting the surrounding character of the area or the adjacent heritage assets. In coming to this view I am also mindful of the scale and massing of the extant residential scheme which allows for a three storey block to be located immediately adjacent to the Alms houses.

Given that the current proposal relates to the change of use restricted by condition, I see no reason to deviate from the above conclusions that the scheme is acceptable in terms of its layout and scale. There have been no material alterations to the site surroundings which would affect this conclusion and once again the detailed designed of the units would be deferred to a reserved matters application.

Impacts on Heritage Assets

The impact of the scheme upon the character and appearance of the Newark Conservation Area and upon adjacent listed buildings has been assessed in relation to the layout and scale.

Having regard to the similarities between the scale and configuration of the current layout and the allowed scheme on appeal it is our view, the proposal would preserve the character and appearance of the surrounding area. We are also satisfied that a detailed design could come forward that would safeguard the character and appearance of the area in line with Policy DM9 and the NPPF.

The comments and recommendations of the County Archaeologist are noted, however, the proposal is, effectively a reconfiguration of the approved scheme under 11/01067/OUTM and the Inspector in granting consent for the development did not consider it necessary to require a detailed programme of archaeological investigation and mitigation to be agreed prior to determination. A pre commencement condition was, however, attached requiring a written scheme of investigation to be submitted and implemented setting out a programme of archaeological work for the site. Having regard to this it is considered that to require this to be agreed prior to determination of the application would be unduly onerous and unjustified taking into account the approach taken by the Inspector. It is therefore considered that it is sufficient to replicate the archaeology condition attached to the planning permission granted on appeal.

It is noted that usually outline applications in Conservation Areas and adjoin Listed Buildings will be required to be accompanied by substantial design detail. However such details were not provided with the appeal proposal and it is therefore considered that the submitted details, layout, cross sections and perspective drawings is sufficient in this case. In this case I consider that we have sufficient information, given that layout particularly is not reserved, to come to a considered view on the acceptability of the proposal. I therefore do not consider that the proposal conflicts with the intentions of this policy.

Highway Matters

Despite lengthy debate throughout the previous applications on the site, the retail development has been deemed acceptable in highways safety terms demonstrated by the existence of an extant permission on the site. Members will note from the consultation section above that the Highway Authority do not consider that the current proposal will materially affect the highways network in comparison to the extant permission. On this basis no objections have been raised.

Flood Risk

The site is within Flood Zones 2 and 3. The NPPF therefore requires LPA's to apply the Sequential Test with the aim of steering new development to land at lowest risk (zone 1) of flooding. 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 Zones 2 and 3 applying the Exception Test if necessary. The previous application for development of this site sequentially tested the site in relation to flooding and it was concluded, and accepted by the Inspector at appeal that retail development of the site would not be inappropriate subject to recommended conditions by the Environment Agency.

Amenity Issues

The main servicing yard would lie behind the proposed units and, subject to the same limitations to servicing hours imposed by the Inspector previously I consider that there would be no loss of residential amenities for occupiers in the Almshouses or Brewery or the properties opposite the site through noise and general disturbance from comings and goings at unsocial hours from heavy goods vehicles. In respect of customers and the proximity of the car park to adjacent residential occupiers again limitations to the opening hours which replicate those imposed by the Inspector previously are considered appropriate and proportionate. In addition the current proposal introduces tree planting along the boundary with the rear of the Almshouses and the common boundary with the Brewery, an element not previously proposed. This is considered to provide added benefits by way of assisting in screening out light overspill from car headlights in the car park and will be dealt with through the detailed landscaping scheme at reserved matters stage.

Conclusion

It is my view that the proposal requires assessment as to the impact of the variation of Condition 25 on the vitality and viability of Newark Town Centre. In September 2016 an application for the

identical variation was considered to be acceptable and concluded to not result any significant adverse effect on the town centre.

In the context of the 2016 appeal decision and taking a proportionate approach, I consider that the level of information submitted with this application is likely sufficient to enable the conclusion to be reached that the alteration of the wording to Condition 25 would not have a significant adverse impact such as to justify refusing planning permission (despite an estimated potential increase in adverse impacts on Town Centre retail of -6.1% rather than -5.3%), subject to comments on the existing town centre with respect to Marks and Spencer in informing a baseline position from which to assess impact.

RECOMMENDATION

That outline planning permission is approved subject to the conditions and reasons to follow.

BACKGROUND PAPERS

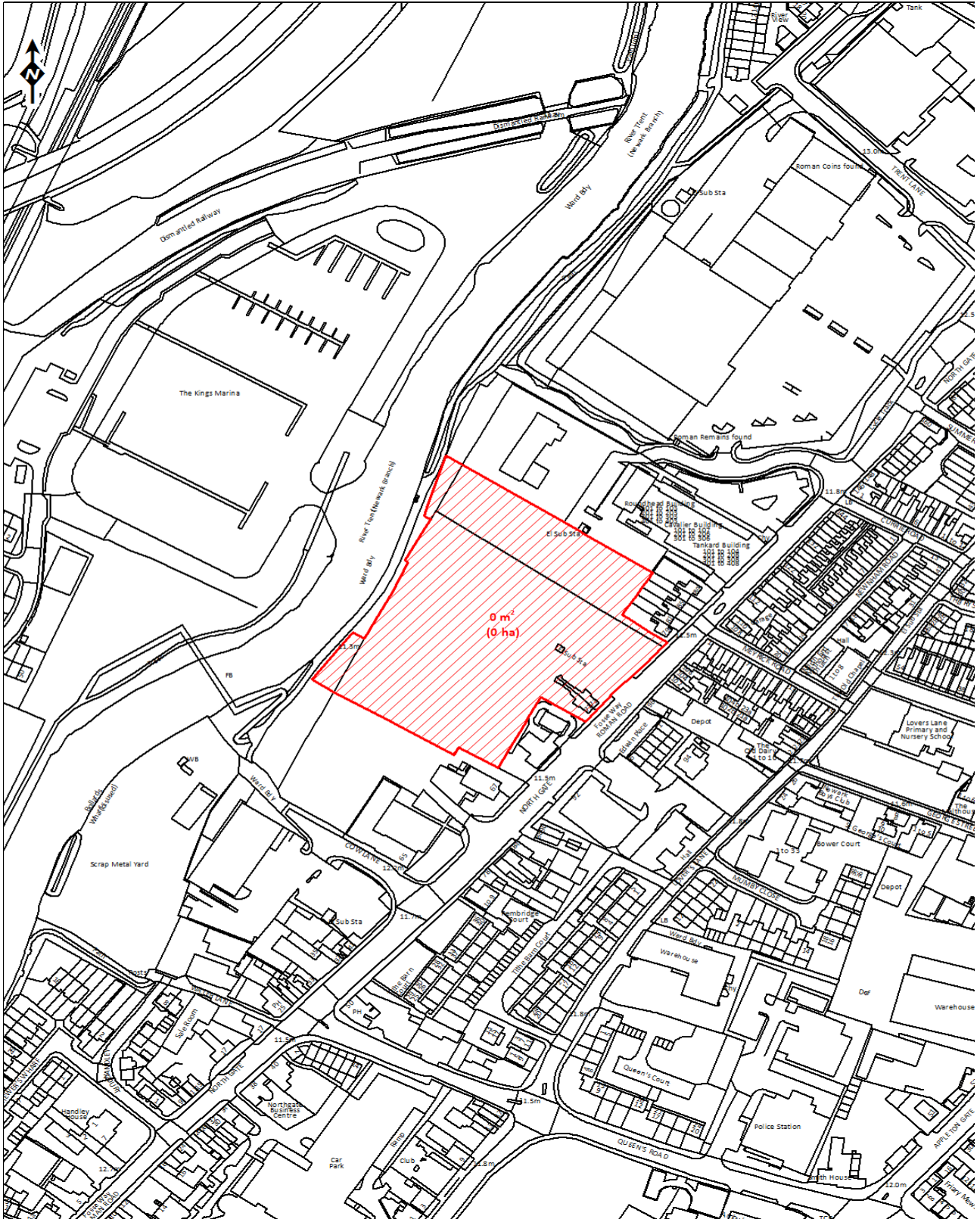
Application case file.

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.

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 18/01137/OUTM



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

| | | |
|------------------------|---|--|
| Application No: | 18/01217/OUT | |
| Proposal: | Demolition of existing barn, erection of 4no. dwellings and associated carports/garages. | |
| Location: | Land at Enfield Court, Harby, Notts | |
| Applicant: | Mr C Medley | |
| Registered: | 29.06.2018 | Target Date: 24.08.2018
Extension of Time Agreed: |

This application was deferred from September committee due to Members wishing to carry out a site visit. Further comments have also been received from the Environment Agency following the submission of an additional Technical Report from the agent on the flooding matter. The comments and commentary relating to this are highlighted in red in the following report.

This application is brought before Members as the Officer recommendation differs from that of the host Parish Council which under the Council's current Constitution it states it should be brought to Committee for Members to determine.

The Site

The site lies to the north of the settlement of Harby, to the west of Station Road and is located within a site area of approximately 0.165ha. There are existing dwellings located to the south of the application site with the existing gated access off Station Road to the east.

There is an existing open brick and timber framed agricultural building located to the east of the site adjacent to Station Road. To the north and west of the site are arable fields. The eastern boundary with the highway is defined by a shallow ditch drainage channel with the hedge adjacent.

The application site is reasonably flat throughout however the north-west of the site has a mound of rubbish approximately 1.5-2m high.

The eastern half of the site is designated as being within Flood Zone 1 and the western half is located within Flood Zone 2 in accordance with Environment Agency mapping.

Relevant Planning History

15/00616/DISCON - Request for confirmation of discharge of condition 02 attached to 14/01768/CPRIOR for Prior Approval for Change of Use from Agricultural Building to Dwelling – Part discharged 05.06.2015

14/02211/NMA - Application for non-material amendment to planning permission 05/02562/FUL

for Demolition of modern farm buildings, conversion of barns to form 2 No. dwellings, erection of 4 No. new dwellings & erection of double detached garage for Enfield House – Approved 14.01.2015

14/02139/FUL - Variation of condition 7 of permission 10/01490/FUL to enable retention of one agricultural building – Approved 01.04.2015

14/01768/CPRIOR - Prior Approval for Change of Use from Agricultural Building to Dwelling – Prior approval not required 25.11.2014

In November 2017 it has been confirmed, although not through the approval of a Lawful Development Certificate, that development had commenced through the excavation of trenches, drainage channels and installation of service ducts. It is the informal opinion of the LPA that this application is extant.

14/01473/CPRIOR - Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse – Planning application required 25.09.2014

13/01126/FUL - Proposed erection of single sustainable 'Live / Work' unit to meet a local need – Refused (appeal dismissed) 09.01.2014

12/01329/FUL - Residential development comprising total of 7 dwellings (of which 4 are over and above previous approved scheme). This involves the conversion of barn to two x 4 bedroom dwellings, two new pairs of semi-detached dwellings and amendments to an approved 3 bedroom house to form a four bedroom house. Resubmission of 12/00727/FUL, which was refused. Refused 21.11.2012

12/00727/FUL - Residential development comprising total of 9 dwellings (of which 6 are over and above previous approved scheme). This involves the conversion of barn to 4 dwellings, a new row of 3 terraces, a new four bedroom dwelling and amendments to an approved 3 bedroom house to form a four bedroom house - Refused 07.08.2012

10/01490/FUL - Demolition of modern farm buildings, conversion of barns to form 2 No. dwellings, erection of 4 No. new dwellings & erection of double detached garage for Enfield House. (Variation of conditions 3, 4 & 12 of planning approval 05/02562/FUL) – Approved 20.12.2010

05/02562/FUL - Demolition of modern farm buildings, conversion of barns to form 2 No. dwellings, erection of 4 No. new dwellings & erection of double detached garage for Enfield House – Approved 09.02.2006

76/53 - Building for storage of implements – Approved 02.03.1976

The Proposal

The applicant seeks outline planning approval for the erection of 4no. market dwellings (2no. semi-detached and 2no. detached) on land formerly used for agriculture but which now appears to be for storage. All matters are reserved apart from access. There is already an access created to the site that serves the southern section of the site which has already been developed with 6 dwellings. The proposal would seek the demolition of the existing open framed agricultural building to the east of the site which measures approximately 12.5m (width) x 18m (length). No details of the height of the building have been submitted as part of the application consideration.

The applicant has indicated on the application form that three of the dwellings would be 3 bedroomed and one would be 4 bedroomed and an indicative layout has been submitted (drwg. 1464M/004).

Documents/plans submitted in support of the application

DRWG no. 1464M/002 Site Location Plan;
DRWG no. 1464M/003 Existing Site Block Plan;
DRWG no. 1464M/004 Site Block Plan;
DRWG no. 1464M/SA03 Sequential Test Plan;
Design and Access Statement Artech Designs (1464M/DA01 June 2018);
Flood Risk Assessment, Roy Lobley Consulting (RLC/0244/FRA01 27/06/2018)
RLC/0244/TN01 Technical Note 01 Roy Lobley Consulting (dated 31.08.2018)

Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter.

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 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 (adopted July 2013)

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 2018
- Planning Practice Guidance 2014

Consultations

Harby Parish Council - This proposal will tidy up the area and the proposed houses will be more in keeping with the village environment in which it is set as well as supplying housing needs for the village. This small-scale development is in line with the Community Led Plan. Although this proposal has been amended from the currently approved application this new proposal is more in keeping with the location

NSDC Environmental Health Officer - Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos.

As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

Environment Agency – 12.09.2018 - The FRA is a little confusing but on the basis that the FFL are going to be set 1.50m above the 1 in 100 year with a 20% allowance [6.31mAOD] and are actually provided a FFL of 7.85mAOD, then I would say that this acceptable at this location.

21.08.2018 - If we accept that the 7.70AOD is the 1 in 1000 flood level then they are only proposing 150mm of freeboard. Models are just that and it's always proposed that 600mm of freeboard is added to take out all risk. This might be negotiated down to 300mm if flood resilience is built into the dwelling as a compromise.

Nottinghamshire County Council Highways Officer - The proposed dwellings will be served off a recently constructed private access. Providing vehicular access rights are made available to the residents then there is no objection, since the access is capable of serving additional dwellings.

Lincolnshire County Council Archaeology – No archaeological input required.

NSDC Access and Equality Officer – Observations

Representations

One neighbour has responded seeking clarification on whether the buildings would be bungalows or houses. They state that bungalows would be preferred and they also seek clarification on the exact number of buildings proposed.

Comments of the Business Manager

5 Year Housing Land Supply

With regards to the Councils current position with regards to 5 year housing land supply it is relevant to acknowledge that at the present time the LPA is well advanced in the process of a plan review with an examination which took place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to

date. This has also been confirmed by Inspectors through recent appeal decisions dated April 2018 following a Public Inquiry.

Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Spatial Policy 1 and 2 does not include the settlement of Harby as one which is capable of supporting additional growth with its nearest Principal Village identified within the District as Collingham. The application site is located within a reasonably built up rural area and as such Spatial Policy 3 applies. The site, in the wider context, has been partly developed upon with residential development to the south of the current application site. Nonetheless, these are now in private occupation and do not form the basis of this application. The application site contains an open steel framed agricultural building to the east of the site approximately 12.5m (width) x 18m (length).

Spatial Policy 3 of the Adopted Core Strategy states that housing should be provided for in settlements with an identified local housing need and housing will be focussed in sustainable accessible villages. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. This is Location, Scale, Need, Impact, Character.

In considering this proposal I am mindful that the changes to Policy SP3 as part of the plan review. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017 for independent examination by a Planning Inspector with the examination having taken place on the 2nd February 2018. Further details have been submitted to queries which have been raised relating to Spatial Policy 3 and the Council is currently out to consultation on those amendments. Accordingly for the purposes of this proposal it is considered that weight can be attached to this emerging policy.

Location

The emerging Spatial Policy 3 of the Core Strategy, which now carries some weight in the decision making process, states within the Location criterion that *'new development should be within the main built-up areas of villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages **and** have a range of local services themselves which address day to day needs.'*

The application site is located within the main built up area of the village although to the northern fringe of the settlement. Harby does have some limited facilities to offer new development of a Primary School, Pub, village hall and small shop however it does not have good public transport access to other Service Centres or Principal Villages. Travel Wright provide the no.67 bus service between Newark and Saxilby (Lincoln) and although there is one stop in Harby (Low Street) the earliest bus from Newark is 12:40 and Collingham at 12:58 which arrive in Harby at 13:35. There is 1 subsequent bus which stops at both Newark and Collingham which departs Newark at 14:03 and arrives in Harby at 15:05. There are 4 busses which depart from Collingham however the earliest is 12:58 and the latest is 17:35. An extract of the bus timetable is provided in Table 1 below. Harby is located approximately 4 miles from the settlement of Saxilby which is within Lincolnshire and does provide for more local facilities. However the bus service to Saxilby is inferior than from Newark or Collingham with Harby only identified as a 'Demand Responsive Area' which means the bus does not automatically stop in Harby and the stop has to be booked in advance by telephoning the bus

company, much like a taxi service. However there is one scheduled route from Saxilby to Harby which leaves Saxilby at 13:50 and arrives in Harby at 14:00 and carries on to Newark. A copy of the bus timetable is provided in Table 2 below.

With regard to the level of facilities that Harby has to offer it has a primary school, pub, village hall, church, a newly opened village shop and a post office (open two afternoons a week). For a small village it does provide for a degree of servicing. However, there would still remain a need for wider services provided by more sustainable settlements which, as outlined above, would not be reasonably accessible by sustainable access means. Spatial Policy 3 is clear that both elements (i.e. local services and sustainable access) must be met in order for development to meet the locational criteria. Given that the transport links to more sustainable settlements are inferior and thus new residents would be reliant on the use of their own car to access shops and other services which are not provided for in the existing settlement, Officers consider that locationally the proposal fails to accord with Spatial Policy 3 of the Core Strategy.

A bus service operated by [Travel Wright](#)

Wednesday 15 August 2018 ▼

Newark - Collingham - Saxilby

Show all stops

| | | | | | | | | | | | | | | |
|--------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|-------|-------|-------|
| Newark Bus Station (Bay A) | 07:40 | 09:03 | 10:03 | 11:03 | 12:03 | 12:40 | 13:03 | 14:03 | 15:48 | 17:08 | 18:08 | | | |
| Newark Bus Station (Bay AE) | 06:40 | | | | | | | | | | | | | |
| Newark, opp Kirk Gate | 06:42 | 07:42 | 09:05 | 10:05 | 11:05 | 12:05 | 12:42 | 13:05 | 14:05 | 15:50 | 17:10 | 18:10 | | |
| Newark, opp Lincoln Street | 06:45 | 07:45 | 09:08 | 10:08 | 11:08 | 12:08 | 12:45 | 13:08 | 14:08 | 15:53 | 17:13 | 18:13 | | |
| Newark, adj Gainsborough Drive | 06:47 | 07:47 | 09:10 | 10:10 | 11:10 | 12:10 | 12:47 | 13:10 | 14:10 | 15:55 | 17:15 | 18:15 | | |
| Winthorpe Demand Responsive Area | 06:52 | 07:52 | 09:15 | 10:15 | 11:15 | | | | 14:15 | 16:00 | 17:20 | 18:20 | | |
| Winthorpe, opp Holme Lane | | | | | | 12:50 | | | | | | | | |
| Langford, opp Elmtree Farm | 06:56 | 07:56 | 09:19 | 10:19 | 11:19 | 12:19 | 12:54 | 13:19 | 14:19 | 16:04 | 17:24 | 18:24 | | |
| Collingham, adj The Green | 07:00 | 08:00 | 09:23 | 10:23 | 11:23 | 12:23 | 12:58 | 13:23 | 14:23 | 16:08 | 17:28 | 18:28 | | |
| Collingham Braemer Road (N-bound) | | | | | | | | | 14:27 | | | | | |
| Collingham, adj Queen Street | 07:02 | 08:02 | 09:30 | 10:30 | 11:30 | 12:25 | 13:00 | 13:25 | 14:30 | 16:10 | 16:13 | 17:30 | 17:35 | 18:30 |
| Collingham, adj The Rookery | | | | | | | | | 14:32s | 16:15s | 17:38s | | | |
| Collingham, adj The Rookery | 07:05 | 08:05 | 09:32 | 10:32 | 11:32 | 12:28 | | 13:28 | | 16:13 | 17:33 | 18:33 | | |
| South Scarle Demand Responsive Area | | | | | | | 13:04 | | 14:34 | 16:17s | 17:42s | | | |
| Besthorpe, adj Trent Lane | | | | | | | | | 14:38 | 16:21s | 17:46s | | | |
| Besthorpe Demand Responsive Area | | | | | | | 13:08 | | | | | | | |
| North Scarle Demand Responsive Area | | | | | | | 13:09 | | 14:39 | 16:22s | 17:47s | | | |
| Girton Lane (opp) | | | | | | | | | 14:40 | 16:23s | 17:48s | | | |
| Girton Demand Responsive Area | | | | | | | 13:10 | | | | | | | |
| Spalford Demand Responsive Area | | | | | | | 13:15 | | 14:45 | 16:25s | 17:53s | | | |
| South Clifton Demand Responsive Area | | | | | | | 13:19 | | 14:49 | 16:27s | 17:57s | | | |
| North Clifton Demand Responsive Area | | | | | | | 13:21 | | 14:51 | 16:29s | 17:59s | | | |
| Thorney Demand Responsive Area | | | | | | | 13:28 | | 14:58 | 16:38s | 18:06s | | | |
| Wigsley Top Road (SE-bound) | | | | | | | 13:32 | | 15:02 | 16:40s | 18:10s | | | |
| Harby Low Street (N-bound) | | | | | | | 13:35 | | 15:05 | 16:43s | 18:13s | | | |
| Saxilby Demand Responsive Area | | | | | | | 13:45 | | | | | | | |
| Saxilby, adj Thonock Drive | | | | | | | | | 15:15 | 16:53 | 18:23 | | | |

Table 1: Travel Wright Bus Timetable route no.67

Saxilby - Collingham - Newark

Show all stops

| | | | | | | | | | |
|--------------------------------------|-------|-------|-------|-------|-------------------|-------|-------|-------|-------|
| Saxilby, adj Thonock Drive | | | | | | 13:50 | | | |
| Saxilby Demand Responsive Area | 07:27 | | 09:30 | | | | | | 16:55 |
| Harby Low Street (S-bound) | | | 09:35 | | | 14:00 | | | |
| Wigsley Top Road (SE-bound) | | | 09:38 | | | 14:01 | | | |
| Harby Demand Responsive Area | 07:35 | | | | | | | | 17:05 |
| Wigsley Demand Responsive Area | 07:38 | | | | | | | | 17:08 |
| Thorney Demand Responsive Area | 07:41 | | 09:43 | | | 14:05 | | 17:10 | |
| North Clifton Demand Responsive Area | 07:45 | | 09:47 | | | 14:09 | | 17:12 | |
| South Clifton Demand Responsive Area | 07:47 | | 09:49 | | | 14:12 | | 17:14 | |
| Spalford Demand Responsive Area | 07:49 | | 09:51 | | | 14:14 | | 17:16 | |
| Girton Demand Responsive Area | 07:51 | | 09:53 | | | 14:16 | | 17:18 | |
| North Scarle Demand Responsive Area | 07:54 | | 09:56 | | | 14:18 | | 17:20 | |
| Besthorpe Demand Responsive Area | 07:56 | | 09:58 | | | 14:20 | | 17:21 | |
| South Scarle Demand Responsive Area | 07:58 | | 10:01 | | then hourly until | 14:22 | | 17:23 | |
| Collingham, opp Queen Street | | | 10:07 | | | | | | |
| Collingham, adj Queen Street | 07:02 | 08:02 | 09:30 | 10:25 | | 13:25 | 16:10 | 17:30 | 18:30 |
| Collingham, adj Queen Street | | | | | | | | 17:25 | |
| Collingham, adj The Rookery | 07:04 | 08:04 | 09:32 | 10:27 | | 13:27 | 14:28 | 16:12 | 17:32 |
| Collingham Braemer Road (S-bound) | 07:08 | 08:08 | 09:36 | 10:31 | | 13:31 | 14:31 | 16:16 | 17:36 |
| Collingham, opp The Green | 07:12 | 08:12 | 09:40 | 10:09 | 10:35 | 13:35 | 14:35 | 16:20 | 17:40 |
| Langford, adj Elmtree Farm | 07:16 | 08:16 | 09:44 | 10:12 | 10:39 | 13:39 | 14:39 | 16:24 | 17:44 |
| Winthorpe, opp Holme Lane | | | | 10:16 | | | | 14:42 | |
| Newark, opp Gainsborough Drive | 07:21 | 08:21 | 09:49 | 10:23 | 10:44 | 13:44 | 14:48 | 16:29 | 17:49 |
| Newark, adj Lincoln Street | 07:23 | 08:23 | 09:51 | 10:25 | 10:46 | 13:46 | 14:50 | 16:31 | 17:51 |
| Newark, adj Kirk Gate | 07:26 | 08:26 | 09:54 | 10:30 | 10:49 | 13:49 | 14:53 | 16:34 | 17:54 |
| Newark Bus Station (Bay A) | 07:29 | 08:29 | 09:57 | 10:32 | 10:52 | 13:52 | 14:55 | 16:37 | 17:57 |

Table 2 : Travel Wright Bus Timetable route 67

Members may be aware of a recent application for 2 bungalows further north in Harby, adjacent to the primary school, which was before Members in July 2017 (17/00280/OUT). The application was recommended for refusal by officers due to lack of adequate public transport links and thus contrary to Spatial Policy 3. Members took a contrary view to Officers and felt that one or two developments was acceptable in order to provide accommodation for the community to down size and for the village to remain sustainable, regardless of the existing transport links. This application is for 4 family sized dwellings and does not represent a facility for residents to downsize, which bungalows would. I do not consider the application can be considered for the same reasoning as 17/00280/OUT, and whilst 4 dwellings would contribute to the sustainability of the village there are other material considerations which should also be taken in to consideration which are explained later in this report.

Scale

The proposal is sought for four two storey residential dwellings on a site which is approximately 0.165ha in area. At the last Census in 2011 the number of properties in Harby was 128, the Council has received notification of 11 completions to properties since 2011 and 4 commitments which haven't yet been constructed. The proposal constitutes a 5.7% increase in the total number of properties in Harby (including the committed properties) which I consider to be of low scale in comparison to the overall number of properties within the settlement.

Need

The NPPF (2018) states *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as **meeting the needs of the present** without compromising the ability of future generations to meet their own needs”*. (para.7 emphasis added).

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

In this regard I am mindful of the need criterion within the emerging Spatial Policy 3. This states that local housing need will be addressed by focusing housing in sustainable, accessible villages. New housing will be considered where it helps to support community facilities and local services and reflects **local need** in terms of both tenure and house types. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area. No information has been submitted with the application to demonstrate housing need in the area.

The ‘Newark and Sherwood Sub-Area Report for Housing 2014’ produced on behalf of NSDC establishes the housing needs position across the District. Harby is included within the Collingham and Meering Area. According to the report there is a demand for 2, 3 and 4 bedroomed market housing, with the highest demand being for 2 bedroomed dwellings.

The settlements of Harby, Thorney and Wigsley have in 2015, published a Community Led Plan for the period of 2015-2025, which illustrates their vision for new development within the communities. This plan stated that within Harby the highest demand was for detached family homes (58% of respondents) on individual plots; however there was also a high demand for affordable/shared ownership properties (46%), bungalows (47%) and semi-detached properties (50%).

Whilst it is clear that substantial work has gone into producing the document, it only shows the preferences of those surveyed. Whilst this carries some weight as an aspiration, the results in the Community Led Plan alone do not demonstrate a proven local need as required by Policy SP3. Identified proven local need is not just a question of what the demand is but also needs to include an analysis of the current housing stock to help identify what is required. The Council’s Spatial Policy 3 Guidance Note states *‘Housing need should not be confused with the state of the housing market in a particular settlement at a particular point in time’ and that ‘Assessments should be based on factual data such as housing stock figures where the need relates to type of housing or census data where the need relates population groups.’* A Housing Needs Assessment, which is the identified route for providing a clear needs assessment has not been produced for Harby and thus whilst the Community Led Plan is a useful document it represents a desire and aspiration for development and not a proven local need. I therefore consider that the document carries very little planning merit.

Nonetheless, the proposal provides for market dwellings which meet a Housing Need within the Collingham and Meering area regardless of the applicant not having provided details of which

community services they would directly support. It is accepted that 3 and 4 bedroomed properties are such which would attract families and as there is a primary school in the village it is reasonable to suggest that this would see some benefit from such a development. Therefore I consider that although there is no housing need survey produced, the proposal would seek to meet the 2014 Housing Need identified through the work carried out by NSDC. I therefore consider that on this basis, and that the proposal would contribute to sustaining community facilities (school), the Need criterion has been met.

Impact

I consider that a scheme could be designed so it does not have a detrimental impact upon nearby residents. The proposal is for 4 properties, which is low scale, and the level of car-borne traffic caused by the development whilst unsustainable in locational terms is unlikely to be overly excessive in terms of impact due to the proximity to the neighbouring more sustainable settlement of Saxilby.

Character

The erection of four dwellings is considered low scale and the application is only in outline form with layout to be considered as a reserved matter. The site lies to the north of a recently constructed residential development/conversion of 6 dwellings located off a private access. The layout as proposed, whilst only illustrative, shows how 4 properties would integrate on the site. This illustrated layout and the number of properties proposed would introduce sensible layout, in my opinion which I consider is general accordance with the immediate locale. I therefore consider the proposal would accord with the character criterion of Spatial Policy 3.

The NPPF (2018) states *'the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area' (para 9).*

It has not been proven to the satisfaction of officers that the settlement of Harby is adequately serviced by public transport and thus the proposal is located within an unsustainable location. I note that the settlement does provide for some limited 'permanent' facilities. The agent has stated within their Design and Access Statement that additional facilities are provided however these are mainly mobile, such as the butchers, fish and chip van, library, newspapers, bakery van, fresh fish delivery, which I consider to be a response to provide occasional services to a village which is in an unsustainable location, rather than established uses based within the settlement that serve the residents. Such facilities could be achieved in any settlement and are not a permanent base within the village. I still consider the settlement is not wholly supportive of additional speculative development and thus the settlement of Harby fails to be adequately sustainable to support further development.

Impact on Highway Safety

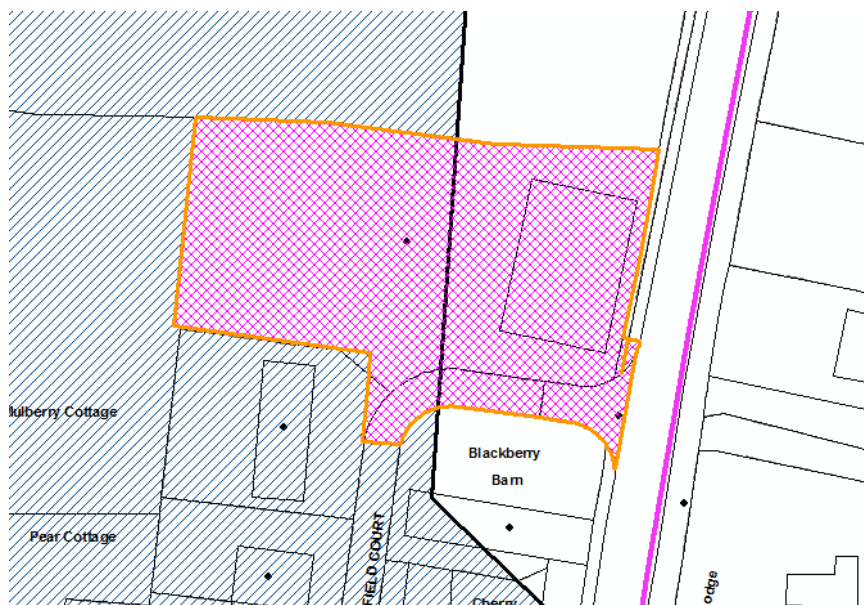
Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Access is a matter which is to be considered as part of this application and not at reserved matters stage. The proposal would utilise an already constructed access which serves the southern side of the site. The access has not raised any objections from Nottinghamshire County Council Highway colleagues as the access is capable of supporting additional dwellings.

I therefore consider the proposal to be acceptable with regards to highway safety and accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD.

Impact on Flood Risk

The application site falls within Flood Zones 1 and 2 according to the Environment Agency flood zone mapping (see plan below). Flood Zone 1 is to the eastern half of the site where plots 1, 2 and 3 are located and plot 4 (and associated garaging), extended spine road and half of the garage building for plots 1 and 2 are located within flood zone 2. The proposed use of residential dwelling houses would be considered as more vulnerable according to the Technical Guidance of the NPPF.



Flood zone mapping, blue indicates zone 2

The National Planning Policy Framework (NPPF) provides guidance on dealing with development within Flood Zone 2. 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 risk 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.

This is reflected in Core Policy 10 of the Newark and Sherwood Core Strategy which states that when determining development proposals, the Council will 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 where applicable 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.

The application has been accompanied by a Flood Risk Assessment (FRA) which includes the application of the Sequential Test. The LPA has not outlined a prescriptive approach to applying the Sequential Test as each application must be considered on its own merits unless specified differently under para 33 of the PPG. The starting stance is that the test be applied 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. For example if the specific settlement has a Housing Need survey which has been accredited by this Authority which this application would seek to provide a need for, then the sequential test could be more specific to the individual settlement as it would be fulfilling a particular identified need. This approach has been historically advocated by the Environment Agency in their advice to applying the Sequential and Exceptions Test and it is one which the LPA considers is the most reasonable.

The submitted Sequential Test only identifies sites within Harby which are either in a Flood Zone or are not available. Members will be aware that the LPA now considers that it has a proven 5 year housing land supply and as such it would not be seeking to approve development where there is a real risk to the occupiers safety from flood water. Therefore as the LPA has available sites within the District to provide housing which are within areas at lower risk from flooding, the proposal is considered to fail the Sequential Test. The NPPF states that the application of the Exceptions Test is only required when the Sequential Test has been satisfactorily addressed. However for completeness and to inform Members decision making I consider it necessary and appropriate to inform them on how the test could be satisfied.

Paragraph 160 of the NPPF states that for the exceptions test to be passed it should be demonstrated that :

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; **and**
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Whilst the proposal has been demonstrated that it would meet an identified housing need within the Collingham and Meering area, this is offset by the unsustainable location due to the inadequate transport links to sustainable locations. I therefore consider the proposal fails to adequately provide a wider sustainable benefit. The second criterion relates to the levels the buildings would be constructed at, however the proposal must pass both criteria to pass the exceptions test. Within the submitted FRA the applicant has stated that the site is at low flooding risk from fluvial and groundwater sources and existing sewers, nonetheless it is still located within Flood Zone 2. They state that the minimum finished floor levels for all four dwellings would be set 150mm above ground level within Flood Zone 2 and this is reinforced by an addendum to the FRA (Technical Note 01 dated 31.08.2018). Having reconsulted with the Environment Agency on the updated information they state that on the basis of the revised technical data and the land levels, the proposal would adequately cope with a flood event when applying the 1 in 100 breach level plus climate change. Their previous comments did not include this data and therefore these have been amended to reflect the most up to date information. The dwellings will be sited 1.5m above the recognised flood level of 6.31m. The dwellings however will only need to be sited 150mm above existing ground levels due to the raised land levels in this location. Therefore on the basis of the updated Technical note and the revised consultation with the Environment Agency the proposal would, in theory, pass the Exceptions Test. However the PPG provides clear and concise guidance on how the Sequential Test should be applied and Members should be aware that this is National Guidance which should be taken on board unless there are clear and convincing reasons not do so.

It is still my opinion that there remains sequentially better sites for development within the District which are at lower risk from flooding and indeed a reduction in the number of dwellings and development area of the site could in itself take the development out of Flood Zone 2 as only the western half of the site is within Flood Zone 2. I have raised this issue with the Agent, however their client is seeking to proceed with the application as submitted.

As such, on the basis that the Sequential Test should be applied District wide where there are numerous sites available at lower risk of flooding that could accommodate small scale development sites.

It is considered that in this instance the application fails to satisfy the Sequential Test as set out in para 157 of the NPPF. 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.

Housing mix

Whilst housing type, design and layout are not for consideration at this stage, the applicant had previously stated that the general mix is a 3no. three bedroomed dwellings and 1no. four bedroomed dwelling. Whilst this is not a varied mix I do not see it as wholly inappropriate, given the scale of the site and the surrounding community it seeks to serve. I therefore consider this does not represent an adequate reason for the refusal of planning permission and the proposal generally accords with Core Policy 3 of the Core Strategy.

Impact upon Residential Amenity

Policy DM5 of the ADMDPD states the *“layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from*

an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.” The application is only in outline form however an indicative layout has been submitted (DRWG 1464M/004). I am confident that a scheme could be produced which ensures that the future occupiers of the dwellings and existing occupiers of the surrounding sites would not have their amenity detrimentally impacted upon.

Impact on the Landscape and Ecology

The site is identified within the Council's Landscape Character Assessment SPD as being located within the East Nottinghamshire Sandlands Policy Zone ES PZ 02: Wigsley Village Farmlands with Plantations. The landscape condition is defined as being of moderate condition with a very low impact to sensitivity. As such the outcome is to create landscape features in new development such as new hedgerows and restore existing, enhance existing tree cover and landscape planting and promote biodiversity. The proposal does not include measures for landscaping only those shown indicatively on the submitted indicative layout plan. The site is currently a greenfield site and would provide a degree of biodiversity and ecological value however this has not been demonstrated through the submission of an ecological survey. Nonetheless the site is not identified within a protected area for ecology and thus I consider it to provide a low ecological value.

Core Policy 12 of the Core strategy and policy DM7 of the ADMDPD states that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The indicative layout allows the provision of a new hedgerow around the site. I consider that despite this layout the site does have capacity to increase the biodiversity of the site through the planting of hedgerows and native trees which I consider would accord with Core Policy 12 and policy DM7. If Members are minded to approve the application then I consider a condition would be required, securing an appropriate enhanced landscaping scheme.

The erection of 4 dwellings (and associated infrastructure) I consider would have limited impact upon the character of the wider landscape area due to the already built up surroundings to the south and east. Therefore the proposal is considered to adhere to Core Policy 13 of the Core Strategy and the Landscape and Character Assessment SPD.

Conclusion

Taking the above into account I am of the view that the proposed development would fail to accord with the Sequential Test as set out in the NPPF as there are more sequentially preferable sites within the District which are at lower risk from flooding. The settlement of Harby has some facilities to support day to day living, however residents would still be reliant on accessing services in other more sustainable locations to which there is an inadequate public transport links in the village. Residents would therefore be reliant on the use of a private car to access such locations and services. The proposal is therefore also considered to be located in an unsustainable location which fails to accord with the location criteria of Spatial Policy 3 of the Core Strategy.

The development would have an acceptable impact on the character of the area, neighbouring amenity and highway safety. However, these are not considered to outweigh the principle of this development being located in an unsustainable location.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Chapter 14 of the National Planning Policy Framework (NPPF 2018) sets out the due process for assessing new residential development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail to accord with the Sequential Test as the Council considers there are other more preferable sites at lower risk from flooding within the District to permit housing, and indeed the Council considers it also has a proven 5 year housing land supply so is not reliant on approving such windfall sites which are at risk from flooding. Harby does not have a local housing needs survey and as such these market dwellings are not being built to fulfil a specific identified shortage in local supply.

As such the proposal is contrary to Chapter 14 of the NPPF (2018), PPG (2014), Core Policy 10 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013)

02

Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new development will be considered against a number of criteria including location. In the opinion of the Local Planning Authority, whilst Harby has limited facilities, new residents would be reliant on the use of a car to access other essential day to day facilities due to the inadequate public transport network.

The proposal therefore fails to comply with the location criteria of Spatial Policy 3 and would thus represent the promotion of an unsustainable pattern of development, contrary to the key aims of the National Planning Policy Framework, the Newark and Sherwood Core Strategy 2011 and explicitly Spatial Policy 3.

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/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

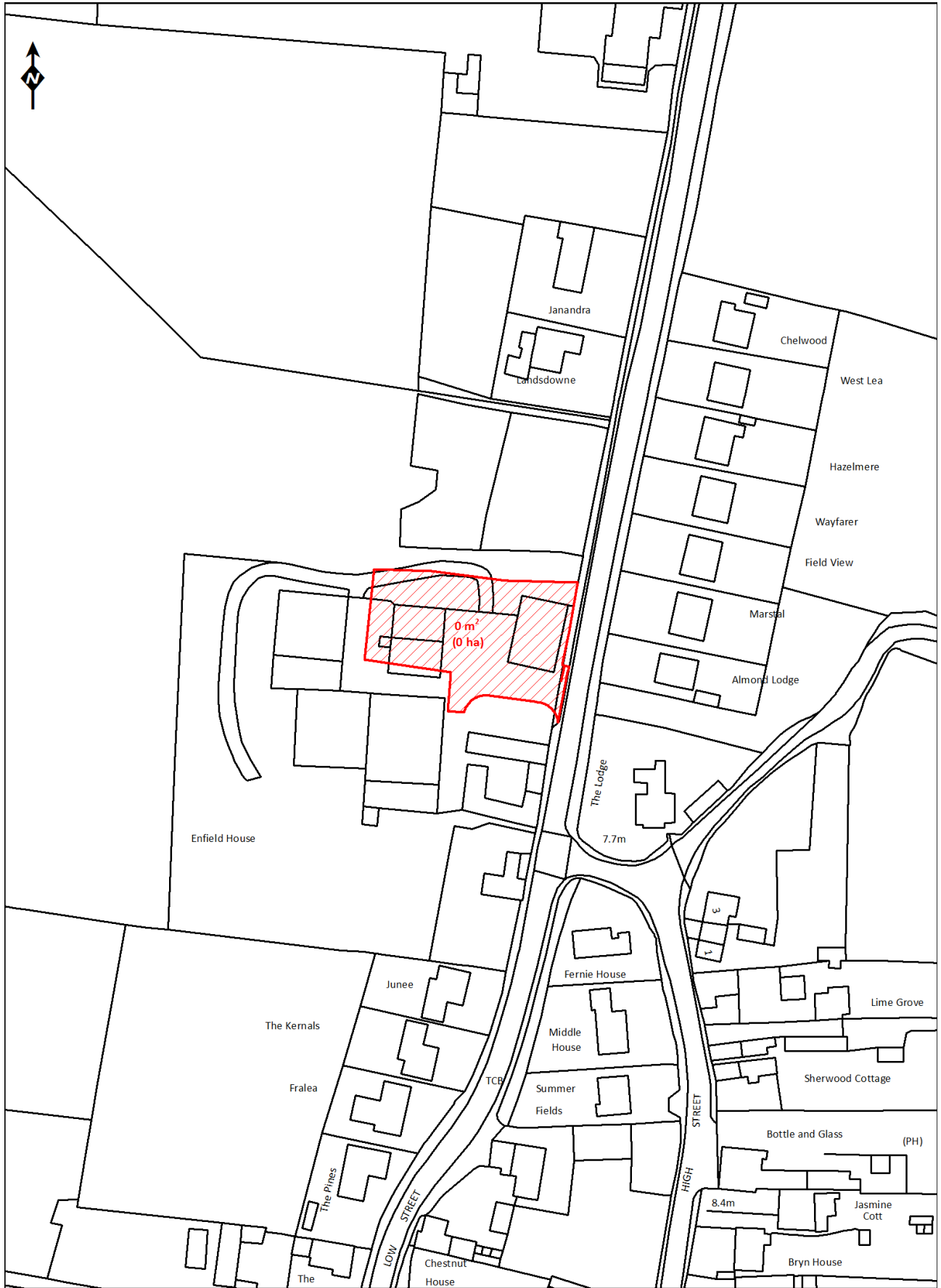
Application case file.

For further information, please contact Lynsey Tomlin on Ext 5329.

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

Matt Lamb
Business Manager Growth and Regeneration

Committee Plan - 18/01217/OUT



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

| | | | |
|------------------------|---|------------------------------------|--|
| Application No: | 18/01241/FUL | | |
| Proposal: | Retention of the north-western wing and the conversion to a dwelling including external alterations (Unit 4) (Retrospective) | | |
| Location: | Balderton Working Men’s Club and Institute, 69 Main Street, Balderton | | |
| Applicant: | Yorkhouse Properties Ltd – Mr K Roberts | | |
| Registered: | 03 July 2018 | Target Date: 28 August 2018 | |
| | Extension of Time Agreed Until 4 October 2018 | | |

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

The Site

The site contains a substantial and attractive period building located on the north side of Main Street within the urban area of Balderton. It is situated within Balderton Conservation Area. It was previously used by Balderton Working Men’s Club and Institute but following approval of an application which included a conversion scheme and various demolition works to the existing building, it has now been occupied for residential purposes for the previous 6 months or so. Whilst it is not a listed building, it is regarded as a positive building within the Conservation Area which is a heritage asset. Listed Buildings are located opposite and adjacent to the site including No. 77 and No 79 Main Street (Grade II listed) and St Giles Church (Grade I listed). Residential dwellings are located along the east and west of the site. No. 14 Bullpit Road is a bungalow containing a children’s day nursery. A primary school is located to the north of the site.

The building is a former villa, probably dating to the early/mid-19th century. The main building is 2 storeys, with 3 bays in red brick with hipped slate roof, deep soffits and pair of chimney stacks. Its frontage includes Victorian sash windows, and a characterful porch with pediment. Its front and principal side walls are constructed in Flemish bond. It has a 20th century replacement front boundary wall in red brick with central open access and piers also in Flemish bond. Behind this is a large expanse of tarmac car parking. The building contains substantial rear service wings. The eastern range appears to be older, perhaps contemporaneous with the villa which was to be retained to accommodate Unit 3. The currently approved permission shows the north-western rear service wing being demolished. It had Georgian sashes with flat head brick arch headers, the former of which have now been removed. The building did also have extensive 20th century additions which were of no interest, however, these have been demolished.

The existing and extant permission (along with the three units currently occupied) also approved the construction of 6 new build dwellings to the rear, in the grounds of the building, the construction of which has not yet commenced.

Relevant Planning History

03860285 Skittle Alley – permission 12.05.1986

94/50089/FUL - Removal of walls and provide disabled WC – permission 27.01.1995

98/50088/ADV - Fascia sign – permission 23.10.1998

02/02084/CAC - Demolish front boundary wall and rebuild as same – consent 07.11.2002

06/01052/FUL - To install door to make club flat self-contained, stairs will be needed to car park – permission 06.09.2006

14/01714/FUL - The removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West; Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 3 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works – approved 12.02.2015

17/00082/FULM - The removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West, Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 4 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works – still pending but waiting confirmation of withdrawal.

17/01339/FUL – Application to vary conditions 2,3,4,5,6,9,11 and 13 of planning permission 14/01714/FUL (to comply with pre-commencement conditions) for the removal of one of the Northern Wings to the Existing Building and the Single Storey Extensions to the North and West; Conversion of the Existing Building from a Working Men's Club and associated Manager's Flat into 3 Town Houses and the Erection of 6 New Dwellings within the grounds and associated ground works. (Including minor amendments as set out within letter dated 20/07/17) – approved 14.03.2018.

The Proposal

The application is for a full planning permission for the retention of the north-western wing and the conversion to a dwelling including external alterations to create Unit 4. This two storey north-western wing was proposed to be demolished within both the originally approved scheme granted under 14/01714/FUL and the subsequent Section 73 application approved under reference 17/01339/FUL.

Following the submission of application 17/00082/FULM, which was similar to the 2014 permission but sought the additional retention of the north-western wing of the main building and the conversion of the existing building into 4 units instead of 3, a site visit was made which revealed that demolition works (of the 20th century elements) had already commenced on site, however, no pre-commencement conditions had been discharged. After discussions with officers, following concerns regarding the level of CIL for which the applicant would be immediately liable for should a new permission be granted, officers sought to assist the applicant and advised that application 17/00082/FULM could be withdrawn and they could then seek a new planning permission for the development approved by the previous approval (14/01714/FUL) but seeking to vary the pre-commencement conditions, as these were clearly no longer able to be complied

with, following the commencement of the development on the site, there was still an opportunity to submit the necessary details without resulting in any undue planning harm given the stage of development. In doing this the liability for the inflated CIL could be avoided and the application to vary the conditions has now been approved.

This application now seeks a new independent planning permission to retain the existing two storey north-western wing as a two-bedroomed dwelling. The proposed layout shows a kitchen and living room at ground floor level and two bedrooms and a bathroom at first floor level. There are three windows at first floor level and double doors at ground floor level in the west facing elevation, one window at first floor level and three ground floor openings in the east elevation and a small window set back from the rear (north) elevation at first floor level.

Externally a single car parking space is provided adjacent to the western elevation. There is an amenity space (approx. 2.7m by 3.2m defined by a 1.8m high close boarded timber fence) adjacent to the parking space and an external courtyard area to the east of the wing measuring approx. 3m by 9m with no proposed boundary treatment to serve the new dwelling.

The majority of this two storey element (apart from the rear elevation) is traditional red brick with hipped slate roof. The building has already been converted and is currently occupied.

In support of the application a Design and Access Statement has been submitted.

The following plans have been assessed in the consideration of this application:

- Site Location Plan (Drawing No: BWMC0616-2000A);
- Proposed Site Plan (Drawing No: BWMC0616-2003);
- Proposed Plans and Elevations (Drawing No: BMWC0616-2001 Rev B); and
- Door and Window Schedule (Drawing No: BMWC0616-2004 Rev A).

Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 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 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 (on-line resource)
- Council's DCA Housing Market and Needs Assessment (2014)
- Sections 66 and 72 of Planning (Listed Buildings and Conservation Areas) 1990
- Newark and Sherwood Amended Core Strategy 2017

Consultations

Balderton Parish Council – Object. “This is an additional property to the original planning brief for converting the former club and is considered to be over-intensive development of the site which is in the village Conservation Area. One parking space only is also considered to be inadequate for a two bedroomed property.”

NCC Highways Authority – “No objection.”

Independent Archaeology Advisor – “No archaeological input required.”

NSDC, Conservation – “The proposal site is within Balderton Conservation Area (designated 1992). The Church of St Giles opposite is Grade I listed (designated 1967). 74, 77, 79 and 81 Main Street are all Grade II listed. 9 Bullpit Road is also Grade II listed.

We do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised 2018) and the legal duties with respect to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reaching any view, the local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the CA, and preserving the setting of listed buildings. Preservation is achieved by causing no harm, and might include maintaining the existing contribution made by the host building to the character and appearance of the CA.”

NSDC, Equalities and Access Officer – “It is recommended that the developer considers access to, into and around the proposals together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. Approved Document M of the Building Regulations gives useful information in this regard. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

No representations have been received from local residents/interested parties.

Comments of the Business Manager

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review following the Independent Examination which took place on February 1st and 2nd 2018. For the avoidance of doubt the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. I do not consider it necessary to rehearse the full position in respect of this matter given the support for additional housing in Balderton in principle, as part of the wider Newark Urban Area. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

Balderton is an established settlement within the defined Newark Urban Area. Newark is defined as a 'Sub Regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the District. New housing and employment growth should be focused in this area as it is considered to be a sustainable location for new housing development. In principle therefore it is considered that the proposed dwelling would be positioned within a sustainable location, but is still subject to an assessment against the site specific criteria as set out below. Although the application site is independent from the wider site by its red line outline, it is considered that the impact of this proposal must be considered against the impact on the wider site, given its planning history, which is somewhat complicated, but set out above.

Housing Density, Type and Mix

Core Policy 3 of the Core Strategy requires good quality housing design in line with the provisions of Core Policy 9 Sustainable Design. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Average densities of between 30-50 dwellings per hectare have been set for the 3 strategic sites in the Newark Urban Area. New housing development should also adequately address the housing need of the District, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. The NPPF states planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment (para 117). The NPPF differentiates between areas where there is an existing or anticipated shortage of land for meeting identified housing needs, but that is not the case in Newark.

When looking at the re-development of this whole site, in terms of density, the provision of 10 units on this site which is 0.34 hectares in area, equates to a density of 29.4 dwellings per hectare. From a general look at the figures in themselves, the proposed development would be acceptable in terms of its density of development on the site. The addition of a further 2-bed unit also accords with the housing need identified in the Council's DCA Housing Market and Needs Assessment (2014) (Sub-area Report – Newark Sub Area), in the open market housing sector. This additional unit would therefore meet the identified housing need and accords with the policy requirement. As such this application is considered to comply with Development Plan policy in this respect.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or

enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings. Policy DM9 of the DPD requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and setting of Listed Buildings. The NPPF states in para 127 that decisions should ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are sympathetic to local character and history including the surrounding built environment and landscape setting. It also states at para 193 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 setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

As a building of local interest, the original building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 200 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

When looking at the wider site as a whole, the reuse of the original building (back to its original residential use albeit divided into a number of units) is supported in principle as it would help to secure a sustainable future for the building. Part of the significance of this site is the open setting of the building, therefore allowing the character and appearance of the building to make a significant contribution to the public realm in addition to enabling views of the Listed Building located to the east of the site. This aspect has been carefully planned and secured through previous permissions which have not allowed any built form forward of the front elevation of the principal building on the site. The frontage is predominantly open and laid to lawn.

It is acknowledged that the two storey north-western wing represents part of the historic fabric of the principal building, although given its position, is not readily visible from the public realm. It was previously concluded that the development of 9 dwellings (6 two-storey new build to the rear and three units within the two-storey converted building) on this site was a density that caused no harm to the historic environment, either in terms of the Conservation Area or the setting of listed buildings. This proposal therefore looks to increase the number of dwellings to 10 with an additional two-storey dwelling within the retained north-western wing that was originally proposed to be demolished.

The retention of the northwestern wing is considered acceptable in principle in heritage terms, noting that the Conservation officer has made no formal observations to the proposal. As originally approved the demolition of this resulted in reduced built form to the rear of the site and provided rear landscaped private amenity spaces to serve Units 1 and 2. The retention of the wing would result in a more cramped and enclosed space to the rear of the site and it is noted that the Parish Council object on the grounds of it resulting in over-intensive development. Whilst I

acknowledge and take into account the concerns of the Parish Council, the existing north-west wing does represent part of the fabric of this historic local interest building and given its positioning to the rear of the site, I consider it would be difficult to maintain an objection on the grounds of it resulting in any adverse impacts on the setting of listed buildings or on the harm to the character and appearance of the Conservation Area.

It is assumed that the access arrangements for this additional unit would reflect that approved on the wider site which includes retention of the existing boundary wall at the front of the site in a central position and the alterations required (widening of the opening and pedestrian visibility splays being provided) for highway safety reasons will be completed but these are not considered to compromise the setting of the existing building or the character or appearance of the Conservation Area (and these details have not been submitted for consideration by this application).

It is considered that the retention of the north-western wing would not result in any harm to designated heritage assets (either the setting of listed buildings or the character and appearance of the Conservation Area) and is therefore considered to be in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy CP 14 of the Core Strategy and Policy DM9 and DM5 of the DPD, the NPPF and PPG, which are material considerations.

Impact on Residential Amenity

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. The NPPF seeks to create places that are safe, inclusive and accessible....with a high standard of amenity for existing and future users (para 127).

The retention of this two storey north-western wing would result in a bedroom window (albeit at a slight angle) in the west facing elevation being approx. 9.4m away from the front elevation (with first floor window (the only one) serving a bedroom) of the proposed new dwelling that would be situated to the west in accordance with the approved plan. It also results in the east elevation being situated approx. 4m away from the west elevation of the existing unit 3 which contains a window to the living room (but which is not the only window serving that room) at ground floor level and first floor windows serving a bathroom and landing. There is also a bedroom window at first floor level in the west elevation that serves a bedroom belonging to Unit 1 (but not the only windows serving that room) that is approx. 1.5m away from the retained east elevation of the new unit. Having carefully considered all these relationships, whilst it is acknowledged that some of them are tight, I am satisfied that these relationships are considered to be acceptable, on balance, and the privacy offered by occupiers of both existing and proposed dwellings between habitable rooms at ground and first floor levels (bedrooms and kitchen), are on the cusp of acceptability.

In terms of over-bearing impacts and loss of light or overshadowing, on balance, I am satisfied that the proposal would not result in any unacceptable impacts in this regard.

The proposal will also result in impacts to external amenities. The latest approved plan for the wider development (approved under 17/01339/FUL) shows that the land upon which the north-western wing is sited, has been approved as private amenity space to serve Units 1 and 3.

Whilst this would have resulted in a generous level of external space to serve the 2-bed Unit 3, it also approved a reasonable amount of private amenity space to serve the three double bed roomed Unit 1. This application will result in the loss of this space and reduce the private

amenity space serving Unit 1 to a minimum 2.0m / maximum 3.4m wide strip of amenity space along the side of their building which is supposed to also accommodate a new hedgerow to run along the access road. Although approx. 14m in length it offers very little in terms of usable depth. Whilst it is considered that this is a poor level of provision, the local planning authority does not have any adopted minimum external private amenity space standards that would assist in resisting such a limited provision. It is acknowledged that it is likely to result in increasing pressure for shed/outbuildings and other ancillary facilities to be accommodated at the side of the property, which if visible from Main Street could be harmful to the character and appearance of the Conservation Area. It could also prejudice the successful planting and establishment of the hedgerow proposed as it would take up too much of their garden area. A condition removing permitted development rights has been attached to my recommendation below to prevent ancillary outbuildings without first obtaining planning permission.

In relation to the amenities of occupiers of the new additional dwelling, whilst of limited quantity and quality, the external private amenity space provided is considered to be on the cusp of acceptability for the proposed two bedroom unit.

As such it is considered, on balance, that whilst not ideal, the amenities between the existing and proposed occupiers of the site are considered to be on the cusp of acceptability. As such the proposal is also contrary to Policy DM5.

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.

Vehicular access to the property would continue to be provided through the site's existing access (with some widening to provide pedestrian visibility splays) and one on-site parking space is provided to serve the dwelling. The Highways Officer raises no objection to the scheme, although it is acknowledged that the Parish Council raise concerns about the provision of only one parking space to serve the two bedroomed dwelling. However, it is concluded that this application would not result in any adverse impact upon highway safety in accordance with the requirements of Spatial Policy 7 and Policy DM5.

Impact on Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The application proposes the disposal of foul sewage and surface water by mains sewer and connection to the existing drainage system, to reflect that happening on the wider site, which have already been controlled through condition. Therefore implementation of these drainage details would ensure that the development is provided with a satisfactory means of drainage in accordance with the Development Plan and the aims of the NPPF and PPG.

CIL

Given the application is retrospective, there is no ability to seek any CIL exemptions. CIL is applicable in this location and will be payable at a rate of £45 per square metre.

Planning Balance and Conclusion

This retrospective application has been submitted to seek to authorise the lawful use of this additional dwelling on the site in planning terms. This is a sustainable and appropriate location for new residential development in principle. Whilst no negative impacts have been identified in relation to housing density, type and mix, heritage impacts, drainage and highway safety matters, it is acknowledged that there are some amenity impacts between existing and proposed occupiers that are not ideal. However, weighing all planning considerations in the planning balance, it is considered that the additional dwelling does not result in unacceptable amenity impacts or over-development that would warrant refusal of permission in this particular case.

RECOMMENDATION

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

Conditions

01

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

- Site Location Plan (Drawing No: BWMC0616-2000A)
- Proposed Site Plan (Drawing No: BWMC0616-2003);
- Proposed Plans and Elevations (Drawing No: BMWC0616-2001 Rev B); and
- Door and Window Schedule (Drawing No: BMWC0616-2004 Rev A).

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

Reason: So as to define this permission.

02

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

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

Reason: To ensure that any proposed further alterations or extensions preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management DPD.

Notes to Applicant

01

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

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

02

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).

BACKGROUND PAPERS

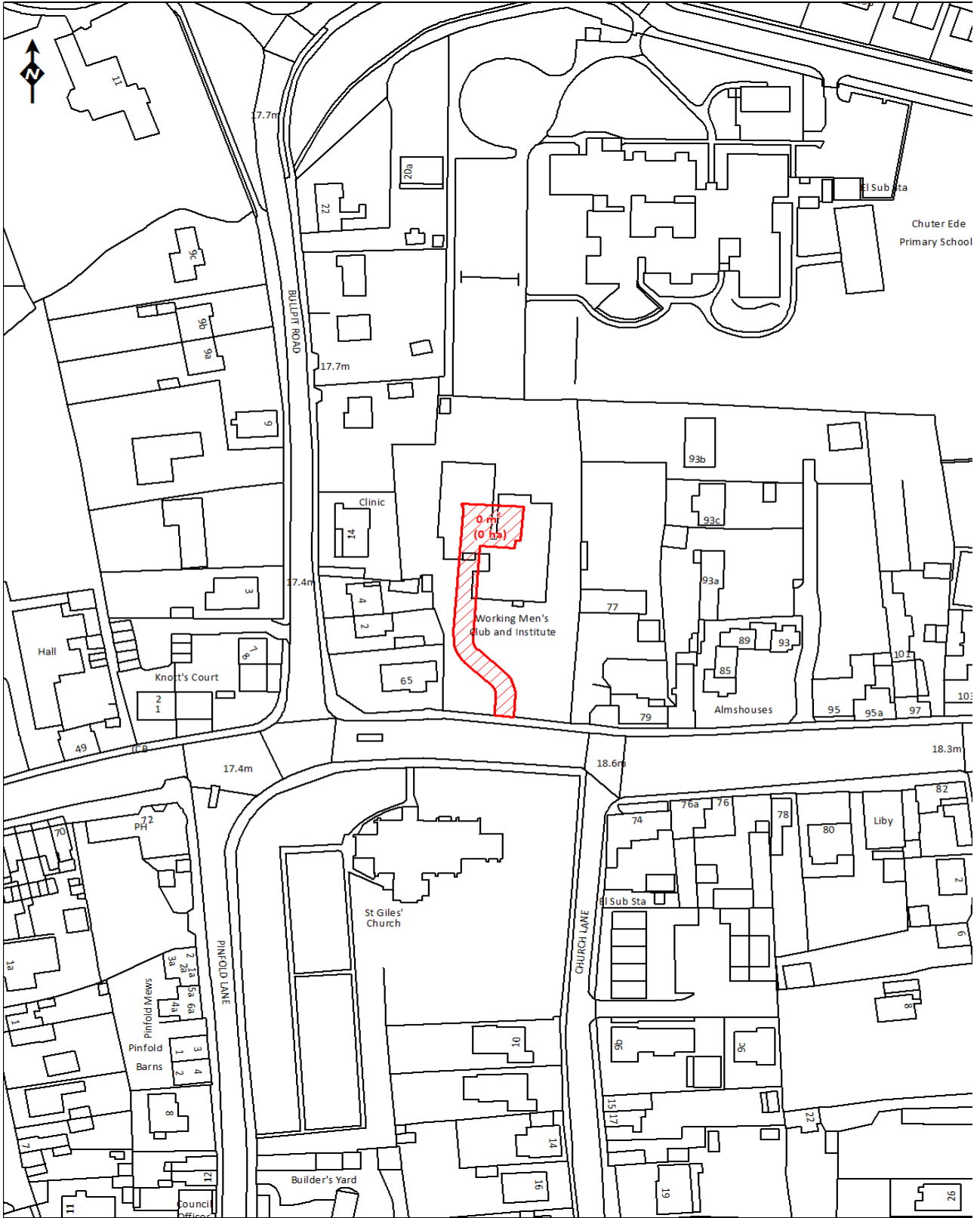
Application case file.

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.

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 18/01241/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

| | | | |
|------------------------|--|----------------------------------|--|
| Application No: | 18/01382/FUL | | |
| Proposal: | Proposed dwelling, domestic garages and associated works. | | |
| Location: | 3 Council Houses, High Street, Harby, Notts, NG23 7EB | | |
| Applicant: | Mr Adam Pearse | | |
| Registered: | 19.06.2018 | Target Date: 13.09.2018 | |
| | | Extension of Time Agreed: | |

This application is brought before Members as the Officer recommendation differs from that of Harby Parish Council and therefore under the Council's current Constitution is required to be brought to Committee for Members to determine.

The Site

The site lies to the north east of the settlement of Harby, at the junction with Clay Lane and High Street and is located within a site area of approximately 0.06ha. The site is currently amenity space associated with no.3 Council Houses located to the south of the application site. The application site is defined by a 2m high (approximate) boundary wall to the west of the site and a 1.5m high hedge to the eastern boundary. To the south of the site there is a 2m high (approximate) boundary wall.

There is an existing small domestic timber building located to the north of the site adjacent to some trees on the eastern and western boundaries.

The application site is reasonably flat throughout however the ground has a slight incline from west to east.

A designated Right of Way exists to the north of the site

The site is designated as being located within Flood Zone 1 according to the Environment Agency data mapping and within an area which is prone to surface water flooding.

Relevant Planning History

07/00052/OUT - Erection of 1 No. dwelling – Refused 28.03.2007

This was refused by Planning Committee Members for the following reasons:

01

Policy H13 of the Newark and Sherwood Local Plan allows for small scale residential development in settlements such as Harby but over the plan period to date housing completions and commitments have given rise to an increase in housing stock which is more

than can be considered small scale. Given the very limited capacity for housing that exists in the part of the district which the application site lies and the aim of Policy FS1 to direct most new development towards Newark and the main settlements, the proposal would constitute an unsustainable form of development that would be contrary to Policies H13 and FS1.

02

The application site lies in an area of no further intensification of development as identified by Policy H22 of the Newark and Sherwood Local Plan. The proposal would introduce a more intensive form of development to the area which would be harmful to its character and therefore contrary to Policy H22.

The Proposal

The applicant seeks full planning approval for the erection of 1no. market dwelling on land currently used as amenity space for no.3 Council House. There is an existing access located to the site from High Street which is proposed to be utilised for no.3 Council House and this new dwelling. The proposal would seek to provide a detached two storey 4no. bedroom dwelling with a detached double garage with one bay serving the new dwelling and the other for the use of occupiers of no.3 Council House.

The dimensions of the new dwelling are:

8.35m (ridge) x 5.0m (eaves) x 10.3m (frontage width) x 10.6 (side depth).

The dimensions of the detached garage are:

5.0 (ridge) x 2.4m (eaves) x 6.06m (width) x 6.06m (depth).

Documents/plans submitted in support of the application

DRWG no. F2859-01 Proposal drawing (July 2018);
RSP Planning Statement Reference HAR.18.01 (July 2018)

Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter, a notice has been displayed at the site and 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 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 (adopted July 2013)

DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

Consultations

Harby Parish Council – Support proposal. The Parish Council note that the previous application was declined in 2007, but that planning policies have changed since that was submitted. This proposal is within the policies and objectives of the Community Led Plan.

Nottinghamshire County Council Highways Authority - This proposal is for the construction of a dwelling with a garage suitable to accommodate the proposed and existing dwellings. There are no highway objections to this proposal subject to the following:

No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossing has been improved, and is available for use and constructed in accordance with the Highway Authority's specification. **Reason:** In the interests of highway safety.

Note to applicant

The development makes it necessary to improve 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.

NSDC Archaeology Consultant – No archaeological input required.

Ramblers Association - I am responding on behalf of Nottinghamshire Ramblers. As long as pedestrian access along the Clay Lane track remains unrestricted and safe during the construction process we have no objection.

NSDC Access and Equality Officer – Observations

Representations

Comments have been received from three neighbours/interested parties stating the following:

- The proposal will allow vehicle access along the Clay Lane public footpath. Therefore causing a risk to pedestrian walkers.
- Vehicles exiting from the proposed dwellings would be a risk to pedestrians children and animals;
- The development is on a sharp bend adjacent to the junction of High Street and Clay Lane with no separate access;
- Clay lane is an agricultural track and public footpath;
- Clay Lane also affords direct access to the Lodge and the Annex;
- When visitors visit the site they park on the road outside which is situated on a sharp bend, which impacts on access and egress to Clay Lane and the Lodge and is a potential road traffic obstruction and danger to road users and pedestrians.
- Developing the site will reduce the parking that is available on site and would not support the volume of parking required for two family properties;
- The current main sewerage is outdated for the volume of properties being developed;
- The geographical location of the proposed development site is deemed to be sited on land that is deemed not suitable for intensification of development;
- A 4 bedroomed property would stick out like a sore thumb next to 3no. cottages;
- Already have vehicles parked on the roadside causing a hazard to other vehicles using the highway.

Comments of the Business Manager

5 Year Housing Land Supply

With regards to the Council's current position with regards to 5 year housing land supply it is relevant to acknowledge that at the present time the LPA is well advanced in the process of a plan review with an examination which took place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date. This has also been confirmed by Inspectors through recent appeal decisions dated April 2018 following a Public Inquiry.

Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Spatial Policy 1 and 2 does not include the settlement of Harby as one which is capable of supporting additional growth with its nearest Principal Village identified within the District as Collingham. The application site is located within a reasonably built up rural area and as such Spatial Policy 3 applies.

Spatial Policy 3 of the Adopted Core Strategy states that housing should be provided for in settlements with an identified local housing need and housing will be focussed in sustainable accessible villages. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. This is Location, Scale, Need, Impact and Character.

In considering this proposal I am mindful that the changes to Policy SP3 as part of the plan review. The Amended Core Strategy and evidence base documents were submitted to the Secretary of

State on 29th September 2017 for independent examination by a Planning Inspector with the examination having taken place on the 2nd February 2018. Further details have been submitted to queries which have been raised relating to Spatial Policy 3 and the Council is currently out to consultation on those amendments. Accordingly for the purposes of this proposal it is considered that weight can be attached to this emerging policy.

Location

The emerging Spatial Policy 3 of the Core Strategy, which now carries some weight in the decision making process, states within the Location criterion that *'new development should be within the main built-up areas of villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages **and** have a range of local services themselves which address day to day needs.'*

The application site is located within the main built up area of the village although to the northern fringe of the settlement. Harby does have some limited facilities to offer new development of a Primary School, Pub, village hall and small shop however it does not have good public transport access to other Service Centres or Principal Villages. Travel Wright provide the no.67 bus service between Newark and Saxilby (Lincoln) and although there is one stop in Harby (Low Street) the earliest bus from Newark is 12:40 and Collingham at 12:58 which arrive in Harby at 13:35. There is 1 subsequent bus which stops at both Newark and Collingham which departs Newark at 14:03 and arrives in Harby at 15:05. There are 4 busses which depart from Collingham however the earliest is 12:58 and the latest is 17:35. An extract of the bus timetable is provided in Table 1 below. Harby is located approximately 4 miles from the settlement of Saxilby which is within Lincolnshire and does provide for more local facilities. However the bus service to Saxilby is inferior than from Newark or Collingham with Harby only identified as a 'Demand Responsive Area' which means the bus does not automatically stop in Harby and the stop has to be booked in advance by telephoning the bus company, much like a taxi service. However there is one scheduled route from Saxilby to Harby which leaves Saxilby at 13:50 and arrives in Harby at 14:00 and carries on to Newark. A copy of the bus timetable is provided in Table 2 below.

With regard to the level of facilities that Harby has to offer it has a primary school, pub, village hall, church, a newly opened village shop and a post office (open two afternoons a week). For a small village it does provide for a degree of servicing. However, there would still remain a need for wider services provided by more sustainable settlements which, as outlined above, would not be reasonably accessible by sustainable access means. Spatial Policy 3 is clear that both elements (i.e. local services and sustainable access) must be met in order for development to meet the locational criteria. Given that the transport links to more sustainable settlements are inferior and thus new residents would be reliant on the use of their own car to access shops and other services which are not provided for in the existing settlement, Officers consider that locationally the proposal fails to accord with Spatial Policy 3 of the Core Strategy.

A bus service operated by [Travel Wright](#)

Wednesday 15 August 2018 ▼

Newark - Collingham - Saxilby

Show all stops

| | | | | | | | | | | | | | | |
|--------------------------------------|-------|-------|-------|-------|-------|-------|-------|--------|-------|--------|-------|--------|-------|-------|
| Newark Bus Station (Bay A) | 07:40 | 09:03 | 10:03 | 11:03 | 12:03 | 12:40 | 13:03 | 14:03 | 15:48 | 17:08 | 18:08 | | | |
| Newark Bus Station (Bay AE) | 06:40 | | | | | | | | | | | | | |
| Newark, opp Kirk Gate | 06:42 | 07:42 | 09:05 | 10:05 | 11:05 | 12:05 | 12:42 | 13:05 | 14:05 | 15:50 | 17:10 | 18:10 | | |
| Newark, opp Lincoln Street | 06:45 | 07:45 | 09:08 | 10:08 | 11:08 | 12:08 | 12:45 | 13:08 | 14:08 | 15:53 | 17:13 | 18:13 | | |
| Newark, adj Gainsborough Drive | 06:47 | 07:47 | 09:10 | 10:10 | 11:10 | 12:10 | 12:47 | 13:10 | 14:10 | 15:55 | 17:15 | 18:15 | | |
| Winthorpe Demand Responsive Area | 06:52 | 07:52 | 09:15 | 10:15 | 11:15 | | | 14:15 | 16:00 | 17:20 | 18:20 | | | |
| Winthorpe, opp Holme Lane | | | | | | 12:50 | | | | | | | | |
| Langford, opp Elmtree Farm | 06:56 | 07:56 | 09:19 | 10:19 | 11:19 | 12:19 | 12:54 | 13:19 | 14:19 | 16:04 | 17:24 | 18:24 | | |
| Collingham, adj The Green | 07:00 | 08:00 | 09:23 | 10:23 | 11:23 | 12:23 | 12:58 | 13:23 | 14:23 | 16:08 | 17:28 | 18:28 | | |
| Collingham Braemer Road (N-bound) | | | | | | | | 14:27 | | | | | | |
| Collingham, adj Queen Street | 07:02 | 08:02 | 09:30 | 10:30 | 11:30 | 12:25 | 13:00 | 13:25 | 14:30 | 16:10 | 16:13 | 17:30 | 17:35 | 18:30 |
| Collingham, adj The Rookery | | | | | | | | 14:32s | | 16:15s | | 17:38s | | |
| Collingham, adj The Rookery | 07:05 | 08:05 | 09:32 | 10:32 | 11:32 | 12:28 | | 13:28 | | 16:13 | 17:33 | 18:33 | | |
| South Scarle Demand Responsive Area | | | | | | | 13:04 | | 14:34 | 16:17s | | 17:42s | | |
| Besthorpe, adj Trent Lane | | | | | | | | | 14:38 | 16:21s | | 17:46s | | |
| Besthorpe Demand Responsive Area | | | | | | | 13:08 | | | | | | | |
| North Scarle Demand Responsive Area | | | | | | | 13:09 | | 14:39 | 16:22s | | 17:47s | | |
| Girton Lane (opp) | | | | | | | | | 14:40 | 16:23s | | 17:48s | | |
| Girton Demand Responsive Area | | | | | | | 13:10 | | | | | | | |
| Spalford Demand Responsive Area | | | | | | | 13:15 | | 14:45 | 16:25s | | 17:53s | | |
| South Clifton Demand Responsive Area | | | | | | | 13:19 | | 14:49 | 16:27s | | 17:57s | | |
| North Clifton Demand Responsive Area | | | | | | | 13:21 | | 14:51 | 16:29s | | 17:59s | | |
| Thorney Demand Responsive Area | | | | | | | 13:28 | | 14:58 | 16:38s | | 18:06s | | |
| Wigsley Top Road (SE-bound) | | | | | | | 13:32 | | 15:02 | 16:40s | | 18:10s | | |
| Harby Low Street (N-bound) | | | | | | | 13:35 | | 15:05 | 16:43s | | 18:13s | | |
| Saxilby Demand Responsive Area | | | | | | | 13:45 | | | | | | | |
| Saxilby, adj Thonock Drive | | | | | | | | | 15:15 | 16:53 | | 18:23 | | |

Table 1: Travel Wright Bus Timetable route no.67

Saxilby - Collingham - Newark

Show all stops

| | | | | | | | | | | |
|--------------------------------------|-------|-------|-------|-------|-------|--|--|--|-------------------|-------------------------------|
| Saxilby, adj Thonock Drive | | | | | | | | | | 13:50 |
| Saxilby Demand Responsive Area | 07:27 | | 09:30 | | | | | | | 16:55 |
| Harby Low Street (S-bound) | | | 09:35 | | | | | | | 14:00 |
| Wigsley Top Road (SE-bound) | | | 09:38 | | | | | | | 14:01 |
| Harby Demand Responsive Area | 07:35 | | | | | | | | | 17:05 |
| Wigsley Demand Responsive Area | 07:38 | | | | | | | | | 17:08 |
| Thorney Demand Responsive Area | 07:41 | | 09:43 | | | | | | | 14:05 17:10 |
| North Clifton Demand Responsive Area | 07:45 | | 09:47 | | | | | | | 14:09 17:12 |
| South Clifton Demand Responsive Area | 07:47 | | 09:49 | | | | | | | 14:12 17:14 |
| Spalford Demand Responsive Area | 07:49 | | 09:51 | | | | | | | 14:14 17:16 |
| Girton Demand Responsive Area | 07:51 | | 09:53 | | | | | | | 14:16 17:18 |
| North Scarle Demand Responsive Area | 07:54 | | 09:56 | | | | | | | 14:18 17:20 |
| Besthorpe Demand Responsive Area | 07:56 | | 09:58 | | | | | | | 14:20 17:21 |
| South Scarle Demand Responsive Area | 07:58 | | 10:01 | | | | | | then hourly until | 14:22 17:23 |
| Collingham, opp Queen Street | | | 10:07 | | | | | | | |
| Collingham, adj Queen Street | 07:02 | 08:02 | 09:30 | 10:25 | | | | | | 13:25 16:10 17:30 18:30 |
| Collingham, adj Queen Street | | | | | | | | | | 17:25 |
| Collingham, adj The Rookery | 07:04 | 08:04 | 09:32 | 10:27 | | | | | | 13:27 14:28 16:12 17:32 18:32 |
| Collingham Braemer Road (S-bound) | 07:08 | 08:08 | 09:36 | 10:31 | | | | | | 13:31 14:31 16:16 17:36 18:36 |
| Collingham, opp The Green | 07:12 | 08:12 | 09:40 | 10:09 | 10:35 | | | | | 13:35 14:35 16:20 17:40 18:40 |
| Langford, adj Elmtree Farm | 07:16 | 08:16 | 09:44 | 10:12 | 10:39 | | | | | 13:39 14:39 16:24 17:44 18:44 |
| Winthorpe, opp Holme Lane | | | | 10:16 | | | | | | 14:42 |
| Newark, opp Gainsborough Drive | 07:21 | 08:21 | 09:49 | 10:23 | 10:44 | | | | | 13:44 14:48 16:29 17:49 18:49 |
| Newark, adj Lincoln Street | 07:23 | 08:23 | 09:51 | 10:25 | 10:46 | | | | | 13:46 14:50 16:31 17:51 18:51 |
| Newark, adj Kirk Gate | 07:26 | 08:26 | 09:54 | 10:30 | 10:49 | | | | | 13:49 14:53 16:34 17:54 18:54 |
| Newark Bus Station (Bay A) | 07:29 | 08:29 | 09:57 | 10:32 | 10:52 | | | | | 13:52 14:55 16:37 17:57 18:57 |

Table 2 : Travel Wright Bus Timetable route 67

Members may be aware of a recent application for 2 bungalows further north in Harby, adjacent to the primary school, which came before Members in July 2017 (17/00280/OUT). The application was recommended for refusal by officers due to lack of adequate public transport links and thus contrary to Spatial Policy 3. Members took a contrary view to Officers and felt that one or two developments was acceptable in order to provide accommodation for the community to down size and for the village to remain sustainable, regardless of the existing transport links. The transport situation has not altered in Harby since this application was granted. This application is for a 4 bedroomed family sized dwelling and does not represent a facility for residents to downsize, such as bungalows. I do not consider the application can be considered for the same reasoning as 17/00280/OUT, and it would be difficult to see the difference 1 dwelling would reasonably make to the sustainability of the village. However there are other material considerations which should also be taken in to consideration which are explained later in this report.

Scale

The proposal is sought for a four bedroomed two storey residential dwellings on a site which is approximately 0.06ha in area. At the last Census in 2011 the number of properties in Harby was 128, the Council has received notification of 11 completions to properties since 2011 and 4 commitments which haven't yet been constructed. The proposal constitutes a 3.5% increase in the total number of properties in Harby (including the committed properties) which I consider to be of low scale in comparison to the overall number of properties within the settlement.

Need

The NPPF (2018) states *“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as **meeting the needs of the present** without compromising the ability of future generations to meet their own needs”*. (para.7 emphasis added).

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

In this regard I am mindful of the need criterion within the emerging Spatial Policy 3. This states that local housing need will be addressed by focusing housing in sustainable, accessible villages. New housing will be considered where it helps to support community facilities and local services and reflects **local need** in terms of both tenure and house types. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area. The agent has submitted information to state that the additional housing would directly support the needs of the community in addition it would support the viability of the primary school which does not currently run at full capacity. An email confirming this from the Headteacher has been submitted with the agent’s statement. Nonetheless whilst the Council would support schemes which help rural schools, one dwelling would have limited impact on the prolonged support of the primary school and it is all dependent on the occupiers of the new dwelling and the age of any associated children. I therefore attach little weight to this support in the planning balance.

The ‘Newark and Sherwood Sub-Area Report for Housing 2014’ produced on behalf of NSDC establishes the housing needs position across the District. Harby is included within the Collingham and Meering Area. According to the report there is a demand for 2, 3 and 4 bedroomed market housing, with the highest demand being for 2 bedroomed dwellings.

The settlements of Harby, Thorney and Wigsley have in 2015, published a Community Led Plan for the period of 2015-2025, which illustrates their vision for new development within the communities. This plan stated that within Harby the highest demand was for detached family homes (58% of respondents) on individual plots; however there was also a high demand for affordable/shared ownership properties (46%), bungalows (47%) and semi-detached properties (50%).

Whilst it is clear that substantial work has gone into producing the document, it only shows the preferences of those surveyed. Whilst this carries some weight as an aspiration, the results in the Community Led Plan alone do not demonstrate a proven local need as required by Policy SP3. Identified proven local need is not just a question of what the demand is but also needs to include an analysis of the current housing stock to help identify what is required. The Council’s Spatial Policy 3 Guidance Note states *‘Housing need should not be confused with the state of the housing market in a particular settlement at a particular point in time’* and that *‘Assessments should be based on factual data such as housing stock figures where the need relates to type of housing or census data where the need relates population groups.’* A Housing Needs Assessment, which is the

identified route for providing a clear needs assessment has not been produced for Harby and thus whilst the Community Led Plan is a useful document it represents a desire and aspiration for development and not a proven local need. I therefore consider that the document carries very little planning merit.

Nonetheless, the proposal provides for a market dwelling which meets a general Housing Need within the Collingham and Meering area regardless of the limited support it would have upon local services. It is accepted that a 4 bedroomed property is such which would attract families and as there is a primary school in the village it is reasonable to suggest that this would see some limited benefit from such a development. Therefore I consider that although there is no housing need survey produced, the proposal would seek to meet the 2014 Housing Need identified through the work carried out by NSDC. I therefore consider that on this basis, and in the planning balance, the proposal would have a limited contribution to sustaining community facilities (school), and the Need criterion has been met.

Impact

I consider that the proposal is for one dwelling and it would not have a detrimental impact upon nearby residents. The proposal is for 1 property, which is low scale, and the level of car-borne traffic caused by the development whilst unsustainable in locational terms is unlikely to be overly excessive in terms of impact due to the proximity to the neighbouring more sustainable settlement of Saxilby.

Character

The erection of a dwelling is considered low scale and its location on a parcel of land to the north and east of existing dwellings is not considered to be out of character with the general area. The dwellings in the area are two storey and the dwelling relates well to the street frontage. It would not appear dominating and it does not appear to cause any neighbour amenity concerns. I therefore consider the proposal would accord with the character criterion of Spatial Policy 3. I accept the comments received by residents on the impact on the character of the development adjacent to 3 cottages, however I consider that the separation distances between the two and the orientation in which the dwelling is sited would not cause harm to the character of the area.

The NPPF (2018) states *'the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area' (para 9).*

It has not been proven to the satisfaction of officers that the settlement of Harby is adequately serviced by public transport and thus the proposal is located within an unsustainable location. I note that the settlement does provide for some limited 'permanent' facilities. The Council is aware that additional facilities are provided however these are mainly mobile, such as the butchers, fish and chip van, library, newspapers, bakery van, fresh fish delivery, which I consider to be a response to provide occasional services to a village which is in an unsustainable location, rather than established uses based within the settlement that serve the residents. Such facilities could be achieved in any settlement and are not a permanent base within the village. I still consider the settlement is not wholly supportive of additional speculative development and thus the settlement of Harby fails to be adequately sustainable to support further development.

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 and seeks to ensure no detrimental impact upon highway safety.

Whilst I note the comments raised by residents with regards to crossing the highway/footpath and the impact on the Right of Way, Nottinghamshire County Council have not raised any objections to the proposal subject to the imposition of a condition. They consider there to be sufficient room within the site and the crossing on the highway is not deemed to be unacceptable. I therefore see no reasoning otherwise to oppose this and I therefore consider the proposal to be acceptable from a highway safety perspective.

I therefore consider the proposal to be acceptable with regards to highway safety, subject to condition and concur with the Highway Authority and as such accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD.

Impact upon Residential Amenity

Policy DM5 of the ADMDPD states the *“layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”*

The main impact from the proposal would be upon the amenities of no.3 Council Houses due to the proximity. I am aware of the associated annexe to the west of the site at The Lodge however I consider that this would not experience harm from the siting of the development. There is one window in the new dwelling facing The Lodge and associated annexe which serves an en-suite. The new dwelling is approximately 7m east of The Lodge annexe and I do not consider this distance coupled with the siting of windows, would cause unacceptable harm to the amenity of the occupiers from overbearing impacts, loss of light or privacy.

The principal elevation of the new dwelling is sited approximately 16m north from no.3 Council Houses. Whilst there are windows within the principal elevation of the new dwelling, it is orientated on an oblique angle whereby it does not directly face no.3 and its associated curtilage. I therefore consider that due to the orientation, scale, siting and position of windows, the proposal would not cause direct harm to the amenities of the host dwelling at no.3 Council Houses from overbearing impacts, loss of light or privacy. I therefore consider from an amenity perspective, the proposal accords with policy DM5 of the ADMDPD.

Impact on the Landscape and Ecology

The site is identified within the Council's Landscape Character Assessment SPD as being located within the East Nottinghamshire Sandlands Policy Zone ES PZ 02: Wigsley Village Farmlands with Plantations. The landscape condition is defined as being of moderate condition with a very low impact to sensitivity. As such the outcome is to create landscape features in new development such as new hedgerows and restore existing, enhance existing tree cover and landscape planting and promote biodiversity. The proposal does not include measures for landscaping only those shown indicatively on the submitted indicative layout plan. The site is currently a greenfield site and would provide a degree of biodiversity and ecological value however this has not been

demonstrated through the submission of an ecological survey. Nonetheless the site is not identified within a protected area for ecology and thus I consider it to provide a low ecological value.

Core Policy 12 of the Core strategy and policy DM7 of the ADMDPD states that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. I consider that the layout and arrangement of the site does have capacity to increase the biodiversity of the site through the planting of hedgerows and native trees which I consider would accord with Core Policy 12 and policy DM7. If Members are minded to approve the application then I consider a condition would be required, securing an appropriate enhanced landscaping scheme.

The erection of 1 dwelling (and associated infrastructure) I consider would have limited impact upon the character of the wider landscape area due to the already built up surroundings to the south and west. Therefore the proposal is considered to adhere to Core Policy 13 (Landscape Character) of the Core Strategy and the Landscape and Character Assessment SPD.

Impact on the Right of Way

The site is located adjacent to the Right of Way (ROW) which runs along Clay Lane to the west of the site. Concerns have been expressed by existing residents that the proposal may result in parking on Clay Lane and the blocking of such an access for walkers. In addition there are vehicle accesses for the application site and The Lodge Annexe off Clay Lane which are existing openings and not affected by this development. The Nottinghamshire Ramblers have not objected to the proposal but they have stated to make sure that Clay Lane remains unrestricted and safe during the construction process. Therefore I consider an informative should be added to any decision, if Members are minded to approve the proposal, ensuring the ROW is kept free for access.

Conclusion

Taking the above into account I am of the view that the proposed development would fail. The settlement of Harby has some facilities to support day to day living, however residents would still be reliant on accessing services in other more sustainable locations to which there is an inadequate public transport links in the village. Residents would therefore be reliant on the use of a private car to access such locations and services. Whilst there has been some support from the Headteacher of the primary school one dwelling would have a limited impact upon the longevity of a service or the sustainability of a location and I consider that this is the case here. Whilst the NPPF favours rural housing, in the right locations, which support local services, I do not consider, when considering the planning balance that one dwelling would substantially support the existing services. The proposal is therefore also considered to be located in an unsustainable location which fails to accord with the location criteria of Spatial Policy 3 of the Core Strategy.

The development would have an acceptable impact on the character of the area, neighbouring amenity and highway safety, subject to conditions. However, these are not considered to outweigh the principle of this development being located in an unsustainable location.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new development will be considered against a number of criteria including location. In the opinion of the Local Planning Authority, whilst Harby has limited facilities, new residents would be reliant on the use of a car to access other essential day to day facilities due to the inadequate public transport network.

The proposal therefore fails to comply with the location criteria of Spatial Policy 3 and would thus represent the promotion of an unsustainable pattern of development, contrary to the key aims of the National Planning Policy Framework, the Newark and Sherwood Core Strategy 2011 and explicitly Spatial Policy 3.

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/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

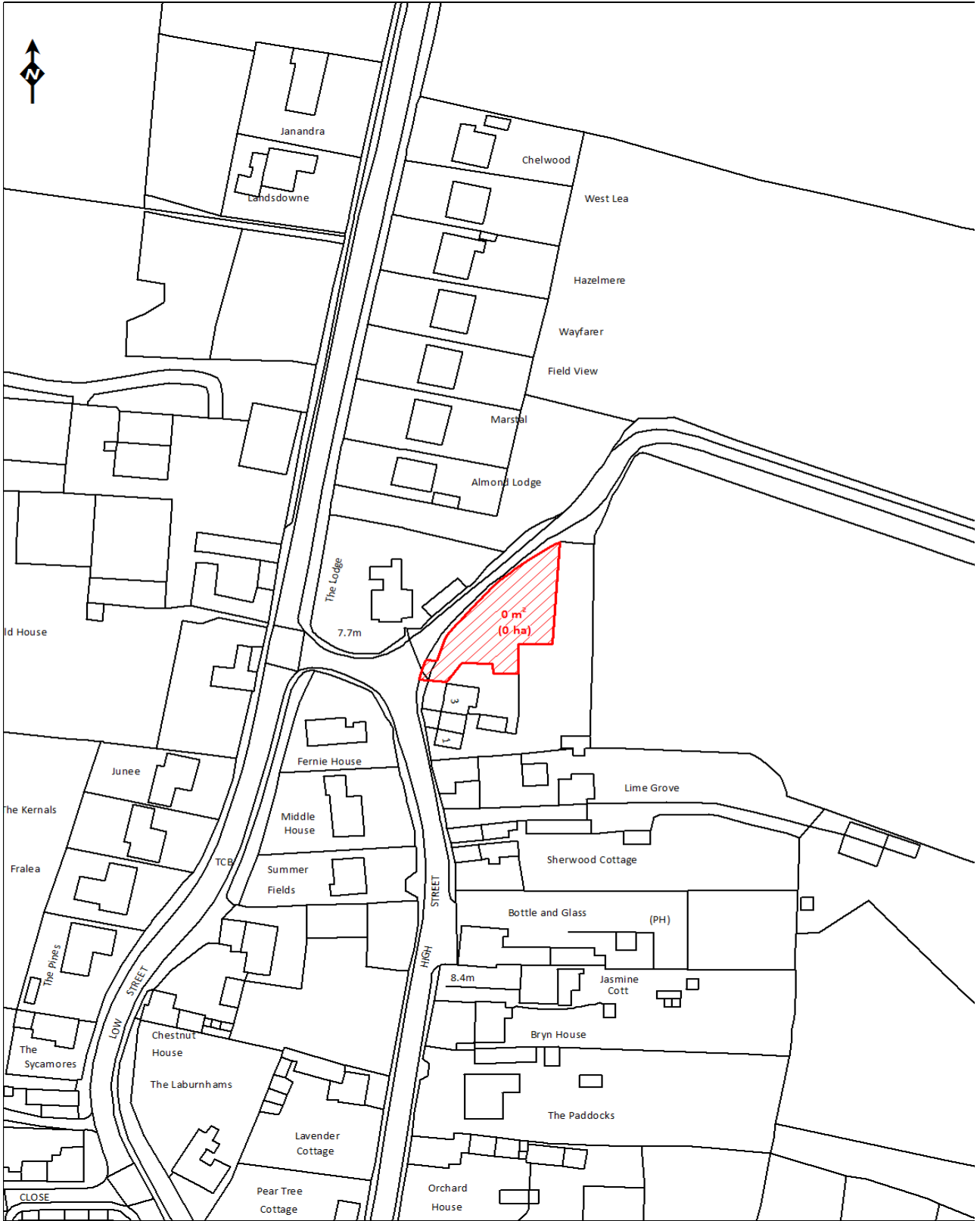
Application case file.

For further information, please contact Lynsey Tomlin on Ext 5329.

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

Matt Lamb
Business Manager Growth and Regeneration

Committee Plan - 18/01382/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

| | |
|------------------------|---|
| Application No: | 18/01360/FUL |
| Proposal: | Variation of condition 2 attached to planning permission 17/01839/FUL to amend the approved plan so to raise the internal floor level, door and window cill level and installation of external steps |
| Location: | Land At Rear 37 Easthorpe, Southwell, NG25 0HY |
| Applicant: | Mr Jason Templeman |
| Registered: | 01.08.2018 |
| | Target Date: 26.09.2018 |
| | Extension of Time Agreed Until 19.10.2018 |

This application is being referred to the Planning Committee for determination given the site history whereby the original application to which this Section 73 application relates was approved by Members.

The Site

The application site relates to a linear plot approximately 0.16 hectares in extent to the north of, and accessed from Easthorpe. The site is within the urban boundary of Southwell as defined by the Proposals Map in the Allocations and Development Management DPD. The access to the site is within the designated Conservation Area but the majority of the site is outside of this Area albeit the western boundary abuts the Conservation Area boundary.

The site is to the rear of 37 Easthorpe; a Grade II listed building. The majority of the properties fronting Easthorpe are listed buildings. The immediate surroundings are largely residential in nature albeit there are dispersed commercial uses such as public houses.

A small proportion of the site, including the highways access, is considered as being within Flood Zone 2 and 3 as designated by the Environment Agency. The majority of the site where built form is proposed is within Flood Zone 1.

As existing the site is currently undeveloped, although there is a small wooden outbuilding along the western boundary and piles of waste building material within the site. The boundaries to the access road are established by an attractive brick wall and the gable ends of the two properties (37 and 39) which front Easthorpe. The boundaries of the site itself are characterised by hedging (with the exception of the southern boundary shared with 37 Easthorpe which forms a recently constructed brick wall). The hedging to the western boundary is relatively dense in nature and incorporates a number of mature trees reaching a significant height. There is a slight change in land levels within the site with the residential development along Potwell Close set at a slightly lower level.

Relevant Planning History

17/01839/FUL - Demolition of shed and erection of 1 No. 4 bedroomed house. *Application approved 14th March 2018 following a committee resolution to approve (contrary to an Officer recommendation to refuse on heritage grounds).*

16/01437/FUL - Residential Development : 3(No.) Two Bedroom Bungalows. *Application withdrawn prior to determination.*

09/00496/FUL - Erection of 1 four bed roomed house. *Application withdrawn prior to determination.*

01/00018/FUL - Proposed three new dwellings. *Application refused.*

97/51763/FUL – Erect Bungalow and Garages. *Application refused.*

96/51592/RMA - Erect Bungalow. *Application refused.*

93/51557/OUT – Erect Bungalow. *Application approved.*

92/51022/OUT – Erect Bungalow. *Application refused.*

There have also been recent approvals (2013) for renovation works and a new garage at the host dwelling 37 Easthorpe.

The Proposal

The application has been submitted as a Section 73 application to vary a condition in respect to the extant permission which exists on the site for the erection of a dwelling. Condition 2 of permission 17/01839/FUL is worded as follows:

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

Site Plan - 10A / 3 / 2016 Rev. A : 30th October 2017

House Plans and Elevations - 11 / 3 / 2016

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.

The rationale behind the current submission is to substitute the plan references to allow changes to the design of the dwelling. These changes amount to increasing the internal floor level leading to a subsequent increase in eaves level and windows and doors. There would also be steps to access the dwelling externally on the west and north elevations. For the avoidance of doubt, the maximum pitch height would not change from the previously approved plans. The changes have been demonstrated through the plan references:

- Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018
- WD Elevations – 13B / 3 / 2016 Rev. B: 15th June 2018
- WD Floor Plans – 12C / 3 / 2016 Rev. C: 17th June 2018

Departure/Public Advertisement Procedure

Occupiers of 35 properties have been individually notified by letter. A site notice has also been

displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy E6 – Climate Change and Carbon Emissions
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA3 – Highways Impact
Policy HE1 – Housing Type and Density

Newark and Sherwood Core Strategy DPD

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment
SoAP 1: Role and Setting of Southwell

Allocations & Development Management DPD

Policy So/HN/1 – Southwell Housing Need
Policy DM1- Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 – Developer Contributions and Planning Obligations
Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM10 – Pollutions and Hazardous Materials
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (on line resource)
- Southwell Conservation Area Appraisal 2005

Consultations

Southwell Town Council – No comments received.

Southwell Civic Society – No comments received.

NSDC Conservation – Thank you for consulting Conservation on the new plans for the proposed house to the rear of 37 Easthorpe, which lies to the rear of a Grade II listed building and partly within Southwell Conservation Area.

The principle of this house has already been approved under application 17/01839/FUL. Conservation objected to that application but given that this scheme is now approved I am now simply looking at any net impact above and beyond the approved scheme.

I do not think the proposed revisions will materially change the impact on the setting of the Listed Building or the character and appearance of the Conservation Area, above and beyond the approved scheme. The overall principle of a new dwelling here along with its established size, position and overall appearance will not change as a result of this application. The changes constitute minor alterations to the approved house's appearance, by the addition of steps (made smaller through pre-application discussions) to access the raised floor level and a slightly less steep roof pitch. I think the original approved scheme was more attractive, and while these changes would be harmful *if* this was a real historic threshing barn, as a modern pastiche the changes will be relatively minor and do not constitute a revision that could impact negatively on these heritage assets.

As such, I have no objection to this application.

NSDC Access and Equalities Officer – No comments received.

NCC Highways Authority – No comments received.

NCC Lead Local Flood Authority - No objections to the amendments subject to them still complying with the requirements of Condition 7 of 17/01839/FUL.

Environment Agency – It is not clear from the revised drawings what the new proposed finished floor level is.

The Agency has no objections, in principle, to the proposed amendments provided that the minimum finished floor levels and construction comply with Condition 7 of the Notice of Decision for application 17/01839/FUL.

Severn Trent Water – No comments received.

Anglian Water – No comments received.

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

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

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

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

Neighbours / Interested parties – No written representations have been received.

Comments of the Business Manager

Principle of Development

The application is submitted as a Section 73 application to vary a condition on an existing permission. The principle of development in terms of the erection of a four bedroom detached dwelling has therefore already been accepted by the Local Planning Authority and remains extant.

The focus of the following is therefore purely in respect to the changes sought through the current submission which in Officers submission relates predominantly to character impacts (noting the heritage assets potentially affected) and impacts on neighbouring amenity. Furthermore it is necessary to consider whether the proposed changes facilitate meeting the objective of Condition 7 of the original permission relating to reducing flood risk as intended.

Impact on Character

The application site is set to the rear of 37 Easthorpe adjacent to the designated Conservation Area (although the access to the site falls within the Conservation Area designation). Policy DM5 confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings.

As Members may recall, when the original application was presented in March 2018, Officers were of the view that the proposed dwelling would be harmful in heritage terms in that it would destroy the croft element of the plot and erode the character and appearance of the Conservation Area. However, Members as the decision makers disagreed and approved the application subject to conditions, the exact wording of which were delegated to Officers. Given the extant permission which exists, it is no longer necessary, nor indeed appropriate, to debate matters of character in the depth of the assessment taken by the extant permission. It is accepted by the authority that the site can accommodate a detached dwelling without harming the heritage assets nearby to the site.

The changes to the design proposed rest on the need to increase the internal floor levels in order to satisfy a condition recommended by the Environment Agency in respect to flood risk. Members may recall that they sought clarification at the time of the last decision that the condition could be met within the original design of the dwelling. Whilst this confirmation was received by the agent prior to the decision being issued, clearly in getting to the finer details of the working drawings this position has changed.

The consequence of the increased floor levels are a change in eaves height from approximately 4m to 4.9m. This creates a roof pitch which appears squatter, notably on the gable ends. It also creates a slightly odd appearance on the gable end elevations where the height of the windows are above the height of the eaves height. The Conservation Officer has commented on the changes demonstrated with full comments listed in full above. In summary, no objection is raised (when noting the extant permission which exists). Officers would concur with this assessment. The changes presented whilst perceptible when comparing the plans directly would not be considered perceptible as built on site. The revised plans are therefore not considered to represent a detrimental character impact in comparison to the extant permission and therefore Officers consider there is no reason to resist the application on character grounds.

Impact on Flooding

Based on the latest maps of the Environment Agency, in terms of traditional flood risk (i.e. that from rivers), the majority of the site, including where the footprint of the dwelling would be, is located outside of Flood Zones 2 and 3. Notwithstanding this, it should be noted that the proposed vehicular access into the site is classed as being within Flood Zone 3. As has already been referenced, the rationale behind the current submission is to allow the proposed dwelling to meet the requirements of an Environment Agency suggested condition to increase internal floor levels to prevent flooding harm to occupiers in the event of a flood. Following receipt of the Environment Agency comments listed above, the agent has confirmed that the current proposal would allow the requirements of condition 7 to be met. On this basis the proposal is considered to improve the flood safety of the site.

Impact on Amenity

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

The existing site boundaries are largely comprised of dense vegetation which in some respects screens the development site on an east-west transect. The site plan submitted to accompany the application details boundary treatment of both existing hedging and new vertically boarded timber fences.

It remains the case as with the previous assessment that Officers consider that the most sensitive receptors to the development will be the single storey properties to the east of the development site along Potwell Close. The properties closest to the proposed development would be no. 5 and no. 7 Potwell Close with the closest distance between the existing dwellings and the proposed dwelling of around 21m. It remains the case on the revised plans presented through the current submission that, although the principle elevation would be east towards Potwell Close, the first floor of the property would be served by roof lights and windows on the gable ends (i.e. not towards Potwell Close). In the context that the overall pitch height of the dwelling would not increase (approximately 8.4m), Officers have not identified any additional detrimental amenity impacts in comparison to the extant dwelling design both in respect to matters of overbearing or loss of privacy through overlooking. Whilst the use of the steps to access the dwelling would create a slightly elevated platform, these steps are not external on the east elevation facing Potwell Close and therefore the existing boundaries and distances previously referred to are considered adequate to preserve neighbouring amenity.

Conclusion and Conditions

In line with the above discussion, the changes are not considered to be materially worse in either character or amenity terms when compared to the extant approval. No other detrimental impacts have been identified which would prevent the approval of the application and the proposal would assist in meeting the requirements relating to the reduction of flood risk.

Given that the application has been submitted as a Section 73 application it remains necessary to impose the original conditions of the previous approval as the current application will become a stand-alone permission. Whilst there has been a discharge of condition application submitted, this was withdrawn on the basis that the plans showed the design changes referred to by the current application. Therefore whilst no formal decision was made in respect of the discharge of condition application, the details have been provided through the original application file and therefore can be considered in the context of the current Section 73 application. Where the wording of conditions has changed, this is indicated below through underlined text.

RECOMMENDATION

That full planning permission is granted 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 details and plans reference (some of which are contained within the application file for 17/01839/FUL):

- Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018
- WD Elevations – 13B / 3 / 2016 Rev. B: 15th June 2018
- WD Floor Plans – 12C / 3 / 2016 Rev. C: 17th June 2018
- Casement Window Frame Details – 15 / 3 / 2016
- Fixed Light Window Frame Details – 16 / 3 / 2016
- French Door and Frame Details – 17 / 3 / 2016
- Front Entrance Frame Details – 18 / 3 / 2016
- Loading Door Details – 19 / 3 / 2016
- Eaves Corbelling Detail – 20 / 3 / 2016
- Rear Door Details Door Opening D3 – 21 / 3 / 2016

For the avoidance of doubt Conservation Roof Windows shall be flush fitting and the external joinery shall be painted in a dark, brown colour with the exception of a lighter tone to the frames as follows:

- Window and door frames of Ral 1035: Pearl Beige;
- External Doors of Ral 7022: Umbra Grey.

The rainwater goods shall be of upvc manufacture with a black ‘cast iron’ finish. Rise and fall brackets shall be used to support the eaves gutters.

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

Reason: So as to define this permission.

03

The development hereby approved shall be constructed with Wienerberger Teraa Oast Russet Sovereign Stock Brick and non-interlocking Sandtoft Old English clay pantile to the roof.

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

04

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

Reason: To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

05

In respect to surface water drainage, the development shall be carried out in accordance with the details on plan reference Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018 and additional details submitted by email dated 30th May 2018 (in association with application 17/01839/FUL) including a letter from Sherwood Technical Services Ltd. Dated 29th November 2017 and Soakaway Calculations received by email dated 19th June 2018 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for site drainage.

06

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2018, Reference ME/103B/FRA, Armstrong, Stokes and Clayton Limited and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 26.05m above Ordnance Datum (AOD).
2. Flood resilient construction as described in section 8.5 of the FRA to a minimum of 26.35m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants

07

The landscaping demonstrated on plan reference Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018 shall be completed during the first planting season following the occupation 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

08

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

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

09

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

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

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

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

Class G - chimneys, flues etc on a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 14:

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

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

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

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

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

Note to Applicant

01

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

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

Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

| | | | A | B | C | |
|--------------------------|---|--|----------------------------|-------------|--|-------------------|
| Dev Types
(use class) | Proposed
floorspace
(GIA in Sq.
M) | Less Existing
(Demolition or
Change of Use)
(GIA in Sq. M)
Includes % splits | Net Area
(GIA in Sq. M) | CIL
Rate | Indexation
at date of
permission | CIL Charge |
| Residential | 169 | 0 | 169 | 100 | 320 | £19,453.24 |
| Totals | | | | | | £19,453.24 |

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).

BACKGROUND PAPERS

Application case file.

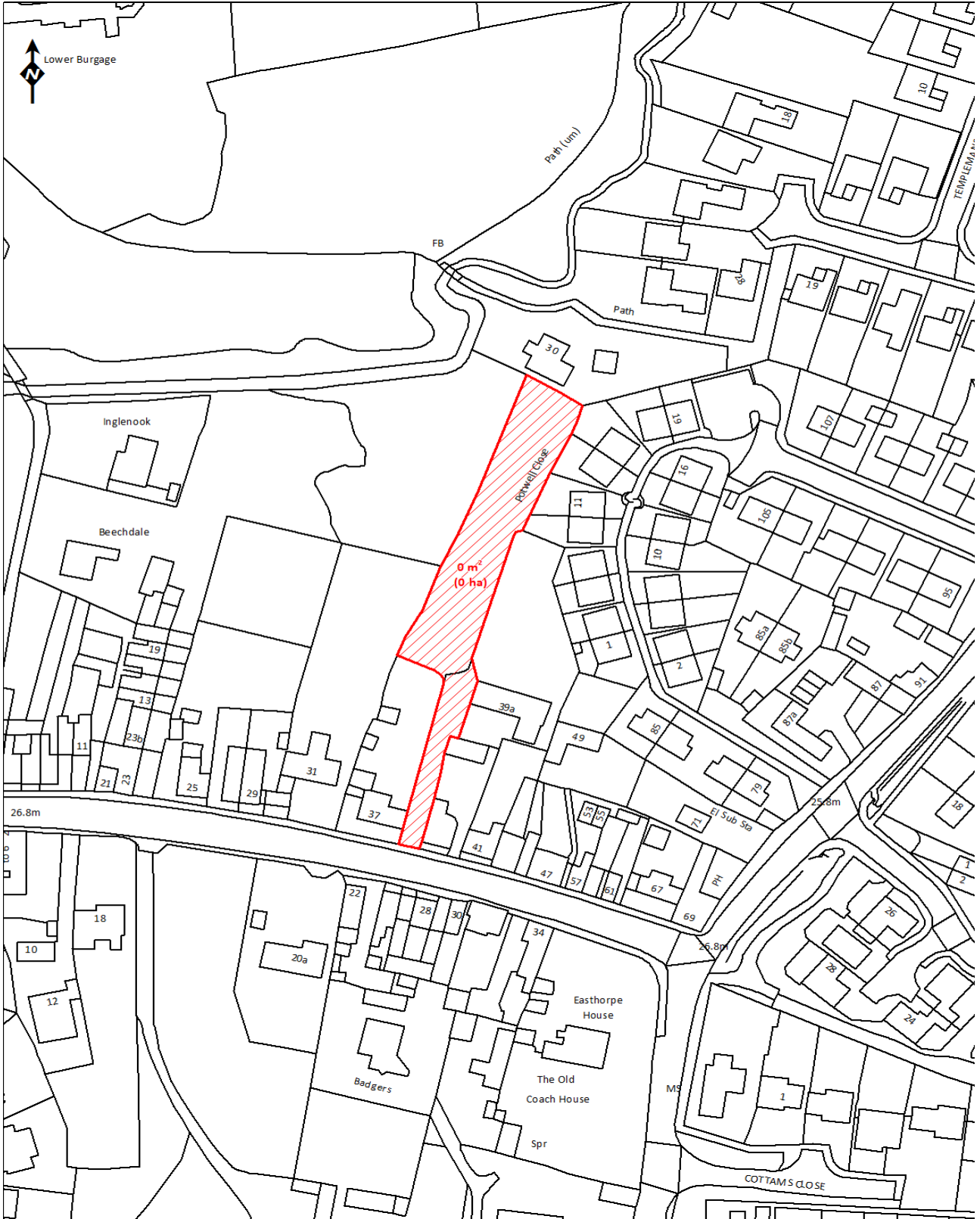
For further information, please contact Laura Gardner on extension 5907.

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

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/01360/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

| | |
|------------------------|--|
| Application No: | 18/01508/FUL |
| Proposal: | Householder application for installation of a clock tower on the roof of the attached garage (resubmission) |
| Location: | Crane Cottage, 38 Main Street, Farndon, Newark On Trent, Nottinghamshire, NG24 3SA |
| Applicant: | Mr Anthony Menzies |
| Registered: | 08.08.2018 |
| | Target Date: 03.10.2018
Extension to: 05.10.2018 |

This application has been referred to the planning committee on behalf of Cllr Neill Mison on the ground that there is a high level of public support for this application which he considers to outweigh the less than substantial harm to the heritage assets in the surrounding area determined by the recently refused applications 18/00731/FUL & 18/00732/LBC.

The Site

The application site is occupied by a Grade II curtilage Listed barn conversion and situated at the junction of 2 main roads in the Farndon Conservation Area, namely Main Street and Marsh Lane. The dwelling has an attached garage positioned to the SW of the application site; the garage has a hipped roof which is visible from both of the main roads. The dwelling presents a rear elevation directly to the highway to the NW, situated at the back of the pavement with no boundary treatment. Similarly the side elevation is straight onto the pavement. To the SW across the highway is a village green with public benches and a bus stop.

The application building was historically associated with Chestnut Farm, Main Street, which is a Grade II Listed C18 farmhouse to the east. Listed Building Consent was required for the conversion of this outbuilding to residential in 1986, so the Council has considered this to therefore be a curtilage listed building. The building sits within the Conservation Area of Farndon and is a positive building within this designated heritage asset.

In addition, across the highway directly to the NW is the Grade II listed Wall, Railings, Gate Piers and Gates Extending In front of the Old Vicarage.

Relevant Planning History

18/00731/FUL & 18/00732/LBC - Install clock tower on hip roof of attached garage – Refused 26.06.2018

“In the opinion of the Local Planning Authority the proposed clock tower feature would be out of character with the traditional rural outbuilding upon which it is proposed. This development would rival the principal listed building in status and features and would ultimately have a harmful impact upon the setting of the principal listed building. The proposed clock tower lacks authenticity and would detract from the attractive, simple and rustic character of the building, causing harm the architectural and historic interest of the host

building and confusing the significance of the principal listed building and detracting from the character and appearance of the Farndon Conservation Area. The proposed works would harm the significance of the designated heritage asset. There are no other material planning considerations which outweigh the harm caused. The proposal is therefore considered to be contrary to Core Policy 9 and 14 of the adopted Newark and Sherwood Core Strategy and Policies DM5, DM6 and DM9 of the Allocations and Development Management DPD which together form the Development Plan. It is also contrary to Section 72, Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Planning Practice Guidance which are material planning considerations.”

11860978 & 11860978LB – Conversion of existing farm buildings into two houses – Permitted 1986



An application for listed building consent has been submitted to accompany this proposal – **18/01509/LBC**.

The Proposal

This application is a resubmission (of an application refused in June 2018) for full planning permission for the installation of a clock tower at the end of the hipped roof of the single storey garage.

The clock is proposed to be installed in line with the centreline of the right hand garage door. The tower is proposed to be mounted on a ridge box built onto the roof with no alteration to the structural supports within the roof space. The tower is proposed to be approx. 1.2 m in total height and 0.7 m square with a pyramidal roof. The clock tower is proposed to be 0.7 m wide and would be positioned on top of the attached single storey garage which is approx. 4.6 m to the ridge – the highest point of the tower will sit approx. 0.1 m lower than the ridge of the hostdwelling. The clock face is proposed to face NW, SE and SW.

The ridge box is proposed to be cloaked in lead and the rest of the tower is proposed to be a dark grey colour. Each clock face is proposed to be translucent and illuminated with a 40 watt light tube from within the tower. The illumination is proposed to be controlled by a light sensor. The clock is proposed to be radio controlled and will not chime.

| Refused
18/00731/FUL & 18/00732/LBC | Resubmission |
|---|--|
|  <p data-bbox="453 1968 687 2033">2.36 m total height
0.8 m in width</p> |  <p data-bbox="887 1951 1171 2083">1.2 m total height
0.7 m in width
Internally Illuminated
Weather vane removed</p> |

Public Advertisement Procedure

30 neighbouring properties have been contacted regarding the application. A site notice has 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)

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM6 - Householder Development

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Farndon Parish Council –Support Proposal.

NSDC Conservation Officer – *Comments 6.9.18* – “While the description of works describes this as an ‘attached garage’ it is important to appreciate this is a Grade II curtilage listed historic barn.

The building is a simple red brick and pantile barn, converted to residential use. The conversion has been fairly sympathetically carried out and the detailing is simple, as suits a building of this type.

The building was historically associated with Chestnut Farm, Main Street, which is a Grade II listed C18 farmhouse. Listed Building Consent was required for the conversion of this outbuilding to residential in 1986, so the Council has considered this to be a curtilage listed building.

In addition, the building sits within the Conservation Area of Farndon and is a positive building within the Area.

While I do appreciate the application is well intentioned and submitted with the hope of enhancing the building, I nevertheless sustain an objection to this proposal, and I wish to mostly reiterate my comments on the earlier application, with some important additional comments.

I do accept clock towers are sometimes seen on traditional rural outbuildings, however, these are usually seen on the outbuildings associated with high status country houses which are part of a wider estate or on model farms. In these circumstances the design of the outbuilding itself is usually motivated not just by function but also by architectural fashions and a desire to impress. These sorts of outbuildings often have polite architectural features throughout and a sense of symmetry. These kind of outbuildings are also associated with a principal building itself of a much higher status and of polite architectural style.

However, this is notably not the case here. The host building itself is a simple, asymmetrical, linear red brick and pantile outbuilding, whose design and features are vernacular, responding to the function of the building. There is nothing obviously 'showy' or of polite architectural style here. The simple vernacular style of the outbuilding should by no means be taken as a negative feature to be 'corrected' as vernacular buildings are every bit as special and important as those of polite architectural style.

In addition, the outbuilding relates nicely to the host listed building, being subservient to a modest C18 farmhouse.

The barn building is attractive in its own right and also relates well to the overall character and appearance of Farndon Conservation Area, historically being a rural, agrarian village.

The proposed clock tower is not a restoration of a lost feature, but would essentially be a false and pastiche feature. This then makes the history of the building rather confusing to interpret and its lack of authenticity becomes a problem. With the clock tower in place the design would suggest it was in some way associated with a much larger, higher status country house or estate, which it is not. It is also too ornate a feature against the simple vernacular appearance of the converted barn where it would look out of character and like an obvious modern addition. It is also out of character for the outbuilding to rival the principal building in status and architectural features, and this would harm the setting of the principal building. In short, it would be an alien feature in this context.

In my opinion the proposed clock tower would look out of character, lack authenticity and detract from the attractive, simple and rustic character of this host building as well as the setting of the listed farmhouse. It will consequentially be an alien feature within the Conservation Area, which derives a lot of its significance from its good stock of vernacular farming buildings.

I acknowledge that the revised proposal is materially smaller than the previous and does not have a weather vane. In this respect its visual impact is marginally reduced, but not obviously to any point where this would be an invisible or inconsequential addition. As such, my in-principle objection remains the same.

However, I note that in this proposal the proposed clock tower is now internally illuminated and I am very concerned about this. Not only will this keep this alien feature visible 24 hours of the day, it will increase its negative impact from the listed farmhouse and wider Conservation Area.

The fact it is illuminated at all further reduces any authenticity as I know of very few internally illuminated clock faces even today, let alone historically, being restricted in the main to major civic buildings.

I hope this explains how, even though the clock tower is not an unattractive feature in isolation, the context is crucial as to whether it is an appropriate addition or not, and that it can be seen that this is not the right context for this architectural feature.

I cannot point to a specific part of our Supplementary Planning Document on The Conversion of Traditional Rural Buildings that speaks about such additions, as this is, to my knowledge, the first time this has ever been raised. However the spirit of the document and best practices is encapsulated in paragraph 3.2 reads, 'The acceptability of proposed ... schemes will be determined by assessing the sensitivity and respect for the qualities of the specific building(s) concerned. Generally, the less alteration that is required; the more appropriate the new use.'

This is echoed in national guidance given by Historic England in their document Adapting Traditional Farm Buildings, Best Practice Guidelines for Adaptive Reuse (Oct 2017), which at their cover page reads, 'Successful adaptive reuse of any farmstead or building depends on understanding its significance, its relationship to the wider landscape setting and its sensitivity to and capacity for change.'

By failing to respond to the specific character and qualities of the host building and principal listed building the proposal is contrary to this guidance.

I am not convinced of the public benefits deriving from this addition, the host building in no way needing any such addition or restoration. If there are benefits from a new village clock, the application fails to demonstrate why this is the most suitable location. Where there is scope for private investment in the public realm it would seem much better to invest this in an area of proven need.

I do not feel this application should be supported and would caution about any potential approval here setting an unwanted precedence for approving alien features on our important stock of traditional rural buildings.

In the context of the significance of the principal Listed Building and Conservation Area as a whole the application would lead to less than substantial harm. The application would be contrary to Section 72, Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990."

Comments on the initial and subsequently refused applications 18/00731/FUL & 18/00732/LBC –

"The application site is a simple red brick and pantile barn, converted to residential use. The conversion has been fairly sympathetically carried out and the detailing is simple, as suits a building of this type.

The building was historically associated with Chestnut Farm, Main Street, which is a Grade II listed C18 farmhouse. Listed Building Consent was required for the conversion of this outbuilding to residential in 1986, so the Council has considered this to be a curtilage listed building. The building sits within the Conservation Area of Farndon and is a positive building within the Area.

While I do appreciate the application is well intentioned and submitted with the hope of enhancing the building, I nevertheless sustain an objection to this proposal.

I do accept clock towers are sometimes seen on traditional rural outbuildings, however, these are usually seen on the outbuildings associated with country houses, country estates or model farms.

In these circumstances the design of the outbuilding is usually motivated not just by function but also by architectural fashions and a desire to impress. These sorts of structures often have polite architectural features throughout and a sense of symmetry. However, this is notably not the case here. The host building itself is a simple, asymmetrical, linear red brick and pantile outbuilding, whose design and features are vernacular, responding to the function of the building. There is nothing obviously 'showy' or of polite architectural style here. The simple vernacular style of the outbuilding is by no means a criticism and buildings of a vernacular character are every bit as special and important as those of polite architectural style. The outbuilding relates nicely to the host building, being subservient to a modest C18 farmhouse. The building is attractive in its own right and also relates well to the overall character and appearance of Farndon Conservation Area, historically being a rural, agrarian village.

The proposed clock tower is not a restoration of a lost feature, but would essentially be a false and pastiche feature. This then makes the history of the building very confusing to interpret and its lack of authenticity becomes a problem. With the clock tower in place the design would suggest it was in some way associated with a much larger, higher status house or estate, which it is not. It is also too ornate a feature against the simple vernacular appearance of the converted barn, it would look out of character and an obvious modern addition. It is also out of character for the outbuilding to rival the principal building in status and features, and this would harm the setting of the principal building, which at the moment is enhanced by its association with this simple, vernacular outbuilding suiting the principal building's own history and style. In my opinion the proposed clock tower would look out of character, lack authenticity and detract from the attractive, simple and rustic character of this building. I think the proposal would harm the architectural and historic interest of the host building, confuse the significance of the principal listed building and detract from the character and appearance of the Conservation Area.

I hope this explains how, even though the clock tower is not an unattractive feature in isolation, the context is crucial as to whether it is an appropriate addition or not, and that it can be seen that this is not the right context for this architectural feature.

In the context of the significance of the principal Listed Building and Conservation Area as a whole the application would lead to less than substantial harm, but I cannot see any public benefit deriving from this addition (the host building in no way needing any such addition or restoration) and feel it should not be supported. The application would be contrary to Section 72, Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990."

NCC Highways - This proposal does not affect the highway, therefore, no objections.

NSDC Environmental Health – "From the details provided I do not think that there should be a problem with illumination of the clock tower"

89 Neighbour comments have been received in support of the application which are summarised below:-

- Many of the comments state "It's a good idea".
- It is required to tell the time, especially close to the bus stop.
- It will be a benefit to the public because of its location.
- The applicant is an active member of FREG (Farndon Residents Environmental Group) and works to improve and maintain the aesthetic looks of the village of Farndon and contributes to the conservation of the village.

- Can't understand why it has been refused previously.
- The clock is a useful and attractive addition to the village – it would serve the same purpose as a church clock which is not an unusual feature in a village.
- It would enhance the heritage of Farndon and be an asset.
- Many farm buildings would have had a clock feature – the application building was an original stable.
- The proposal will enhance the building and the area in line with planning policy.
- The proposal would not cause any adverse impact on the area or neighbouring amenity.
- The proposal would not impact on any tree or building.
- It would assimilate well with the conservation area and the context of the wider area.
- The decision has already been made by the Conservation Officer.
- It would be a useful feature in the village.
- A refusal would contravene Article 8 of the Human Rights Act.
- The clock is of a quality design and appearance.
- Comments are made with regards to other buildings and planning decisions e.g. Civil War Museum, bus shelters etc.

Comments of the Business Manager

Firstly it is important to note that the principal of this development has recently been refused on the grounds that the addition would result in less than substantial harm to the designated heritage asset and that there were no material planning considerations that outweighed the level of harm identified. As a result I am of the opinion that the main planning considerations involved in the determination of this planning application relate to the impact that the amendments that have been made to the scheme have upon the Conservation Area and the Listed designated heritage assets.

Given the number of comments received from interested parties and their content I feel it important to highlight that the crux of the previous refusal was the appropriateness and context of this architectural feature in this location and not the design of the feature in isolation.

The application at hand is for the erection of a clock tower on a curtilage Grade II listed barn, the application has been revised from the previously refused scheme - the scale of the proposed clock tower has been reduced with a 1 m height reduction, the removal of the weather vane and a reduction in width by 0.1 m. The highest point of the clock tower would now sit lower than the ridge height (by 0.1 m) of the main dwelling. The tower is also now proposed to be a grey 'lead' colour and the clock faces are proposed to be translucent white and internally illuminated with a 40 watt light tube from within the tower. The illumination is proposed to be controlled by a light sensor. The clock is proposed to be radio controlled and will not chime.

Heritage Issues

Given that the amended proposals are to a curtilage Listed Building, the impact on the setting of the surrounding listed assets and the effect on the character and appearance of the Conservation Area are material considerations. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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). 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.c). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas or within the setting of designated heritage assets (paragraph 200).

Furthermore, in assessing the impact on the listed building, 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 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.

Para 196 of the NPPF advises that 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.

In addition, as the site lies within the Conservation Area, any proposed development must comply with the principles of Core Policy 14 and Policy DM9. Criteria within these policies require proposals to take into account the setting of heritage assets and the distinctive character and setting of Conservation Areas. Policy DM5 relating to design and DM6 relating to householder proposals also state planning permission will be granted providing the proposal *"respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling."*

The property is a curtilage Listed Building to Chestnut Farm, Main Street, which is a Grade II Listed C18 farmhouse to the east of the application site. The Conservation Officer has assessed this proposal and their full comments on the previous and current applications can be read in the consultations section above. In summary they have advised that while we remain appreciative that the application is well intentioned and submitted with the hope of enhancing the building, nevertheless there remains to be an objection to this proposal. The proposed clock tower would not be a restoration of a lost feature that was once present within this farmstead – it would instead be a pastiche and false feature that would confuse the history of the curtilage listed building and wider listed site. The legibility of the building in heritage terms would become difficult to interpret and the proposals would lack authenticity.

Clock towers such as these would usually be present on much larger, higher status houses or estates which would directly contrast with the traditional, simple, linear planform of this outbuilding. The proposed clock is considered to be too ornate a feature against the simple vernacular appearance of the converted barn, which would look out of character and an obvious modern addition. It is important to highlight that when stating that this is 'too ornate a feature' I refer directly to the principal of a clock tower on this building and not to the style of the tower itself. It is also considered that this proposal would result in the outbuilding rivaling the principal

building in status and features, which should be strongly resisted, and would harm the setting of the principal building, which at the moment is enhanced by its association with this simple, vernacular outbuilding suiting the principal building's own history and architecture.

I acknowledge that the applicant has revised the design of the clock tower in an attempt to simplify the feature but I would reiterate that the previous application was refused as the principal of this development was concluded to be inappropriate in this location rather than the style of the proposal being unacceptable.

The Design and Access Statement explicitly states that the revised design is more simplistic than previously proposed and this lessens the impact on the surrounding area, however, I would respectfully refute this statement given the clock, whilst having been reduced in size, is now proposed to be internally illuminated which will arguably increase its prominence and will result in a further detrimental impact on the surrounding conservation area.

The NSDC Supplementary Planning Documents address the use of illumination within conservation areas and on listed buildings and explains that the use of internal illumination is not desirable and will normally be resisted as it can have a detrimental impact on the area. On listed buildings illumination is almost always inappropriate. The Conservation Officer has also advised that they are "very concerned" about the proposal to illuminate the clock stating "...not only will this keep this alien feature visible 24 hours of the day, it will increase its negative impact from the listed farmhouse and wider Conservation Area.

The fact it is illuminated at all further reduces any authenticity as I know of very few internally illuminated clock faces even today, let alone historically, being restricted in the main to major civic buildings."

The Conservation Officer acknowledges that the revised proposal is materially smaller than the previous clock and does not have a weather vane and in this respect its visual impact is marginally reduced, but states that this is not obviously to any point where this would be an invisible or inconsequential addition. As such, the in-principle objection remains the same.

In conclusion it is considered that the proposed clock tower, as revised, would look out of character, lack authenticity and detract from the attractive, simple character of this vernacular building. The proposal would harm the architectural and historic interest of the host building, confuse the significance of the principal listed building and detract from the character and appearance of the Conservation Area - the addition if internally illuminated is considered to be a further concerning and harmful amendment to the previously refused scheme and an element which should be strongly resisted.

The conservation officer has highlighted that even though the clock tower is not an unattractive feature in isolation, the context is crucial as to whether it is an appropriate addition or not, it has been concluded that this particular barn is not the right context for this architectural feature. The building currently makes a positive contribution to the surrounding area and the proposed clock tower would be seen as an obvious anomaly to the designated heritage asset. As a consequence I consider this to harm the significance of the designated heritage assets (listed building and conservation area) which is contrary to the provisions and intentions of the NPPF which is a material planning consideration. Despite the level of public support there have been no wider public benefits presented that would outweigh the less than substantial harm that this development would cause that would warrant an approval.

The glossary of the NPPF does not define what is meant by a public benefit. However, paragraph 20 of the NPPG {ID: 18a-020-20140306} deals explicitly with the meaning of the term:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation”*

I note that there has been a significant level of public support for this application with a number of local residents commenting that this proposal would be an asset to the area and a useful and attractive addition to the Farndon conservation area. Whilst I acknowledge that the comments have been submitted with the best intention, many fail to raise any material planning reasons why this proposal should be permitted. They also fail to identify an overriding public benefit in line with the above guidance. This architectural feature is not a requirement for the building or people of Farndon; it would neither sustain nor enhance the significance of this curtilage listed building and would harm the setting of the principal listed building. The clock tower would not mitigate any risk to the heritage asset or support its long term conservation. Given this I am comfortable in concluding that, notwithstanding the level of public support for this application, there is no public benefit for the purposes of the NPPF that can be identified through this proposal.

I would also highlight that the majority of the letters received supporting this application relate to the admiration of the active presence that the applicant has in Farndon and wanting to support his desire to construct this architectural feature - rather than the material planning considerations of the proposal itself. This local support is a reflection on the good nature of the applicant and I would like to highlight that NSDC are appreciative and supportive of active members of the community that continue to contribute to maintaining and enhancing the District, however, this planning decision must be made based on material planning considerations, to which this is not. My concern is that permitting a development that has been identified by the Conservation Officer, as our technical heritage expert, as causing less than substantial harm to a designated heritage asset based on a personal desire rather than an identified public benefit would set a dangerously harmful precedent for development throughout the District.

As such, in the context of the significance of the principal Listed Building and Conservation Area as a whole the application would lead to less than substantial harm, I cannot see any public benefit deriving from this addition (the host building in no way needing any such addition or restoration) and feel it should not be supported. As a result the application would be contrary to Section 72 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.

Impact upon Amenity

The proposed clock tower is located to the NW of the property and on top of the garage which is single storey in scale. I consider that due to the scale and siting of the proposed development it would not cause any detrimental impacts upon neighbour amenity from overbearing impact, overlooking and loss of light in accordance with DM6 of the Allocations and development Management DPD.

I do however note that each clock face is proposed to be translucent and illuminated with a 40 watt light tube from within the tower. The illumination is proposed to be controlled by a light sensor. Residential properties, apart from the application site, are in excess of 23 m from the proposed clock tower and I also note that there is a level of screening afforded around the site by the trees on the village green to the SW and the boundary of the adjacent property to the N.

In addition I have contacted the Council's Environmental Health officer who has advised that from "the details provided I do not think that there should be a problem with illumination of the clock tower" in respect of impact on neighbouring amenity. As such the proposal is considered to be in accordance with DM6.

Other Matters

Comments have been received from neighbouring occupiers and the Parish Council which are in support of the proposal and they have been duly taken on board. The comments raised relate to the positive impact the applicant has had on Farndon throughout the years and the work that he has done to improve and enhance the area. Comments also relate to the proposal being a welcomed and practical enhancement to the area. Whilst I acknowledge that the applicant is clearly an active member of Farndon and works hard to maintain the attractive aesthetic of the village the above matters raised regarding the impact on the character and appearance of the listed building and conservation area are overriding concerns that are not outweighed by the 'perceived' public benefit.

I sympathise with the applicant's desire to enhance the area and provide a clock which would be practical and provide a useful reference point for the village, however, it is my opinion that there could be a more suitable location to provide this type of structure that would not result in an unacceptable impact on the character and appearance of the conservation area or the special interest of the listed buildings.

I also note that comments have been received from an interested party that reference the comments made by the conservation officer in which they suggest that regardless of design alterations to the proposed clock tower, they would nevertheless sustain their objection to the principal of this development. The neighbour comments raise concerns regarding our lack of consideration for revised proposals to come forward and the commenter explains how this could disadvantage the applicant. Whilst I appreciate these comments I would reiterate that the conservation officer's comments were in objection to the principal of this type of development in this location, not the design of the proposed clock tower. The advice given from the conservation team was given in good faith and intentionally sets out the objection to the principal of development to save the applicant any expense of putting forward a revised proposal that would be resisted.

In any event, a meeting was held between the agent, applicant, case officer and conservation officer throughout the course of the previous application which looked at a revised example of a less ornate version of a clock tower (subsequently submitted within this application) and our advice was reiterated to the applicant that it is simply the principal of this type of development that would receive an objection, not the style of clock presented.

The commenter also references the Human Rights Act in particular Protocol 1, Article 1 and the responsibilities of the council under this Act – this part of the Act states that a person has the right to peaceful enjoyment of all their possessions, but which in this case not only includes the home but also other land, specifically the village green area. Whilst I appreciate the commenter is passionate about the improvement of Farndon, and is in support of the application at hand, the duties under the Human Rights Act do not outweigh other considerations of the alteration to and setting of a listed building and the impact on the conservation area in this instance.

Conclusion

In conclusion I consider the proposed clock tower would be out of character of the outbuilding which would rival the principal listed building in status and features and would ultimately impact the setting of the principal listed building which at the moment is enhanced by its association with this simple, vernacular outbuilding suiting the principal building's own history and architecture. The proposed clock tower would look out of character, lack authenticity and detract from the attractive, simple and rustic character of this building, causing harm the architectural and historic interest of the host building; confusing the significance of the principal listed building and detracting from the character and appearance of the Conservation Area.

In the context of the significance of the principal Listed Building and Conservation Area as a whole the application would lead to less than substantial harm, I cannot see any wider public benefit deriving from this addition (the host building in no way needing any such addition or restoration) and as a result should not be supported. The application would be contrary to Section 72 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As a result the proposal would fail to accord with Core Policy 9 and 14 of the CS and policy DM5, DM6 and DM9 of the ADMDPD and the proposed clock tower would fail to respect the historic character and significance of the host dwelling and surrounding listed buildings which would contrast with the status of the listed farmhouse, eroding the original significance and character of the traditional rural building.

RECOMMENDATION

That full planning permission is refused for the reasons stated below.

01

In the opinion of the Local Planning Authority the proposed clock tower feature would be out of character with the traditional rural outbuilding upon which it is proposed. This development would rival the principal listed building in status and features and would ultimately have a harmful impact upon the setting of the principal listed building. The proposed clock tower lacks authenticity and would detract from the attractive, simple character of the vernacular building, causing harm to the architectural and historic interest of the host building and confusing the significance of the principal listed building and detracting from the character and appearance of the Farndon Conservation Area. The proposed works would cause less than substantial harm to

the significance of all designated heritage assets. There are no other material planning considerations or public benefits which outweigh the harm caused.

The proposal is therefore considered to be contrary to Core Policy 9 and 14 of the adopted Newark and Sherwood Core Strategy and Policies DM5, DM6 and DM9 of the Allocations and Development Management DPD which together form the Development Plan. It is also contrary to Section 72 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Planning Practice Guidance which are material planning considerations.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

For the avoidance of doubt this consent should be read in conjunction with Listed Building application ref. 18/01509/LBC.

BACKGROUND PAPERS

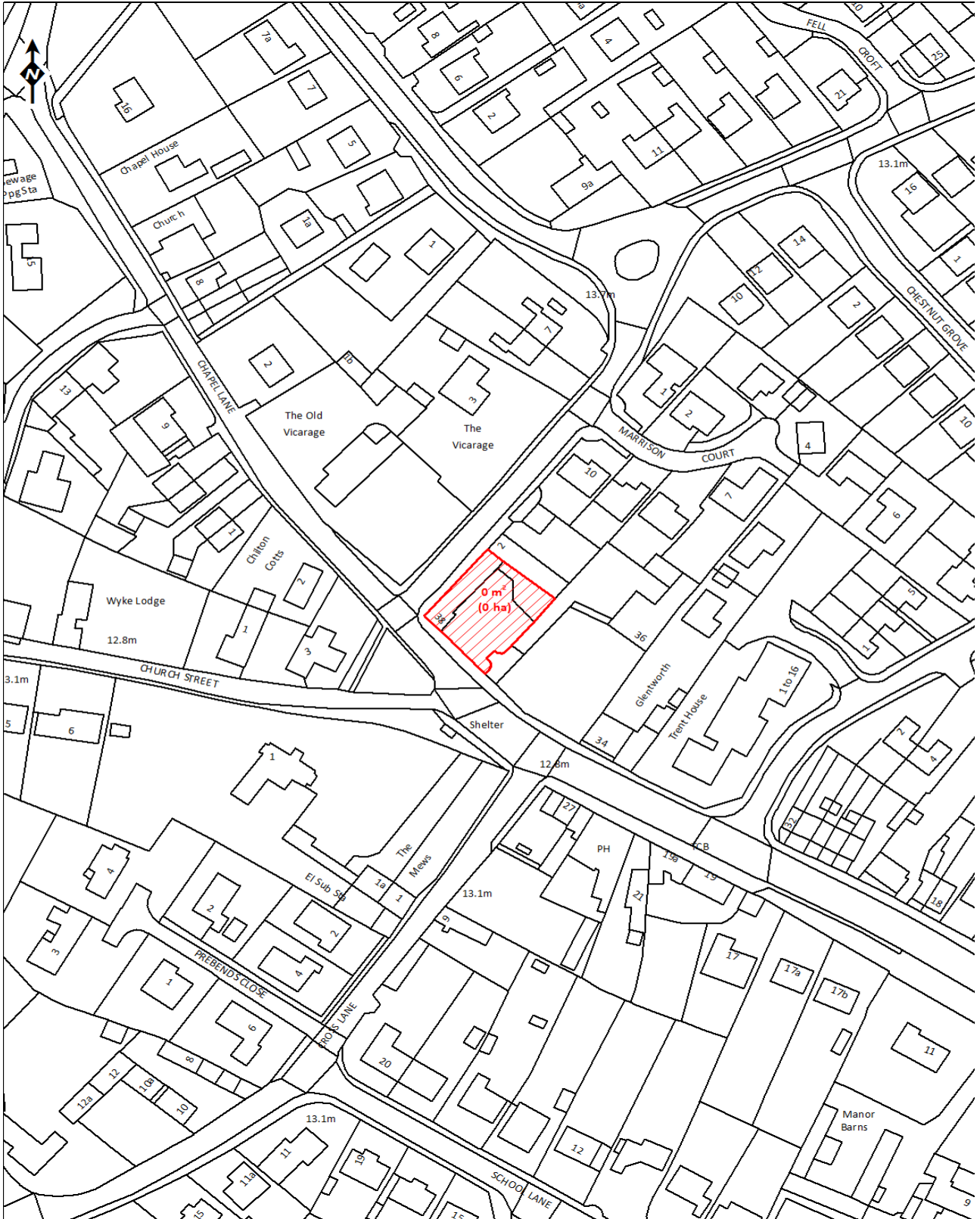
Application case file.

For further information, please contact Honor Whitfield on extension 5827.

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

Matt Lamb

Business Manager – Growth and Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 OCTOBER 2018

APPEALS A

APPEALS LODGED (received between 20 August to 14 September 2018)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager Growth & Regeneration

| Appeal reference | Application number | Address | Proposal | Procedure |
|------------------------|--------------------|---|---|------------------------|
| APP/B3030/D/18/3202591 | 18/00067/FUL | The White House
23 Cottage Lane
Collingham
Nottinghamshire | Householder application for first floor residential extension above existing ground floor garage, utility room, wc and store. | Fast Track Appeal |
| APP/B3030/W/18/3203424 | 17/02118/FUL | White Post Farm
Garden Buildings And
Greenhouses
Mansfield Road
Farnsfield
NG22 8HL | Proposed cafe | Written Representation |
| APP/B3030/W/18/3203920 | 17/01986/FUL | Land Adjacent To
Manor Farm
Moor Lane
East Stoke
Newark On Trent
Nottinghamshire
NG23 5QD | Construction of new 2 bed bungalow and garage | Written Representation |
| APP/B3030/W/18/3204054 | 18/00383/FUL | Aldi Stores Ltd
North Gate
Newark On Trent
Nottinghamshire
NG24 1HD | Resurfacing, Re-landscaping and redesign of layout to car park. Full re roof and rendering of external walls to existing store. | Written Representation |
| APP/B3030/W/18/3204128 | 17/01864/FUL | 1 Stanley Terrace
Newark On Trent
NG24 2JA | Conversion of existing detached garage into a 1 bed dwelling (re-submission of 17/01293/FUL) | Written Representation |
| APP/B3030/Z/18/3204839 | 18/00381/ADV | Aldi Stores Ltd
North Gate
Newark On Trent
Nottinghamshire | 1No freestanding post mounted double sided sign | Written Representation |

| | | | | |
|------------------------|--------------|--|--|------------------------|
| | | NG24 1HD | | |
| APP/B3030/Y/18/3207847 | 18/00670/LBC | Bechers Cottage
Bechers Walk
Burgage Lane
Southwell
NG25 0ER | Erection of single storey pitched roof extension to the north of Bechers Cottage, conservation roof lights to new and existing roof slopes (Resubmission of 17/02137/LBC) | Written Representation |
| APP/B3030/D/18/3207848 | 18/00669/FUL | Bechers Cottage
Bechers Walk
Burgage Lane
Southwell
NG25 0ER | Householder application for a single storey pitched roof extension to the north of Bechers Cottage, conservation roof lights to new and existing roof slopes. (Resubmission of 17/01787/FUL) | Written Representation |
| APP/B3030/W/18/3202735 | 17/02016/FUL | Garage House
Great North Road
South Muskham
NG23 6EA | Proposed Bespoke Dwelling | Written Representation |

PLANNING COMMITTEE – 2 OCTOBER 2018

APPENDIX B: APPEALS DETERMINED (between 20 August 2018 and 14 September 2018)

| App No. | Address | Proposal | Decision | Decision date |
|----------------|---|-----------------|-----------------------|----------------------|
| 17/00337/ENF | Lurcher Farm
Mansfield Road
Farnsfield
Nottinghamshire
NG22 8HY | Appeal against | Application Withdrawn | 22.08.2018 |

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager Growth & Regeneration

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

Document is Restricted