



*Castle House
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Monday, 26 November 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, 4 December 2018 at 4.00 pm

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

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf. If you have any queries please contact Catharine Saxton on
catharine.saxton@newark-sherwooddc.gov.uk.**

AGENDA

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There are none.

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There are none.

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| 20. | Exclusion of the Press and Public
There are none. |
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NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 20 November 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 Mrs Y Woodhead

APOLOGIES FOR Councillor B Wells
ABSENCE:

127 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

128 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

129 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 6 November 2018.

AGREED (unanimously) that the minutes of the meeting held on 6 November 2018 be approved as a correct record and signed by the Chairman.

130 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item 7 was taken after item 8, the agenda resumed is stated order thereafter.

The Committee was informed of an urgent item of business to be included on the agenda. The report related to the planning application for Future Fishing Ltd, Hardys Business Park, Hawton Lane, Farndon, which had been appended to the Schedule of Communication and tabled.

131 FORMER NEWARK REGISTRAR OFFICE, NEWARK MUNICIPAL BUILDING, BALDERTON GATE, NEWARK (18/01917/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought additional parking to the rear of the former Municipal Offices including new tarmac surface, drainage, lighting and landscaping and provide additional parking access accessible from London Road car park. The development

would provide 36 additional parking bays including 2 additional disabled parking bays.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from members of the public; the Newark & Sherwood Green Party; and Planning Case Officer. A petition with 712 signatures had been submitted for the application to be refused, the locations of those that had signed the petition had been received from the UK, India, China, Australia and other European countries.

The Business Manager Growth & Regeneration informed the Committee that the proposed car park would provide 36 additional car park spaces which would include 2 disabled parking spaces as there had been some discrepancies within the report.

Members considered the application and it was commented that car parking in Newark Town Centre was very valuable and the current car parks on London Road were heavily used. Balderton Gate had changed over the years and was a modern area and the proposed car park would be of benefit to the public.

A Member raised concern regarding the proposed layout of the car park regarding the disabled parking bays and suggested that the disabled bays be located as close as possible to London Road and the Library. The Business Manager Growth & Regeneration confirmed that this could be amended under a planning condition.

Other Members raised concern regarding the conservation of green areas and trees in the town centre and suggested that if the Committee were minded to approve the application that the car park be an area of grasscrete.

AGREED (with 8 votes For, 5 votes Against and 1 Abstention) that full planning permission is approved subject to the conditions contained within the report and the amendment to the layout of the car park with the disabled car parking spaces being located closer to London Road and the Library entrance.

132 BALDETON WORKING MEN'S CLUB AND INSTITUTE, 69 MAIN STREET, BALDETON (18/01241/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought retrospective planning permission for the retention of the north-western wing and the conversion to a dwelling including external alterations (Unit 4).

The Business Manager Growth & Regeneration informed the Committee that the applicant had appealed to the Planning Inspectorate against non-determination of the application. This meant that the Local Planning Authority was no longer able to decide the outcome of the application; however, officers considered that the views of the Planning Committee should be obtained, in order for them to be taken into account during the consideration of the appeal.

Members considered the application and felt that the failure to demolish the rear wing had impacted on the amenity space of units 1, 2, 3 and 5. Unit 5 would have

over looked amenity space previously but under the proposed application would overlook a two storey building in very close proximity. The retention of the rear wing also created a narrow corridor to units 1 and 2 which was cluttered with wheelie bins. The original planning application included the demolition of the rear wing and it was considered that a breach of condition should be served.

The Business Manager Growth & Regeneration advised the Committee that in the event they were minded to advise PINS that they would have refused the application (if they were still decision-makers) they would also need to consider appropriate enforcement action, either through a Breach of Condition Notice or Enforcement Notice. Taking either route could have implications for residents who have already purchased units 1, 2 and 3.

AGREED (unanimously) that the following actions be undertaken:

- i) inform the Planning Inspectorate of the Planning Committee views , that if the Planning Committee had taken the decision, they would be minded to refuse, on the grounds that the retention of the wing and creation of unit 4 had created a cramped environment and unacceptable level of amenity for units 1, 2, 4, and 5; and
- ii) delegated authority be given to the Business Manager Growth and Regeneration to take appropriate enforcement action, following consultation with legal advisors.

133 GREEN PARK, TOLNEY LANE, NEWARK (18/01443/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the variation of condition 1, to make the temporary permission permanent, attached to planning permission 12/00562/FUL granted on appeal at Plots 1-10 Green Park, Tolney Lane (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071) (Change of use from paddock to gypsy and traveller residential caravan site - retrospective).

Councillor Mathew Skinner representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report. Councillor Skinner informed the Committee that Newark Town Council had made an error in their comments regarding the boundary screening to make the site less visible from the A46, as recommended for Planning Application 18/01430/FUL – Park View Caravan Park, Tolney Lane, Newark, which should have been included for this application.

Members considered the application and it was commented that the Council was currently undertaking work regarding the number of pitches the Council was required to have, which would be included on completion into the Planning Core Strategy.

The Business Manager and Members were clear that there was clearly a flood risk, including to life. Members and the Business Manager equally noted that this level of risk had not changed since the Planning Inspectorate had considered it to allow a

temporary 5 year planning permission. There remained no other alternative sites with planning permission and Members therefore considered that the application was acceptable for a further temporary period only. It was not appropriate for the site to become permanent.

AGREED (unanimously) that planning permission be granted on a temporary basis for a further 3 years until 30 November 2021, subject to no comments being received which would raise additional material planning considerations to those already considered within the report and subject to the conditions and reasons contained within the report.

134 PARK VIEW CARAVAN PARK, TOLNEY LANE, NEWARK (18/01430/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the change of use of the former abattoir site and paddock to gypsy and traveller caravan site.

Councillor Mathew Skinner representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report. Councillor Skinner informed the Committee that Newark Town Council had made an error in their comments regarding the boundary screening to make the site less visible from the A46, which should have been included for Application 18/01443/FUL – Green Park, Tolney Lane, Newark and not for this application.

Members considered the application and it was commented that the site was very close to the entrance to Tolney Lane, it could be argued therefore that the risk was lower at this site in terms of evacuation. The Environment Agency comments regarding the risk associated with this site being 'significant' were noted. Members commented that work was being undertaken regarding the availability of traveller sites within the district and on completion would be included into the Planning Core Strategy. In light of that work being undertaken and in being mindful of the decision earlier on the agenda, it was considered that a further three years temporary permission would be acceptable.

A Member sought clarification that the Council had formulated a flood plan warning and evacuation plan. The Business Manager Growth & Regeneration confirmed that the Business Unit Community Safety had formulated the correct plans, which were as robust as they could be given the very clear constraints and challenges of the area.

AGREED (unanimously) that planning permission be granted on a temporary basis for a further 3 years until 30 November 2021 subject to the conditions and reasons contained within the report.

135 THE OLD STABLES, CRAB LANE, NORTH MUSKHAM (18/01450/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought planning permission for the erection of one, two bed

bungalow and one, three bed bungalow.

Members considered the application acceptable.

AGREED (with 11 votes For, 1 vote Against and 2 Abstentions) that planning permission be approved subject to the conditions and reasons contained within the report.

136 FUTURE FISHING LTD, UNIT 17, HARDYS BUSINESS PARK, HAWTON LANE, FARNDON, NG24 3SD

The Committee considered the urgent report of the Business Manager Growth & Regeneration, which sought Committee approval for delegated authority to be granted to the Business Manager Growth & Regeneration, to frame the conditions such that they were appropriate to either a retrospective use, should Officers conclude that a retail warehouse club was being undertaken, or an unlawful use, should Officers conclude that A1 retail was being undertaken.

The reason for the urgency item was to ensure there was no delay in issuing a decision (or any associated challenge in terms of an appeal against non-determination) as a result of ongoing enforcement investigation which may require the need to reframe planning conditions.

AGREED (unanimously) that the wording to secure the intent of the conditions relating to Future Fishing Ltd, as agreed at the 6 November Planning Committee, be delegated to the Business Manager Growth & Regeneration.

137 APPEALS LODGED

There were none.

138 APPEALS DETERMINED

There were none.

139 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 6.40 pm.

Chairman

PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01678/FUL		
Proposal:	Change existing ancillary annexe to individual dwelling use class c3(a). Add two dormer windows and set in own private amenity space with separate access and parking, site access by partial removal of lleylandii hedge (part retrospective - amendment to approved application 17/01793/FUL)		
Location:	The Old Maltings, Main Street, Fiskerton, Nottinghamshire, NG25 0UL		
Applicant:	Mr G Ferriman		
Registered:	19 September 2018	Target Date: 14 November 2018	
	Extension of time agreed: Agreed in Principle		

The application is reported to Committee as the view of Fiskerton-cum-Morton Parish Council is contrary to the Officer recommendation.

The Site

The site is located within the village of Fiskerton and within the Conservation Area for the village. The site is set back from the main highway and is accessed by a private driveway which runs between Trent Lodge and Trent Court. Neighbouring dwellings lie to the north, south and west with the River Trent to the East.

The site comprises a modern detached dwelling with detached two-storey annexe in the south west corner of the site. The annexe was originally granted planning permission in 1997 and is constructed of red brick and pantile and shares its curtilage with the main dwelling. The annexe was constructed with rooflights installed in the south east elevation overlooking the garden area with parking available to the front of the building.

Relevant Planning History

18/00940/FUL - Application to vary condition 02 of planning permission 17/01793/FUL to allow removal of all of North West boundary Leylandii hedge and replace with 1800mm high close boarded fence, alterations to dormer windows on south east elevation, replace window with French door on south east elevation (permitted 31.07.2018)

17/01793/FUL - Change existing ancillary annexe to individual dwelling (Use Class C3 (a)) with private amenity space, separate access and parking including removal of part of leylandii hedge. Addition of 2 No. dormer windows (permitted 08.12.2017)

97/50797/FUL - Annex to provide ancillary accommodation to main dwelling (permitted

01.12.1997)

39891514 - Dining room extension (permitted 09.01.1990)

39890624 - Erection of shed/summer house (permitted 21.07.1989)

39890001 - Erect conservatory (permitted 13.04.1989)

39880109 - First floor conservatory extension (permitted 21.03.1988)

39801232 - House and garage (permitted 10.12.1980)

3977940 - Two detached dwellings (refused 09.01.1979)

The Proposal

The proposals is a re-submission of the previously approved application Ref. 17/01983/FUL for the use of the building as an independent dwelling and associated alterations.

The alterations to the annexe building have already been carried at the site although not fully in accordance approved scheme. Furthermore, the use of the building as an independent dwelling has not yet commenced and as such, the previously approved scheme has not yet been lawfully implemented. Therefore this application seeks planning permission to regularise the alterations to the annex building which have been carried out at the site and are not in accordance with the approved scheme as well as the use of the building as an independent dwelling.

The alterations to the annex building which are different to the approved scheme under application 17/01793/FUL are as follows;

1. A change to the design of the dormer windows on the SE elevation from 3-pane windows to 2-pane and position within the roof slope of the dormer set 0.4m higher in the roof slope. Each window is also 0.2m greater in height and 0.2m greater in depth each window would be reduced by 0.8m in width.
2. An increase in the size of the curtilage afforded to the proposed dwelling to extend to the riverside SE of the site. The approved application provided a much smaller garden area (80m²) with the remainder of the garden afforded to The Old Maltings. The area of the garden area associated with the annexe is now proposed to be approximately 275m² and separated from The Old Maltings by a 1.8m close boarded fence.
3. The proposed fencing within the driveway to separate the two dwellings is proposed to be increased from 1.5m to 1.8m with a larger opening (without fencing or vegetation) at the entrance to improve visibility

4. The existing door opening on SW elevation is now proposed to be a window serving the hallway.

Submitted Documents

The following documents accompany the application:

- Site Location Plan – 621/Location
- Proposed Elevations, Floors & Site Plans – (08)10
- Existing Elevations, Floors & Site Plans – (08)11
- Landscaping Scheme – (08)12
- Design and Access Statement

Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Policies relevant to this application:

Spatial Policy 1: Settlement hierarchy
Spatial Policy 2: Spatial distribution of growth
Spatial Policy 3: Rural Areas
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable transport
Core Policy 9: Sustainable design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

DM1: Development within settlements central to delivering the spatial strategy
DM5: Design
DM9: Protecting and Enhancing the Historic Environment
DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

Section 72 of the Planning Act 1990

Consultations

Fiskerton Parish Council – Object to the proposal due to concern regarding the following:

- Height
- Inappropriate materials
- Effect on amenities as it is within the conservation area
- Loss of privacy for neighbouring property

NSDC Conservation Officer – *Many thanks for consulting Conservation on the above proposal.*

Legal and policy considerations

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

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF).

Paragraph 193 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, ‘Historic England Advice Note 2: making changes to heritage assets’ advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of heritage asset(s)

The Old Maltings is located in the Fiskerton Conservation Area, first designated in 2002. The host dwelling and the ancillary building in question are located on a historic site, where the 1885 OS Map identifies Malt Houses that have since been replaced by modern development that makes a negative contribution to the character of the Conservation Area. The host dwelling is a modern C20 house in stretcher bond and the ancillary building that forms part of this application corresponds to this modern style.

Assessment of proposal

Conservation was consulted on a previous application at this site under 17/01793/FUL in which it stated:

‘Conservation does not object to the proposal. The creation of a separate dwelling in this location will intensify the level of occupation in this area of the Conservation Area, but it is not considered to cause sufficient negative harm to warrant an objection. The inclusion of dormer windows will furthermore add a domestic character the outbuilding, but there are no identified heritage assets in close proximity. The new dormer windows will not be unduly prominent in the Conservation Area and as such are acceptable.’

It is noted that the revised scheme is not significantly altered from the previous submission, and as such Conservation does not object to the amendments. Among the most substantial changes is the removal of the lleylandii hedge and its replacement with a close boarded fence as a means of subdividing the space. The close boarded fence will now act as the boundary treatment, although this is not considered to negatively impact on the character of the conservation area, or screen any heritage assets which would result in harm.

In this context, the proposal is not considered to cause harm to the character of the conservation area. The proposal therefore is in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council’s LDF DPDs and section 12 of the NPPF.

Trent Valley Internal Drainage Board – *The site is within the Trent Valley Internal Drainage Board District.*

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

Surface water run-off 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.

If you require any further information please do not hesitate to contact the Board’s Operation’s Manager, Mat Everett.

In addition to the above, 1 letter of representation have been received from a third party raising the following concerns,

- The revised height of the dormer and associated windows would affect the privacy afforded to adjacent dwellings
- Window frames are now white rather than the rosewood colour originally on the building
- First floor window on the SW elevation can be opened and overlooks the neighbouring property
- The door on the SW elevation is not obscurely glazed but would wish for it to be
- 5 spaces are attributed to the dwelling suggesting there would be 5 adults living in a small 2-bedroom dwelling.

Comments of the Business Manager

Principle of Development

Firstly, it is considered prudent to highlight the strong fall-back position in this situation whereby the use of the annex building as an independent dwelling at the site can still be lawfully implement by carrying out the development at the site fully in accordance with the previously approved scheme under application 17/01793/FUL.

Thus instead of re-assessing the principle of the conversion of the annex building to an independent dwelling within this application, it is considered appropriate in this instance to refer back to the overall conclusion made by the officer on this matter which is as follow;

'The application has been assessed against Spatial Policy 3 (Rural Areas) of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying 5 criteria namely, location, scale, need, impact and character.

With regards to location, although the site is considered to be within the main built up part of Fiskerton which is considered to provide adequate facilities for residents and reasonable public transport connections to facilities in nearby larger settlements. As such the proposal is considered to fit the locational criterion of this policy.

This application relates to a new dwelling and is considered to be small scale development and appropriate for the overall settlement of Fiskerton. It is not considered that the proposal would have an adverse impact in terms of excessive car borne traffic, upon local infrastructure or have such an adverse impact on residential neighbours that this would warrant a reason for refusal.

No proven local need has been demonstrated as part of this application, however the LPA are aware of a housing needs assessment which identifies a local preference for 1-3 bed dwellings within the settlement across the villages of Fiskerton and Morton.

In terms of design, the building is already in situ and the application does not propose major alterations to the appearance of the building, which is already domestic in character. The

building would remain subservient to The Old Maltings and would not result in the overdevelopment of the plot with the sub-division of the site to form a new residential curtilage. Furthermore, the internal Conservation Officer and Highway Authority have raised no objection to the scheme.

The proposal is therefore considered to be acceptable in terms of Spatial Policy 3 and Core Policy 14 of the Core Strategy as well as Policy DM9 of the DPD. As such, the application is recommended for approval, subject to conditions.'

It is considered that there are no material changes in circumstances at the application site or major shifts in terms of policy guidance which would give rise to a different opinion from officers on the principle of the use of the annex building as an independent residential dwelling at the site. As such it is considered that this element of the proposal remains acceptable and the remainder of this assessment will focus on the alterations to the annex building which differ from the approved scheme.

Impact on Character/Visual Amenities

Policy DM5 confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Additionally, as the site lies within the Fiskerton Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 12 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The building is of modern construction and of no architectural merit. The design of the building has already been established by its original approval in 1997 and the 2017 and 2018 planning permissions for conversion and therefore it would not be appropriate to comment on the building's existing design as part of this application.

The two previous planning permissions have accepted the creation of dormer windows on the SE elevation in part because they would be similar in appearance to The Old Maltings. The dormer windows now proposed would retain this appearance, albeit located higher within the roof slope. Furthermore, the window frames are to be changed from brown to white which whilst appearing visually different would not in my view be detrimental to the overall appearance of the building, particularly given its modern design. Similarly, the minor changes to openings in the building would not be detrimental to the overall character of the area.

In terms of the changes to the curtilage, the new boundary line would follow the natural division between the annexe and The Old Maltings and thus would not create any complicated division of

the plot that could raise an issue from a design perspective. The use of close board fencing as a boundary treatment has already been accepted by the previous applications and I have no reason to depart from this previous assessment.

Given the location of the site within the conservation area comments from the Conservation Officer have been sought and are available in full above. In this instance the Conservation Officer has raised no objection to the scheme and the proposal in my view would have a neutral impact upon the character and appearance of the conservation area. Furthermore, the proposed dormer windows would sit subservient to the building and would not be overly prominent within the public realm, although I note that they would be visible from the footpath running adjacent to the River Trent.

It is therefore considered that proposed development would not result in any undue impact upon the visual character or amenity of the immediate street-scene or the wider area. Overall, the dwellings are considered to reflect the character of surrounding built form. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3, Core Policy 9 and 14 of the Core Strategy and Policy DM5 and DM9 of the Development Management DPD.

Impact on Residential Amenity

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

As part of the assessment I must take in to account the existing residential use of the building which already provides the level of accommodation proposed for the building's use as a separate dwelling.

I note the comments received relating to the impact of the development upon the privacy of neighbouring properties, although two of the issues raised relate to existing openings that are already established as part of the existing residential use of the annexe. The openings already in situ are located on the SW elevation; the first floor window is currently obscurely glazed, although openings. I appreciate that when open the window could provide additional potential to overlook the neighbouring property (a conservatory abuts the site boundary, with a 2m (approx.) high blank wall with glazing above facing on to the site and a glazed roof) however this window would be located adjacent to the stairwell and thus visibility it likely to be limited; officers have been inside the building to observe the view from this window and have advised the outlook is restricted. With regards to the proposed ground floor window, I am mindful that this would not be obscurely glazed however this would look out on to a blank brick wall and high level glazing of the neighbouring conservatory and thus would not have any greater overlooking impact upon neighbouring amenity in terms of overlooking over the previous situation with a glazed door in

this opening. I therefore do not consider it appropriate to condition this window to be obscurely glazed.

Turning to the dormer windows, it is noted that the height these would sit within the roof slope is increased by 0.4m, however they would remain lower than the ridge height and would be reduced in width. Having seen the photographs from the neighbouring property, I accept that the top of the dormer windows are visible from within the garden although when viewed from the annexe (as the dormer openings were made prior to the submission of this application and thus officers have been able to assess the visibility from the windows whilst on site) visibility in to the neighbour's garden is restricted owing to existing vegetation along the boundary as well as a 5m high brick wall. On this basis, I would not consider the potential visibility to be so detrimental to the neighbour's amenity that it would place me in a position to recommend refusal of the application to Members.

Additionally, I accept that part of the hedgerow would be removed along the NW boundary of the site to provide a new entrance to the site, however I would not expect this removal to have an adverse impact upon neighbouring properties as visibility would be from the existing dwelling (The Old Maltings) which is set back from the boundary and is separated from the neighbouring property to the NW by the shared driveway, providing a separation distance of approximately 22m between The Old Maltings and the boundary with Trent Court. This has also already been assessed as part of the previous planning applications.

In terms of noise and light disturbance, I am again mindful that the proposal would increase the intensity of the use of the building from the residential annexe use the building currently has planning permission for. This increased use may result in some increase in noise and light pollution for neighbouring properties however I would not expect 1 residential unit to have such a detrimental impact that could justify a reason for refusal in this instance, particularly given the residential nature of the surrounding area.

On the basis of the above, I am of the view that the proposal is unlikely to have a detrimental impact upon the amenities of surrounding land uses.

Impact on Highway Safety

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

The proposal has not altered the vehicle access or parking provision as part of this application and therefore I take reference from the previous Officer's report:

The Highway Authority raises no objection to the proposal from a highway safety point of view. I note that the number of parking spaces within the site will remain the same, albeit split between

the two dwellings; the number afforded to each dwelling (2no. for the annexe and 5no. for The Old Maltings) is in line with the usual guidelines.

The application proposes the creation of a new access for the new dwelling off the existing private driveway. I am mindful that the layout of the site would require vehicles to reverse out of the site and onto the shared driveway, however there is sufficient turning area within this driveway to enable vehicles to enter/leave the public highway in forward gear. On this basis, I am therefore satisfied that the proposed scheme would not result in highway issues sufficient to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

I concur with this assessment and consider it to remain relevant to the currently planning application. Thus, I do not consider the proposal would have any adverse impact upon highway safety.

Other Matters

As the use of the annex building as an independent dwelling has not yet been implemented and the retrospective element of this application relates only to the physical alterations to building, the standard time limit condition is considered appropriate to any grant of planning permission. The conditions relating to permitted development rights and the retention of obscure glazing to the first floor SW elevation (condition 5 of the previous permission – 18/00940/FUL), along with a condition detailing the plans remain relevant to ensure the development is acceptable for its lifetime are still also considered appropriate and are recommended to be re-imposed should planning permission be granted.

Conclusion and planning balance

Having considered the strong fall-back position at the site, in which the extant permission under application 17/01793/FUL for the use of the building as an independent dwelling could be lawfully carried out, and that there are no material changes at the site or major shifts in policy guidance since the granting of this permission, it is considered that the use of the building as a residential dwelling remains acceptable.

In terms of the alterations to the annex building sought within this application, it is considered that these do not result in any material impact on the residential amenity of neighbouring properties or have any adverse impact on highway safety at the site. The alterations are also considered to not result in any harm to the character and appearance of the site or wider conservation area. In light of the above, it is considered that the proposal would accord with the aims of SP3, SP7 and CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management DPD as well as being consistent with Section 72 of the Planning Act 1990. Accordingly it is recommended that planning permission granted.

Recommendation

That full planning permission is approved, subject to the following conditions;

01

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

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

02

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

- Site Location Plan – 621/Location
- Proposed Elevations, Floors & Site Plans – (08)10
- Landscaping Scheme – (08)12

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

Reason: So as to define this permission.

03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development to the annexe under Schedule 2, Part 1 of the Order in respect of:

- Class A: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: Porches
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimney, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: gates, fences walls etc.
- Class B: Means of access to a highway.
- Class C: Exterior painting.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc of solar equipment on domestic premises.
- Class B: Installation or alteration etc of standalone solar on domestic premises.
- Class C: Installation or alteration etc of ground source heat pumps on domestic premises.
- Class D: Installation or alteration etc of water source heat pump on domestic premises.
- Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc of wind turbine on domestic premises
- Class I: Installation or alteration etc of stand-alone wind turbine on domestic premises

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

Reason: To ensure that any proposed further alterations or extensions can be controlled by the local planning authority in the interests of the amenities of the occupiers of neighbouring properties and in order to preserve the character and appearance of the conservation area.

04

The first floor window opening on the south-west elevation shall be retained as an obscured glazed opening for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

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

02

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

fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

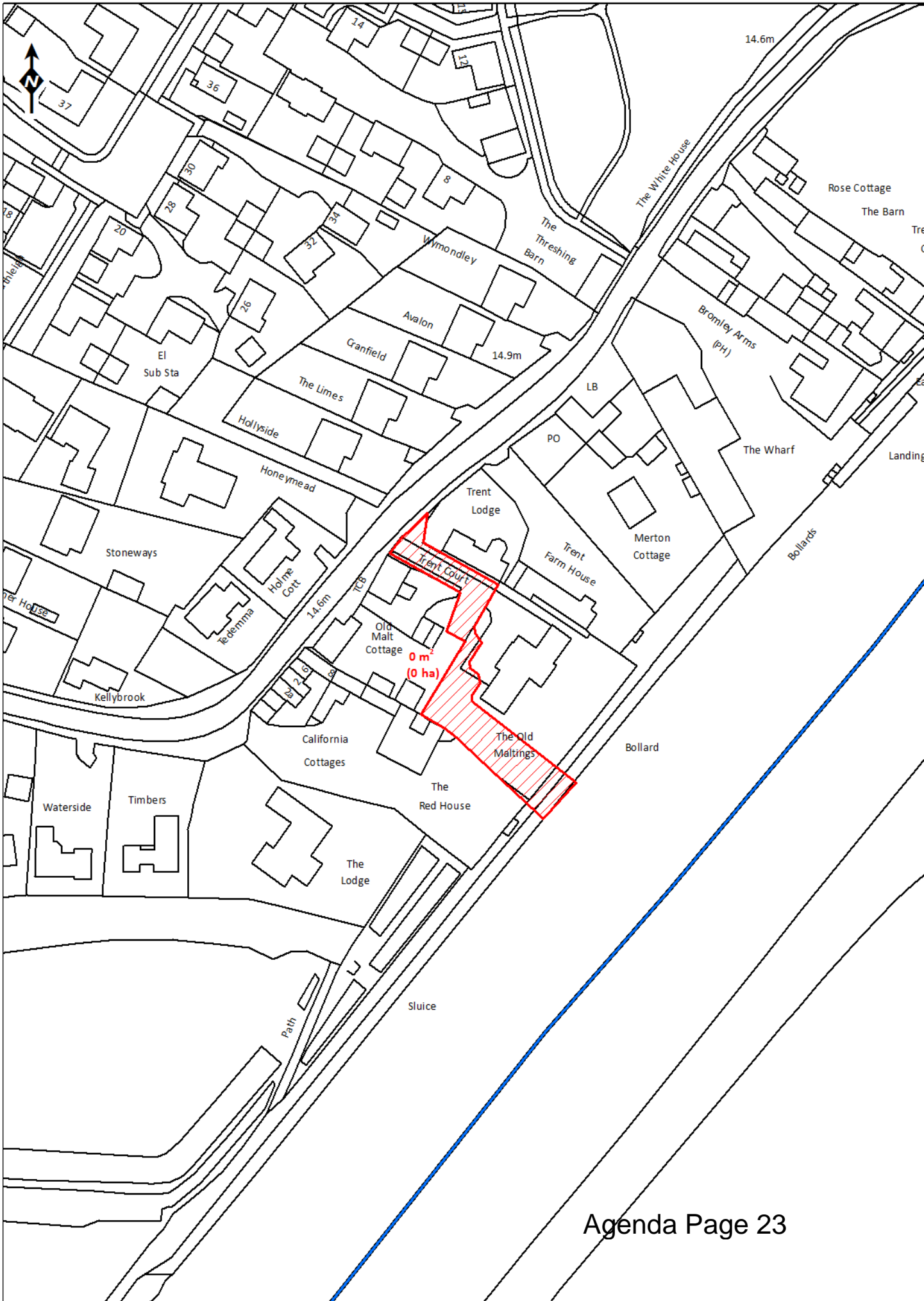
Application case file.

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

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

Matt Lamb

Business Manager – Growth & Regeneration



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/00664/FUL	
Proposal:	Material Change of Use from A2 to A3	
Location:	9 Church Street, Southwell, NG25 0HW	
Applicant:	Mr D and Miss C D / C Crawley	
Registered:	17.05.2018	Target Date: 12.07.2018 Extension agreed to: 09.11.2018

This application is presented to the Planning Committee for determination as it has been referred by Cllr B Laughton on behalf of Southwell Town Council on the grounds of unacceptable impact on neighbour amenity.

Description of Site and Surrounding Area

No. 9 Church Street is a Grade II listed (1046142) former house, (last used by the Nat West Bank) dating from c.1784 and first listed on 9th February 1973. The property is located on the north east side of Church Street and is approx. 90m north west of the Grade I listed Southwell Minster. There is a wall running along the side boundary of the site which is also listed.

To the side of the property is a single width vehicular access which leads to a parking area to the rear of the property. The building is accessed by a pedestrian door set back approx. 7m off the pavement on Church Street. The site is located within the Southwell District Centre (as defined by the Adopted Newark and Sherwood Allocations and Development Management DPD), the Southwell Conservation Area and the Southwell Protected Views Area and approx. 3 m west of the primary shopping frontage for Southwell.

The building previously operated as a bank (A2) but has been recently decommissioned and as such is currently not in use. The first floor portion of the building is a separate residential unit and is occupied on a long term lease. The footprint of the flat above does not cover the entire footprint of the ground floor application site.

The adjoining property to the east is Grade II listed Minster Lodge (no. 11), a former prebendal house of Norwell Overhall, now a house - this building is one of the 9 remaining prebendal houses formerly attached to the Southwell Minster.

It is noted that there are a number of listed buildings within the immediate vicinity – in addition the main shopping frontage of Southwell is approx. 3m west of the application site. 20m to the west is the Crown Pub, 45m is the Saracens Head Pub and Hotel and 11m south across the highway is the Wine Bank and Bar (Mr & Mrs Fine Wine). The entrance to the 24hr public car park for Southwell is accessed 31m east of the application site going NE spanning the length of the

application buildings rear garden. There is a bus stop adjacent to the SE corner of the site and directly opposite across the highway which serves buses into Newark and Nottingham throughout the day and into the evening.

Relevant Planning History

17/01730/FUL – Change of use of existing bank (a2) to public house and restaurant (A4) – Withdrawn Oct 2017

17/01731/LBC – Change of use of existing bank (a2) to public house and restaurant (A4) - Withdrawn Oct 2017

17/00792/FUL – Removal of existing NatWest brand signage and ATMs together with internal alterations to remove non- original fixtures, fittings, furniture and equipment relating to the operation of the branch. – Permitted 3.7.17

17/00793/LBC – Removal of existing NatWest brand signage and ATMs together with internal alterations to remove non- original fixtures, fittings, furniture and equipment relating to the operation of the branch. – Permitted 3.7.17

15/01813/DISCON - Request for confirmation to discharge conditions 3 and 4 attached to planning permission 14/01547/LBC Re-building a section of garden wall like for like – Approved 16.11.15

15/00223/LBC - Proposal for advertisement signage for; One illuminated fascia; One non-illuminated projecting sign, One ATM vinyl non-illuminated tablet, ATM cladding and three miscellaneous permitted non-illuminated signage items (see application form for full details) – Permitted 8.4.15

15/00228/ADV - Proposal for advertisement signage for; 1 illuminated fascia, 1 non-illuminated projecting sign, 1 ATM vinyl non-illuminated tablet, ATM cladding and 3 miscellaneous permitted non-illuminated signage items (for full details see application form) – Permitted 8.4.15

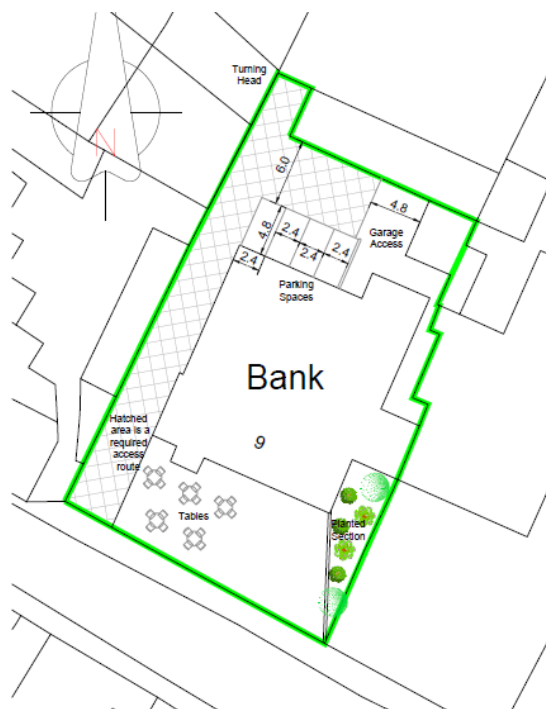
14/01547/LBC - Re-building a section of garden wall like for like – Permitted 21.11.2014

The Proposal

Full planning permission is sought for the change of use of the property from A2 (Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies) to A3 (Restaurants and cafés - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes). No internal or external modifications are proposed at this time. The application purely seeks to establish the change of use of the premises.

As part of this proposal, the existing small car park is to be retained to the rear as parking for staff

members as shown on 'Proposed Site Location Plan – GBS/1603/005'. The applicant has clarified that the rear garden is not proposed to be included within this application - the extent of the site proposed to be included within the application is shown on the below plan.



Access for staff and deliveries is taken from the SW of the site which is shown as hatched on the above plan. The area to the front of the building is proposed to be used for outside seating with a section to the SE proposed to be planted.

There is currently no proposed end user of the site but the application seeks to establish hours of operation between 07:00 until 23:00 Monday – Sunday including Bank Holidays however the noise survey submitted highlights it is assumed that the site may be active for up to an hour after closing for cleaning and staff leaving the site etc. The application form states that the business would employ 4 full time and 4 part time staff members.

The current application seeks a material change of use and given no end user has been identified extensive detailed design work has not been provided at this stage in relation to soundproofing. However, following the concerns of the Environmental Health Officer the agent has provided an example drawing Ref: GBS/1603/008 of proposed soundproofing that could be applied to a listed building (noting that this would require a subsequent Listed Building Consent). It is noted that the property currently has a suspended ceiling in place with existing fixing points.

Documents deposited with this application:

- Application Form and Certificates (4.4.18)
- Site Location Plan - GBS-1603-003 (4.4.18)
- Proposed Floor Plans - GBS-1603-002 (4.4.18)
- Existing Floor Plans - GBS-1603-001 (4.4.18)
- Heritage Statement (8.5.18)

- Supporting Statement and Email (20.07.18)
- Existing and Proposed Site Location Plan – GBS-1603-005 (20.07.18)
- Proposed Ceiling Detail – GBS-1603-008 (20.07.18)
- Noise Impact Assessment – Ref. 2823GU by Nova Acoustics (19.10.18)

Departure/Public Advertisement Procedure

Occupiers of 64 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Policy Framework

Southwell Neighbourhood Plan (made 11 October 2016)

Policy SD1 - Delivering Sustainable Development

Policy DH1 – Sense of Place

Southwell Design Guide

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

SoAP 1 – Role and Setting of Southwell

Allocations & Development Management DPD

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

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM5: Design

Policy DM11: Retail and Town Centre Uses

Policy DM12: Presumption In Favour of Sustainable Development

Area Policy SoDC1 – Southwell District Centre

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

Consultations

Southwell Town Council – “Southwell Town Council considered application 18/00664/FUL 9 Church Street and agreed unanimously to object to the application and to ask Cllr Bruce Laughton to call in this application for the following reasons:

- This application lies within the precincts of the Minster and with no indication of what the property would be used for, it could negatively impact on the sense of place (NP DH3 Historic Environment 7.14), therefore more information is required;
- There is public documentation available which indicates that a change to A4 is possible which is unacceptable to the committee;
- The hours of business are stated as 7am to 12 midnight, therefore this will cause increased noise and light pollution to neighbouring properties within the conservation area;
- The rear garden is a haven for wildlife and runs deep into the heart of Southwell with 21 adjoining properties along its boundary with very little protection from increased noise, smells and light.
- Also, there would be a decrease in the security of these gardens.
- It has inadequate unloading and parking facilities and inadequate vehicle access causing possible public safety issues.
- The building has many listed features and the committee required further information on any potential changes to the building via an LBC application.”

Additional Comments Received - “The Council would like to reiterate the comments submitted in June 2018 and add to them the following.

There are issues relating to the potential use of the gardens in the future, access for residents into the shared car parking space, increased noise, waste location and access into and out of the property, parking and lack of amenities to the residents living above. Any application for casual use will also be objected to and the Council wish to strongly keep in mind that the building is a listed building.”

Southwell Civic Society – “We have no objection to the reclassification of this property from A2 to A3 per se.”

Second comments submitted 11th June 2018 – “This submission supercedes our response of 30th May 2018.

We have no objection to the reclassification of the building from A2 to A3 per se.

However, we are concerned about the potential effect on the prebendal garden and the environs of the surrounding properties. We would therefore request that the garden be excluded from any change of use.

We have noted in the Estate Agent’s Brochure that it was intended that an application would be submitted for change of use to A4. If this were the case then we would strongly oppose any such proposal for the reasons described in our response detailed below to application 17/01730 which was subsequently withdrawn.

If NSDC are minded to approve the change of use to A3 it should be made clear that any future application for a change to A4 or A5 would be refused.

Our submission regarding 17/01730 stated:-

This is a Grade II listed prebendal house situated at Southwell's historic and religious heart. It therefore has considerable significance architecturally, culturally and socially. The application conflicts with the Neighbourhood Plan, which was comprehensively endorsed by the citizens of Southwell in a referendum.

Policy DH3 states that: - "Development proposals within the historic Town Centre must not negatively impact on the spaces, links or relationships between buildings, particularly those associated with the Minster where the aim is to maintain a sense of place within and around its precinct."

We appreciate that the proposal at this time is to leave the outer walls of the building as they are. However, Conservation Areas are not just about conserving building fabric but also about conserving and indeed adding to the ambiance of the area as a whole. This will not be the case if a public house with an outside beer garden is permitted in this sensitive location.

We are also deeply concerned about the effect the proposed change of use will have on the amenity of the residents living in the properties adjoining and near to the proposed public house. This is contrary to the Neighbourhood Plan Policy SD1, which states: -

"That, where applicable, account has to be taken of the wellbeing and social development needs of Southwell residents".

We also note that the proposed application is limited to the ground floor and therefore the landlord will not be resident in the public house but living elsewhere unaffected by any negative impacts of the proposal."

NSDC Conservation Officer – 9 Church Street is Grade II listed. The building is within the Southwell Conservation Area (CA) and is in proximity to the significant landmark Minster Church, Grade I listed. There are many other fine historic buildings within this part of the CA.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework

(NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

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

Significance of heritage asset(s)

Southwell Conservation Area (CA) was first designated in 1968 and extended in 1970 and 1993. The Council produced an Appraisal of the CA in 2005 following a further review and again amended the boundary. The existing CA boundary has been drawn to include the Minster Church and distinctive Prebendal area, the historic commercial centre of King Street and Queen Street, the Burgage and the former hamlets of Easthorpe and Westhorpe. Key features of the conservation area are the presence of the Minster church, its well-preserved historic layout, the high proportion of listed buildings and unlisted buildings of quality, its strong character areas and its attractive landscape setting. The Minster is a prominent landmark within the town and can be seen for miles around.

The proposal site falls within the Minster and Prebendal character area. There are quite a significant number of large houses in the Minster character area, most of which are Prebendal houses, or their replacements, set within their own grounds. These were the residences of the prebendaries (secular canons) who were supported by income from endowments of properties and tithes known as prebends. By the end of the 13th century, sixteen prebends and prebendal houses had been established. There are now only nine remaining and none is the original building although parts of the originals have been incorporated into the fabric of some of the new.

The former NatWest Bank at 9 Church Street is Grade II listed. It was first designated in 1973.

Extract from list description: "House, now bank. c1784, 2 storey bay window early C19, single storey bank addition c1920. Brick, colourwashed, with stone dressings and slate roof. 5 bay bank addition with rusticated quoins and moulded parapet covers most of the house front and projects to left. 3 plain sashes, projecting porch to left and blank bay to right. House, 2 storeys, 5 bays, has chamfered quoins, moulded eaves, 2 gable stacks, plain sashes. To right, a single window. Above, to left, an irregular 2 storey bay window with 2 sashes. To right, 3 sashes. This building is part of the late C18 additions to the prebendal house of Norwell Overhall which adjoins to the right".

Minster Lodge adjacent is the former Prebendal house. List entry advises: "Former prebendal house of Norwell Overhall, now a house. Front range c1784 for Susanna Clay, incorporating remains of a C14 and a C17 house in the rear wing. Late C19 addition in return angle to east. Brick with slate and pantile roofs. C14 remains coursed rubble. Single coped gable, cogged eaves to front and rear wing, 2 gable and single ridge stacks. Front, 2 storeys, 5 windows, has glazing bar sashes throughout, with flat arches and slatted shutters. Ground floor windows are taller. Rear addition, 2 storeys, 3 windows, has a plain door case to left. Rear wing, 2 storeys, 3 windows, incorporates a section of C14 wall approx. 2M high to north and east. East side has an off-centre C14 double lancet with a flat head. West side has part of a C17 wall post. This building is one of the 9 remaining prebendal houses formerly attached to Southwell Minster".

Assessment of proposal

The existing bank usage is classified as A2, professional services. The proposed change of use is to A3, food and drink. No alterations are proposed to the interior or exterior of the property as part of this change of use application.

Conservation has no objection to the proposed development.

No harm is perceived to the character and appearance of the CA or setting of other heritage assets in this case.

It is probable that an A3 use will require some modifications to the listed building. The applicant should be reminded that as a listed building, any necessary works to enable the change of use which affect the special interest of the building will require listed building consent. Proposals which preserve the special interest of the listed building will be treated favourably.

Conclusion

Conservation considers the change of use to be acceptable and in accordance with the objective of preservation required under sections 66 and 72. The proposal is therefore also compliant with heritage policies and advice contained within DM9 of the Council's LDF DPD and section 12 of the NPPF.

If approved, the following informative note should be added:

This permission relates solely to the change of use of the premises and does not permit any building or other operations. As the building is 'listed', in addition to any other permissions which

may be needed, listed building consent will be required for any works, either internal or external, which affect its special architectural or historic interest.”

NCC Highways – “The above application is within a site within the central area of Southwell. Church Street to the front of the building is protected by a combination of zig zag markings for the pedestrian crossing and double yellow lines therefore parking for the development will not create a highway issue.

Servicing is permitted to take place from the double yellow lines outside.

In consideration of the above, we have no objection to the change of use.”

NSDC Access and Equalities Officer – “It is recommended that the developer be advised to consider inclusive access to, into and around the proposal to ensure that it is equally convenient to access and use throughout.

Inclusive access and facilities for all should be considered, with particular reference to disabled people. In this regard, BS 8300: 2018– ‘Design of an accessible and inclusive built environment - Code of Practice’ contains useful information in addition to Approved Documents M and K of the Building Regulations.

A separate enquiry should be made regarding Building Regulations matters and it is further recommended that the developer be mindful of the provisions of the Equality Act.”

**Historic England – “9 CHURCH STREET, SOUTHWELL, NOTTINGHAMSHIRE
Application No. 18/00664/FUL**

Thank you for your letter of 18 May 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.”

NSDC Environmental Health – “...Further to the above application I note that it is for a change of use class from A2 to A3. As I understand it the A3 use class is for food and drink. As I understand it the first floor is a residential let flat with no current connection with this application.

That being the case, the proposed food use if approved could be enacted as anything from a tea room to a franchised fast food outlet. In the latter case there is considerable scope for noise and disturbance to the residents upstairs from activities in the premises, odour customer movements, potentially late opening hours.”

Additional Comments 16.8.18 – “Honor thank you for consulting me in relation to the addition sound insulation details. As I understand the indicative scheme or something

similar would be applied to the ceiling of the ground floor subject to any listed building and building regulation consent, though I note that there is no claimed sound attenuation.

Whilst such a scheme if properly designed and implemented could give a suitable level of protection from impact and reverberant sound to the residents upstairs, there could still be issues of noise and odour from cooking extraction. Furthermore such a scheme of sound insulation would offer no protection from noise from patrons visiting the premises in the evenings or other noise sensitive times.”

Additional Comments 19.10.18 – “The report presents a technical assessment of noise generated inside the premises or from external plant associated with it. The report also makes recommendations as to noise levels should the development go ahead.

I have two concerns in respect of the report:

Nova Acoustics have used a noise level of 80dB within the restaurant downstairs. This seems low and could foreseeably be much higher. The consequence being an increased noise impact on the flat above.

Furthermore that report has made no assessment of noise from patrons outside the premise, both traveling to and from and also any outdoor smoking areas.

I therefore believe that the proposed development could still cause noise and disturbance to the existing residents in the flat above”

20 no. comments have been received in objection to the proposal, the concerns are summarised below.

- Insufficient information submitted with the planning application
- Lack of detailed heritage impact assessment
- Inappropriate use of a listed building and prebendal house
- Concerns regarding impact upon the conservation area
- Impact upon neighbouring residential amenity through noise, odour, waste disposal, light pollution etc.
- Loss of privacy
- Anti-social behaviour
- Highway Safety: Dangerous access point, receiving deliveries off Church Street could impact the zebra crossing, close proximity of public bus stops
- Competition for local businesses
- Environmental Concerns regarding Bats and Owls on the site
- Inappropriate use class amongst residential properties
- Insufficient car parking facilities
- Safety concerns
- Impact on neighbouring residents quality of life
- Impact upon the setting of surrounding listed buildings

- Impact upon the local economy
- Contrary to the Southwell Neighbourhood Plan
 - o “the wellbeing of residents should be protected”
 - o “the impact on the public realm”
 - o “highway conditions and traffic flow and parking”
 - o “protection of species”
- Hour of operation in a residential environment
- Unsatisfactory relationship with existing uses within the same overall site
- Insufficient infrastructure to cope with development
- Flooding issues and impact upon the drainage system
- Insufficient Noise Assessment submitted

1 comment has been received in support of this proposal:

- Positive contribution to the local economy
- Provide important jobs for local people
- Expand the tourist trade in Southwell
- Greater diversity of businesses

Comments of the Business Manager

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

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

Principle of Development

Core Policy 6 requires the economy of the District to be strengthened and broadened and Core Policy 8 sets out the retail hierarchy for the District. The site lies within the defined Southwell District Centre as defined by the Development Plan. Policy DM11 states that ‘New and enhanced retail development and other town centre uses that are consistent with the size and function of the centre and maintain and enhance its role will be supported within the District Centres, as defined on the Policies Map...’ The NPPF supports sustainable economic growth and places significant weight on the need to support economic growth through the planning system. The NPPF (2018) defines a main ‘town centre use’ which includes recreation uses such as restaurants and bars and pubs.

Area policy SoAP 1 (Role and Setting of Southwell) supports the promotion of Southwell’s role as a Service Centre for the town and its surrounding area by “protecting and enhancing the existing

historic environment which makes the town attractive to residents and visitors.” To achieve this, the policy says that the council will encourage the development of new businesses and local employment to ensure Southwell is a sustainable place to live and work in line with the Spatial Strategy of the plan. It goes on to say that the council also seeks to ‘promote the town as a destination for tourism and leisure activities encouraging events and festivals which attract visitors’.

Policy HE4 (Economic Development and Employment) of the SNP states that the development of new businesses and employment will be encouraged to ensure Southwell remains a sustainable place to live and work. The policy goes on to explain that development proposals which deliver economic development on an existing employment site will be supported, especially where they seek to diversify employment opportunities through the provision of small business starter units within the town, subject to compliance with other relevant development plan policies.

Policy DH3 - Historic Environment of the SNP also states that development proposals within the Historic Town Centre must not negatively impact on the spaces, links or relationships between listed buildings, particularly those associated with the Minster where the aim is to maintain a sense of place within and around its precinct. In addition it goes on to state that within the Historic Town Centre the established layout of large houses within their own extensive grounds must be retained and that the surviving Prebendal plots must not be subdivided.

The site is situated within the designated District Centre for Southwell as well as the Southwell urban boundary surrounded by a mix of use class businesses and public houses; the site also lies on the periphery of the Primary Shopping Frontage (3m east). Use Class A3 includes restaurants and cafés – use for the sale of food and drink for consumption on the premises including restaurants, snack bars and cafes of which I note are already in existence along King Street to the North West, Market Place to the west and Westgate to the SW. To the south west lie two public houses, the Crown Hotel and The Saracens Head Hotel. Directly opposite the application site (11m) is the Wine Bank (Mr & Mrs Fine Wine) which operates as a unit for wine tasting evenings (open Tues-Thurs until 7pm and Fri & Sat until 9pm).

I consider the A3 use class to be an acceptable service centre use and as such, I consider that the proposed use is acceptable in this location and will not result in a dominant use along Church Street in accordance with Policy DM11.

With regards to the appropriateness of the proposed use in this location I note that the Southwell service centre shopping core is vibrant and thriving and that existing uses in the locality include residential, retail, offices and food and drink premises. The loss of the A2 (professional service) in this circumstance was a commercial decision taken by NatWest Bank. Whilst the presence of a clearly bank adds to the functionality of the District Council, it is not a facility that can be protected through the planning system. As such I am of the view that this change of use would cause no avoidable loss.

The building was last in use as a bank (Use Class A2) albeit it is now closed. Given its position within a District Centre, a main town use such as an A3 café or restaurant is considered to be appropriate as a matter of principle. In addition to this it is considered that, rather than remaining vacant, the A3 use in this building could have a positive impact on the sense of place and secures a viable use for the listed building. Overall, it is considered that the proposed change of use of the building from A2 to A3 is acceptable in principle as it would satisfy the above policy requirements

and reintroduce a use within a currently vacant building and bring it back into use in order to support the economic growth of Southwell.

I note that the Southwell Town Centre is vibrant and that existing uses in the locality include residential, retail, offices and food and drink premises. The premises lie within the conservation area and within the main town centre; I note that in the immediate area there are a number of eating and drinking establishments with the closest being The Crown public house approx. 20 m to the west of the site and the Wine Bank (and tasting bar) 11m across the highway to the south.

As the site is designated as a District Centre, policy DM11 from the ADMDPD applies. This states that the Council will allow a greater diversity of town centre uses that contribute to the overall vitality and viability of the town centre providing there is no overall dominance other than A1. I consider that this application is compliant with this policy as there are a variety of uses Church Street and King Street to the NW, however from inspection A1 is still the dominant use. As such I consider that the proposed A3 use class would be appropriate in this location (subject to an assessment on the impact on neighbouring residential amenity) and complies with the aforementioned policies regarding appropriate town centre development.

Impact upon Character of Area

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the character, appearance and setting of listed buildings and the preservation of the special character of Conservation Areas. 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 the desirability of preserving the architectural or historic interest of Listed Buildings. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The proposed change of use does not involve any extension, alteration or physical changes to the building and as a result would not have any negative impact on the spaces links or relationship between the listed building and its relationship with the Minster. As such I am satisfied that this proposal will not unduly impact the character of the wider area or conservation area.

Any future alteration to the external or internal arrangements of the building will require listed building consent (and possibly planning permission) and I am satisfied that the historic significance of the host building and the surrounding area would not be negatively impacted through the pure change of use and any proposal to amend the building to facilitate this use or that could impact this would be fully assessed through a separate application.

I note the comments of the Conservation Officer and am satisfied that the proposed material change of use would not in itself result in any adverse impacts upon the historic fabric or setting of the building nor the character of the surrounding conservation area and setting of the surrounding listed buildings in accordance with the objective of preservation set out under sections 16, 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs, Southwell Neighbourhood Plan and section 16 of the NPPF.

Appropriateness of proposed use in this location

There are 9 public houses and a number of small cafés and restaurants within Southwell and I acknowledge that there have been a number of neighbour concerns raised with regards to the prospect of anti-social behaviour, appropriateness close to residential accommodation and business competition.

With regards to the competition comments, this is not a matter that the planning system can control as it is not a material consideration that a decision maker can have regard to. I am however mindful that the proposed use class seeks to attract an end user within the restaurant and café market to ensure a viable use for the listed building and improve marketability for a premises within the town centre. I also note that the NPPF as amended, states that local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

Crime and disorder is a material consideration. However in my opinion the introduction of another restaurant/café establishment within Southwell would be likely to redistribute people who are already visiting the centre, thereby increasing competition with other premises. Even in the event that this change of use would lead to a modest increase in the overall number of people in Southwell at night, it does not follow that this would lead to an increase in crime and disorder in the immediate locality.

The Town Council makes reference to public documentation available which indicates a change to A4 is possible. For the avoidance of doubt Use Class A4 is a drinking establishment. I am not aware of any documentation submitted as part of this application that would allude to the possibility of an A4 use being established within this premises. I note that there was a previous application to change the use of the building to A4, this application was withdrawn some months prior to this application and does not form part of the proposal at hand. Again for clarity if the proposed café/restaurant use is approved (A3) there is not permitted change to A4 and a fresh full planning application would be required for this.

Impact upon Residential Amenity (including Noise, Odour etc)

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity or surrounding land uses and should not cause unacceptable loss of amenity. DM5 also states that any new development proposal that creates an unacceptable standard of amenity will be resisted. National planning policy advice in the NPPF recognises the importance of supporting the vitality and viability of town centres, which could mean support for the night-time economy but care is needed so that such uses do not disturb nearby residents.

I consider the main issues with this proposal to be whether the change of use would cause unacceptable harm to nearby residents (noting that many residential properties have commented in objection to this proposal as they live in close proximity to the rear garden of the site).

The hours of operation are proposed from 07:00 until 23:00 Monday-Sunday including Bank Holidays. These hours are considered acceptable for A3 operators within a Town Centre location, and indeed are similar to other commercial properties in the immediate vicinity which also have neighbouring residential properties. Comments received that reference the use of the rear garden area of the site for A3 use have been clarified by the agent who has subsequently submitted a

revised plan showing the extent of the change of use is limited to the building itself and does not include the rear garden, which is reserved for staff parking. A condition can be imposed to ensure this remains the case.

With regards to the impact upon surrounding residential amenity, in locations such as mixed commercial/residential areas containing a proportion of pubs and restaurant uses, within a defined town centre environment and served by busy roads, it may be concluded that a significant degree of noise and activity both during the day and in the evening is inevitable. It may also be considered that people who live in or near such a location must expect a certain level of activity close to their homes. In this instance, I note that there are two close residential properties to consider in the assessment of this application – there is a long term residential lease on the unit above the application building and an adjoining residential occupier in the property to the east. The nature of this historic building means that noise attenuation within the property is poor and as such the intensification of use within the ground floor unit has the potential to impact the neighbouring amenity of existing residents.

The former NatWest Bank operated between the hours of 9.00am and 4.30pm Monday to Friday only. These operational hours for this particular use were considered to be acceptable and afforded adequate protection to the amenity of the occupiers of the first floor apartment and adjoining dwelling. Outside of those hours (including weekends) the property has historically been dormant. The occupiers of these two properties have chosen to live on the periphery of the primary shopping frontage within a town centre environment, but they have enjoyed the low level of noise disturbance by virtue of the former bank use. Given the location, the principal of this use class is considered to be acceptable, the proximity of nearby pubs/restaurants/shops adjacent to the primary shopping frontage for the area means that the residents are likely to be already affected by a certain level of commotion or general disturbance.

Concerns have been raised by the Environmental Health Officer (EHO) regarding the relationship between the proposed A3 premises and the upstairs residential flat stating that the proposed food use if approved could be enacted as anything from a tea room to a franchised fast food outlet. However I must point out that actually a fast food outlet would fall into Use Class A5 and outside of the scope of an A3 use; one that would need a separate planning application.

It is acknowledged that a café is likely to operate during the daytime but a restaurant would likely operate during the evenings giving scope for noise and disturbance to the residents upstairs from activities in the premises, from odour, customer movements, and potentially late opening hours. Following these comments from our EHO the agent has submitted an indicative plan (GBS/1603/008) demonstrating how soundproofing could be achieved sympathetically within the building that would reduce the impact on the residential property above.

Following the submission of these details the Environmental Health Officer reviewed the application and acknowledged that should the indicative scheme or something similar be proposed to be applied to the ceiling of the ground floor, subject to any listed building and building regulation consent, there is no claimed sound attenuation level that this would provide. Whilst such a scheme if properly designed and implemented could give a suitable level of protection from impact and reverberant sound to the residents upstairs and adjoining, there could still be issues of noise and odour from cooking extraction that would be unacceptable close to existing residential use.

The applicant took this opportunity to conduct and submit a Noise Impact Assessment which includes a noise breakthrough assessment (i.e. the direct impact of noise to neighbouring residents) – this section assumes that operations within the proposed restaurant are not expected to exceed a noise level of 80 dBA which the assessment states is in line with the Noise at Work Regulations 2005. It also assumes that any music associated with proposed site would be played a background level only; this is subsequently stated as a recommendation of the report. The EHO commented on this report that a noise level of 80 dBA “*seems low and could foreseeably be much higher*” – in response to this the agent has advised that they believe this level to be robust and fairly conservative for the type of development. When considering that the Noise at Work Regulations 2005 suggest hearing protection is to be enforced at levels above 85dB and made available at 80 dB, I therefore agree with the agent that 80dB used in the assessment is likely to be higher than would be found in a cafe/restaurant. If noise levels were expected to exceed 80-85 dB for any length of time all kitchen staff and service staff would have to wear hearing protection and this is not how standard A3 use class premises operate.

In addition to this, the agent has advised that in their experience of undertaking noise surveys in a multitude of industrial type facilities they note the average ambient noise level of such places like sheet metal workshops, machine shops ranges from 80 - 90 dB. As such I am content that it can be assumed that an A3 cafe/restaurant is significantly quieter than this and thus an internal noise level of 80 dB is robust. The EHO chose not to comment further on this point.

The noise report presents a technical assessment of the noise generated inside the premises and from external plant associated with it and goes on to make recommendations as to appropriate noise levels should the development go ahead. The EHO has advised that whilst the survey does this, the report has made no assessment of noise from patrons outside the premise, both traveling to and from in the evenings or other noise sensitive times which could impact local residents. I agree that the survey does not consider the mitigation of noise from patrons, however I cannot see how the applicant would be able to mitigate against a variable that cannot be predicted, such as the level of noise people might make when going into the premises or leaving it. It is not reasonable to insist that the applicant demonstrates how noise from patrons will be prevented when this is something that cannot be controlled. Having discussed this with our EHO, they agree.

It is important to note that the EHO has not offered any technical appraisal of the level of disturbance that they anticipate would occur from patrons as a result of this use. When questioned regarding their technical appraisal of the current level of disturbance from patrons vs the predicted level using the data the applicant has provided regarding hours of use the EHO has chosen not to comment. Without a technical justification as to why the addition of passing trade to the new restaurant/café would be so significant that it would result in an unreasonable level of disturbance I consider this argument would be indefensible at an appeal.

Taking into account the site context and surrounding uses, given the car park and adjacent bus stops I am confident that the frontage of this application site is already a highly used thoroughfare and that there will already be a considerable degree of disturbance from patrons going to and from the primary shopping area to the west.

I must consider whether the level of disturbance from the addition of this A3 use would be so significant that it would result in an unreasonable impact on neighbouring amenity. Whilst I sympathise with the neighbouring residents, I am of the view that occupants of residential properties within a town centre, in such close proximity to the primary shopping frontage cannot expect to enjoy the same degree of residential amenity as would be achievable in wholly

residential areas. I must conclude that, given there has been no technical justification from the EHO given the location, the noise levels from the comings and goings of patrons to the building in A3 use would be indistinguishable from the noise already found in the town centre.

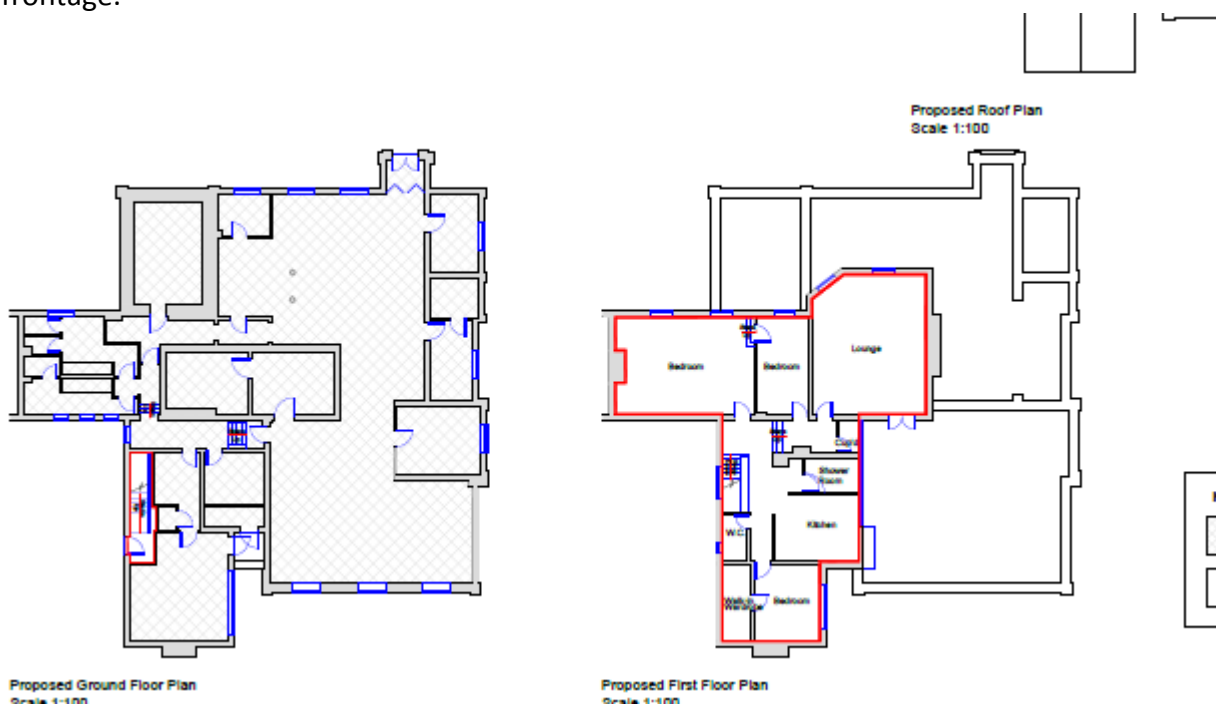
It can be concluded that the anticipated noise associated with visiting patrons is not likely to create an unacceptable level of disturbance to the existing local residents in excess to what is already experienced by virtue of this town centre location. The site is therefore considered to be suitable for an A3 use class, it has been demonstrated that internal soundproofing could give a suitable level of protection from impact and reverberant sound to the residents upstairs and adjoining (which will be secured via condition) and given the location it is not justified to conclude that the level of noise from patrons would be increased so much so that it would unduly impact neighbouring residents that have chosen to live in a town centre location.

Outside Area

Members will note that the indicative plan suggest an area of outside seating to the frontage of the building. I consider that if this area was to be used during the daytime only (to match the shopping hours of the District Centre) then this would cause no unacceptable harm to amenity. However I would be concerned at its use during the evening/anti-social house due to levels of noise from patrons. As such I consider that a condition is appropriate to restrict the use of this area for seating to between 09.00 and 17.00 on any day.

Smoke/Odour

Turning my attention to potential nuisance to neighbours from patrons smoking outside, I note that the residential unit above is located in only part of the first floor and is set back from the frontage.



Therefore in the event that a smoker chose to stand outside the front of the building smoking, this smoke would not be directly underneath the lounge or bedroom windows. In any event I consider that patrons could be encouraged to smoke at a designated point within the site (possibly to the

site) by imposing a condition that requires the provision of a smoking point with smoking bin and cover prior to first occupation which I consider is reasonable.

With regard to odour from the cooking equipment, it is noted that the EHO has indicated there could be issued regarding this. No details have been provided given that no end user is identified. However this is a matter that can be controlled via condition by requiring full details including the technical details prior to the use operating in order to safeguard the amenity of neighbours. Its impact upon the listed building and its surrounding area would be controlled via the need for a listed building consent in any event.

In summary, I am satisfied that the impacts upon the amenity and living conditions of those in the area (subject to the conditions I have suggested) would not be unduly harmed by the introduction of this use into the building in a District Centre. As such this application would accord with the principals outlined within policy DM5 of the ADMDPD, as well as the NPPF and PPG.

Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The site is situated within walking distance to existing public car parks and in addition, the NCC highways commented on the application raising no objections to the proposal as the alterations do not affect the public highway.

I note the concerns raised by local residents regarding deliveries to the site and the hazardous access point into the site. I am satisfied that the proposal to utilise a portion of the rear garden area as parking for staff provides a safe access and delivery area for delivery vehicles and am therefore satisfied that there will be no detrimental impact upon the public highway in concurrence with the Highways authority.

I am of the view that the majority of customers attracted to this proposed establishment would be unlikely to drive and that there is no evidence to suggest that the proposal would increase the demand for parking in the surrounding roads. I am of the view that there is ample provision for public parking within the Southwell centre and that there are a number of public bus services that operate through the area with two bus stops located less than 10 m from the boundary of the application site. I am satisfied that a large proportion of the customer base in Southwell will walk, utilise public parking facilities or public transport and therefore conclude that the proposal will not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Conclusion

As set out above, I am satisfied that the principal of the use of the unit under A3 complies with local and national planning policies. The proposed change of use of the site is not considered to detrimentally impact upon the Southwell conservation area or the special historic significance of the listed building, nor is it considered to have a detrimental impact upon the highway network in accordance with SP7.

Due to the nature of the proposed use I have carefully considered impact upon neighbouring amenity and have concluded that there would be no overriding and significant detrimental harm upon neighbouring residential occupiers given the noise attenuation survey has evidenced that internal sound level can be controlled to negate any adverse impact on the adjoining neighbouring occupiers. I am satisfied that issues with odour from cooking equipment can be controlled and mitigated by imposing a condition.

I have concluded that in my view the noise levels from the comings and goings of patrons to the building in A3 use would be indistinguishable from the noise already found in the town centre. Taking into account the context, the frontage of this application site is already a highly used thoroughfare and there is already a significant degree of disturbance from patrons going to and from the primary shopping area to the west, it is considered that the level of disturbance from this use, subject to conditions, would not exacerbate any neighbouring amenity issues that would warrant the refusal of this application.

Rather, maintaining an active use of a property within the District Centre that is also a listed building must be given significant weight in the consideration of this application.

Taking all of these matters into account I conclude that this application accords with the principals outlined within the Development Plan, the NPPF and accords with the objective of preservation set out under sections 16, 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act.

RECOMMENDATION

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

Conditions

01

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

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

02

The use hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Existing and Proposed Site Location Plan – GBS-1603-005 (20.07.18)
- Proposed Floor Plans - GBS-1603-002 (4.4.18)

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

Reason: So as to define this permission.

03

The use hereby permitted shall not be begun until a scheme for sound insulation has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the use hereby permitted is implemented. The scheme as approved shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

04

The premises shall not be open to patrons or customers outside the following hours:-

07:00 to 23:00 on any day of the week.

Reason: In the interests of residential amenity.

05

The use hereby approved shall be undertaken in strict accordance with the Recommendations and Mitigation measures outlined in section 4.3 of the Noise Impact Assessment – Ref. 2823GU prepared by Nova Acoustics (submitted 19.10.18), unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity.

06

The area of land to the front (south-west) of the building (which is shown to contain outdoor seating and tables on drawing no: GBS/1603/005) shall only be used by patrons or customers between the hours of 09.00 and 18.00 on any day unless expressly permitted by a separate planning application.

Reason: In the interests of residential amenity.

07

No amplified music shall be played in the premises.

Reason: In the interests of residential amenity.

08

Prior to the development being first brought into use, a scheme for the provision of a dedicated smoking area has been submitted to and approved in writing by the Local Planning Authority. This shall include the proposed location on site, the provision of smoking bins and appropriate signage directing patrons to the area. The approved smoking area and facilities shall be provided on site prior to the use first commencing and shall be retained for the

lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

09

The area to the north-east of the site (to the north of the building) shall be used for parking and servicing only as indicated on drawing number GBS/1603/005.

Reason: In the interests of residential amenity.

010

Prior to the use hereby permitted commencing, a scheme for the installation of equipment to control the emissions of fumes and smells from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the use commencing. All equipment installed as part of the scheme shall thereafter be retained for the lifetime of the operational development and operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of residential amenity.

Notes to Applicant

01

This permission relates solely to the change of use of the premises and does not permit any building or other operations. As the building is 'listed', in addition to any planning permission which may be needed, listed building consent will be required for any works, either internal or external, which affect its character.

02

The sound proofing scheme required by condition 03 and the cooking extraction equipment referenced in condition 10 will require an application for listed building consent which must be approved prior to the implementation of the use hereby permitted. The smoking bins may also require listed building consent.

BACKGROUND PAPERS

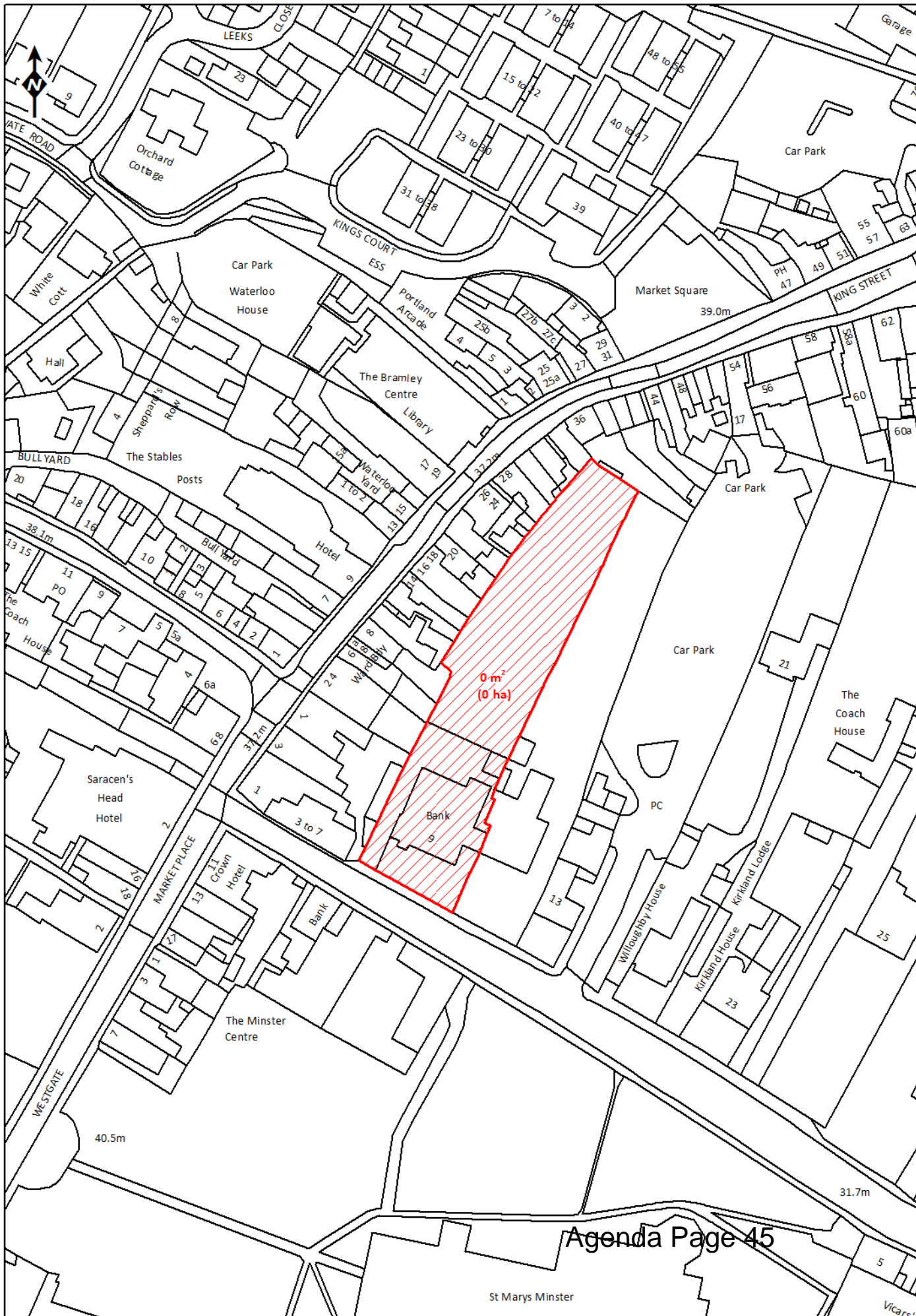
Application case file.

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

Committee Plan - 18/00664/FUL



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01645/RMAM		
Proposal:	Application for reserved matters to allow the erection of 67 dwellings and associated public open space, landscaping and infrastructure works in line with the outline approval reference 16/02169/OUTM		
Location:	Land Off Allenby Road Southwell Nottinghamshire		
Applicant:	Miller Homes Ltd - Mrs Helen Dawkins		
Registered:	04.09.2018	Target Date:	04.12.2018
	Extension of Time Agreed Until 07.12.2018		

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

The Site

The application site is a relatively square plot of agricultural land approximately 2.68 hectares in extent to the western extent of the urban boundary of Southwell. The site is immediately south west of the junction of Halam Road and Allenby Road with the former constituting the northern boundary of the site and the latter the western boundary. As demonstrated by the Proposals Map within the Allocations and Development Management DPD, the site is allocated for housing under allocation So/Ho/1.

There is a belt of trees running north to south broadly centrally within the site as well as a belt of trees along the eastern boundary. Both are protected by Tree Preservation Orders. There is also a public right of way along the southern and eastern boundary of the site. The designated Conservation Area of Southwell is some 120m to the south west of the site with the nearest listed building being on the opposite side of Halam Road approximately 20m from the north eastern corner of the site. The site is within Flood Zone 1 according to the Environment Agency maps.

Owing to the location of the site within, but on the edge of the urban boundary, land to the north and west is open in nature with the field on the opposite side of Halam Road featuring a large balancing pond, whilst land to the east and south forms residential development of the wider Southwell settlement. There is a notable change in the gradient of the land with Halam Road to the north of the site forming a valley floor to rising land.

Relevant Planning History

Outline permission was approved in March 2018 for the erection of up to 67 dwellings (reference 16/02169/OUTM). The permission was also subject to an associated Section 106 legal agreement. The Section 106 secures provisions towards:

- *Education* - £2,406 per dwelling for Primary Education at Lowe's Wong Anglican Methodist Junior School;
- *Community Facilities* - £1,384.07 per dwelling towards Southwell Leisure Centre;
- *Affordable Housing* - 30% on site
- *Open Space* - £926.26 per dwelling for a Children and Young People Contribution towards Norwood Gardens; Green Open Space on site with a minimum total size of 500m² including buffer zones to ensure 20m distance from nearest inhabited property; £282.94 per dwelling for an Open Space contribution towards Norwood Gardens;
- Development Drainage and Open Space Specifications;
- Highways Works.

During the life of the reserved matters application, the agent has suggested that they wish to seek to amend the original Section 106 in respect to the affordable housing provisions (relating to mortgagee clauses rather than numbers or tenures). This is being dealt with as a separate process to the reserved matters application (through application reference (18/02076/VAR106).

The Proposal

The application represents the reserved matters submission in line with the aforementioned extant outline approval which exists on the site. The application continues the principles of the outline approval in that the proposal seeks detail for the approval of 67 dwellings of both market (70%) and affordable (30%) accommodation with associated infrastructure and open space. The application has been amended during its lifetime owing to Officer negotiations such that the schedule of accommodation sought for approval is broken down as follows:

Market Dwellings

House Type	Description	No. of Units
7FA – Fairfield	2-bed bungalow	13
2BE – Beckford	2-bed 2-storey	10
3AS – Astley	3-bed 2-storey	5
3PE – Pebworth	3-bed 2-storey	3
4WI – Witley	4-bed 2-storey	2
4WH – Whittington	4-bed 2-storey	3
4AS – Astwood	4-bed 2-storey	8
5HO – Honeybourne	5-bed 2-storey	3
		Total: 47

Affordable Dwellings

House Type	Description	No. of Units
HQI M1GF	1-bed apartment	4
HQI M1FF	1-bed apartment	4
2BM	2-bed apartment	2
LTH2	2-bed 2-storey	6
LTH3	3-bed 2-storey	4
		Total: 20

The properties within the site would be delivered through a series of product types with a variety

of materials with a predominance of brick. The bungalows would have maximum pitch heights of approximately 5.9m whilst the two storey properties would vary in their height with an approximate maximum of 8.5m. The site layout plan demonstrates an attenuation pond broadly centrally within the site (albeit slightly towards the northern end and Halam Road) and a children's play area in the south east corner of the site.

The application submission has been accompanied by and considered on the basis of the following documents:

- Tree Report by ACD Environmental dated 30th October 2018
- Tree Reference Plan – MILL21997-01 dated August 2018
- Landscape and Ecological Management Plan (LEMP) by ACD Environmental dated 29th August 2018
- Building for Life 12 - Assessment by miller homes
- Arboricultural Impact Assessment & Method Statement by ACD Environmental 20th August 2018
- Location Plan – SOUT LOC 01
- Street Scenes – SOUT SS 01
- POS Plan – SOUT POS L01 Rev. A (received 1st November 2018)
- Materials Layout – SOUT MAT L01 Rev. A (received 1st November 2018)
- Planning Layout – SOUT DPL L01 Rev. B (received 20th November 2018)
- Boundary Treatments – SOUT BTP L01 Rev. A (received 21st November 2018)
- Landscape Proposals - MILL21997-11 Sheet 1 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 2 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 3 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 4 of 4 Rev. C (received 22nd November 2018)
- Tree Protection Plan – MILL21997-03 Rev. A (received 1st November 2018)
- LEAP Proposals – MILL21997 09
- Topographical Survey – 30934-T Rev. 0
- Refuse Vehicle Tracking – 20286-02-010-01
- House Type Pack – Part 1 (revised version received 1st November 2018)
- House Type Pack – Part 2
- Drainage Technical Note – Ref. 20286/10-18/6377

Departure/Public Advertisement Procedure

Occupiers of 75 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 1: Affordable Housing Provision
Core Policy 3: Housing Mix, Type and Density
Core Policy 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 So/Ho/1 - Southwell – Housing Site 1
Policy So/HN/1 – Southwell Housing Need
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Developer Contributions and Planning Obligations
Policy 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 DM12 – Presumption in Favour of Sustainable Development

Southwell Neighbourhood Plan (made October 2016)

Policy SD1 - Delivering Sustainable Development
Policy E1 - Flood Risk Assessments and Mitigation
Policy E2 - Flood Resilient Design
Policy E3 - Green Infrastructure and Biodiversity
Policy E4 - Public Rights of Way and Wildlife Corridors
Policy DH2 - Public Realm
Policy CF2 - Green and Open Spaces and Burial Grounds
Policy TA3 - Highways Impact
Policy HE1 - Housing Type and Density
Policy SS1 - Land East of Allenby Road

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Developer Contributions SPD

Consultations

Southwell Town Council - Southwell Town Council considered Planning application 18/01645/RMAM Land off Allenby Road and agreed unanimously to object to this proposal.

STC welcomed the change in the number of houses and also the change of layout and the introduction of a play space and affordable housing

The objections were as follows:

The boundary near to Allenby Road is only about 2 metre deep which is not in accordance with the requirement of an 8 metre buffer strip as recommended in the Neighbourhood Plan.

Policy CF2 Pg 99 Para2.

The play space and open space area are separate, with the play area being small and at the top end of the development which is not ideal for the safety of children. The council suggest that the play area is switched to with houses 3, 4 & 5 , which will create a greater sense of place. There has been no engagement with the town on the type of play equipment to be installed which could be noisy and potentially intrusive on neighbouring houses in particular those outside the development. The council also noted that 2 large mature trees have been felled, which on the original tree survey had a high retention value.

When the Beaumont Avenue development was built, it was stated by the Newark & Sherwood engineers that the balancing (Starkeys) pond was not a suitable long term solution for future development and it was recommended that the proposed by-pass be built to alleviate this and this could be funded by future developments such as this proposal.

There are no proposals in this application as to how surface water is to be handled. There are no drainage plans or plans to get water into the balancing pond from the lower half of the development. Maybe the pond would be better situated at the lowest point of the development.

Because of the flood history of this area and the potential to cause further flooding in other areas of this catchment area, the council is very concerned that a more detailed surface water treatment plan is created and that the mitigation plans of the Nottinghamshire County Council as the LFA are taken into account. It is essential that condition 6 in the approval of the outline planning application 16/02169OUTM is applied to this application.

NCC Highways Authority – Additional comments received 20th November 2018:

The layout shown on drawing SOUT/DPL/L01 Rev. B is now acceptable subject to the conditions I have already recommended.

Additional comments received 20th November 2018:

Amended layout plan SOUT/DPL/L01 Rev. A

The layout plan has been amended to include wheelie bin stores at the edge of the private drives, and not within the footway. The only issue is that the parking spaces for plots 51 and 52 do not have sufficient space behind to enable a vehicle to easily manoeuvre. Obviously, this will result in the spaces not being used. Could the bin store be placed so as not to interfere with the parking provision.

Also, appropriate carriageway widening around the bend near the attenuation pond is required. If the matters above are satisfactorily addressed, the Highway Authority would recommend the following conditions:

1. No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a

minimum of 2m behind the highway boundary. The surfaced drives and any parking 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.).

2. Any garage doors shall be set back from the highway boundary a minimum distance of 6.1m. **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.

3. Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any works commencing on site. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

4. No dwelling forming part of the development hereby permitted shall be occupied until its associated access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking 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 danger to road users.

Original comments received 16th October 2018:

This is a reserved matters application for the erection of 67 dwellings. The following comments relate to drawing SOUT/DPL/L01.

The shared private driveways serving plots 5 and 6, 11-14, 15-21, 46-57 and 65-67 will require a bin store located as near as practicably possible to the back edge of (but not within) the footway.

Could the parking for plots 36-61 be clarified. It has been noted in the past with previous developments that if residents cannot park their vehicle adjacent their property, an increase in on street parking occurs in the vicinity. Therefore, it is recommended that the layout be amended and vehicle parking be provided adjacent each unit.

At all junctions and private driveways it is necessary to demonstrate that sufficient visibility is available. The carriageway width in general is acceptable, however, appropriate widening around bends is required.

It is assumed that the area which is shown coloured red within the highway on the plan, adjacent plots 26 and 27 relates to the removal of trees/hedge.

It is most likely that garages will have an up and over garage door. In which case, the minimum acceptable driveway length is 6.1m. Therefore, garages will need to be set back from the back edge of footway accordingly.

The Highway Authority strongly recommends that these issues be addressed prior to any approval being granted.

Environment Agency – No comments to offer on the reserved matters.

NCC Flood – *Additional comments received 19th November 2018:*

Current comments:

1. This reserved matters application seeks approval for Appearance Landscaping, Layout and Scale. It is noted that the layout and scale provides for surface water attenuation.
2. A detailed review of the surface water proposals will be carried out should this application proposals progress to 'full' status and our comments dated 15 March 2017 should be referred to as part of any further submissions.
3. It should be noted that the introduction of full kerb faces along sections of Halam Road has the potential to modify the direction of existing surface water run off flows and as such the implications of this must be fully understood to ensure it does not increase the risk of flooding downstream of the development. This will be considered in detail as mentioned in 2. above.

Original comments received 21st September 2018:

This reserved matters application seeks approval for Appearance Landscaping, Layout and Scale. It is noted that the layout provides for surface water attenuation and as such we have no further comments to make.

Severn Trent 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 watercourse in close proximity to the site.

The Board's letters dated 15 February 2017 and 25 April 2017 in relation to the Outline Planning Application 16/02169/OUTM are still applicable.

The site is in an area that the Board understand has suffered from surface water flooding. The development should not be allowed until the applicant is able to demonstrate that the development itself is safe from flooding and flood risk to surrounding land and/or properties is not increased.

Southwell Flood Forum - Southwell Flood Forum has reviewed and considered the above application and would like the following comments to be considered:- The land at the corner of Allenby Road and Hallam Hill is a major bottle neck for surface water run-off from the 2- km2 upper catchment north side of Southwell

The land in question and households downstream of the proposed site have suffered from many flooding events over the last four decades with major flooding events in 2007 & 2013 with many homes flooding. These events have resulted in a major on-going flood alleviation scheme being developed in Southwell. The plot of land in question and its immediate surroundings area play a major part in the flood risk to the north side of Southwell.

As mentioned above, surface water runoff in the area is a major problem. The proposal by the developer is to attenuate the water on the site and then feed into the existing storage pond sited

downstream on Norwood Park, however as proved by the flood study the existing storage pond is already undersized and does not have the capacity for additional run off. Any increase in its size as proposed by the flood alleviation scheme does not take into account the additional run off from the proposed site. The pond's potential size increase is also limited by its physical position and factors around it.

We would ask that Newark and Sherwood Council consider its own recommendations from its meeting held in May 1995, that the balancing pond on Norwood Park is a temporary measure and phase 2 of the surface water bypass pipe be financed by future developments such as the proposed development. To date there have been 2 further major developments in the area downstream of the proposed site and existing attenuation pond, Dudley Doy and Merryweather/Humberstone. All have used attenuation as part of its surface water management plan. Both developments have suffered major flooding with Humberstone site flooding before construction was completed.

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

NSDC Community, Sports and Arts - No comments received.

NSDC Parks and Amenities – No comments received.

NSDC Conservation – *Additional comments received 9th November 2018:*

Thank you for consulting Conservation on the revised plans. I do not think there is any alteration contained in these which will materially change the impact on the setting of heritage assets and as such Conservation's comments have not altered.

I have read the Civic Society's concerns about not strengthening the hedgerow around plot 48-50, being the road approach into Town. In repeating my earlier comments (that while not a specific Conservation concern, a general good design approach here should, I believe, have a soft transition from the open countryside) I would echo their concern. That being said, I do note that this chamfered junction does have tree planting, so hopefully this will soften the approach.

Original comments received:

This application follows on from the above OUTM application and for ease I copy in again my comments from this previous application, which set out my analysis of potential impact on heritage assets and more general design concerns about the treatment of the Allenby Road/Halam Road junction.

Looking through the details now submitted I note that the building are not over two storeys so I uphold my previous views of negligible impact on the setting of heritage assets.

I am also pleased to see the corner of Allenby Road and Halam Road is much more low key than initially proposed, retaining a hedgerow and a softer transition into open country.

In conclusion, Conservation retains its no objection on this application.

NSDC Archaeology – No archaeological input required.

NSDC Access and Equalities Officer – It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements

NSDC Strategic Housing – *Additional comments received 15th November 2018:*

I refer to the revised reserved matters application at Allenby Road in respect of changes made to the affordable housing provision.

I support the amended changes to the affordable housing proposals in so far as a reduction of two units x 2 bed apartments to a two bed house type. I am also aware that the proposed changes will be acceptable to a Registered Provider. I am however disappointed that the applicant has declined to provide an element of the proposed bungalow accommodation as part of the affordable housing contribution

Original comments received:

I refer to the reserved matters application at Allenby Road. I do not currently support the proposal as it stands until a revised affordable housing scheme has been discussed with and submitted to the Council's Strategic Housing Business Unit.

Affordable Housing Policies and Provision

The Council's Core Strategy sets the affordable housing targets for any suitable site at 30% and applies the following dwelling threshold for Southwell:

- 5 or more dwellings / 0.2 hectares irrespective of the number of dwellings.

Therefore on this site (67 dwellings) there is a requirement for 20 affordable dwellings.

DCA Housing Needs Study (2014)

I note that the applicant proposes to provide 20 affordable units with a mix of 1, 2 and 3 bed homes. This (8 x 1 bed, 4 x 2 bed and 8 x 3 bed). Whilst this does not accord with the DCA Housing Needs Survey for the Southwell area (the demand in affordable terms is for 1 and 2 beds) the Council's Housing Register provides information on lettings and this demonstrates that there is a demand for 3 bed dwellings in addition. However, my main concern is the type of property proposed. The preference by the Council and most Registered Providers is to provide the two bedroom dwellings as houses and bungalows as opposed to apartments contained within a block. The proposal for this type of accommodation may lead to issues with lettings and management arrangements.

Southwell Neighbourhood Plan (2016)

The Southwell Neighbourhood Plan was 'made' on the 11th October 2016 and so now forms part of the Development Plan. Policy HE1 details the housing mix that will be sought from all new residential development. On greenfield sites all schemes of 11 or more dwellings will be required to deliver the following housing mix and associated densities.

Dwelling Type	Proportion
---------------	------------

1 or 2 bedroom (inc starter homes)	40%
1 or 2 bedroom bungalows	20%
3 Bedroom Family Homes	15%
4 Bed homes	25%

The proposal, whilst meets the bedroom number criteria does not meet the type required.

Revised Proposal

I would wish to see a revised proposal put forward that will provide a more suitable and integrated mix of housing to meet the guidance contained within the Council's policies, evidence base and Southwell Neighbourhood Plan. The proposal should be as follows:

Beds	Affordable Units
1-bed	4*
2-bed houses	8
2 bed bungalows	4
3-bed	4
Total	20

*Miller Homes delivered 8 x 1 bed apartments at the site on Nottingham Road, therefore in this case we would like to seek a reduction on this site.

NCC Developer Contributions - No comments received.

NCC Rights of Way – No comments received.

Natural England – Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Nottinghamshire Wildlife Trust – No comments specific to this application.

NCC Ecology – *Additional comments received 5th November 2018:*

I can confirm that this addresses all of my comments in relation to the landscaping scheme and I have nothing further to add.

Additional comments received 2nd November 2018:

In light of the additional information submitted in relation to this planning application, I can confirm that my previous comments relating to the landscaping scheme have been addressed. Unfortunately I had overlooked the inclusion of *Acorus calamus* 'Variegata' in the marginal/aquatic planting mix – ideally the non-variegated form of this plant would be used, but given that I missed this last time I don't feel like I can formally request this change.

Original comments received 8th October 2018:

- I am unclear why the trees in the retained internal hedgerow are to be removed. Reference should be had to section 5.3 of the November 2016 Ecological Appraisal.
- Regarding the landscaping:
 - o In the marginal/aquatic planting, the native form of *Iris pseudocorus* should be used, not the 'Ivory' form, whilst *Comarum palustre* should be removed, as this species is very rare in the county
 - o In the native hedgerow planting, *Carpinus betula* should be removed (as this species is not native to Nottinghamshire), and *Crataegus monogyna* should be added in at a rate of 50% (with the proportions of the other species reduced accordingly).
- I am happy with the other details (e.g. nest boxes)

Tree Officer – *Additional comments received 2nd November 2018:*

The proposed soft landscaping and tree protection measures are sufficient for landscaping reserved matters and discharge of extant conditions 2(landscaping), 3 and 7.

Original comments received:

Proposed soft landscaping details are acceptable.

Proposed layout is broadly acceptable apart from Plot 5 which indicates an unacceptably close relationship between the proposed dwelling and adjacent trees which will result in continual ongoing issues from overhanging canopies, high levels of seasonal nuisance and shading and pressure for removal by any future occupants.

Ramblers Association – I have nothing to add to my original comment on application 16/02169 - namely that we have no objection to the development as long as the integrity of the footpaths to the south and east of the site are respected.

Southwell Civic Society – *Additional comments 9th November 2018:*

We refer to the very recently submitted landscape drawings and in particular drawing number Mill 21997-11B Sheet 4 of 4 which shows no reinforcement of the existing hedge at the corner of Allenby Road and Halam Road unlike the rest of the boundary along Allenby Road. This is most important as plots 49 and 50 are hard up against the existing hedge unlike the rest of the site where the actual buildings are set back.

These are the first buildings at the very entrance to Southwell. It is an extremely sensitive location and there needs to be tree planting to soften the impact and to provide a balance between that side of the road and Norwood Park opposite. The whole development would benefit from a much greener aspect at this location. The relationship between the houses and the countryside should be a key aspect of the design, but it fails if there is no acknowledgement of that at this critical junction.

The layout needs revision or more simply the elimination of plots Numbered 49 and 50.

Original comments received:

We welcome the use of the site for mixed housing to meet the policies of the Newark and Sherwood District Council's (NSDC) Local Development Framework (LDF) and Southwell Neighbourhood Plan (NP), Policy HE1-Housing Type and Density. We particularly welcome the provision of bungalows, which are badly needed in the town. Unfortunately, the application does not adequately take account of the need for sustainable development as required in the National Planning Policy Framework, the policies and guidance within the NSDC LDF or specific to the Southwell Neighbourhood Plan.

Policy SS1 Site Specific Policies for Site So/Ho/1 Land East of Allenby Road and Southwell Neighbour Plan Policies.

In addition to the general policy requirements in the NSDC Core Strategy and the Development Management Policies in Chapter 7 and the NSDC particular policies for site So/Ho/1 are the Southwell NP Policies below:-

- 1) Land east of Allenby Road has been allocated on the Policies Map for development providing around 65 dwellings
- 2) An application must show appropriate design, density and layout which addresses the site's gateway location and manages the transition into the main built-up area. In order to assimilate the development, provision should be made for the retention and enhancement of the site's existing landscape screening. *Hedges to the west of the site and along the site's northern boundary must be retained and enhanced to screen the development from Halam and Allenby Roads.*

Wherever possible, dwellings should not normally be of more than two storeys unless design solutions demonstrate that they can be accommodated without impacting on the Site's gateway location

- 3) The incorporation of the tree lines subject to Tree Preservation Orders into the site's layout, *retaining mature trees and vegetation on the site, based on a thorough survey of the quality and health of trees within the site. Such a layout will incorporate the hedge which runs north to south through the centre of site.*

A buffer strip must be left between the perimeter of the site and the boundaries of individual building plots and also between the central hedge and the individual building plots.

- 4) Provision of appropriate pedestrian access as part of the design and layout of any planning application. *This includes the retention and enhancement of the existing Public Rights of Way, avoiding diverting them onto estate roads but, wherever possible, routing them through landscaped or open space areas to ensure a contribution to the Green Infrastructure.*

5) The investigation of potential archaeology on the site and any necessary post determination mitigation measures secured by condition on any planning consent, and

6) *The provision of an open space/play area as a focal point of the development.*

Surface Water Measures.

We are extremely concerned that it has not been demonstrated that the requirements in Policy SS1 2) have been met as no detailed scheme has been put forward to deal with the surface water drainage. The Policy states:-

“The positive management of surface water through design and layout of development to ensure that there is no detrimental impact on runoff onto surrounding residual areas or existing drainage regime”.

This is a very wet field and water accumulates at the bottom alongside Halam Road, and after rain, water still lies on the surface several days later when all the surrounding areas have dried up. The field was severely flooded during the floods of 2007 and 2013. One scheme put forward to prevent further flooding downstream was to construct a bund across the lower part of the field to retain any floodwater. Surface water from this development will drain into Norwood (Starkey’s) pond and no calculations have been put forward to show this will adequately take the extra flow or indeed what will be the flow from the site. An open space is shown on the drawings with tadpoles indicating it is below the surrounding ground level. There is nothing stating what this is. We assume it is to act as a balancing pond in time of flood.

We find it incredible that detailed landscape proposals are included even stating the types of grasses, detailed route plans for the refuse vehicles are given and yet no drainage details showing exactly how the site will be drained and how any high rainfall events are to be dealt with.

The Southwell flood study, for some unknown reason, did not include any of the allocated sites so there was no allowance for this site. We are surprised and dismayed at the Lead Flood Authority’s lamentable response to this application. It states, *“It is noted that the layout provides for surface water attenuation and as such we have no further comments to make”.* All that the drawings show is a depression in the ground with no levels stated. This is in stark contrast to their comments on the outline application 16/02169 which we copy below:-

Application: 16/02169/OUTM – Allenby Road Southwell

Current preliminary comments: No objections in principle to the proposals subject to the following comments:

1. No construction should start until a detailed surface water design and management proposal has been agreed by the LPA. This should be supported by a detailed plan showing, but not limited to, the following:
 - a. The existing and proposed ditches on Halam Road including their piped connections.
 - b. Proposed piped connection to Norwood Park pond
 - c. Exceedance flow paths
 - d. Cross sections of all relevant surface water conduits / assets and flow paths.
 - e. Explanatory notes to allow referencing of micro drainage results with layout plan.
2. Permeability tests must be provided and if suitable the drainage strategy should be amended and infiltration should be used as part of the surface water drainage proposals.

3. Details of the condition, operation, connectivity and fitness for purpose of the Norwood Pond as part of the proposals must be provided. This should include consideration of the comments submitted by the IDB and details of the receiving watercourse.
4. Evidence on how future ownership and maintenance of the surface water system, including any SUDs / attenuation features, will be managed. It is noted that the FRA suggests both Norwood Park pond and the proposed site attenuation pond are to be put forward for adoption however it is not clear to whom, or how this will be progressed. Future ownership and effective maintenance are critical to the efficiency of any surface water system.
5. This consultation response has been prepared being mindful of the Southwell Neighbourhood Plan.
6. There is no evidence to suggest the proposals would prejudice any future flood mitigation measures for the catchment.

We believe that the NCC Flood Risk Management Team have a responsibility to the Planning Authority and the citizens of Southwell to ensure a drainage scheme is put forward which will not be detrimental, not only to the new residents of the site but also properties downstream which have been subject to flooding in the past.

The approach to Flood Risk Assessment (FRA) is incorporated in the NSDC LDF and detailed for Southwell in the NP for the town -Policy E1- Flood Risk Assessments and Mitigation and Policy E2- Flood Resilient Design

We note that on the Becketts Field development (13/00689) Miller Homes Ltd submitted a Flood Risk assessment and detailed drainage drawings showing exactly how the surface water from the site would be dealt with.

Landscape and Boundary Measures.

We refer to Southwell Neighbourhood Plan Policy E3 and Design Guide 1. Buffer Strips requiring a minimum buffer strip to existing hedgerows and trees of 8 metres.

It has not been demonstrated that the Neighbourhood Plan appendix 1 requirement for an 8 metre minimum buffer strip on all hedgerows and landscape boundaries is unreasonable. This width of buffer should, therefore, be shown on site plans and specified in the Landscape and Ecological Management Plan.

We note no dimensions are given on the drawings but by simple scaling in some places it is considerably less. Of greatest concern is the block situated at the corner of Allenby Road and Halam road where the building is proposed right up against the hedge. The whole of this block and the adjacent block are also too close as is the garage of plot 34.

The eastern boundary buffer definitely appears to be too narrow and we agree with the North Kesteven Tree Officer (response dated 10th Sept 2018) that plot 5 is too close to existing trees.

The Arboricultural Survey and Report produced in May 2011 for outline planning application 16/02169/OUTM appears to have been ignored. Tree 11 of that report was given a High (A) Retention Category and was retained in the outline scheme. (See para 8.1 attached). This tree has recently been removed (see photo), together with a similarly sized beech.



There is no reference to these trees in the ACD Environmental Arboricultural Impact Assessment, which merely states that there are no TPOs relating to the site. This deliberate removal of mature trees, which were shown as being retained in the outline planning application, is in direct contravention of NP Policy SS1, which requires the retention of mature trees and vegetation based on a thorough survey of the quality and health of trees within the site.

Further along Halam Road on the Beaumont Avenue development site, hedgerows and mature trees were successfully protected by TPOs and the resulting benefits can be seen to this day. The retained hawthorn hedge led to the naming of May Hill.

The District Council must, as a matter of urgency, take action to ensure that such protection is given to this site so that further destruction is avoided.

Para 4.7 of the Landscape and Ecological Management Plan states that no existing trees shall be removed without the written permission of the Local Planning Authority and existing trees are to be retained, protected and undisturbed throughout the project. Has the District Council been consulted on the change to the layout since outline planning permission was granted which has led to the unjustifiable removal of valuable trees?

We note that in Condition 018 in the approval of 16/02169/OUTM no construction of the connection to Norwood Pond shall commence until approval is given by the Council. The drainage of the site must be designed at this stage as a fully engineered system, it cannot be considered in isolation or as an afterthought. The layout of the estate and the size of the attenuation pond are fundamental aspects that have to be determined at this stage especially as the site and this part of Southwell have been subject to flooding in the past.

We therefore request that this application be withdrawn and resubmitted in full compliance with the statutory Southwell Neighbourhood Plan and the NCC Flood Risk Management Team's requirements stated in their response to the outline application 16/02169.

NHS England – No comments received.

CCG Newark and Sherwood – No comments received.

Representations have been received from 14 local residents/interested parties which can be summarised as follows:

Impact on Amenity

- Loss of privacy from Plot 15 to neighbouring gardens
- Noise and light pollution
- The development is too close to neighbouring properties to allow the maintenance of trees which will lead to a lack of privacy when they deteriorate
- Overlooking will be worse in winter when there is less foliage

Impact on Infrastructure

- Detrimental effect to the local amenities
- It is difficult to get doctors appointments

Impact on Flooding

- The current flood mitigation scheme for Southwell does not take account of this development
- The proposed development will seriously increase the risk of flooding to areas such as Glenfields already badly flooded in 2013
- Agreed flood mitigation should be in place before building works begin
- There must be adequate storm water drainage proposals so there is no storm water run off on to the roads
- There were errors in the original Flood Risk Assessment
- Permission should not be granted until a detailed Flood Risk Assessment is completed which addresses the concerns of the Town Council and the Southwell Flood Forum advisory group
- There is no information about adequate drainage – the existing drains cannot cope
- The comments of NCC do not take account of previous and real concerns raised
- The development needs more than surface water attenuation
- Previous development were required to make improvements including a major drain running from High Town area to the river Greet but this did not take place
- The Norwood pond is not fit for purpose
- Previous floods were partly due to the fact that so many gardens have been converted to hard standing
- The development fails to show that flood risk to surrounding land / properties is not increased
- There is no detail or plans to get water into the drainage pond from the lower half of the development – it is not clear if the intention is to discharge into the existing balancing pond which is not suitable
- Policy SS1 2 requires management of surface water
- NCC have a responsibility to the citizens of Southwell
- The application has not taken account of the NP policies

Impact on Highways

- The proposed development will inevitably increase traffic flows along Hopkiln Lane which is a major hazard
- Consideration should be given to making Hopkiln Lane one way traffic from Kirklington Road to Halam Road and reducing the speed limit to 30mph

- Hopkiln Lane is very narrow with no pedestrian pavement but the road is regularly used by pedestrians and horse riders etc.
- Increased traffic will cause greater risk to pedestrian safety
- Hopkiln Lane is used as a rat run

Impact on Trees and Ecology

- It is unlikely that any of the trees in the northern boundary can be given a satisfactory root protection area.
- It is unclear whether the application is committed to offering the detail of the application.
- The buffer strips are not definitive enough.
- Landscaping has been destroyed along the southern boundary.
- The amended plan shows a narrowed footpath with no real margin and a hard boundary division – screening and amenity trees need to be included along the full length.

Comments of the Business Manager

Principle of Development

Outline approval for 67 dwellings was approved on 6th March 2018 following a resolution to grant at the Planning Committee meeting on 5th September 2017 (the intervening period being required to finalise the associated Section 106 agreement). The outline approval has therefore accepted the principle of development within the site but notwithstanding this, it is notable that the site forms a housing allocation (So/Ho/1) in the Allocations and Development Management DPD.

The National Policy position has been updated since the outline approval through the publication of the updated National Planning Policy Framework (NPPF) on July 24th 2018. Nevertheless paragraph 59 of the revised document confirms that the Governments agenda remains focused on *'boosting the supply of homes'* and that *'the needs of groups with specific housing requirements are addressed.'* Moreover, specifically in the context of this application given the outline approval, there is an identified importance of ensuring *'that land with permission is developed without unnecessary delay.'*

Housing Mix

As previously identified through the description of the proposal above, the reserved matters application seeks approval for a total of 67 dwellings. In the context of the aforementioned stance of national policy to ensure housing meets specific requirements, significant weight must be attached to the requirements of the Neighbourhood Plan for Southwell in terms of the desired mix sought on greenfield sites. Although this was debated at outline stage, clearly this was based on an indicative mix and it is only with the benefit of the reserved matters details that this can be fully assessed.

Policy So/HN/1 seeks to secure a majority of one or two bedroom units, Policy HE1 of the Southwell Neighbourhood Plan (SNP) is more prescriptive and seeks the following mix on Greenfield sites:

<i>Dwelling Type</i>	<i>Proportion</i>	<i>Density</i>
1 or 2 Bedroom (incl. starter homes)	40%	50 dph
1 or 2 bedroomed bungalows	20%	30 dph

3 Bedroom (Family Homes)	15%	40 dph
4 + Bedroom (Executive Homes)	25%	20 dph

The policy goes on to state a strong support for developments which provide bungalow and other types of accommodation for elderly and disabled people.

The proposed development includes a range of housing sizes and tenure types including apartment blocks with 1 and 2 bed units; bungalows; semi-detached and detached dwellings. As is outlined by the proposal section above, the scheme incorporates 30% affordable housing (as secured by the associated Section 106 agreement).

In respect to the originally proposed scheme (which as confirmed above has been amended during the course of application), the % proportion of housing mix was as follows:

Dwelling Type	No. Units	Proportion
1 or 2 Bedroom (incl. starter homes)	22	33%
1 or 2 bedroomed bungalows	13	19%
3 Bedroom (Family Homes)	16	24%
4 + Bedroom (Executive Homes)	16	24%

The most obvious discrepancy in assessment of these figure was the under provision of 1 or 2 bedroom homes and overprovision of three bedroom homes. The applicant undertook pre-application advice prior to the submission of the reserved matters submission and this was raised as a concern by Officers. Unfortunately, the mix was still carried through to the original submission stage which has warranted further discussion. The applicant has revised the housing mix, partially in line with Officer advice, such that the dwelling type proportions would now be as follows:

Dwelling Type	No. Units	Proportion
1 or 2 Bedroom (incl. starter homes)	26	39%
1 or 2 bedroomed bungalows	13	19%
3 Bedroom (Family Homes)	12	18%
4 + Bedroom (Executive Homes)	16	24%

Whilst there would still be a slight over provision of 3 bed units and subsequent under provision of 1 or 2 bed and 4 bed units, this would be marginal in comparison to the aspirations of Policy HE1. The sites secure much need affordable and smaller dwellings, which when additionally measured against the locality as a whole is an appropriate mix for the area. On this basis the revised proposed is deemed to represent an appropriate mix which would comply with Policy So/HN/1 and Policy HE1.

Impact of Layout on Character including Landscaping and Trees

Given the extant approval for outline planning permission for residential development, it has already been accepted in principal that the character of the site will fundamentally change. However, with the benefit of full layout and elevational details, the LPA are now in a position to fully assess the magnitude and ultimately appropriateness of this change.

The housing allocation (Policy So/Ho/1) for the site confirms that the development on the site will be subject to an appropriate design, density and layout which addresses the sites gateway location and manages the transition into the main built up area. The policy also makes reference to the

need for the retention and enhancement of the sites existing landscape screening. This is carried by Policy SS1 of the Southwell Neighbourhood Plan (SNP) but with the explicit mention of the need to retain the hedges to the west of the site and along the sites northern boundary.

Other than the highways access from Halam Road on the northern boundary (which was agreed at outline stage) the northern and western boundaries feature a landscape buffer which incorporates both existing tree and hedgerow specimens and, as detailed by the detailed landscape proposals, additional proposed planting. Along the western boundary this forms proposed native woodland with an understorey planting mix. The landscaping plans include a cross section of this landscaping buffer showing that approximate growth over 5 years would achieve appropriate screening of the dwellings through tree heights. This is aided by the lack of development above two storey height which meets the intentions of Policy SS1 of the SNP. The width of the buffer strip would be a minimum of 6m which notably meets the requirement of the condition imposed at outline stage seeking a minimum of 5m. The original comments of the Town Council make reference to a 2m boundary which has been queried. It is stated that this distance is in reference to the flats in the North West corner of the site and Halam Road. However, Officers measure this distance to be around 5.5m with the corner boundary around 3.5m thus the concern is still considered unfounded. The proposed depth is considered acceptable and sufficient to achieve the desired screening. For the avoidance of doubt, the landscaping buffer is outside of the defined residential curtilages and maintenance would be controlled through the Section 106.

As well as the gateway location, the site has constraints through trees protected by Tree Preservation Orders (TPO). Clearly, these were known at time of site allocation (and equally outline approval stage) and thus there is an implicit acceptance that the delivery of residential development with the site will affect, to a degree, protected tree specimens. For the avoidance of doubt, this falls to be assessed through the current planning application and there would be no further requirement for the applicant to seek separate TPO works consent. In light of this, consultation has been undertaken with the Council's appointed Tree Consultant with comments listed in full above.

The application includes supporting documentation to assess the impact on existing trees including a Tree Reference Plan; Tree Protection Plan; and Arboricultural Impact Assessment & Method Statement. Unfortunately, the original version of the Arboricultural Assessment document incorrectly stated that there were no trees on site subject to a TPO. This has been raised as an issue during the life of the application and a revised document received on 1st November 2018.

Regardless of the original omission, the constraints of the site are well known and thus there is sufficient information to allow a full and thorough assessment of the application on the existing trees within the site.

The application submission details that the proposal will necessitate the removal of seven individual tree specimens and part of two groups (along the northern boundary and the hedge which dissects the centre of the site). Other than one of the trees which is categorised as U, the remainder of the specimens for removal are categorised as C. As is evidenced by the associated landscaping plans, the loss of these trees would be mitigated through additional onsite planting.

The Tree Officer comments are listed in full above but briefly the original comments accepted the development as proposed with the exception of Plot 5 where the positioning of the dwelling was deemed too close to the adjacent trees to a degree which may lead to future pressure for

removal. This concern has been passed to the applicant during the life of the application and addressed through the revised submissions. The latest comments of the Tree Officer are listed in full above which confirm an overall acceptance of the scheme.

I appreciate the comments of the Town Council which refer to the felling of mature tree specimens since the outline approval. Having assessed the supporting documentation of the outline approval it does appear that high quality (category A) specimens have been removed towards the southern boundary of the site. However, these specimens were not afforded any protection (being outside of the TPOs). Thus whilst their removal is unfortunate, it is not unauthorised.

In respect of matters of overall layout, Officers raised concerns with the original submission in terms of the car parking for the majority of the affordable units (in front of the dwellings rather than to the side as achieved for the market units). There are also instances on some corner plots (e.g. Plots 10, 24, 30 and 62) where occupiers would have to walk around the corner from their car parking spaces to their front door which may potentially lead to on street parking closer to the front door. Officers are conscious that it in a development of this size, there is a balance to be struck in terms of different forms of car parking, from garaging and driveways, to side driveways, to frontage in curtilage parking. The revised proposal has addressed some areas of street frontage parking in the north west corner of the site, albeit this has been retained in other areas.

The Town Council comments make reference to the position of the Local Equipped Area of Play (LEAP) in the south east corner of the site. This was raised as a concern with the applicant at pre-application stage noting that the positioning lacks a maximisation of public surveillance being tucked into the corner of the site. Policy SS1 states that the open space / play area should be a focal point of the development. Whilst this is a reasonable conclusion for the drainage pond proposed in the centre of the site, clearly this would not apply to the proposed position of the LEAP. The position of the LEAP has been discussed with the applicant during the life of the application. The S106 which accompanies the outline permission has set an off-set parameter which does impact on the ability of the LEAP to be enveloped too closely by residential properties,

“The area of the LEAP required within the s106 Agreement is a minimum of 500sq.m, which is provided for on the layout. In addition to this, a 20m offset is required from the nearest habitable room, so it is not as simple as just providing an area 500sq.m. By locating the POS in the corner of the site, this reduces the impact of the 20m off-sett on the developable areas, which if moved would impact upon overall numbers of the development and not make best use of the site. I would also advise that we believe having the POS in the south-west corner is a suitable location for the existing residential properties, to create a more inclusive environment between and existing and new properties.”

Officers consider that the LEAP does provide for on-site use for residents when balanced against achieving the off-set in the interests of amenity. Additionally the LEAP relates well and allows better integration with public footpaths which surround the site.

Impact of Dwelling Design

Policy DH1 of the SNP requires proposals to demonstrate how they have taken account of the Southwell Design Guide acknowledging that the community is very proud of the character and appearance of the Town. The Design Guide Criteria are split into four areas:

- Natural Environment Features;
- Built Form;
- Materials and Detailing; and
- Utilities and External Storage Spaces.

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.

Neither local nor national policies are intended to be prescriptive in respect to matters of design. It is fully appreciated (and indeed expected) that the design of the proposed dwellings is based on an established product and indeed one which has been delivered elsewhere in the Town. The development would deliver a number of different house types which would add visual interest to the scheme as evidenced by the submitted street scene plans.

As is referenced above, the predominant material type is brick which conforms to the intentions of the NP Design Guide. It is equally acknowledged that render is also characteristic of the town and therefore the material palette proposed is considered appropriate.

Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The site is bordered to the east and south by existing residential curtilages. In respect of the eastern boundary, the adjacent dwellings would incorporate four properties each with their gable ends towards the shared boundary. Plots 1, 5, and 16 would broadly align with the gable ends of the closest properties and would have approximate distances of a minimum of 12m away from the closest neighbouring properties. Noting the trees and hedges which form this boundary, this is considered to be an acceptable relationship. Plot 6 would be set further northwards than the closest dwelling to the east (16 Beaumont Avenue) however the rear elevation of Plot 6 would be set almost in line with the principle elevation of 16 Beaumont Avenue and therefore the neighbouring dwelling built form would protect any vantage (noting it would be at an oblique line of site in any case) towards the rear amenity space. Whilst there is a small side window at the first floor of the neighbouring dwelling, this appears to be a secondary window and in any case as referenced above, the boundary treatment of the site would greatly assist in screening the proposed development.

In comparison, the proposed properties along the southern boundary (Plots 17-20 inclusive and 32-35 inclusive) would have a back to back relationship with the dwellings along Vicarage Road. As existing the shared boundary features a close boarded timber fence with some vegetation within the neighbouring plots. The public footpath runs to the north of the timber fence. The proposed boundary treatment shows that the rear gardens of the plots would be bounded by a 1.8m fence. I have carefully considered the consequence of this boundary treatment to the users of the public footpath noting that as existing the site is completely open in nature to the north of the footpath. The 'tightest' width (i.e. distance between existing and proposed fence) would be at the point of

access from Allenby Road. However, along the majority of the footpath there are areas of trees and scrub to the south of the path (and to the east along the eastern boundary) such that the users of the footpath would experience a degree of openness.

There is a minimum distance of approximately 30m between the rear elevation of Plots 17-20 and the properties to the south. Despite the concerns raised during consultation, I consider this to be an appropriate distance to ensure that there are no unacceptable impacts in terms of overbearing or overlooking particularly given that the proposed dwellings at this point of the site are single storey bungalows. The distance between Plots 32 and 33 are slightly shorter at around 26m but this marginal shortfall does not alter the conclusion that these plots would have an acceptable amenity relationship with neighbouring properties. Plots 34 and 35 would have a slightly different relationship given that the closest properties to the south are orientated towards the corner of Allenby Road and Vicarage Road. Thus, whilst the distance between is shorter at around 16m, the relationship would be more akin to a rear to gable one. I have specifically considered the impact on no.26 Allenby Road as I consider this to be the most sensitive relationship. Again, due to the single storey nature of the proposed plots at this point of the site, I have identified no unacceptable detrimental impacts in respect of overlooking or overbearing.

In addition to the impact on existing neighbouring properties, Officers have also assessed the amenity provision for the proposed occupiers of the 67 plots. The distances between dwellings within the site are considered adequate to ensure appropriate amenity relationships. Rear gardens are also deemed to be commensurate in size to the dwellings they serve. Whilst it is noted that the gardens along the western boundary are slightly shorter, this is due to the need for the landscaping buffer and in any case these would serve the smaller semi-detached units primarily and therefore a slightly smaller rear garden (albeit still a minimum of approximately 7m in length) is considered appropriate.

Officers raised concern during the life of the application in respect to the lack of outdoor amenity space for the proposed apartments. Whilst it is fully appreciated that there is not always an expectation for outdoor amenity space for apartments it is often the case that there is at least an area of communal space. This has been partially addressed through the revised plans with a small area of amenity space for Plots 49-50 (the larger two bed units) and Plots 11-12 and 15-16 inclusive. It is noted that Plots 47-48 and 58-59 inclusive still would not be afforded private amenity space but in the context of the overall scheme which offers a mix of solutions this is not considered harmful to a degree to warrant resistance.

On the basis of the above discussion, the scheme as revised is considered to represent appropriate amenity provision for the proposed occupiers and also adequate amenity protection for existing neighbouring residents in compliance with the relevant elements of Policy DM5.

Impact on Highways Network

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The positioning of the proposed single access was agreed at outline stage subject to conditions. The current reserved matters submission however also requires assessment in respect to the

proposed internal road network. This has been assessed by Nottinghamshire County Council as the Highways Authority with their comments listed in full above. The applicant has addressed the initial queries and minor concerns raised such that NCC Highways have raised no objection subject to conditions which can be reasonably attached to the reserved matters submission.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

Matters of ecology were considered at outline stage with various supporting documents considered. The Ecological Appraisal at outline stage considered the overall nature conservation value of the habitats within the site to be low. Nevertheless it was recommended that the existing trees and hedgerows should be retained where possible as part of any soft landscaping design. This has been incorporated through to the reserved matters submission as well as additional areas of planting. On this basis Officers remain satisfied that the proposals will not unacceptably impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Flood Risk and Drainage

The application site is located within Flood Zone 1. However, in terms of flood risk from other sources Core Policy 9, Policy So/Ho/1 and Policy SS1 all carry the expectation that the design and layout of development will contribute towards the positive management of surface water, ensuring that there is no detrimental impact in run-off into surrounding areas or the drainage regime. Policy E2 adds to this approach in seeking to restrict run-off to relevant greenfield rates, via inclusion of a standard which proposals are expected to meet.

It is fully appreciated that matters of flooding remain of utmost importance in Southwell and understandably the lack of drainage information submitted with the current application has been raised as a cause for concern by consultees including the Town Council as well as neighbouring residents. However to confirm, and indeed as acknowledged by the comments of NCC as the Lead Local Flood Authority, matters of drainage would still be controlled by the pre-commencement condition and wording of the Section 106 in relation to the outline approval. It is noted that NCC Flood Team have provided further comments during the life of the application suggesting that there would be elements of the currently submitted drainage regime which would not be accepted through a discharge of condition request. This need not be fatal to the reserved matters submission as the finer surface water details would still be controlled by the discharge of condition from the outline consent. Having discussed the latest comments with NCC Flood it has been confirmed that any changes to the service water provision would not affect the overall layout of the site and there are potential solutions to create appropriate drainage provision within the existing design of the proposals.

The applicant has confirmed that they would wish to agree drainage through a separate discharge of condition request. There is nothing procedurally to prevent the applicant taking this route and NCC Flood Team would be involved in this process.

Developer Contributions

The extant outline approval was accompanied by a Section 106 agreement. These secured contributions towards

- *Education* - £2,406 per dwelling for Primary Education at Lowe’s Wong Anglican Methodist Junior School;
- *Community Facilities* - £1,384.07 per dwelling towards Southwell Leisure Centre;
- *Affordable Housing* - 30% on site (as is referenced there is a currently pending deed of variation in respect to the mortgagee clauses but this does not affect the agreed type or tenure);
- *Open Space* - £926.26 per dwelling for a Children and Young People Contribution towards Norwood Gardens; Green Open Space on site with a minimum total size of 500m² including buffer zones to ensure 20m distance from nearest inhabited property; £282.94 per dwelling for an Open Space contribution towards Norwood Gardens;
- Development Drainage and Open Space Specifications;
- Highways Works.

Any reserved matters approval would be read alongside the legal agreement secured at outline stage. However, it is necessary to confirm that the details of the reserved matters submission do not prejudice the ability for compliance with the agreement.

As is already referenced, the scheme demonstrates that it would deliver 30% affordable housing provision on site. Strategic Housing Officers have confirmed support for the revised scheme acknowledging the benefit in altering some of the two bed apartments to two bed dwellings. Whilst a preference for some of the bungalows to be affordable has been expressed, this is not considered fundamental when taken in the context that the overall revised mix of the scheme is acceptable.

The only other on site requirement (other than the aforementioned drainage provisions) would be a minimum of 500m² green open space with associated buffer zones. This is demonstrated in the south eastern corner of the site with the quantum therefore meeting the requirements of the associated legal agreement.

CIL

Southwell is within the Very High Zone of the CIL Charging Schedule which amounts to a payment of £100 per internal m². The agent has confirmed the following internal floor space figures:

Affordable Units	1,306.18 m ²
Market Units (including garages)	5,013.14 m ²
Total	6,319.32 m²

The total CIL charge will therefore amount to **£736,496.29** (albeit once affordable housing exemption has been applied the actual CIL amount collected would be **£584,265.24**)

Overall Balance and Conclusion

The application relates to an allocated site with an outline approval and therefore the principle of development within the site has already been accepted. The reserved matters submission has been subject to negotiations during the life of the application in order to address a number of issues, namely; the originally proposed housing mix; impact on trees; and the overall layout in respect of parking and amenity provision. With the exception of small remaining elements of compromised parking provision (for example in the south western corner of the site) and a lack of outdoor amenity provision for some of the apartments, the revised scheme has addressed Officer concerns. The proposal now appropriately meets the aspirations of local policy in terms of housing mix and demonstrates an acceptable design and layout with appropriate screening as envisaged by the original policy allocation. Whilst there remains outstanding concerns in respect to the site drainage arrangements this would remain to be covered by the conditions and section 106 agreed through the outline such that it is not considered reasonable to delay the current reserved matters determination on this basis.

Significant positive weight must be attached to the residential delivery of the site in a sustainable settlement and in the absence of any planning harm arising from the details submitted to accompany the reserved matters submission, the Officer recommendation is one of approval subject to the conditions outlined below. For the avoidance of doubt, as is already suggested above, the conditions imposed on the outline consent remain to be valid and for compliance as does the signed legal agreement (or indeed any subsequently amended agreement).

RECOMMENDATION

That reserved matters approval is granted subject to the conditions and reasons shown below.

Conditions

01

The development hereby permitted shall not begin later than two 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 and details reference:

- Landscape and Ecological Management Plan (LEMP) by ACD Environmental dated 29th August 2018
- Location Plan – SOUT LOC 01
- POS Plan – SOUT POS L01 Rev. A (received 1st November 2018)
- Materials Layout – SOUT MAT L01 Rev. A (received 1st November 2018)
- Planning Layout – SOUT DPL L01 Rev. Rev. B (received 20th November 2018)
- Boundary Treatments – SOUT BTP L01 Rev. A (received 21st November 2018)
- Landscape Proposals - MILL21997-11 Sheet 1 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 2 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 3 of 4 Rev. C (received 22nd November 2018)

- Landscape Proposals - MILL21997-11 Sheet 4 of 4 Rev. C (received 22nd November 2018)
- Tree Protection Plan – MILL21997-03 Rev. A (received 1st November 2018)
- LEAP Proposals – MILL21997 09
- Refuse Vehicle Tracking – 20286-02-010-01
- House Type Pack – Part 1 (revised version received 1st November 2018)
- House Type Pack – Part 2

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 approved landscaping shown on plan references:

- Landscape Proposals - MILL21997-11 Sheet 1 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 2 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 3 of 4 Rev. C (received 22nd November 2018)
- Landscape Proposals - MILL21997-11 Sheet 4 of 4 Rev. C (received 22nd November 2018)

shall be completed within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. Any trees/shrubs which, within a period of seven 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 and neighbouring amenity and biodiversity.

04

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway boundary. The surfaced drives and any parking 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.).

05

Any garage doors shall be set back from the highway boundary a minimum distance of 6.1m.

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.

06

Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works

commencing on site. The approved measures shall be implemented prior to any works commencing on site.

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

07

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

Notes to Applicant

01

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

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

02

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

03

The approval should be read in conjunction with the outline permission (16/02169/OUTM) and its associated S106 Agreement (Planning Obligation) which accompanies this permission.

BACKGROUND PAPERS

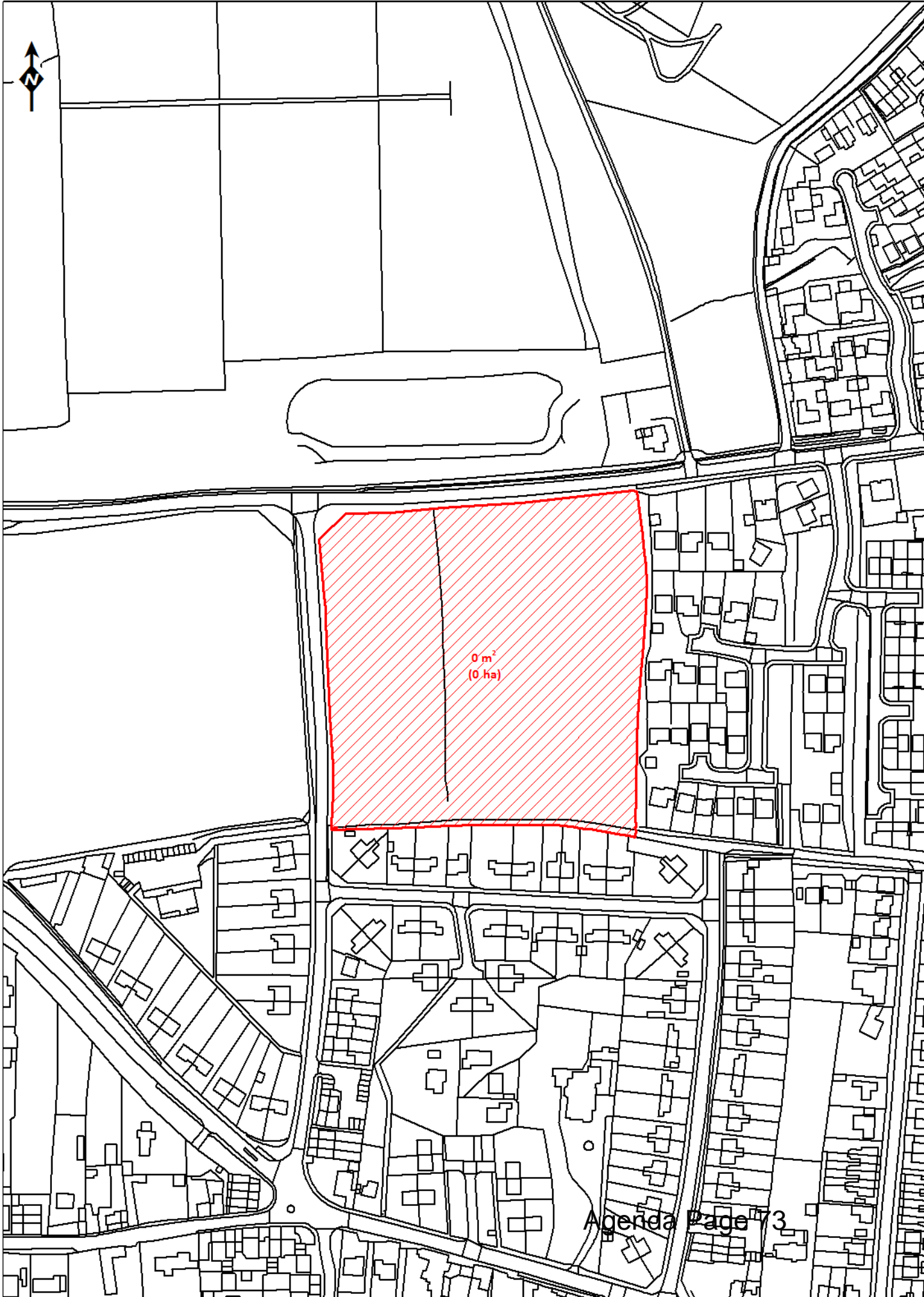
Application case file.

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



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01907/FUL	
Proposal:	Erection of three dwelling houses with revised access arrangements	
Location:	Land to the rear of the Red Lion, Southwell Road, Thurgarton	
Applicant:	Pearl Developments – Mr Richard Purewal	
Registered:	11 October 2018	Target Date: 6 December 2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Thurgarton Parish Council do not object to the application which differs to the professional officer recommendation.

The Site

The application site is located within the village of Thurgarton and is situated within a Conservation Area. The application site is located on the western side of the settlement, comprising a vacant plot of land located between The Red Lion Public House’s car park to the southeast, Priory Lane to the northwest and residential properties to the southwest and northeast. The site is also on a surface water flow path, which means that water naturally runs through the site.

The site cannot currently be accessed by vehicle but can be reached from Priory Lane to the north-west which extends into a public footpath. The land rises steeply from Southwell Road in a north-westerly direction with the gradient reducing across the application site and beyond. The site was heavily overgrown but has recently been cleared. The boundaries of the site are marked by a high strong belt of mature conifer trees along the north-eastern boundary, a mature laurel hedge along the south-eastern boundary and the south-west boundary is defined by a 1.6m high mature hedge and timber boarded picket fence interspersed by silver birch trees and north-western boundary marked with 1.5m high timber boarded picket fence and mature tree/shrub planting that is less dense. The Barn to the north is a two-storey detached welling, Thorns Hill to the north-east is a detached dormer bungalow and Greenbank to the south-west is a two-storey detached dwelling. Woodlands to the south of the site is a single story bungalow.

Planning permission has been granted on the land to the south-east of the site which currently forms the public house car park for residential development and Plot 3 adjacent to this application site is currently approved as a dormer bungalow but has not commenced development yet.

Relevant Planning History

The site has a long and extensive planning history with the most relevant to this application being:

17/01890/FUL – Change of use of land to two Gypsy pitches together with utility buildings and amenities – application returned and not determined due to invalid certificate.

16/01838/FUL – Construction of new bungalow (alternative design to extant permission). Approved 11/01/2017.

16/01709/NMA - Application for non-material amendment to planning permission 96/51813/FUL (for the erection of two dwellings). Application was for the amended design including roof design and fenestration of Plot A (northern-most dwelling). Refused 26/10/2016.

13/00262/DISCON – Request for confirmation to discharge condition 3 (materials) attached to planning permission 12/01637/FUL New site access (renewal of expired permission reference 97/52025/FUL granted on appeal). Closed as no fee was paid 18/09/2015.

12/01637/FUL - New site access (renewal of expired permission reference 97/52025/FUL granted on appeal). Approved 21/01/2013. Applicant states that a start was made on-site, by removing trees and planting hedge, carved out shape for the access and removing materials that weren't required.

12/01375/FUL A revised scheme to the previous application (11/01828/FUL) was refused on 23rd November 2012. It proposed amendments to the design of the proposed dwelling house and included the revised access to the north rather than through the public house's car park. The application was refused for the same reasons as the last application, with no objection being raised to the revised access.

11/01828/FUL A scheme was submitted for the replacement of the approved 'Type 2' bungalow on the southern part of the site. It also included a revision to the access so that the site was accessed from the north rather than through the public house's car park. Full planning permission was refused on 16/02/2012 for the following reasons:

- 1) The dwelling would be a dominant feature given its elevated position and by reason of its scale, form and massing it is considered that the proposal would be harmful to the character and appearance of the Thurgarton Conservation Area.
- 2) It would have an overbearing and oppressive presence upon the occupiers of 'Woodlands' due to the close proximity of the dwelling to the common boundary, and given its large scale and massing.

The application was dismissed on appeal (APP/B3030/A/12/2172349) on 10/09/2012 for similar reasons to those of the Local Planning Authority. No objection was raised to the revised access.

11/01264/FUL - Erection of 1 x residential dwelling (in place of a bungalow which has an extant planning permission). Refused 13/12/2011.

11/00793/LDC A Certificate of Lawful Existing Use was issued on 03/08/2011 in respect of the erection of two detached bungalows under planning ref: 96/51813/FUL in breach of pre-commencement Condition 3 relating to landscaping. It was confirmed that a material start had commenced on the bungalows and, whilst the pre-commencement condition in respect of landscaping had not been complied with, the evidence provided suggested that the condition had been met in substance.

97/52025/FUL Full planning permission for a new access to the site from the north, rather than through the public house's car park was refused on 30/07/1997.
The application was allowed on appeal (T/APP/B3030/A/97/285185/P2) on 03/03/1998.

96/51813/FUL Full planning permission was granted to renew application 93911112 for two bungalows with access from the public house car park on 21/01/1997.

93/51737/FUL Full planning permission for 5 No. one and a half storey houses refused on 28/05/1993 and dismissed at appeal.

93911112 Reserved matters were approved to outline application 93881004 on 26/11/1991 comprising two bungalows (Type A and Type B).

93881004 The renewal of outline permission 9382540 was approved on 12/10/1988. Condition 1 was varied to state 'not more than two single storey dwellings.'

9382540 Outline permission for a residential development comprising two dwellings was approved with access from the public house car park on 10/08/1982. All other matters were reserved.

The Proposal

Full planning permission is sought for the erection of three two-storey detached dwelling houses which would share a vehicular access in the form of a private road from the A612 (Southwell Road) across land adjacent to the Red Lion Public house and beyond that would meet at the eastern corner of the application site.

The three dwellings sit in a row one behind the other, with Plot 5 sitting at the front of the site adjacent to the south-eastern boundary and Plot 7 sitting to the rear, adjacent to the footpath. Vehicular access and parking are concentrated adjacent to the north-eastern boundary with rear gardens towards the south-western side of the site.

Plot 5 comprises a three double-bedroomed Unit with sauna, en-suite, bathroom and internal lift at first floor level and snug, dining, kitchen, integral single garage, external covered area and workshop at ground floor level. There is also at ground floor level a one-bed annex with living room, kitchen/diner, bedroom and shower room which is completely self-contained from the main dwelling with its own front door and access. The main part of the dwelling is linear and narrow in form (approx. 16m (without the covered roof and workshop) x 5.5m) with a front projection (approx. 9m x 9m) which matches the main ridge height (maximum approx. 6.9m to ridge and 4.7m to eaves) with a large catslide roof on the elevation facing Plot 6. Located on sloping ground, there is a step down in ground levels and roof pitches towards the front (south-east) of the building. The building sits 12m off the boundary to the south-west, 6m off the boundary to the north-east, 0.3m off the south-eastern boundary and 2m off the proposed common boundary with Plot 6 to the north-west. There are two other on-site parking/turning facilities on the plot.

Plots 6 and 7 are identical and comprise three double bedroomed units with en-suite, dressing room and bathroom at first floor level and living room, snug, dining/kitchen, pantry, utility, cloak room and an attached double garage. The main part of the buildings are linear and narrow (approx. 19m x 4.5m - with a wider garage nearest the access road) with a front projection measuring approx. 6.2m x 5m. The main ridge rises to approx. 7m in height and 4.7m to eaves level. The lower front projection is 5.8m to the ridge and 3.4m to eaves level with a dormer window in the roof and an external chimney stack at its gable end. These buildings sit 12m off the boundary to the south-west, 5.5m off the boundary to the north-east, 0.5m off the proposed common boundaries to the south-east and 1.5m off the boundaries to the north-west with Plot 7

and 1m off the common boundary with the footpath. Although the ground slopes, the footprint of Plot 6 is all on one level and the ground occupied by Plot 7 almost appears on the brow of the slope and again is all on one level with no stepped design, according to the submitted cross-section. Both units have two parking/turning facilities on each plot.

The proposed site plan shows the laurel hedge along the south-eastern boundary of the site removed and a turning head provided for refuse/emergency services vehicles provided adjacent to this same boundary but which overlaps part of the rear garden serving the house approved on the adjacent site.

The application has been accompanied by a Design and Access Statement which states that Plot 5 is a bespoke house designed by Thurgarton residents who have lived in the village since 1999 and had 3 children. In 2013 their elderly parents moved into a purpose built annex where they could be supported through old age. They have always played an active role within the village, reviving the village hall and an active member of the hall committee and the Parish Council (the Clerk) and contributing to the drafting of the Neighbourhood Plan and edits the village magazine. They were a school Governor at Bleasby and is now an active member of the consortium who are seeking to re-open the local Red Lion pub. With the children left home they wish to downsize and want to stay in the village.

The plans considered by this application are listed below:

- Site Location Plan (Drawing No: 3529 01)
- Proposed Block Plan (Drawing No: 3529 02)
- Proposed Site Plan (Drawing No: 3529 03 Rev D)
- Plot 5 Plans and Elevations (Drawing No: 3529 04 Rev C)
- Plots 6 and 7 Plans and Elevations (Drawing No: 3529 05 Rev A)

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Thurgarton Neighbourhood Plan (made 16 May 2017)

- Policy 1 – New Development
- Policy 2 – Residential Development
- Policy 3 – Transport Impact of Development
- Policy 6 – Historic and Natural Environment

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy 2017
- Spatial Policy 3 Guidance Note 2013
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Thurgarton Conservation Area Appraisal 2008

Consultations

Thurgarton Parish Council – Do not object.

NCC Highways Authority – No comments received.

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

NSDC Archaeology Consultant – “This site in Thurgarton in an area not far from the former Priory site. There are a number of archaeological records in the immediate vicinity that suggest that this site is within the medieval core of the village and that it has remained undeveloped for many years. This could mean that important archaeological remains relating to the development of Thurgarton are preserved on this site.

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

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'.

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

NSDC Conservation – “The proposal site is located within Thurgarton Conservation Area (CA).

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2018). 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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, LPAs should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The adopted Thurgarton Neighbourhood Plan (NP) (2017) seeks to protect and enhance heritage within the village.

Significance of heritage asset(s)

The CA was originally designated in 1983, and most recently amended in 2008.

The Thurgarton CA Appraisal (2008) provides a useful summary of the character and appearance of the area. Thurgarton Conservation Area can be split into 2 distinct character areas:

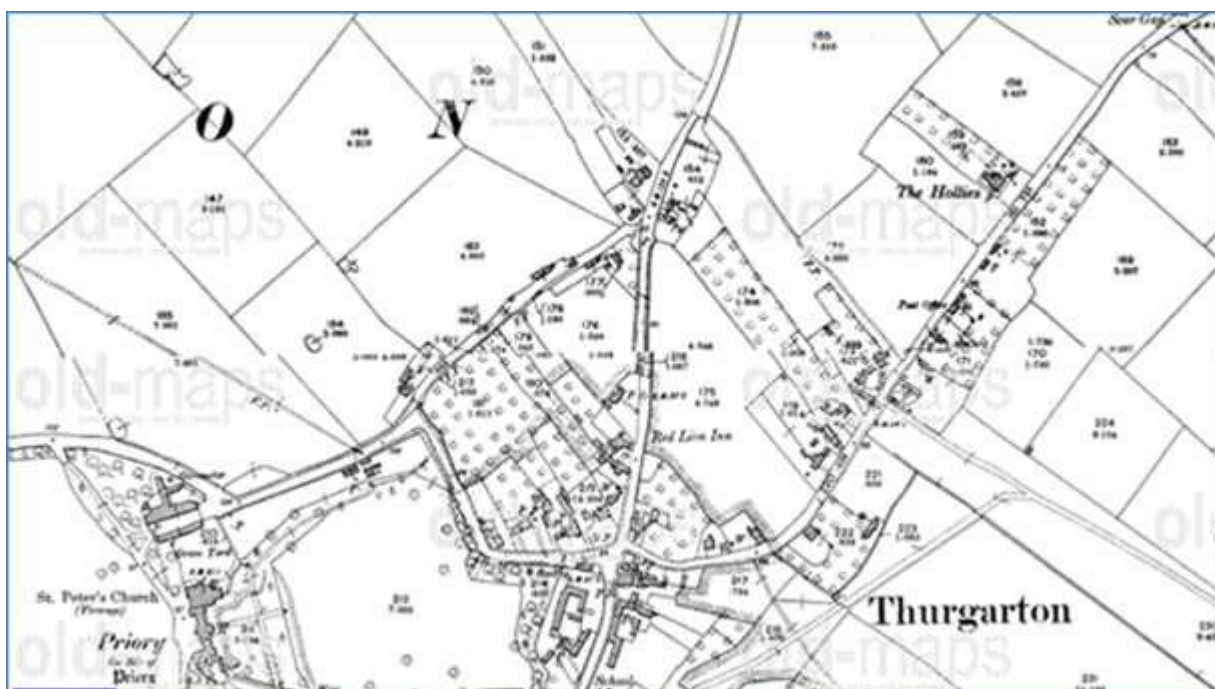
i) The Priory. The land to the west and southwest of Priory Road/Main Street is predominantly characterised by the parkland, mansion and estate lands associated with Thurgarton Priory (former Augustinian Priory; mansion built over priory remains and cellars in early 18th century) and St Peter's Church. Castle Hill and the remains of a deserted medieval village give a strong archaeological significance to the Conservation Area;

ii) The Village. The land between Priory Road/Priory Lane and Main Street and more generally on the east side of Main Street (Southwell/Nottingham Road) is characterised by the built form of the village, following historic toft and croft plots and enclosure patterns.

The significance of the CA is discussed in detail within the adopted Appraisal.

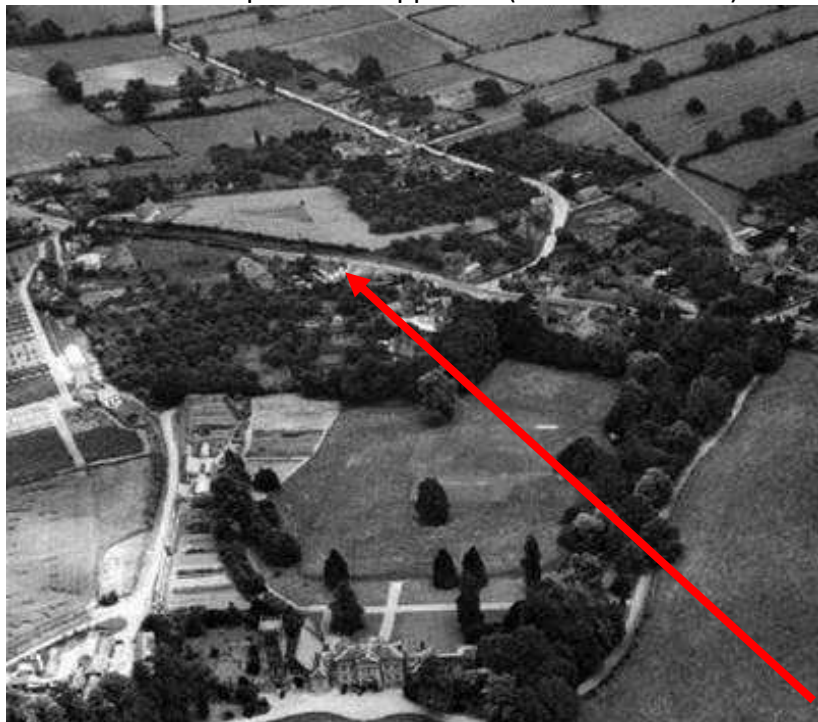
The proposed development site is located at the rear of the Red Lion Inn within The Village Character Area (see section 7 of the Appraisal, pages 12-16). This site is part of a rectilinear plot, which runs between Southwell Road and Priory Lane. Archaeological and historic settlement layout significance can be attributed to the proposal site. The Nottinghamshire Historic Environment Record suggests that the proposal site could be within the medieval core of the village, and due to the lack of disturbance, of potential archaeological interest.

The current village layout is the result of post-medieval enclosure focussed away from the Priory along the roadways between Southwell, Nottingham and Bleasby (this is summarised on page 5 of the Appraisal and in more detail on the County HER). Detailed historic maps from the two significant landowners in the 18th century, the Cooper family (Thurgarton Priory Estate) and Trinity College (Cambridge), further reveal the significance of the medieval and post-medieval field and settlement pattern of the village. The 1731 Trinity College map, for example, shows the village as clusters of buildings in rows along Bleasby Road, Priory Lane, Nottingham Road and Priory Road. These properties generally face the street within broad rectangular plots that back on to/run perpendicular to a series of early enclosures (in that they are narrow thin parallel plots running at right angles at 90 degrees to Bleasby Road, suggesting enclosure of an open strip field).



Late 19th-century map of the village. Note plot layouts and orchards between Priory Lane and Southwell Road.

Buildings that contribute positively to the CA, including the Red Lion and a cluster on Priory Lane, are marked on Map 3 of the Appraisal (extract attached).



Red Lion Inn in the 1950s. Note the landscape pattern behind the Inn.

Assessment of proposal

The proposal seeks permission for three 2 storey dwellings on the most northern part of plot at the rear of the Red Lion.

Conservation objects to the design, scale and intensity of the proposed development.

We feel that the scale of the proposed dwellings, as expressed in their height and large plan-form results in an overly dominating impact. The tandem layout is alien to the settlement pattern of the CA. Whilst we accept that the individual design of the buildings exhibits some positive architectural elements, the layout and scale of the proposal harms the significance of the CA in this case, contrary to the objective of enhancement or preservation required under section 72 of the Act.

Conservation acknowledges that development has been approved immediately behind the Red Lion (ref 18/00967/FUL), and that two single storey buildings were approved on the proposal site in the 1990s (ref 96/51813/FUL). The recently approved development to the southeast takes the form of a mews around a courtyard, which was considered to complement the layout of Main Street and setting of the Red Lion. The continuity of roof lines around the 'yard' and cottage form of the development was considered to be an important factor in determining the acceptability of the proposal, as were identified benefits in enhancing the Red Lion itself by undoing some of the modern unsympathetic interventions. Furthermore, Conservation objected to a dormer bungalow on the proposal site (12/01375/FUL), which was dismissed at appeal in part due to its scale, form and appearance. Indeed, the Inspector advised in paragraph 9 of their decision that "the height and length of the dwelling would mean that it would have considerable bulk, and that it would be a dominant feature when seen from the surrounding area".

The topography of the site, combined with the perceived impact of the large dwellings from Priory Lane are also significant factors in this case.

Recommendation/summary of opinion

Conservation objects to the proposed development and finds the design, layout and scale of the dwellings to be harmful to the significance of the Thurgarton CA. The harm identified is considered to be less than substantial (in the context of paragraphs 194 and 196 of the NPPF), but otherwise contrary to the objective of preservation required under section 72 of the Act. The proposal is also contrary to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs.

It is probable that a pair of single storey dwellings could successfully be accommodated on this site without harming the character of the CA. We recommend that the applicant withdraws the current scheme and engages with us through the pre-application process."

NSDC Environmental Health (Contaminated Land) – "The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007."

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

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined and on all floors. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed 'vehicular free' access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

Representations have been received from 16 local residents/interested parties; 8 in support and 8 in objection which can be summarised as follows:

Support:

- Well considered proposal bringing huge benefit to the village with minimal disruption;
- Preference for 3 houses instead of two sprawling bungalows with mix of styles and no merit;
- New designs/high architectural standard are much nicer than the original two;
- Maintenance of footpath north of site is welcomed;
- Avoids need to cross much loved public footpath to the north of the site by bringing access from the south via the existing roadway;
- Better meets need of Neighbourhood Plan which supports smaller/more affordable dwellings within the village allowing residents to down size and remain in the community;
- Development of this vacant unsightly site will positively enhance the conservation village of Thurgarton;
- Approval would remove the high level of uncertainty resultant from the numerous unsuitable proposals that have been submitted over many years;
- Proposals would have the added benefit of contributing to the viability of the redevelopment of the adjacent Red Lion site, helping to secure the re-opening of the pub, a much appreciated resource and amenity for the village and wider community.

Objection:

- The increase in number and density of dwellings significantly changes the sitings and elevations compared to the existing extant permission and result in adverse impacts on neighbouring properties due to their close proximity;

Residential amenity:

- The increase in height of the development to two storey from the previously approved single storey will increase the impact on neighbour’s amenity;
- Plot 7 would cast into shadow four primary windows of the property to the north, due to the distance between the two being as close as 3m;
- 11 windows of an existing dwelling would look onto the proposed houses and lose their outlook;
- The occupiers of The Barn to the north have a right to light under the Prescriptions Act of 1832;
- Two of the direct neighbouring properties are bungalows (Thorns Hill and Woodlands) who would be dominated by the two storeys proposed;
- Occupation of the annex within Plot 5 ought to be restricted to members of the applicant’s family and friends to contain potential nuisance factors;
- Proposed houses are situated relatively close to site boundaries and as such would impact on neighbours in terms of noise, light/overshadowing, privacy and over bearing and dominating impacts;
- Turning and parking cars will be seen (headlights too), felt and heard and create pollution as they run alongside the western boundary of Thorns Hill and its entire rear garden;
- Lighting pollution from vehicles to occupiers of the north of the site.

Impact on character of conservation area:

- Increased density of development on the site would affect the character of the conservation area;
- There are no other properties with slate roofs and wooden cladding thus the design vernacular is not in keeping with the conservation area, or the materials of the new dwellings approved on the adjacent site;
- Proposed houses are very close together in a village where houses occupy largish open plots with significant footprints taking up a significant area of the site;
- The footprints of the proposed properties are considerably larger than The Barn (especially Plot 5), and therefore would not be subservient to it;
- The D&A Statement states that the proposals maintain a modest scale that will be subservient in appearance to the taller more elevated properties surrounding the site eg The Barn – no topographical survey has been submitted to show this;
- The proximity of the proposal to the footpath dramatically change its character from a quiet, traffic free, tree lined lane into a shaded dark walled alleyway;
- Complete loss of laurel hedge along southern boundary would be detrimental to the vistas from A612 and Priory Lane footpath, which would be through a small housing estate;
- The application states there are no trees (sycamore, hawthorn and ash) or hedges on or adjacent to the site which could influence the development, which is not true – the northern and eastern boundaries are defined by trees and the southern boundary by a hedge and plan layout suggests some would need to be cut back or removed which would significantly affect the area, footpath and neighbouring privacy;
- Plot 5 will by its very scale dominate the site when viewed from the A612;

Highway matters:

- The access from the Red Lion car park has considerable merit over the access via a farm track and across the Prior Lane and footpath approved on appeal but the on-site access road needs to comply with DfT criteria including a footpath;
- The application allows for the parking of 12 cars to serve 3 dwellings which is excessive;

Other matters:

- Proposal goes against a previously passed planning application for two bungalows on the site and ignores the points raised in that application and the requirement for this type of dwelling has not changed since this application was granted;
- As the proposed dwellings are labelled Plots 5 to 7, clearly an extension of Plots 1 to 4 on the site closer to the pub, should they not be considered under one application? As Pearl Developments own both plots would it not be more prudent to revisit layout and create a more coherent single development which makes better use of the space;
- The proposal does not represent small affordable homes – they are large luxury dwellings that no first time buyer could afford and does not encourage a diversity of age in the population of the village and is contrary to the Neighbourhood Plan;
- Housing Needs Survey identifies 1, 2 and 3 bedroom bungalows for residents wishing to downsize to smaller accommodation on one level and the need for market housing has already been far exceeded since the Survey in 2015;
- The planning history shows that an application for two houses on this site was refused on the basis of their impact on surrounding properties and the wider conservation area;
- Detailed drainage plans should be submitted to prevent surface water run-off potentially putting neighbours at risk of flooding given the topography of the site and the increased

impermeable material that would result on the site by the development (and additional dwelling), contrary to the NP;

- Over intensification of development in the village over the last 2 years with redevelopment at Coach and Horses, Priory Farm and the Red Lion sites;
- Although there is support for a local resident who wants to downsize which should be given some weight, if wider policy and practical implications are exposed, they should take precedence over all other personal considerations;
- The application is flawed and the Design and Access Statement is fraught with inaccuracies and contradictions in terms of the stated impacts to neighbouring properties;
- The site plan showing Plot 5 is inaccurate as it does not show the roof canopy between the house and the workshop;
- It could be perceived that the Parish Council have a potential conflict of interest given their other interests concerning the re-opening of the pub on the adjacent site;
- The Parish Council and NSDC have already rejected a proposal for the change of use to 2 gypsy pitches on the site;
- The land has been cleared with no consultation with the environment agency or geological assessment or survey undertaken so there is no idea what wildlife was living on the land, previously there were sightings of bats, field mice and foxes as well as providing hunting ground for hawks and owls;
- The ecological survey submitted on the adjacent site had scope for badger foraging and sett digging although no field signs such as footpaths were recorded radiating into the area from the site;
- Detrimental impact of head lights on wildlife;
- No topographical survey has been submitted making the heights and levels of the proposal uncertain and how the current slopes on the site would be managed, whether each plot would be terraced and how that affects the heights;
- No tree survey has been submitted;
- No ecology survey has been submitted;
- No Housing Needs Survey has been submitted with the application.

Comments of the Business Manager

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

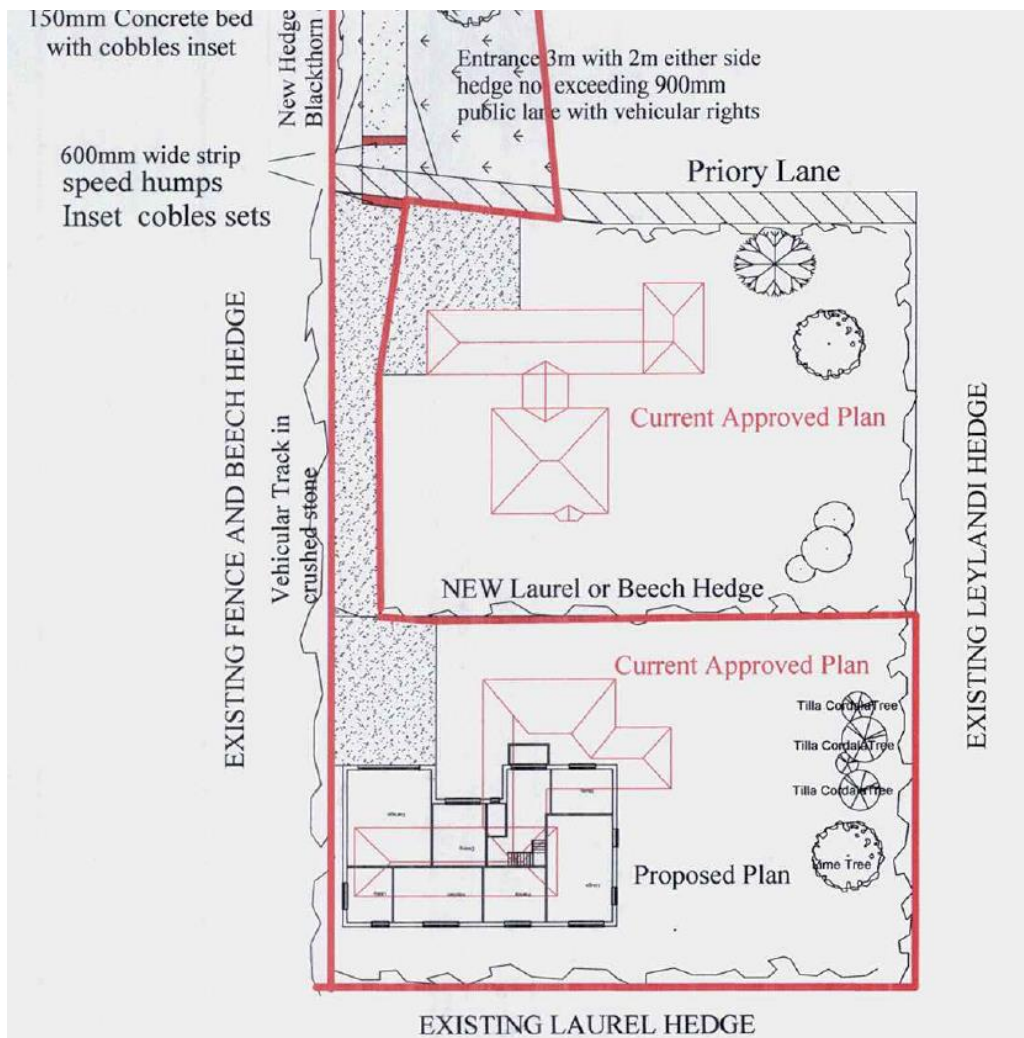
Following public consultation and independent examination, at its council meeting on 16 May 2017 Newark and Sherwood District Council adopted the Thurgarton Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Thurgarton. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Background

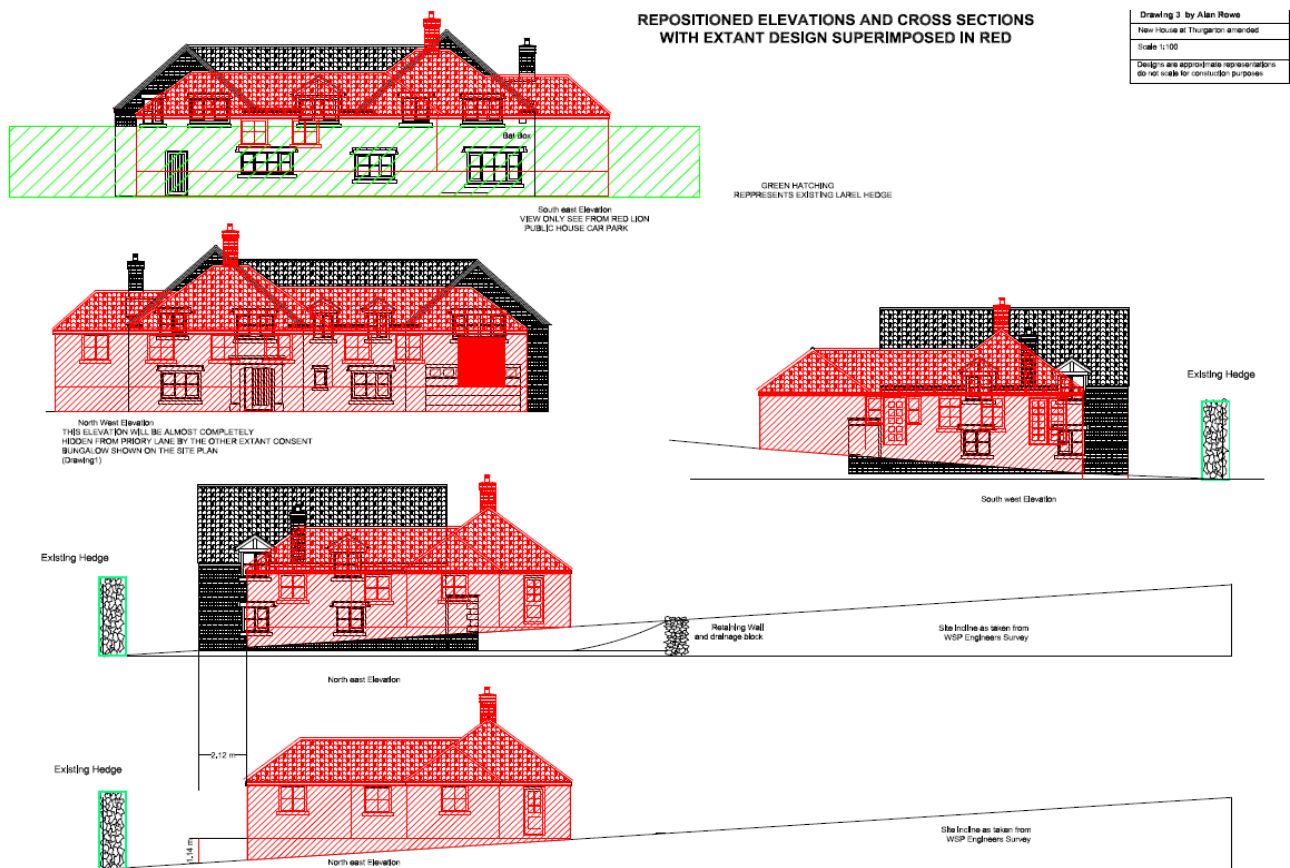
This application site has an extensive planning history. Two bungalows were approved on appeal at this site in Jan 1997 with access to serve them from the car park of the Red Lion Public House.

However an application later that same year sought to amend the point of vehicular access from Priory Lane to the north. This application was refused by the Council but allowed on appeal in March 1998. In 2011 it was accepted that a lawful start had been made to the bungalows as approved in 1997 and a certificate of lawfulness was issued, meaning that the bungalows are now extant in perpetuity. It should be noted that the previous applicant had been involved in this site for the last 20 years and had continually been unsuccessful in trying to alter the original planning approval by first trying to increase the number of dwellings on the site, then trying to increase the height of the buildings to dormer bungalows and subsequently to two-storey dwellinghouses.

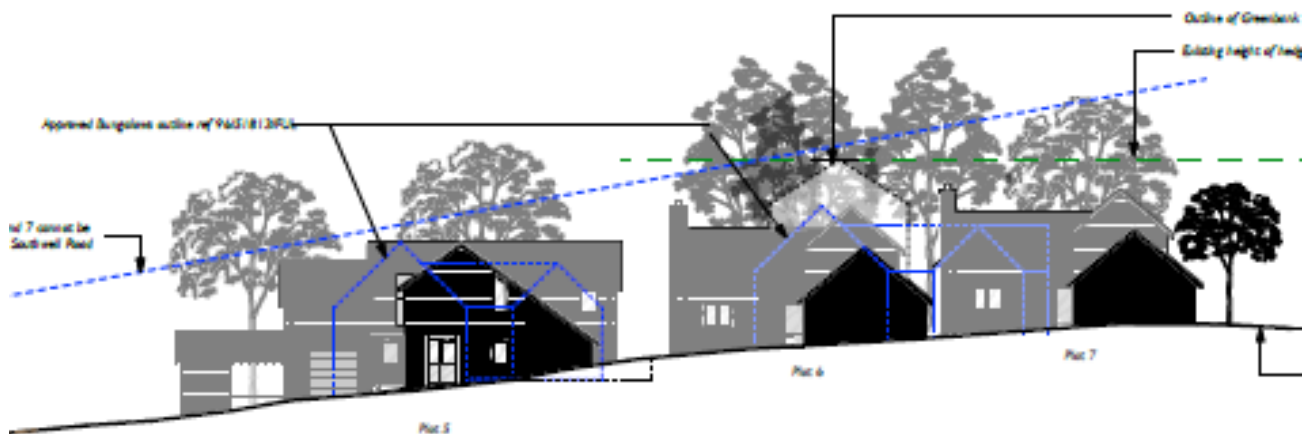
In 2012 two planning permissions were refused for the erection of a one and a half storey/dormer bungalow on the south eastern half of the site, nearest the public house on the grounds of it being a dominant feature by reason of its scale, form and massing that would cause harm to both the Conservation Area and the occupiers of Woodlands. Both were dismissed on appeal. Extract of plans of the later application (12/01375/FUL) are copied below. The red layouts show the bungalows with the extant permission, the black outline indicated the proposed new dwelling in 2012 (16.7m wide by 9.8m deep).



The red outline shows the extant bungalow silhouette with the proposed dwelling in black (on the site of Plot 5 proposed by this application).



The plan below shows the current scheme submitted for determination in black with the extant two bungalows outlined in blue.



Principle of Development

Given the above planning history and the fact that two bungalows have an extant permission which could be erected at any time, this constitutes a strong fallback position which attracts significant material weight. However, the addition of a third dwelling to the site requires careful consideration under the current national and local policy framework. It is also clear through the planning history that previous proposals for more than two dwellings or accommodation above ground level on the site have been carefully considered and found to be harmful both to the Conservation Area and residential amenities. This is also a material planning consideration that carries some weight in the determination of this application.

The Council has published that it has a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's. This position has also been accepted by a number of appeal decisions that have recently been considered and should therefore carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 77 states that in rural areas, planning decisions should be responsive to local circumstances and support housing development that reflect local needs. Paragraph 78 goes on to advise that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Thurgarton is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are Location; Scale; Need; Impact and Character. The proposal is assessed against these criteria below.

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 taking place on the 2nd February 2018. The main modification document has been out to public consultation and is now with the Inspector for consideration. Accordingly for the purposes of this proposal it is considered that some weight can be attached to this emerging policy.

Location

SP3 states that new development should be within the main built-up areas of villages which have local services and access to the Newark Urban Area, Services Centres or Principal Villages. I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am satisfied that the application site is situated within the main concentration of existing development in the village and is not in an isolated position.

Thurgarton is a village with a limited range of facilities comprising a village hall and public house (which is currently vacant). Whilst it is acknowledged that this would not meet the day to day living requirements for occupiers of the one additional new dwelling on the site, there are good public transport links to other Principle villages notably Southwell and Lowdham. In light of the above, the proposal is considered to meet the locational criterion of SP3.

Need

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

Policy 2 of the NP states that in appropriate locations, development of market housing to suit the specific needs identified in a current Housing Needs Survey will be encouraged and supported and the justification for such proposals should be clearly set out and submitted with the planning application. The supporting text to this policy refers to the Parish Housing Needs Survey undertaken in 2015 which identified demand for up to 6 market homes, which included one 3-bed house and a preference for 1, 2 and 3 bed bungalows for households wishing to downsize to smaller accommodation on one level. It states that respondents to the survey cited smaller properties, bungalows, retirement housing and affordable homes as the main shortfall in the area. However the NP acknowledges that since the survey was undertaken, planning permission has been granted for a total of 11 market properties, thus exceeding the need and therefore applications should demonstrate that the proposal responds to an identified housing need and will be considered against the latest available factual data.

The two extant bungalows are four bed units. The submitted Design and Access Statement refers to “The Neighbourhood Plan which identifies a need for homes with up to 3 bedrooms to allow local residents to downsize. The proposed dwellings are all three bedroom and smaller in footprint than the extant permitted dwellings. Their construction will therefore significantly better meet the needs of the Neighbourhood Plan.” The Statement also refers to Plot 5 being a bespoke design for a village couple who wish to downsize to the proposed dwelling with their elderly mother, as set out in the proposals section of this report above.

On the basis of the Council’s current position on housing supply, it is considered that in settlements such as Thurgarton which have some locally available facilities or good access to them that a pragmatic view in relation to the need element of policy SP3 can be reached. Three No. 3-bed houses have been completed at the former Coach and Horses site which have over-satisfied the need identified in the Survey for one No. 3-bed house and apart from the explanation provided for the proposed bespoke house on the site, the demonstration of need for a further two 3-bed dwellings has not been adequately made within the submission. However I am mindful that whilst the submission has not referred to it, in the absence of a more up to date Housing Needs Survey, the Newark and Sherwood District Council Housing Market and Needs Assessment Sub-Area Report (2014) indicates a need for three-bedroom dwellings in the Southwell Sub-Area of the District (in which Thurgarton is situated), although it is acknowledged that the need for 2 bed and 4 bed dwellings is greater and furthermore, I am satisfied that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3. The principle of the proposal is therefore considered acceptable subject to its compliance with the remaining requirements of Spatial Policy 3 and any other material considerations.

Scale and Impact

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature.

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics. In terms of scale, I am of the opinion that in numerical terms, the principle of the addition of 1 further dwelling (over and above the extant permission, with the occupancy of the annex controlled by condition to ensure it remains ancillary only to the main dwelling) on this site would be proportionate to the size of Thurgarton as a settlement. Physical characteristics are discussed in more detail in the character section of the report below.

As at the April 2011 Census there were 175 dwellings recorded within Thurgarton and taking into account completions (7) and commitments (13) over the development plan period (since 2006), the percentage increase in the number of dwellings would be (if all were implemented) 11.4% of housing stock. With the addition of one net dwelling, the percentage increase is 12% which is just over the 10% increase in size of the village over the plan period, used as a general guide within the plan as an upper limit for village growth that would be considered as still being in line with the strategic objectives of concentrating new housing growth in more principal villages and above. That does not, of course have regard to the fact that not all permissions are necessarily implemented, a matter which would need to be taken into account in assessing future applications (and indeed as this Council does as a matter of principle when calculating its 5YLS). The Core Strategy set what was considered to be an appropriate limit for growth such that development would not undermine the overall strategic policy for new housing to be in the most sustainable locations. On this basis, any future applications would require justification, including on the infrastructure of the village.

In terms of the current submission effectively for one additional dwelling I am of the opinion that the scheme would not have an unacceptable impact as detailed below with respect to highways, sewage and flooding/drainage.

The impact of the proposed development is considered to be acceptable and accords with this criteria of SP3 as does the principle of the numerical scale.

Scale (physical characteristics) and Impact on Character and Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. Part of the consideration of the scale criteria of SP3 relates to the assessment of physical characteristics. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Moreover, The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Policy 1 of the Neighbourhood Plan states development should be carried out without detracting from the character and appearance of the Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2018). 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, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, LPAs should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The adopted Thurgarton Neighbourhood Plan (NP) (2017) seeks to protect and enhance heritage within the village. The CA was originally designated in 1983, and most recently amended in 2008.

The Thurgarton CA Appraisal (2008) provides a useful summary of the character and appearance of the area. Thurgarton Conservation Area can be split into 2 distinct character areas:

- i) The Priory. The land to the west and southwest of Priory Road/Main Street is predominantly characterised by the parkland, mansion and estate lands associated with Thurgarton Priory (former Augustinian Priory; mansion built over priory remains and cellars in early 18th century) and St Peter's Church. Castle Hill and the remains of a deserted medieval village give a strong archaeological significance to the Conservation Area;
- ii) The Village. The land between Priory Road/Priory Lane and Main Street and more generally on the east side of Main Street (Southwell/Nottingham Road) is characterised by the built form of the village, following historic toft and croft plots and enclosure patterns.

Thurgarton is essentially a medieval settlement within open countryside. The site itself represents an historic plot which contributes to the layout and landscape interest of the Conservation Area (these historic plots relate to toft and croft plots and later enclosures which reveal the medieval and post-medieval evolution of the settlement). The village is made up of a loose arrangement of farms, crofts and cottages liberally interspersed with orchards and some paddocks. There were three large farms in the village, namely Manor Farm, Old Farm and Priory Farm which are all situated within the compact, nucleated form centred on the central crossroads.

The Council's Conservation officer objects to the design, scale and intensity of the proposed development. A view with which I concur.

The scale of the proposed dwellings, as expressed in their height and large plan-form results in an overly dominating impact. The tandem layout is alien to the settlement pattern of the CA. Whilst it is accepted that the individual design of the buildings exhibits some positive architectural

elements, the layout and scale of the proposal harms the significance of the CA in this case, contrary to the objective of enhancement or preservation required under section 72 of the Act.

It is acknowledged that development has been approved immediately behind the Red Lion (ref 18/00967/FUL), and that two single storey buildings were approved on the proposal site in the 1990s (ref 96/51813/FUL). The recently approved development to the southeast takes the form of a mews around a courtyard, which was considered to complement the layout of Main Street and setting of the Red Lion. The continuity of roof lines around the 'yard' and cottage form of the development was considered to be an important factor in determining the acceptability of the proposal, as were identified benefits in enhancing the Red Lion itself by undoing some of the modern unsympathetic interventions. Furthermore, Conservation objected to a dormer bungalow on the proposal site (12/01375/FUL), which was dismissed at appeal in part due to its scale, form and appearance. Indeed, the Inspector advised in paragraph 9 of their decision that "the height and length of the dwelling would mean that it would have considerable bulk, and that it would be a dominant feature when seen from the surrounding area."

The topography of the site, combined with the perceived impact of the large dwellings from Priory Lane are also significant factors in this case. The comments of the Archaeology consultant have been noted.

The cramped appearance, layout on the site and scale (combined height, bulk and massing) of the dwellings proposed are considered to be harmful to the significance of the Thurgarton CA. The harm identified is considered to be less than substantial (in the context of paragraphs 194 and 196 of the NPPF), but otherwise contrary to the objective of preservation required under section 72 of the Act. Whilst the provision of an additional dwelling and the economic benefits that it can bring weighs as a small short term benefit, it does not outweigh the harm identified. The proposal is also contrary to advice and guidance contained within CP14, DM9 and Policy 1 of the Development Plan and Section 16 of the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy and light upon neighbouring development.

The residential property 'Greenbank' is located approx 19m to the south-west of the site boundary. 'The Barn' is located approx. 4m to the north-east of the site boundary whilst 'Thorns Hill' is located almost immediately adjacent to the east. All three properties were in existence when the extant bungalows were allowed on appeal. Plot 3 to the south-east of the site, with planning permission but not yet constructed, would be approx. 9m from the common boundary of the site.

Both the scale and siting of the proposed dwellings are considerably different to the extant permission. Plot 6 is positioned approx. 12m from the south-western boundary thus providing a distance of approx. 30m between this plot and Greenbank; this distance between proposed and existing is considered to be an acceptable one in terms of the protection of privacy and light and the creation of no over bearing impacts.

Both Plots 6 and 7 are situated approx. 5.5m off the north-eastern boundary and approx. 7.5m from Thorns Hill; the closest element is the single storey blank gable end of the garages and the two-storey element is approx. 14m away from Thorns Hill (there are no first floor windows that

would face in this direction). Whilst this distance between is relatively short, it is significantly mitigated by the solidity and height of a mature row of conifer trees along the common boundary to prevent overlooking, loss of light or over-bearing impacts. However, as raised in the third party representations, there is concern regarding the noise/disturbance as well as air and light pollution that would be created from the proposed access road that runs adjacent to the north-eastern boundary. This has been carefully considered and whilst it is acknowledged there would be some impact in this way, the potential levels created by the number of cars that are likely to be coming and going from two 3-bed houses is not considered to be sufficiently harmful to amenities to warrant refusal of planning permission. Plot 7 is less than 1m from the north-west boundary at its closest point and approx. 5.5m from the gable end of The Barn, on the other side of the footpath; the nearest element is the single storey double garage which has a ridge height of approx. 5m, however, Plot 7 then increases to 6.9m to the ridge and 4.7m to the eaves which runs along the north-western boundary of the site for a distance of approx. 12.5m. Whilst this would extend beyond the rear elevation of The Barn, it would represent significant built form and massing that would lead to an unacceptable sense of enclosure to the occupiers of The Barn. There are two windows proposed to be inserted at first floor level to serve a bathroom and en-suite. Whilst these could be conditioned to be obscurely glazed, given their close proximity and direct relationship to the private amenity space of The Barn, I do not consider this relationship could be adequately mitigated against merely by obscuring the glass and the sense intrusion and loss of privacy would persist. Given the orientation, there could also be the potential for overshadowing and loss of light however I do not consider this to be fatal in this case. The loss of outlook from windows raised within the representations is noted and has been carefully assessed but given the orientation of the rear elevation of The Barn, the main outlook is considered to be to the south-west and only at acute angles would the proposal have a direct impact and whilst the outlook from the end gable would be impacted at ground floor level by the garage, at first floor level the two storey element would be at an acute angle and so I find on balance that it would be difficult to sustain a reason for refusal on these grounds.

Plot 5 is approx. 0.5m from the south-eastern boundary at its nearest point and approx. 12m from the approved rear elevation of Plot 3. The nearest element of the proposal to Plot 3 is the single storey workshop which is approx. 4.3m high to ridge and only 3.4m wide, however, there is then an increase to 7.1m to the ridge at approx. 17m from the rear elevation of Plot 3, which then increases again in height to 8.1m at which point the width also increases to approx. 14.8m, 21m from Plot 3. All these impacts would be exacerbated because Plot 3 is situated on lower ground levels than Plot 5. In addition full height glazing doors are proposed to serve a first floor bedroom that would overlook Plot 3. It is therefore considered that Plot 5 would result in an unacceptable over-bearing impact and loss of privacy to the future occupiers of Plot 3.

In terms of the amenities created for future occupiers of these proposed dwellings, I consider them to be acceptable and there is sufficient private amenity space provided.

In conclusion, therefore the proposal is considered to be unacceptable in terms of over-bearing impacts and the creation of a sense of enclosure and loss of privacy to the existing occupiers of The Barn and the future occupiers of Plot 3 and as such is contrary to Policy DM5 and Policy 1 of the Development Plan and the NPPF.

Highway Safety

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially

increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal would result in a total of 7 dwellings as well as the existing public house being serviced from this private road. It is clear from the planning history that approval has been granted in the past to allow access to the site via a private road that would lead from the pub car park, so it would appear that the principle of such an access is acceptable, however, those determinations were reached without taking into account the recent applications on the existing pub site, where the pub car park now has planning permission for the development of 4 new dwellings. The comments of the Highway Authority have not yet been received and so will be reported to Members on the Late Items and the recommendation adjusted if needs be.

Impact on Trees

The proposed development is situated very close to the north-western and north-eastern boundaries, where there are trees and other forms of important planting/hedgerow that are likely to be impacted by the proposed development. No tree survey has been submitted with the application and given the recommendation officers did not want to put the applicant to any further expense in submitting a tree survey, however, there are concerns that as a result of the development the trees along the boundaries could be lost altogether and the limited space particularly along the north-western boundary would likely mean that any loss could not be satisfactorily compensated for by a condition requiring the planting new trees along this boundary, which would have a detrimental impact on the visual amenity and character along the footpath.

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.

Whilst the site is located within Flood Zone 1 which means it is at low risk of river flooding, it is identified as being on a surface water flow path. This means that any development on the site is likely to affect the flow and attempts to protect the new dwellings from surface water flooding is likely to lead to water being diverted elsewhere and would potentially impact on other people around the site.

However, the verbal advice from the Lead Local Flood Authority is that this need not be fatal to the proposal and if members were minded to support the application, a condition could be imposed that would be able to deal with surface water disposal in an acceptable way.

Overall and in light of the above, it is considered that the proposed development would not be at significant risk of flooding, the development could be designed to be appropriately flood resistant and resilient and not increase the risk of flooding elsewhere. The proposal is therefore capable through condition to be in line with the guidance contained within Core Policy 10, DM5 and section 14 of the NPPF.

Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

No ecological appraisal has been submitted to accompany the application. A number of local residents have raised concerns regarding the clearing of the vegetation on the site and the potential detrimental impact this could have had on ecology, which are concerns that have been noted and considered. However, given that there is an extant planning permission on the site which did not impose any conditions relating to the protection of ecology, the local planning authority had no powers to prevent the overgrown site being cleared. Any impacts to wildlife and protected species would therefore need to be enforced by other parties through the Wildlife and Countryside Act.

Planning Balance and Conclusion

The proposal which effectively results in the increase of one additional dwelling would make a modest yet positive contribution to helping to facilitate the housing needs and preferences for the wider Housing Sub-Area of Southwell, within which Thurgarton sits. This would be of benefit to both the local villagers wanting to downsize as well as the village (in seeking to support its existing facilities) and to the district council's wider housing supply.

Whilst considerations of location, need, impact, ecology, archaeology and surface water disposal are all matters that weigh pragmatically in favour of the proposal and can be adequately mitigated with appropriately worded conditions, the fundamentals of the impact on the character and appearance of the Conservation Area and the impact on the amenities of neighbours, both existing and future weigh against the proposal. It is clear from the substantial planning history on this site that acceptable forms of development in the past have been limited to two dwellings with living accommodation on ground floor level only. I concur with the decisions previously reached on this site and therefore offer a recommendation of refusal of planning permission to Members

RECOMMENDATION

That planning permission is refused for the following reasons

Reasons

01

There is a statutory presumption against development that would harm and fail to preserve or enhance the character and appearance of a Conservation Area. The NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Equally it is clear that decision makers must attach significant weight to the benefits of a scheme.

In the opinion of the Local Planning Authority the development, by reason of its cramped appearance, layout and scale (combined height, bulk and massing) would result in harm to the significance of Thurgarton Conservation Area, a designated heritage asset through harm to its character and appearance. For the avoidance of doubt such harm is considered to be less than substantial but nevertheless statutory harm to which special regard should be paid.

In the overall planning balance it is considered that there are no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. The proposed development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance, Policy 1 of the Thurgarton Neighbourhood Plan, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management DPD and fails to accord with the objective of preservation as set out within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

In the opinion of the Local Planning Authority, by virtue of the siting, height, length and insertion of first floor windows in close proximity to the boundary with the adjacent dwelling to the north-east, The Barn, the proposed Plot 7 would be detrimental to the residential amenity of occupiers of this property by reason of over bearing impact to their rear private amenity area and south facing windows.

In the opinion of the Local Planning Authority, by virtue of the siting, height, length and insertion of first floor windows, exacerbated by increases in ground levels compared with the adjacent proposed dwelling to the south-east, Plot 3, the proposed Plot 5 would be detrimental to the residential amenity of occupiers of this property by reason of over bearing impact to their rear private amenity area and north-west facing windows.

As such the proposal is contrary to the aims of Policies DM5 of the Newark and Sherwood Allocations and Management Development Plan Document, and Policy 1 of the Thurgarton Neighbourhood Plan, which are compliant with the intentions of the NPPF, and which seek to ensure development is not harmful to the amenity of neighbouring properties.

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

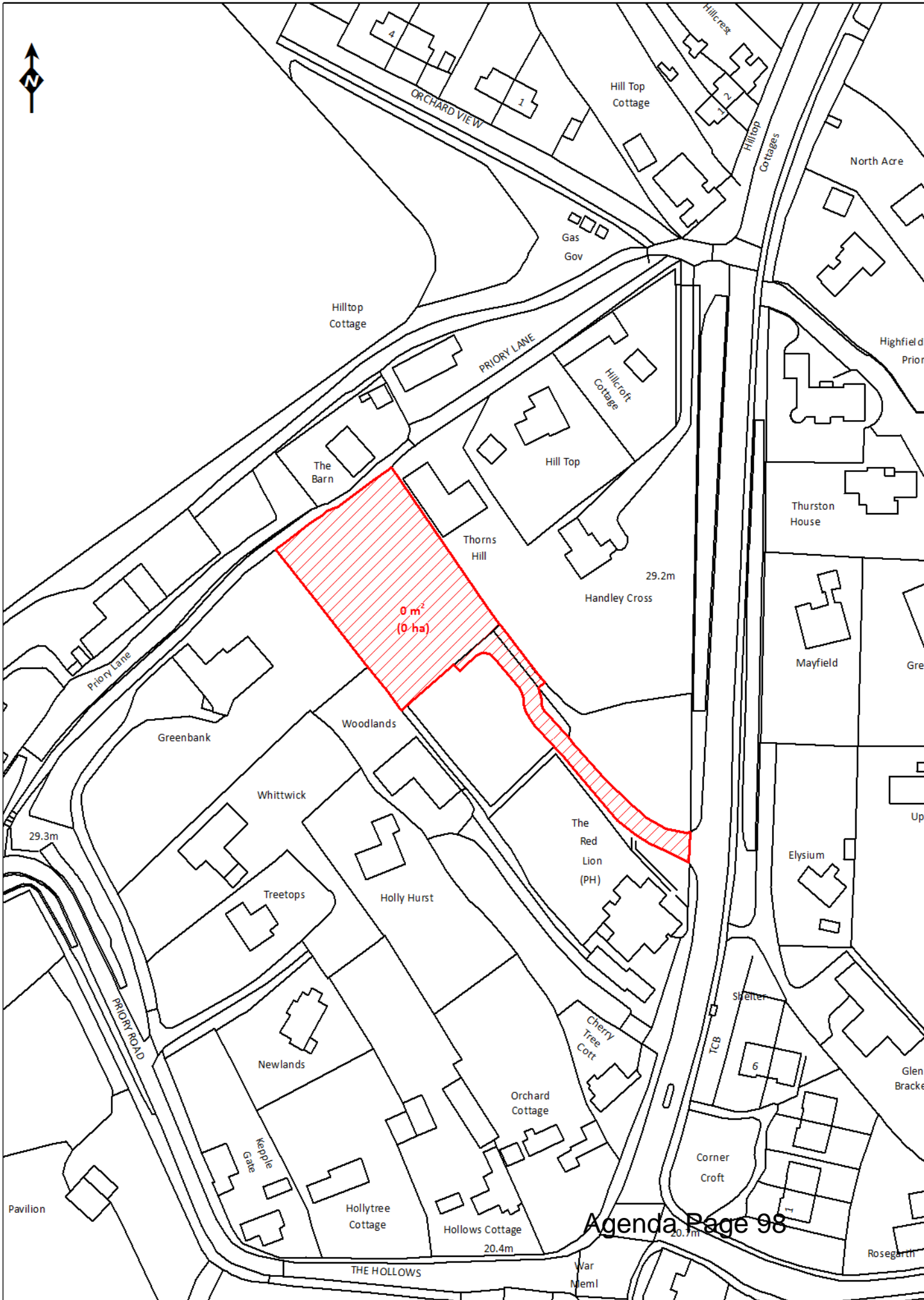
Application case file.

For further information, please contact 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 - 18/01907/FUL



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01357/FUL		
Proposal:	Householder application for two-storey extension to side of existing dwelling and the formation of a new vehicle/pedestrian access along Main Street with the hardsurfacing of the forecourt		
Location:	Acacia Villas, 7 Main Street, Gunthorpe, Nottinghamshire, NG14 7EY		
Applicant:	Mr & Mrs Haynes		
Registered:	4th September 2018	Target Date: 30th October 2018	
		Extension of time agreed: 5th December 2018	

The application is reported to Committee at the request of the local Ward Member (Cllr Jackson) for the following reasons:

- The extension would improve the look of the existing property and also enhance the surrounding area and;
- Any overlooking issues could be resolved through relocating windows or obscure glazing.

The Site

The application site comprises a two-storey detached dwelling located within the main built up part of the village. The dwelling is set within an area of mixed dwelling types, sizes and designs and benefits from a large side garden and a smaller rear garden. Off-street parking is available within the site. A detached single garage is sited to the rear.

The site is bounded by residential dwellings to the north, west and south of the site with the highway to the east. The boundaries with the surrounding dwellings are treated with fencing approximately 2m in height with the highway remaining open adjacent to a low brick wall.

The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Risk Maps.

Relevant Planning History

No planning history.

The Proposal

The application seeks consent for the erection of a two-storey extension to the northern side elevation which would include a double-pile extension forward (eastwards) of the existing side element to the dwelling which steps down. The extension would measure 8.6m in width, 7.2m in

length and between 8.1m and 7.4m in ridge height. An internal chimney stack is proposed to the northern elevation of the extension.

In addition to the above the application also proposes an extension which would sit forward of the existing main extension and forward of the principal elevation of the host dwelling. This extension would create a glazed gable feature and measure 1.5m in depth, 2.8m in width and 7.8m in ridge height. It is proposed that the extensions would be rendered with a slate roof.

The application also seeks to create a new access to the site from the highway along with new hardstanding in the driveway. Two meter high fencing is also proposed to the side of the dwelling with gates to provide a boat store.

Submitted Documents

The following plans and documents accompany the application:

- Site Location Plan – 18/005-LOCN
- Proposed Site Plan (received 25th October 2018)
- Proposed Extensions and Alterations – 18/005-P01
- Flood Risk Assessment (received 4th September 2018)

Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Policies relevant to this application:

- Core Policy 9: Sustainable design

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

- Policy DM5: Design
- Policy DM6: Householder Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

Householder Development SPD 2014

Consultations

Gunthorpe Parish Council – No comments received

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

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

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

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

If you require any further information please do not hesitate to contact the Board's Operation's Manager, Mat Everett.

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

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

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

A letter of representation has been received raising the following points,

- The property overlooks neighbouring properties and the addition of a further 3 upstairs windows could have an impact upon the surrounding properties;
- The distance from the western boundary line to the rear elevation of the new extension on the site plan scale 1/200 shows 10.75m. Is this correct, as it looks like it could be an over-estimation of the distance?

Comments of the Business Manager

Principle of Development

Policy DM6 accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

Impact upon Character of Area

Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Furthermore, the NPPF states that good design is a key aspect of sustainable development

The proposed extension is of a considerable scale and would substantially alter the appearance of the dwelling within the street scene. However given that Main Street comprises various different house types, I am of the view that proposed extensions would not have an adverse impact upon the character of the area and would not unbalance the street scene. Further to this, the large side garden is considered capable of accommodating extensions of this scale without resulting in the overdevelopment of the plot.

In terms of the impact upon the house itself, I am mindful that the footprint of the proposed side extension is only 1.2m narrower in width than the existing footprint of host dwelling. However I am of the view that as the ridge lines of the proposed extension would be stepped down, this element of proposed development would result in a subservient addition to the dwelling that would be read as an extension and help break up the mass of the building, which is supported by Policy DM6 of the DPD. The proposed glazed gable extension would also break up the massing on the principal elevation.

The proposed new access from Main Street in to the site would not, in my view, be detrimental to the character of the area as there are many dropped kerbs and entrances along Main Street. I am less comfortable with the proposed close boarded fence and gates to create the boat store, however I am mindful that this part of the development could be considered under permitted development and therefore I would not consider it reasonable for the LPA to object to this element of the proposal.

Given the above, I consider the proposal to be acceptable in design terms in accordance with the NPPF and Policies DM5 and DM6 of the DPD.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact.

The site is bounded by dwellings on its northern and western boundaries, both of which would overlook the proposed extensions. The closest neighbour lies to the north, 5 Main Street, whose side elevation overlooks the site. There are 2no. windows on the side elevation of this neighbouring property, which based upon the layout of other properties adjacent, appear to serve the bathroom. This side elevation would be located 3.5m from the proposed extension. Whilst the windows are obscurely glazed, I would consider the proposal likely to have an impact in terms of overshadowing and although there is limited outlook from these windows, there would be an element of overbearing; I would ordinarily therefore look for this extension to be reduced to allow for a greater distance between the properties. However the applicants have been made aware of the issues but no changes have been forthcoming. Windows on this northern elevation are proposed to serve en-suite bathrooms and therefore should Members be minded to approve the application, I would recommend that these windows are conditioned to be obscurely glazed for the lifetime of the development to protect the privacy of the neighbouring property.

In terms of the other adjacent property, 2 Hobson's Acre, this dwelling sits perpendicular to Acacia Villas and is located approximately 9m from the rear corner of Acacia Villas, although on site the dwellings appear visually much closer owing to the angles at which the dwellings are set. Having viewed the site from the first floor windows of this neighbouring property, I am concerned that the proposal would have a significant overbearing impact upon this neighbour by way of a 'penned-in' feeling due to the existing layout of development within the vicinity. I appreciate that this is not the fault of the owners of Acacia Villas and that 2 Hobson's Acre has been closed in by development for a considerable length of time, however this does not mean that further two-storey development is acceptable where it would further exacerbate the issue. Members should also note that whilst the site plan submitted with the application states there would be a distance of 13.75m between the boundary and the proposed extension, using the maps available to the LPA, this distance is actually around 11m, with the rear corner of 2 Hobson's Acre lying approximately 10.3m from the northern end of the proposed extension.

Notwithstanding the issues relating to overbearing and overshadowing issues above, 3 additional windows are proposed on the western elevation, 2 of which would serve a bedroom and 1 serving a bathroom. These windows would offer significant visibility in to 2 Hobson's Acre and likewise the existing windows serving this neighbour would have clear visibility into the proposed windows on Acacia Villas. I accept that the bathroom window could be obscurely glazed however I do not consider it reasonable for the bedroom windows to be obscurely glazed and development should be designed so as to avoid this. Whilst the current owners could be agreeable to this, it is unlikely that future occupiers would wish for the windows to be obscurely glazed and it is the LPA's role to ensure that the development is suitable for future occupiers of the site as well as the current occupiers. Given the room layout of Acacia Villas and the layout of the site, it is not possible to place clear windows on any other elevation to serve this bedroom. Relocating the window to the

northern elevation would result in unacceptable overlooking upon 5 Main Street for the reasons highlighted in earlier paragraphs.

Given the assessment above, I am of the view that the proposal would be detrimental to amenities of the neighbouring properties and therefore would be contrary to Policy DM6 of the DPD.

Impact upon Flood Risk

The site lies within flood zones 2 and 3 of the Environment Agency Flood Maps. Core Policy 9 expects development proposal to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk.

The applicant has provided a statement to confirm the following flood risk measures would be undertaken as part of the development,

- Flood boards or similar to prevent flood water entering the building
- Raise electrical sockets at least 400mm above ground floor level
- Raise fixed electrical appliances at least 400mm above ground floor level
- Flood resilient materials used within 1m of ground floor level.

The applicant has also stated that the proposed extension floor level would reference the adjacent dwelling (5 Main Street) rather than the host dwelling as this is of more recent construction; the floor levels of the host property are significantly higher and would not enable a split floor design that is proposed. Whilst it would be preferred that the floor levels match the host dwelling, I accept that the floor levels of the neighbouring dwelling in this instance is acceptable given that this dwelling was constructed c.1995 when flood risk would have been taken in to account.

Overall, the proposed development would not result in any material increased risk of flooding in accordance with Core Policy 10 and Policy DM5 of the DPD.

Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access and appropriate parking provision.

The provision of a dropped kerb in the location proposed would not require planning permission in its own right as Main Street is not a classified road. However it should be noted by the applicant that the works should be carried out to the specifications of NCC Highways. The proposed hardstanding is proposed to be bound gravel of an area greater than 5m² forward of the principal elevation. This would require planning permission if the drainage is not to a permeable/porous surface within the site. At this stage no details of that have been submitted and the applicant is aware that this would therefore need to be conditioned for the details to be agreed by the LPA in

the event of an approval. Subject to appropriate drainage, I consider these proposals to be acceptable from a highway perspective.

Planning Balance and Conclusion

The proposal is for the erection of a two-storey front and side extensions to the dwelling, along with a new access to the site, hardstanding and a boat store.

In terms of its design, it is concluded that the development proposal, whilst quite substantial in scale in comparison with the existing dwelling, is unlikely to have an adverse impact upon the appearance of the host dwelling or the wider character of the area. Impact upon highway safety and flood risk are also considered to be acceptable.

Notwithstanding the above, the proposal is considered likely to have a significant adverse impact upon the amenities of the surrounding properties in terms of overlooking, overshadowing and overbearing impacts, with the neighbour at 2 Hobson's Acre most likely to be impacted by the proposed development. Issues relating to overlooking have been discussed in the assessment above and whilst some issues could be overcome through obscure glazing, it is not considered appropriate to require bedroom windows to be obscurely glazed and the use of clear glazing is considered to result in significant overlooking impact on 2 Hobson's Acre.

Further to this, the addition of a two storey extension in such close proximity to the private amenity space serving 2 Hobsons Acre is considered to result in a material overbearing and overshadowing impact over and above the existing situation. Whilst it is acknowledged that the developer cannot control the existing built form surrounding the site, I am of the opinion that this does not set a precedent for further development that would worsen the overbearing situation this neighbour currently experiences. Moreover, it is considered the significant bulk of the proposed extension and proximity to the side elevation of 5 Main Street, which contains 2 No. windows would result in a material overbearing and impact on the residential amenity of this property. These issues are considered contrary to the aims of Policy DM6 of the DPD.

It is therefore my conclusion that the proposal does not accord with both local and national policy and is therefore recommended for refusal to Members.

Recommendation

That full planning permission is refused for the following reason;

01

In the opinion of the Local Planning Authority the proposal would result in an unacceptable impact upon the neighbouring properties 2 Hobson's Acre and 5 Main Street to the north and west of the application site through overlooking, overshadowing and overbearing impacts due to the siting, scale and design of the proposed extension. The development would also result in a loss of privacy to the rear of the property for the occupiers of Acacia Villas as a result of window locations within

the existing dwelling and proposed extension. The proposal is therefore contrary to the aims of Policy DM6 of the Allocations and Development Management Development Plan Document (2013).

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb

Business Manager – Growth & Regeneration



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01795/FUL
Proposal:	Erection of a pair of semi-detached houses
Location:	Land Adjacent 1 Oak Avenue And 10 Sycamore Road, Ollerton, Nottinghamshire
Applicant:	Mr Brian Rolfe & Brian Ketcheli
Registered:	26.09.2018 Target Date: 21.11.2018
	Extension of time agreed until 07.12.2018

This application is being referred to the Planning Committee for determination because the Parish Council comments (support) are contrary to Planning Officer recommendation (refuse).

The Site

The site is located within the Urban Boundary of Ollerton, which is identified by the Newark and Sherwood Core Strategy (CS) as a Service Centre within the Sherwood area.

The site forms the side garden area of no. 1 Oak Avenue and the side / rear garden area of no. 10 Sycamore Road. The eastern part of the site is still in use as garden land for no. 1 Oak Avenue whereas the western part of the site has already been fenced off from no. 10 Sycamore Road. It now appears as a vacant parcel of land.

The site measures approx. 238 sqm, it has a width of approx. 14 metres and a depth between approx. 18 and 16 metres.

The site is relatively flat and is grassed. There is a hedgerow along part of the front boundary with the other part of the front boundary being open. Side and rear boundary treatment consists of close boarded fencing between 1 and 2 metres in height.

Neighbouring properties are semi-detached residential properties and form part of the planned colliery village. Ollerton Colliery Village was built in the 1920s and was described at the time as one of the most interesting of the new colliery villages with an emphasis on a more spacious layout and a higher quality of living than previously planned colliery villages. It has a grid iron pattern repeated throughout the entire estate.

Relevant Planning History

None relevant.

The Proposal

Full planning permission is sought for the erection of a pair of semi-detached houses.

Each dwelling measures 8.45 metres in depth and 5.25 metres in width. The dwellings have a pitched roof with a side gable and measure 5.1 metres to the eaves and 8.2 metres to the ridge. Ground floor accommodation consists of a lounge, dining / kitchen, hall and WC. First floor accommodation consists of 3 no. bedrooms (1 double and 2 singles) and a bathroom.

The dwellings are set back from the back edge of the highway by 5 metres, meaning that they project marginally further forward than the front elevation of no. 1 Oak Avenue. 1 no. parking space is proposed to the front of plot 1 and the side of plot 2 with 1 no. parking space proposed to the front of 1 Oak Avenue and 1 no. parking space proposed to the side of 10 Sycamore Road. The application includes the construction of 4 dropped kerb crossings to enable these off street parking arrangements. There is 1.1 metre between the side elevation of dwelling 1 and its side boundary and 2.7 metres between the side elevation of dwelling 2 and its side boundary.

With regards to private amenity space to the rear of the proposed dwellings, this measures between 4.7 and 2.6 metres in depth. Plot 1 has a rear private amenity area of approx. 27 square metres and plot 2 approx. 24.5 square metres.

The plans under consideration are:-

Site Location Plan, received 25th September 2018

Block Plan, Drawing No. 986-2, received 25th September 2018

Floorplans and Elevation, Drawing No. 986-1, received 25th September 2018

Departure/Public Advertisement Procedure

Occupiers of three properties have been individually notified by letter.

Planning Policy Framework

Neighbourhood Plan – not applicable for Ollerton

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 14 Historic Environment

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 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
- Publication Core Strategy
- The Housing Market and Needs Assessment Sub Area Report (2014)

Consultations

Ollerton Town Council – Support proposal.

NSDC Conservation Officer – provided verbal advice regarding the importance of the planned colliery village and the fact that the colliery village as a whole could be viewed as a non-designated heritage asset.

NSDC Access Officer –

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

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed ‘step-free’ approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and maneuver are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

NCC Highways Authority – No objection.

“This proposal is for the construction of two semi-detached dwellings. The application includes the construction of 4 dropped kerb crossings to enable off street parking for 1 Oak Avenue, 10 Sycamore Road and for the 2 new dwellings. The dropped kerb crossing for 10 Sycamore Road is not clearly demonstrated on the site plan but is expected to be single vehicle width. An existing dropped kerb between the two existing dwellings is required to be reinstated to full kerb.

Therefore, there are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until 4 dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority’s specification. Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the existing dropped kerb access that is not required as part of this consent is permanently closed and the access crossing reinstated as footway in accordance with the Highway Authority’s specification. Reason: In the interests of highway safety.

Notes to applicant

The development makes it necessary to construct 4 vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

The minor access reinstatement works referred to in condition 2 above involves work on the highway and as such requires the consent of the Highway Authority. Please contact 0300 500 8080 to arrange for these works to be carried out.”

Archaeology Officer – *“No archaeological input required.”*

Two letters of objection have been received by one local residents/interested parties. Concerns are;-

- There is an error with the names quoted on the application forms
- Loss of privacy of rear garden area caused by overlooking from the proposed rear windows
- Unless the houses are constructed in red brick they will severely contrast with the surrounding houses.

Comments of the Business Manager

Principle

Ollerton is identified as a Service Centre within the Sherwood area. Development within the Urban Boundary of Service Centre’s is considered acceptable through polices SP1 and SP2 of the CS and Policy DM1 of the ADMDPD which states that;-

“Within the Urban Boundaries of the Sub-Regional Centre and Service Centre’s and the Village Envelopes of the Principal Villages, as defined on the Policies Map, proposals will be supported for

housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.”

The principle of the proposal is therefore acceptable, subject to it complying with other relevant planning policy.

Impact on Residential Amenity

Policy DM5 seeks to secure adequate amenity provision for both neighbouring residents and proposed occupiers. This includes ensuring developments deliver sufficient separation distances which do not lead to unacceptable reductions in terms of overbearing, loss of light or privacy.

Dealing firstly with the available amenity for the proposed occupiers, it is Officers submission that the proposed dwellings would have insufficient private amenity space. Plot 1 would have a private amenity space of approx. 27 square metres measuring between 4.7 and 3.7 metres in depth. Plot 2 would have a private amenity space of approx. 24.5 square metres measuring between 3.7 and 3 metres in depth. The modest length of these areas is not considered to be commensurate with a three bedroom dwelling and would lead the occupiers towards a cramped external experience.

Furthermore, this proposal would significantly reduce the private amenity space for no. 10 Sycamore Road. The submitted plans show no. 10 Sycamore Road to have a rear private amenity area of approx. 21.5 square metres. A recent site visit showed that the site was already fenced off from no. 10 Sycamore Road and therefore at the time of assessing this planning application, their rear garden area was already reduced to this size. However, the Council's historic aerial photos show that in 2016 no. 10 Sycamore Road had a private rear garden area of approx. 97 square metres, measuring approx. 18 metres in depth as well as a sizeable side garden area too.

This issue of insufficient private amenity areas is exacerbated by the fact that all three of the dwellings referred to above are capable of housing a family within their three bedrooms.

There are no set figures within relevant planning policies for minimum garden depth. However, from professional experience Officers would expect minimum rear garden depths in this area to be around 10 metres, depending on each individual site and its surroundings. All neighbouring properties have much deeper garden areas. For example, the adjacent property, no. 1 Oak Avenue, has a rear garden depth of 24 metres.

The small plot and short rear garden depths also means that the rear elevations of the proposed new dwellings, containing main aspect windows at both ground and first floor level are between 3.15 and 4.4 metres from the rear boundary bordering the neighbouring property's (no. 12) rear garden area. The ground floor windows could be screened by boundary treatment, however, I consider that the first floor bedroom windows (4 bedrooms in total) will directly overlook this neighbouring garden area. These windows face the neighbour's rear garden area and therefore would cause direct overlooking. I acknowledge that the rear most part of the garden area can be the least used as it is furthest away from the dwelling (although policy does not specify this). However, given the direct nature of the overlooking, the extent of the overlooking (4 separate bedroom windows) and the extremely short separation distances (between 3.15 and 4.4 metres), I consider this to be unacceptable.

Due to the angle between the proposed new dwellings and this neighbouring building itself (no.

12), I do not consider that these rear bedroom windows would directly overlook the rear windows of the neighbouring building. No main aspect windows are proposed to the side elevation of either dwelling. There are therefore no unacceptable overlooking issues onto either 1 Oak Avenue or 10 Sycamore Road. Due to separation distances and the intervening highway, there are no unacceptable overlooking issues onto the properties to the front of the site.

The proposal does not cause unacceptable massing / overshadowing or overbearing issues onto neighbouring properties. As stated above, the proposal is within 3.15 metres of the rear garden area of no. 12 Sycamore Road. However, the proposal is located directly to the north of their garden area and therefore will not cause unacceptable overshadowing issues onto this property. The proposal does not project significantly further forward or rearwards than the front and rear elevations of the two side neighbouring properties and therefore does not cause unacceptable massing / overshadowing issues onto the main aspect windows on their front and rear elevations. Neither of these two side neighbouring properties has first floor main aspect windows facing the site that could be overshadowed by the proposal. Due to separation distances and the intervening highway, there are no unacceptable massing / overshadowing issues onto the properties to the front of the site. I consider separation distances between the proposed dwellings and all existing windows to be sufficient so as to not cause unacceptable overbearing issues.

For the reasons stated above, I consider that the proposal would result in the 2 new plots as well as one of the existing plots being served by substandard private amenity space. I can see no justification for this substandard amenity space. The proposal will also cause direct unacceptable overlooking issues onto the rear garden of the neighbouring property. The proposal is therefore contrary to Policy DM5 which states that proposals resulting in the loss of amenity space will require justification and that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Impact on Visual Amenity

Policies DM5 and CP9 state that development should achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments. Policies CP14 and DM9 seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Ollerton Colliery Village was built in the 1920s and was described at the time as one of the most interesting of the new colliery villages with an emphasis on a more spacious layout and a higher quality of living than previously planned colliery villages. It has a grid iron pattern repeated throughout the whole of the estate. Dwellings are all semi-detached, 2-storey, double bay, red bricked dwellings with open frontages and spacious plots. Whilst not formally designated, the site does have some heritage value and I consider the colliery village as a whole to be a non-designated heritage asset.

All neighbouring dwellings on this estate are relatively uniform in style. They are typically 1920s traditional, semi-detached, 2-storey, double bay, red bricked dwellings (although some have been altered with the addition of render). The proposed dwellings are not considered to be in keeping with neighbouring properties. They are single bay and incorporate modern features such as bay windows with canopies over. Proposed window openings are wider but not as tall as neighbouring properties. As such, it is considered that the proposal will not be in keeping with surrounding

properties. This situation is exacerbated by the uniform style of dwellings on the whole estate and the fact that the proposal is on a prominent corner location.

Moreover, the proposal would appear excessively cramped and overly occupied by built form when compared to the established character of the area which features long rear gardens and greater separation distances between the side elevations of the semi-detached pairs. Due to the grid iron pattern of the planned colliery village, any development on this site would set a precedent for further residential development on most of the street corners of the estate. This would erode the original open nature of the planned village and would cumulatively be harmful to the layout and character of the planned village.

The proposed layout is considered to be car parking dominated. The submitted block plan shows that the parking area to plot 1 is to the front of the plot, taking up the majority of the front amenity area. As the proposal results in the loss of side garden area serving no. 1 Oak Avenue, any parking serving this property would also have to be to the front of the plot and this is also shown on the submitted block plan. This is out of keeping with the character of the area where the majority of the dwellings have shared side driveways with parking to the side / rear. Front plots are relatively open in nature and most are lawned.

For the reasons stated above, it is considered that the proposal is out of keeping with the character of the surrounding area and is contrary to policies DM5, DM9, CP9 and CP14.

Highway Safety

Policy DM5 states that;-

“Provision should be made for safe and inclusive access to new development.”

The application includes the construction of 4 dropped kerb crossings to enable off street parking for 1 Oak Avenue, 10 Sycamore Road and for the 2 new dwellings. 1 no. parking space is proposed for both the existing and new dwellings. This is to the front of the site for no. 1 Oak Avenue and new plot 1 and to the side of the site for new plot 1 and no. 10 Sycamore Road.

The Highway Authority has assessed the proposal and raised no objection. I see no reason to disagree with the Highway Officer comments listed in full above. Therefore, for the reasons stated above, I consider that the proposed access and parking details are acceptable and comply with SP7, CP9 and DM5.

Conclusion

The principle of further residential development at this site is acceptable, subject to it complying with other relevant planning policy. The proposal does not have a significant detrimental impact on highway safety.

However, the proposal results in both the 2 no. proposed dwellings and 1 of the existing dwellings (no. 10 Sycamore Road) being served by insufficient private amenity space. The proposal also causes unacceptable direct issues of overlooking onto the rear garden area of the neighbouring property to the rear of the site. The design and layout of the proposal is car parking dominated and out of keeping with neighbouring properties and, if approved, would set a precedent for

further residential development on most of the street corners of this estate in an overly cramped nature.

For the reasons stated above I consider that the proposal is contrary to policies DM5, DM9, CP9 and CP14. Accordingly, it is recommended that full planning permission should be refused for the reasons set out below.

RECOMMENDATION

That full planning permission is refused for the reasons set out below.

Reasons

01

In the opinion of the District Council, the proposed development would result in an unacceptable impact on residential amenity by virtue of both the proposed new dwellings and one of the existing dwellings (10 Sycamore Road) being served by insufficient private amenity space. The proposal would also result in an unacceptable and direct overlooking impact onto the rear garden area of the rear neighbouring property to the south (12 Sycamore Road). As such the proposal is contrary to Policy DM5 of the Allocations and Development Management Development Plan as well as the NPPF which forms a material planning consideration.

02

In the opinion of the District Council, the proposal would be out of keeping with its surroundings, by virtue of the car parking dominated layout in contrast to the open and green frontages of neighbouring plots. The elevation design of the proposed dwellings would be at odds with the uniform style of the neighbouring traditional, two-bay properties. Furthermore, any development on the site would create a cramped appearance which would set a precedent for further residential development on most of the street corners of the estate. This would erode the original open nature of the planned colliery village and would be cumulatively harmful to the layout and character of the planned village. As such the proposal is contrary to Policies DM5 and DM9 of the Allocations and Development Management Development Plan Document and Core Policies 9 and 14 of the Core Strategy.

BACKGROUND PAPERS

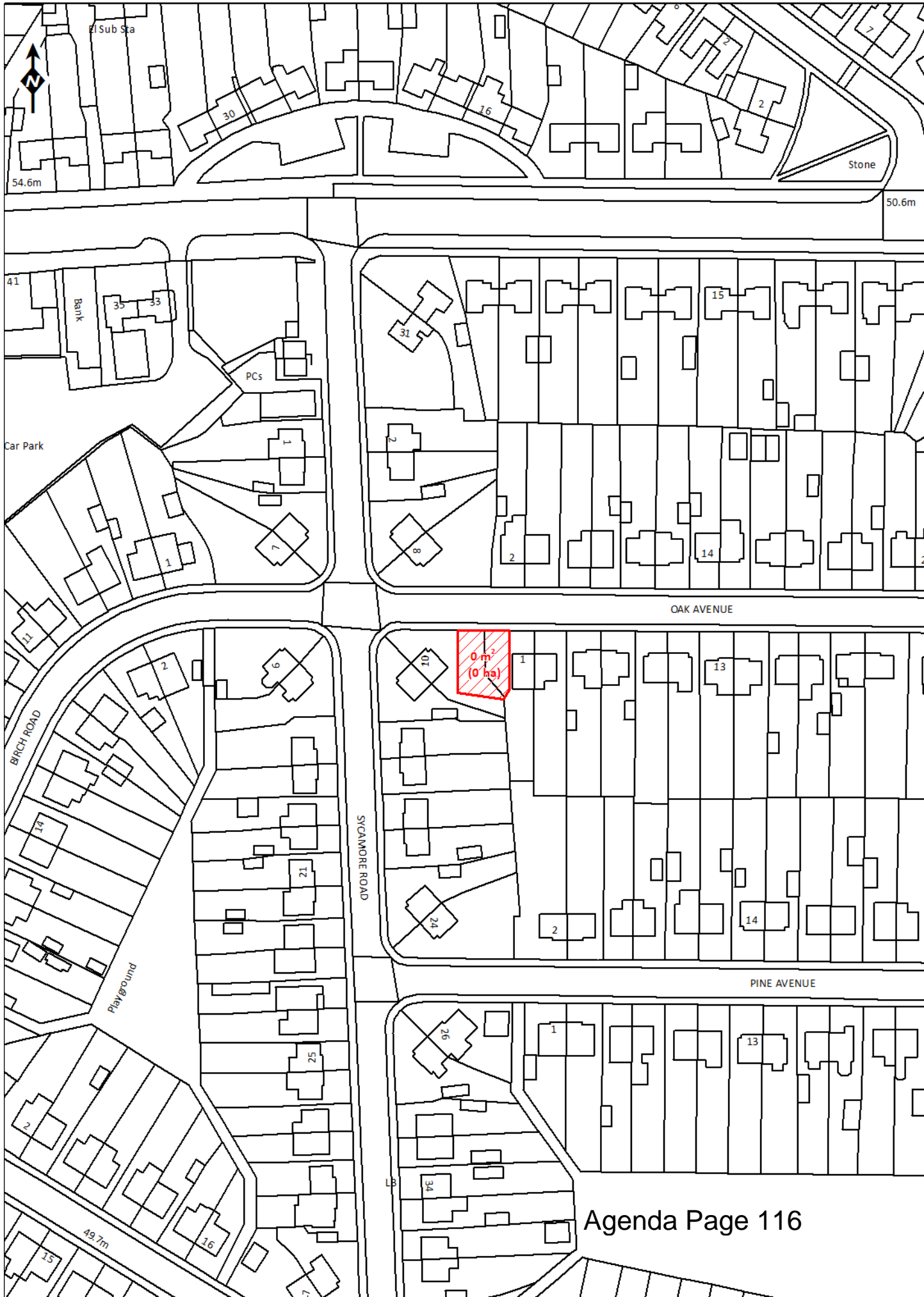
Application case file.

For further information, please contact Claire Turton on ext 5893.

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

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 18/01795/FUL



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01499/FULM		
Proposal:	Proposed Extra-Care residential development for the elderly, consisting of 30 one bedroom flats, 10 two bedroom bungalows and associated shared facilities.		
Location:	Land At Main Road, Boughton Nottinghamshire		
Applicant:	Ms L Fitzpatrick		
Registered:	08.08.2018	Target Date:	07.11.2018
	Agreed Extension of Time: 07.12.2018		

This application is being referred to the Planning Committee for determination as the site is owned by the District Council.

The Site

The application site relates to a plot of land just over a hectare in extent with the urban boundary for Ollerton and Boughton. The site is positioned to the south east of Main Road albeit there are numerous accesses (currently solely pedestrian accesses) to the site owing to a network of informal public footpaths which cross the site. These include an access from the end of the cul-de-sac at Newlands Avenue.

Development surrounding the site is varied in nature. It includes residential bungalows (owned by NSDC) at Hollies Close fronting Main Street; assisted living bungalows at Cherry Tree Close to the north; two storey residential properties and a Care Home on Newlands Avenue to the north east; St Joseph's Primary School to the south; Bishops Court assisted living to the west; and other uses such as allotment gardens to the south east. This allotments and the play fields associated with the school are identified as public open space / school playing fields protected by the Proposals Map for Ollerton and Boughton.

There are significant variations in land levels across the site with an undulating topography across the paths. This is described by the submitted Design and Access Statement as a variation in level of approximately 2m across the site (albeit not in a consistent fall in one direction). The site is characterized by low level shrubbery and dispersed tree specimens with denser landscaping at parts of the site including adjacent to the northern boundary shared with Cherry Tree Close. There is an overhead power line which crosses the site at a diagonal transects from the northern corner to the south eastern boundary of the site.

Boundaries to the site include the aforementioned landscaping but also fenced boundary treatments of close boarded timber as well as security railings bounding the primary school to the south.

The site is within Flood Zone 1 according to the Environment Agency maps. The southern portion of the site is however at risk of surface water flooding. The site also falls within the SSSI Risk Zone for the Wellow Park SSSI.

Relevant Planning History

There is no formal planning history in relation to the site albeit the application has sought pre-application advice prior to the submission of the application.

The Proposal

The proposal seeks full planning permission for a comprehensive extra care development which would be delivered through a detached building with 30 one bedroom flats and four detached buildings which together would comprise 10 two bedroom bungalows. The following scales and sizes have been summarized from the submitted Design and Access Statement (it should be noted that the main building would have a greater maximum height of around 8.6m due to the lift shaft):

	<i>Height (m)</i>	<i>Length (m)</i>	<i>Depth (m)</i>	<i>Footprint (m²)</i>
<i>Main Building</i>	6.9	98	35	1,586
<i>Bungalow Block A</i>	5.2	33	9	226
<i>Bungalow Block B</i>	5.2	22	9	151
<i>Bungalow Block C</i>	5.2	19	12.5	157
<i>Bungalow Block D</i>	5.2	32.5	12.5	227
Total				2,347 m²

The development would be operated by Newark and Sherwood Homes on behalf of the District and County Councils. The majority of the tenants would live independently but some may require a greater degree of care and therefore the main building has been designed to cater for carer facilities. The facilities in the main building, including lounges and dining areas; a health and beauty room; hobbies room; and cinema room, will be shared by the residents of both the one bed flats within the main building as well as the occupiers of the two bed bungalows. There would also be associated outdoor space including a secured garden to the north of the main building against the northern boundary of the site. There would also be courtyard areas to the west of the principle elevation of the main building.

Parking provision would be delivered throughout the site with the largest area of parking in the north eastern area of the site access from Newland Avenue. The total number of spaces proposed would be 35 spaces calculated on the basis of 50% residents parking and 16 spaces for staff and visitors. There would be charging bays for mobility scooters (up to 20 scooters, 10 of which would be within the curtilage of the proposed bungalows).

The main building would be two storeys in height with the separate bungalows being single storey. The external finish of the buildings is proposed as predominantly brickwork but with feature panellings of timber. The main building has been designed with a flat roof and the bungalows with pitched roofs. Boundary treatments proposed include close boarded fencing and landscaping.

The appraisal below is based on assessment of the following plans:

- Site Location Plan and Topographical Survey – 443-A-S003 Rev. B (received 18th October 2018)

- Proposed Site Plan – 443-A-S001 Rev. F (received 18th October 2018)
- Site Sections – 443-A-S004 Rev. D
- Proposed Conceptual Views – 443-A-S002 Rev. C
- Bin Collection Point Details – 443-A-S005
- General Arrangement Plans as Proposed – 443-A-001 Rev. E
- Elevations as Proposed – Sheet 1 – 443-A-002
- Block (A) General Arrangement Plans and Elevations – 443-A-A001 Rev. A
- Block (B) General Arrangement Plans and Elevations – 443-A-B001 Rev. A
- Block (C) General Arrangement Plans and Elevations – 443-A-C001 Rev. A
- Block (D) General Arrangement Plans and Elevations – 443-A-D001 Rev. A
- Preliminary Drainage Strategy – C2858 SK01 (received 18th October 2018)
- Extract of Site Plan to Show Visibility Splay – 443-A-S007 (received 23rd October 2018)

The application submission has also been accompanied by the following documents:

- Design and Access Statement;
- Arboricultural Report and Impact Assessment;
- Preliminary Ecological Appraisal (revised version received and dated 6th November 2018);
- Flood Risk Assessment;
- Additional Supporting email received 18th October 2018;
- Statement reference Boughton Extra Care Village Elderly Users and Contributions Exception received 5th November 2018;
- Reptile Survey Report dated 17th October 2018 (received 6th November 2018).

Departure/Public Advertisement Procedure

Occupiers of 119 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. A revised period of re-consultation has also been undertaken on the details and revised plans received during the life of the application.

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
 Spatial Policy 9: Selecting Appropriate Sites for Allocation
 Core Policy 1: Affordable Housing Provision
 Core Policy 3: Housing Mix, Type and Density
 Core Policy 6: Shaping our Employment Profile
 Core Policy 9: Sustainable Design
 Core Policy 10: Climate Change
 Core Policy 12: Biodiversity and Green Infrastructure
 Core Policy 13: Landscape Character

ShAP2: Role of Ollerton and Boughton

Allocations & Development Management DPD

Policy OB/Ho/2: Ollerton & Boughton – Housing Site 2

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy

Policy DM2: Development on Allocated Sites

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy
- Developer Contributions Supplementary Planning Guidance

Consultations

Ollerton and Boughton Town Council – *Comments received 31st October 2018:*

Support application subject to clarification that the development will not be sited on Town Council land as the site plan is inconclusive.

Original comments received 30th August 2018:

Support the proposal subject to clarification of the attached reservations:

- What is the definition of ‘elderly’ within this application?
- If the proposed development is not classed as a care home, what medical support will be provided for the residents?
- What safeguards are in place to deal with the higher volume of traffic onto Main Road, Boughton?
- What are the safety regulations governing building in the close proximity to electrical pylons?
- Has provision of an additional bus service been considered for this area?
- Confirmation required that a tree assessment has been/will be undertaken.
- Adequate parking provision for visitors on site in addition to that proposed for residents.

NSDC Environmental Health (noise) – No comments to make.

NSDC Environmental Health (contaminated land) – No Observations.

NSDC Strategic Housing – The Council’s Strategic Housing Business Unit fully supports the proposal to develop an extra care affordable housing scheme for older people. The proposed scheme, to be owned by the District Council, will contribute to the wider strategic priorities of the Council and fully accords with the evidenced housing need for supported accommodation

identified in the DCA Housing Needs, Market and Affordability Assessment 2014 (DCA) and Strategic Housing Market Assessment (2015). Set against this evidence base the proposal will contribute significantly in addressing the current and future growth in older people and frail older households in the district.

Appendix A details the housing need for the Ollerton and Boughton local area.

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

NSDC Archeology – No archaeological input required.

NSDC Tree Officer – *Additional comments received 14th November 2018:*

As there appears to be full assessment of all vegetation some of which is preferable to retain as boundary screening I would suggest conditions as below:

1. No trees that are being shown as being retained on the approved plan shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the District Planning Authority.
2. If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the District Planning Authority.
3. If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the District Planning Authority.
4. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
 - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection and associated ground protection within the root protection areas

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

5. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

6. Prohibited activities

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

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

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

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

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

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

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

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

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

7. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

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

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

Additional comments received 23rd October 2018:

My previous request for a full survey/constraints plan on all trees on/adjacent to site in accordance with BS5837-2012 Recommendations has still not been fulfilled.

Without these details it is not possible to assess any impact of the layout and associated construction activities on retained trees which may become adversely affected resulting in tree decline or death or trees with compromised root structures that may be prone to failure.

Given the proposed end use of the site these issues should be a priority consideration for the long term retention of trees with a safe useful life expectancy.

It is not feasible to condition a tree survey post approval of a layout. A tree protection scheme could be a pre commencement condition but without the information that a full survey would provide neither the Local Authority or the Developer are in a position to evaluate the requirement for or the extent of any such scheme.

Original comments received 22nd August 2018:

Although a tree survey has been submitted to support this application it is unclear which specific trees are to be retained as the proposed layout indicating tree positions does not match trees positions on the survey.

However, the majority of trees on site are of low quality and unlikely to be suitable for retention so I would not object to this proposal.

Any permission should consider conditioning protection details for all retained green infrastructure.

A robust soft landscaping scheme that includes a diverse range of tree/shrubs etc with tolerance to predicted climate change and invasive pests and diseases should be a consideration of any approved soft landscaping scheme which can also be conditioned.

Recommended conditions.

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

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3. Prohibited activities

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

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

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

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

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

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

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

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

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

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

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

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

NCC Highways Authority – Revised comments received 2nd November 2018:

Further to comments dated 11 September 2018, drawing 443-A-S007 has been submitted showing the required visibility splays. Whilst these splays are acceptable to the Highway Authority, it should be pointed out that it will mean the heavy cutting back and removal of parts of the existing boundary hedge/tree line in order to achieve them.

No objections are raised subject to the following conditions:

The private accesses shall be laid out to a width of not less than 4.8 metres for at least 15 metres back from the nearside edge of carriageway, and shall provide for vehicle parking and turning areas in accordance with the approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

No part of the development hereby permitted shall be brought into use until the accesses to the site have been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 443-A-S007 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

Note to Applicant:

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

Original comments dated 11th September 2018:

To be acceptable in detail, the access off Main Road will have to show and provide a visibility splay of 2.4m x 43m in both directions. The carriageway will need to be a minimum of 4.8m wide. It is assumed that the access road itself would remain privately maintained. It would be helpful if a plan could be produced confirming that these visibility splays can be achieved within land under the control of the applicant or part of the public highway. This is critical to whether or not the Highway Authority would object or not to the application. If safe splays can be achieved then no objections will be raised subject to conditions regarding the access construction and delivery.

The level of car parking for the scheme has been presented as 50% for residents i.e. 1 space per 2 units of accommodation, plus 16 spaces for staff and visitors (staff numbers = 8). This is commensurate with standards applied to sheltered housing and is therefore considered acceptable.

NCC Strategic Policy – I have consulted with my colleagues across relevant divisions of the County Council in respect of this application and have the following comments to make.

National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 17 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 203 points out that *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'*

Paragraph 204 states that planning policies should:

- 'safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);*

- set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place’.

In Nottinghamshire, minerals safeguarding and consultation areas are defined in the emerging Nottinghamshire Minerals Local Plan (Draft Plan Consultation 2018) and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 206 of the NPPF states that: *‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas where if it might constrain potential future use for mineral working’.*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *‘they have an important role in safeguarding minerals in 3 ways:*

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’

Transport

Section 9 of the NPPF addresses the issue of sustainable transport. The NPPF, in paragraph 111, requires all developments which will generate significant amounts of movement to provide a travel plan and the application for such a development to be *‘supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’.* It also states, in paragraph 108, that it should be ensured that *‘appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of location and its location’* and *‘any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree’.*

Education provision

Paragraph 94 of the NPPF states that:

‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

Healthy communities

Paragraph 91 of the NPPF points out that *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places whichenable and support healthy lifestyles, especially where this would address identified local health and well-being needs...'*

With regard to public rights of way, paragraph 98 states that they should be protected and enhanced, *'including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...'*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Highways

The County Council does not have any strategic highways comments to make in respect of this application.

Public Transport

The proposed access point appears to be from a new entrance onto Main Road. The nearest current bus stops are approximately 160 metres from the centre of the site on Main Road.

Bus Service Support

NCC has conducted an initial assessment of this site in the context of the local public transport network. Stagecoach service 15 operates hourly to Mansfield. In addition the 'Sherwood Arrow' operates 2 hourly to Tuxford, Retford and Nottingham. The County Council operates a funded service 334. This operates during the day between peak periods to Tuxford, where connections can be made with other services to Newark.

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

Community Transport

The local Community Transport provider, Door2Door social car scheme, operated by Newark & Sherwood CVS has 36 volunteer drivers using their own vehicles to provide nearly over 250 trips per month covering nearly 30,000 miles per year for 350 registered users. The scheme provides safe, affordable transport to meet the needs of people who experience difficulty in using /accessing transport due to age, disability, ill health, poor mobility or lack of suitable transport services. It enables people to live independently, participate in their community and access education, employment, health, shopping and other services. It also addresses isolation and loneliness, therefore improving quality of life by allowing people to remain independent and active.

Boughton is situated near to Ollerton, but residents of the proposed new extra care facility would require transport to access essential services and to help people integrate into the community and have an equitable access to an independent life. There are a variety of different groups and services on offer in the Ollerton area which potentially would be attractive to new residents, and which are not accessible on existing public transport services.

Newark & Sherwood CVS is operated on a non-profit making basis. A proposed mitigation to support sustainable access to the site is to provide a funding contribution towards the costs of managing, operating and promoting the scheme, recruitment and training of new volunteer drivers and extra back office staff hours to support journeys to and from the development.

The County Council requests a funding contribution of £5,000 to support the work of the Newark & Sherwood CVS Door2Door Scheme.

Infrastructure

Current Infrastructure

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

NS0014 Holles Close - Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NS0628 Holles Close - Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NCC would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £20,000. This will be used towards improvements to the above bus stops to promote sustainable travel.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays

including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops which are situated close to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (40 dwellings).

The provision of a community transport contribution will be used to provide access to the site for older people and people with a disability who are unable to use conventional public transport services. The contribution would be used towards the following:

- General running and management costs of the scheme,
- Marketing and promotion: publicity materials targeted towards new passengers and potential volunteers,
- Recruitment and training of volunteer drivers.

The specified funding contribution of £25,000 is necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. It is directly related to the development and fairly and reasonably related in scale and kind to the development.

Further information can be supplied through developer contact with Nottinghamshire County Council Transport & Travel Services.

Transport & Travel Services
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP
ptdc@nottscc.gov.uk
0115 977 4520

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to

the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

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

Ecology

Whilst the site is within a built-up area, aerial imagery indicate that it supports rough grassland and scrub, and as such may have the potential to support protected species. It is there therefore consider it advisable that the LPA require a Preliminary Ecological Appraisal (PEA) be carried out, prior to the determination of the application, to allow a proper assessment of potential impacts, and to identify any mitigation that may be required.

Notwithstanding the results of the PEA, the submission of a detailed landscaping scheme should be conditioned; this should seek to mitigate the loss of habitat by replacement planting using native species of tree and shrub, and areas of wildflower grassland and/or flowering lawn.

Adult Social Care

Nottinghamshire County Council has recently published a housing with care strategy which identifies the need for this type of development within the Ollerton area. NCC is already in discussions regarding nomination rights and the provision of a care service should the property be developed.

The strategy would support the development of this facility for people with social care needs to prevent the need for residential care in the future.

Youth Service

The local NCC Dukeries Youth Centre is located on main road Boughton at the bottom of the school site facing the St Joseph's school.

The County Council is concerned that with more bungalows developments for the elderly it will mean that there will be a need to be clear and fair to people moving into the new developments to understand the Youth Centre operating pattern and service users. There will be a minimum of 30 young people on average accessing each session which takes place on week day evenings and a weekend therefore residents will see young people hanging around the area during certain times and walking to and from the centre, the field is also used for sports.

We run yearly events from the centre for the local community and on these days there will be a great number of young people, low level noise from activities and agencies who support young people being present.

The County Council has been made aware of the possible housing development between the two housing sites on Hallam Road Estate and the Retford Road Estate. If this develop goes ahead the extra families moving into the area the volume of young people accessing our provision will increase. This maybe a worry for some venerable elderly as young people congregating around in large groups can seem intimidating. The age group using these facilities is aged 10 to 19 years.

Developer Contributions

Public Transport

The County Council requests a funding contribution of £5,000 to support the work of the Newark & Sherwood CVS Door2Door Scheme and contribution via a Section 106 agreement for Bus Stop Improvements to the value of £20,000. Further information regarding this request can be found in the public transport section of this response above.

As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

NCC Ecology – No comments received.

Nottinghamshire Wildlife Trust - No comments received.

NCC Flood – *Revised comments received 20th November 2018:*

No Objections subject to the following:

1. It is acknowledged that the detailed topographical information provided by the applicant shows the site to be outside of any area at risk of surface water flooding and as such mitigation to protect the development from existing surface water risk is not required. Points a-e inclusive must be adhered to and can form part of a pre-commencement condition.
 - a. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The

hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

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

c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

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

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

Original comments received 29th August 2018:

Object

2. The application acknowledges the risk of surface water flooding to part of the site yet does not provide sufficient information as to how this risk will be dealt with to ensure neither the new development nor surrounding areas will be put at risk of or at increased risk of flooding.
3. Any future submissions should provide evidence to show compliance with the following:
 - a. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
 - b. For greenfield areas, the maximum discharge should be the greenfield runoff rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without

flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.

c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

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

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

NCC Rights of Way – *Original comments received 30th August 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.

No public rights of way are recorded adjacent to or over the proposed development site. The absence of recorded public rights of way across the development site does not preclude unrecorded rights being proven to exist at a later date. In the Design Plan and the Design and Access Statement the applicants have acknowledged a number of well used unrecorded routes that cross the parcel of land and they have accommodated for them accordingly. However, whilst the route that accesses/exits the North West corner of the site from Main Road has been accommodated as a private pedestrian access to the proposed development, no provision has been made for public access.

The evidence of use on site suggests that the route in question is very well used. In not accommodating public access on this particular route the applicants face the potential risk of a claim for public rights to be acquired through usage. A claim could be triggered if public use is obstructed and it can be subsequently demonstrated by user evidence that the route has been used by members of the public for a minimum uninterrupted period of 20 years, in the belief that the use is public (without force, secrecy or the landowners permission). This could result in the route being legally recorded on the Definitive Map subsequent to development work commencing or being completed, which would require the claimed route, or a reasonable alternative (subject to an appropriate diversion order), to be made publicly available.

In order to mitigate this risk, the applicants are advised to seek to formally divert or extinguish all routes across the proposed development site, under the provisions of Section 257 of the Town and Country Planning Act 1990. This would enable the applicants to formally dedicate the routes that they wish to accommodate on the site for public access and to formally extinguish any routes that they wish to retain as private accesses.

If the applicants require any further information regarding the above then they should contact the Rights of Way Service, on either countryside.access@nottscc.gov.uk or 0300 500 80 80, in the first instance.

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.

Ramblers Association – We have a neutral stance on this proposal.

Although there are no rights of way currently recorded within this site it is possible that "lost" rights of way may be claimed and I echo the comments made by Matt Duckworth from the NCC ROW team.

NHS England - No comments received.

Newark CCG – No comments received.

National Grid – No comments received.

Severn Trent Water - No comments received.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

Impact on Character

- There is little green land left around this area

Impact on Trees and Ecology

- The development will destroy the wildlife, birds and small animals
- The development will adversely affect the Orchard trees
- The trees and wildlife will all disappear
- There is a large variety of wildlife in the area
- The existing trees ensure privacy – to remove them would create overlooking

Impact on Amenity

- The proposal will lead to unwanted attention from vandals to neighbouring properties
- The tree removal will affect neighbouring privacy
- The intrusion of the lives for neighbouring assisted living schemes would be upsetting
- The scheme will cause disruption to the lives of neighbouring residents
- There are a number of flats and accommodation for vulnerable people nearby
- The neighbouring allotments cause a continuous nuisance to local residents when they are burning waste – this would affect elderly residents

Impact on Infrastructure

- Ollertons infrastructure is already struggling – it takes 3 weeks to get a Doctors appointment

Impact on Rights of Way

- The land has always been a public right of way and the disruption caused by the development would not be justified

Impact on Highways

- The traffic and coming and goings at all hours due to care staff will cause problems

Other Matters

- The application does not define elderly in respect of the occupiers
- The construction process would lead to disruption

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).

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply against what it and the other authorities in Nottinghamshire to be an appropriate OAN figure of 454 dwellings per annum.

The Allocations and Development Management document was adopted in July 2013. The application site has been allocated within this document by Policy OB/Ho/2 for residential development of around 25 dwellings.

The development is not proposed for C3 dwelling houses as envisaged by the policy allocation and instead relates to an Extra Care Facility. Whilst the allocation does not specifically refer to a C2 use the similarities of the scheme and C3 dwellings are noted. For clarity, C2 uses are generally defined as residential institutions used for the provision of residential accommodation and care to people in need of care. The Design and Access Statement describes the rationale behind the application submission confirming that the design of the development is intended to be dementia friendly, catering for residents in the early stages of dementia and as the condition progresses but is not a specialist dementia facility. The majority of tenants would live independently but some may be

expected to need a greater degree of care and thus there will be provision for carer facilities within the development. It is confirmed that the scheme is 100% affordable and will have grant input and support from Homes England.

It is acknowledged that over the coming years the District will see a significant rise in its ageing population, therefore forward thinking strategies are required across both affordable and market housing to ensure existing and new housing is fit for purpose to meet the needs of our ageing population, which includes their support needs.

The Council has a wide range of evidence to support demand for older people's accommodation, these include the DCA Housing Needs, Market and Affordability Study (2014) and the District Council study into older persons housing needs (2012). The local Housing Strategy (2009 – 2016) also identifies the challenge in addressing the current and future growth in older people and frail older households across all tenures.

Ollerton falls within the Sherwood Sub-Area as defined by the Sub-Area Report 2014. Newark and Sherwood Homes rented was the most sought after tenure for existing households moving with the main type of property required being bungalows. Further to this the Council's study into the housing needs of people over the age of 50 (2012) identified that 42% of respondents were interested in renting Council owned property, 51% of respondents would consider renting housing with support and 35% of respondents would be interested in living in a community exclusively for the over 50s.

Thus whilst the proposal does not strictly conform with the intentions of the policy allocation, the alternative delivery of a C2 scheme is not considered fatal in principle given the similarities that can be drawn to C3 residential dwellings and indeed in acknowledgement that the nature of the development would meet an identified housing need.

It is notable that the Secretary of State upheld the Inspectors decision (dated April 2018) for a site in Farnsfield where the Public Inquiry debated the matter as to whether C2 residential institutions should be counted against the LPA's housing requirement. The Inspector concluded the following on the matter:

"All in all, it seems to me that the C2 accommodation in each scheme accords generally with the definition of extra care in the SHMA to the extent that they can be regarded as meeting part of the identified OAN".

[15.50 APP/B3030/W/17/3169436 and APP/B3030/W/17/3179732]

In the context of the current proposal therefore, positive weight can be attached to the development in respect of a contribution towards the Districts housing delivery. The principle of development is therefore accepted subject to assessment against the remainder of the Development Plan.

Policy Requirements / Contributions

The aforementioned policy allocation OB/Ho/2 is clear that the assessment of development within the site will be subject to a number of specific points namely:

- Contributions will be required towards the provision of strategic sports infrastructure within Ollerton & Boughton;
- Contributions will be required towards the maintenance of the adjacent open space;
- Design should take account of overhead power lines which run across the site and not infringe the statutory safety clearances between overhead lines, the ground and built structures;
- The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development; and
- The investigation of potential archeology on the site and any necessary post-determination mitigation measure secured by condition on any planning consent.

A number of the points above will be discussed in further detail in the relevant sections of the appraisal below (such as site drainage and design). However, it is relevant to raise at this stage that the original application submission did not address the requirements towards off-site contributions referred to by either the policy allocation or the associated Supplementary Planning Document for Developer Contributions. This matter has been raised with the agent during the life of the application with a response received 5th November 2018. The Statement essentially outlines that the scheme is being delivered in order to address a need for residential care development in the area owing to a high elderly population in the area. It is stated that the comprehensive nature of the development (i.e. with its own care facilities and recreational space) will mean that the proposal would be less likely to add a burden to the existing community facilities.

It is fully appreciated that at the time of the policy allocation it would have been envisaged that a development of 25 dwellings would put additional pressure on existing areas of open space and sports provision in the area. Moreover, the associated SPD for Developer Contributions confirms that a proposal for 40 units would also need to make contributions towards education and libraries. In reality however, it is fully appreciated that the development now proposed would be materially different in terms of its impacts on local infrastructure. The nature of the development, as an extra care facility for the elderly population significantly reduces (albeit does not fully diminish) the potential for increased pressure on existing areas of open space. There is a stronger argument to say that the proposal would have a very limited impact on strategic sports infrastructure in the area and it can be categorically concluded that it would not be reasonable to insist on contributions towards education provision. To the contrary however, the nature of the scheme lends itself to implications in terms of the impact on the health provision in the area. With this in mind consultation has been sought from both NHS England and the Clinical Commissioning Group (CCG) acknowledging their role in the delivery of health provision.

Whilst formal comments are yet to be received which outline the need for any contribution, I am mindful that the proposal needs to be considered in the context of the health provision provided as outlined by the D&AS in terms of how the scheme will operate. On this basis, I consider it would be unreasonable to expect additional monetary contributions to be made as these may have implications to the operation of the scheme in the manner proposed. Positive weight must be attached to the nature of the proposed use in terms of extra-care provision on this basis Officers are satisfied that this would outweigh the lack of other off-site contributions despite the original intentions of the site allocation and associated SPD.

Impact on Character and Design

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Chapter 12 of the NPPF 2018 provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

The form of the development has largely been dictated by the constraints of the site in terms of the overhead power lines which bisect broadly centrally within the site. Given that the proposed designs of the development either side of the power lines are notably different, it is considered appropriate to divide assessment into the two distinct areas of the site. Dealing firstly with the main building, this is intended to deliver the bulk of the development both in respect to number of units (30 one bed apartments) and also footprint (1,586m²). The development of the main building has been arranged across two floors with 15 residential units on each floor (the plan appears to annotate two of the units as no. 30 but omits a unit no. 13). Each floor also has ancillary circulation space and associated facilities such as staff rooms and cafes etc.

The main building design is formed of a number of blocks which overall occupies a sprawling footprint spanning the majority of the eastern portion of site bringing built form close to the northern; north eastern; and south eastern boundaries. The design of the main building is very much contemporary employing a variety of materials and large expanses of glazing in the central core which is intended to serve the café / lounge activity areas with an external balcony on the principle elevation at first floor. Nevertheless the fenestration details serving the majority of the building are less clinical in nature noting their intention to serve the individual residential units of the scheme. In this regard the principal embodiment of the design is residential in nature. The application has been accompanied by 3D visuals of the numerous vantage points of the scheme which aids in its visual interpretation.

It is fully appreciated that the sprawling foot print of the building occupies a significant land take which is likely to impose a visual impact on a variety of neighbouring developments. However, the actual impact on any street scene would be limited owing to the flat roof design of the building (with a maximum pitch height approximately 8.6m for the lift shaft and 6.9m for the units and circulation space). Moreover, the variety of materials and variation of materials between each of the blocks of accommodation aids in breaking up the built form within the site. The use of brick is considered to assimilate well with the materials on surrounding development but the departure from the sole use of brick is not considered fatal in principle given that varying materials have already been established for example those used at the Primary school immediately to the south of the site.

Moving then to assess the remainder of proposed built form; it is proposed that 10 no. 2 bed units would be delivered through four separate single storey buildings towards the south west of the site. The design of these bungalows is relatively simplistic being of a predominant brick construction (with small areas of timber cladding to the entrance reveals) with concrete roof tiles. These would blend well with the design of existing built form within the immediate site surrounding including the bungalows on Hollies Close and Cherry Tree Close which both border the site.

Overall I consider that the proposal represents a good quality design and which will have a neutral impact on its surrounding area in compliance with policies CP9 and DM5. The indicative materials palette is also acceptable, although would be firmed up by condition.

Impact on Amenity

Policy DM5 is clear that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Paragraph 127 of the NPPF confirms that decisions should ensure that developments create places with a high standard of amenity for existing and future uses.

Matters of amenity were the predominant cause of concern during the pre-application discussions. The proposal as presented has attempted to address these concerns including through the submission of site sections which assists in appraising the scheme noting the significant land level changes which existing both within the site and on neighbouring land uses.

The footprint of the built form occupies a large majority of the site which would require careful consideration in terms of separation distances even if the site were to be entirely flat. The fact that there are topographical variations only serves to compound the issue. Whilst there are a number of existing neighbouring land uses potentially affected by the development, it is fully appreciated that there is a greater likelihood of detrimental amenity impacts upon the neighbouring properties which share immediate boundaries with the site.

Firstly, Officers have carefully assessed the potential resultant relationship with the existing bungalows on Hollies Close. Bungalow Block D would be in some areas less than 10m away from the rear elevations of the neighbouring developments. The principle elevation of the main two storey building would be approximately 14.9m away from the corner of no. 16 Hollies Close and approximately 18.4m away from the corner of no. 7 Hollies Close. The proposed vehicular access would be positioned in the intervening space. This relationship has been demonstrated by the site sections submitted to accompany the application which evidence that the proposal would require a partial increase in land levels within the site from the boundary in order to allow for the entrance drive to be flat.

The sections show that in respect to the bungalow – bungalow relationship the boundary treatment would be formed by a close boarded fence with trellis at the top on a retaining wall. Block D would be partially built into the land at this point of the site such that the finished floor levels of the bungalow would be slightly lower than the existing site in some places. The difference in levels is therefore less pronounced. However, there is no doubt that owing to the limited distances referred to above, it would still be a tight relationship. The benefit of including single storey accommodation along at this part of the site is that the proposed boundary treatment would significantly reduce the opportunity for loss of privacy through direct overlooking. Whilst the occupiers of the bungalows along Hollies Close would likely have a vantage of the roofs of Block D and the end gable of Block B, given the single storey nature of the development, and the proposed boundary treatment, Officers do not consider that this would amount to an overbearing impact which would warrant a refusal of the application alone.

The plans demonstrate that the applicant has acknowledged the constraints of the site which in respect to the relationship between the main building and the bungalows on Hollies Close has included the proposed provision of a bunded roof to the proposed mobility charging points.

Existing trees are also intended to be retained along the south western boundary of the site towards Main Road such that overall, Officers are satisfied that neither the vehicular use of the access road, nor the occupation of the first floor units of the main building, would impose overlooking impacts which would lead to a loss of privacy.

As well as the bungalows on Hollies Close, there are also existing neighbouring bungalows to the north of the site at Cherry Tree Close. In some respects the likely amenity relationship to these properties is greater on the basis that they would be adjacent to the two storey height of the main building. Again, the application submission has attempted to address this relationship through the omission of windows on parts of the northern elevation facing the properties on Cherry Tree Close and the indicative inclusion of mature shrub and tree planting as well as the retention of existing trees where possible.

Having visited the site, Officers are mindful that the proposed development would create a fundamental change to the outlook of the bungalows at Cherry Tree Close. However, whether this amounts to amenity harm which would be worthy of refusing the application requires careful assessment including considering the existing site circumstances. The bungalows on Cherry Tree Close are part of an assisted living development. The bungalows are already close to the southern boundary of the site but are also already hemmed in to some extent by the presence of a close boarded fence within the site which is close to the principle elevations. It is a somewhat unusual arrangement that a fence would be positioned so close to the principle elevations (potentially thereby already creating an overbearing impact) although presumably this is on the basis of the nature of the development which requires increased security. Whilst the development would lead to a significant loss of tree screening within the site, the proposed site layout does confirm an intention to retain existing trees along the northern boundary which are significant in their scale (annotated on the site sections as being approximately 12.5m in height) and should aid in screening the development to a degree which would prevent an increase in overbearing which would amount to amenity harm.

It is however necessary at this point to reference the consultee comments of the Tree Officer listed in full above, but specifically the comment that: *'Although a tree survey has been submitted to support this application it is unclear which specific trees are to be retained as the proposed layout indicating tree positions does not match trees positions on the survey'*. Clearly in order to allow the determination to attach any weight to the retention of the trees in terms of preserving amenity, this matter required clarification which has been sought during the life of the application. The agent has confirmed that the intention remains to retain as many of the existing trees and shrubs on site as possible (albeit acknowledging that the majority of the cover in the centre of the site will be lost). It is stated that the exact level of perimeter planting to be retained is currently unclear as the project would be produced on a design and built basis and thus the successful contractor would need to input into the process and practicalities of any tree retention. It is therefore confirmed that the preferred approach would be for any forthcoming approval to be conditioned seeking additional landscaping details. Clearly if this were to be the case, then Officers would need to be mindful in discharging any such condition that the intentions of retained planting are secured.

The development would also share a boundary with the properties on Newlands Avenue, specifically numbers 10 to 16. Notwithstanding the annotation of 17m on the site section plan, the closest distance to the rear elevation of the neighbouring properties and the main two storey built form would be approximately 15m. The rear gardens of the neighbouring properties are enclosed by timber fencing with some vegetation at the rear of the plots. The site section implies that there

are existing trees within the neighbouring boundaries which would screen the development although in reality these specimens are by no means a consistent screen which would wholly mitigate the built form of the development.

The elevation of the building orientated towards the rear of no. 10 to 16 Newlands Avenue would feature a mix of three residential units and office accommodation. There is therefore a very real possibility of direct overlooking from window to window at the aforementioned modest distances of around 15m. Moreover, the first floor windows serving Units 26 and 27 would be afforded a line of site into the neighbouring rear gardens. These distances fall well short of those that the LPA would ordinarily seek. It should be stated that there is a slight advantage that the main building would be cut into the land slightly such that the aforementioned topographical distances would not add a further complication to assessment. Nevertheless this was raised as a significant concern by Officers during the life of the application and further consideration of this relationship (potentially through additional landscaping) was requested. The revised site location plan received during the life of the application shows the slight re-positioning of the footpath at this part of the development site which, as confirmed through the covering email to the plan, is an intention to allow extra space for additional screening through planting. This is nevertheless still a constrained area and it is unlikely that the proposed planting (which would have to be subjected to further agreement through condition) would be substantial in nature to alleviate the amenity concerns identified completely.

It is noted that the County Council comments make reference to other existing surrounding land uses including the Youth Centre which is in use on evenings and weekends and includes outdoor sports usage. The revised NPPF 2018 deals with this matter at paragraph 182:

Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

In this case I do not consider that specific mitigation measures would be necessary given that even where the proposed units (notably Block A and B) would be shared with this neighbouring land use, its use would not be constant and equally the overall development includes internal areas of sociable space which would provide a respite from sole occupation within the individual dwellings if indeed deemed necessary.

In the context of the above discussion, there are undoubtedly a number of potentially constrained amenity relationships with in overall terms create comprises to a number of existing residents. Despite the mitigation measures designed into the development it remains the view of Officers that the development does not strictly conform with Policy DM5 and the implications of this must accordingly weigh negatively in the overall planning balance undertaken below.

Impact on Highways including Footpaths

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 proposed development would be served by two vehicular access points; one from Newlands Avenue on the eastern boundary of the site; and the other from Main Road at the north western corner of the site. The submitted Design and Access Statement confirms that the intention is for the main access for residents to be the access from Main Road with the Newlands Avenue access serving as a staff and visitor entrance. A total of 35 car parking spaces would be provided dispersed throughout the site. Three of these would be allocated as disabled parking. There is also provision for the parking and charging for up to 20 mobility scooters (some delivered in plot for the bungalows).

The application has been assessed by NCC as the Highways Authority with their comments included in full above. Their original comments sought clarification as to whether appropriate visibility splays could be achieved within land within the applicants ownership / the public highway. The applicant has duly provided a plan to demonstrate appropriate visibility splays and revised comments have been received from the highways authority. The comments do not raise an objection to the development as proposed subject to the imposition of conditions which Officers consider to be reasonable should permission be forthcoming. It is noted that the comments refer to the need for the removal of hedgerow and trees within the visibility splay however, having assessed the roadside verges which exist, Officers do not consider that this would have a significant detrimental impact in respect of character and as such would be commensurate to the provision of a safe access.

Reference has already been made to the existing informal footpath network which runs through the site connecting various entry points on Main Road; Newlands Avenue; and the open space to the south east of the site. Whilst these are not designated as public rights of way, their existence has clearly been established for some time such that they would potentially become a deemed right of way. The County Council Rights of Way Officer and the Ramblers Association have been consulted on the application with the former making the following comments:

“Whilst the route that accesses/exits the North West corner of the site from Main Road has been accommodated as a private pedestrian access to the proposed development, no provision has been made for public access.

The evidence of use on site suggests that the route in question is very well used. In not accommodating public access on this particular route the applicants face the potential risk of a claim for public rights to be acquired through usage.”

Matters of footpath diversion were discussed at pre-application stages and equally Officers appreciate the attempts that have been made through the original application submission to continue legibility through the site. However, NCC Rights of Way remain of the view that there is a risk to the development through the potential of a claimed route. The agent has responded to the concerns raised during the life of the application through an annotated pedestrian route plan and covering email (received 6th November 2018). It is suggested that the key start and end points to the existing routes within the site have been maintained, albeit acknowledging that there are some slight deviations to the routes. It is also confirmed that some routes will remain available during construction works.

The proposal demonstrates that a linked footpath network would be delivered as part of the development albeit it would by no means allow for the level of free movement which currently exists. Clearly there has to be a balance between the legibility and movement within the site and the security of the proposed residents. There is one specific instance where public users would have to walk in front of the mobility scooter store on the highway before reaching the shared surface which then goes on to join the path network. On balance, accepting that these are not formal rights of way which require legal diversion, Officers consider the solution presented is acceptable.

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 existing site features a number of tree specimens and dispersed shrub cover in some cases built up in mounds. The application has been accompanied by an Arboricultural Report and Impact Assessment undertaken by EMEC Arboriculture dated February 2018. This report confirms that the site is dominated by hawthorn which is relatively dense around the perimeter of the site as well as being scattered centrally. The scrubland was considered to have little arboricultural value (albeit potentially greater ecological value which will be assessed in more detail below). The overall conclusion of the report is that no trees of any note were present within the survey area. The trees that were individually assessed were identified as being Category C. Noting however the intended retention of a number of specimens around the edge of the site, the report does suggest protection measures. Having visited the site, Officers would concur with this judgement. The tree protection measures outlined would be necessary in the context that the retained trees would aid visual and residential amenity and therefore the measures outlined would need to be secured by condition should the development be approved. In addition to this, details of further landscaping to mitigate against the loss of vegetation within the site would also be necessary.

The application has been assessed by the Council's Tree Officer with comments listed in full above. Members will note that the original comments of the Tree Officer implied that the original report did not allow a comprehensive assessment of how the building layout (and indeed associated construction activities) would affect the retained trees. Clearly, this is vital in the context of the current application where retained species have value in terms of screening purposes. The agent has worked with the Tree Officer during the life of the application to allow the Tree Officer to agree that the development would be acceptable subject to a suite of conditions (latest comments 14th November 2018). On the basis of these conditions, which would need to be strictly enforced and complied with, Officers do not consider it would be reasonable to resist the application on the basis of the impacts on trees.

The application submission has also been accompanied by a Preliminary Ecological Appraisal undertaken by Greenlight Environmental Consultancy. Whilst the document submitted with the

application was marked as 'draft' this has been rectified through the submission of a further version received during the life of the application. Overall the report identifies a lack of ecological potential within the site but does state that this is caveated on the need for additional surveys for reptiles. Again these have been requested during the life of the application by a Reptile Survey Report dated 17th October 2018. The surveys included seven visits between September and October 2018. During these visits a number of common frogs were identified as well as one species of reptile (slow worm) on the first visit in September. The report details that the core population of slow-worms is considered to be within the neighbouring allotments, adjacent the southeast corner of the site, with juvenile individuals colonising into nearby areas and using suitable habitat links. The presence of one species allows the report to conclude that the slow-worm population is low. However, the report does go on to detail a mitigation strategy to minimise the potential impacts on reptiles during the proposed works.

Subject to conditions in respect of ecological mitigation as suggested by the submitted report, Officers have identified no detrimental impact such that the proposal would align with Core Policy 12 and Policy DM7.

Impact on Flooding 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 has been submitted dated August 15th 2018 undertaken by CollinsHallGreen Ltd. The report considers that the development is appropriate in respect to the flood zone principles of the NPPF to which Officers do not disagree.

As is referenced above, the policy allocation for the site requires a need to consider the positive management of surface water. The report suggests that SUDs principles should be incorporated to attempt to include swales, green corridors and soak ways. It also states that the SW portion of the site, where the risk of surface water flooding is elevated, should incorporate slightly raised floor levels. The proposal has been assessed by NCC Flood Team as the Lead Local Flood Authority with an original objection received as listed in full in the consultee comments above. These comments have been passed to the acting agent during the life of the application and subsequent plans have been submitted for consideration by NCC Flood. As is listed in the consultation section above, the matter has been subject to significant debate in which the agent has provided further detail to demonstrate that the surface water flood risk maps are not necessarily an accurate representation of the site given the changes in land level. The agent has submitted to NCC Flood that the proposed development would be above the level at high risk of flooding. The latest comments of NCC Flood (received 20th November 2018) accept the latest position and suggest that mitigation could be secured by a pre-commencement condition which has been confirmed as an acceptable approach to the applicant. The proposal is therefore considered to have met the policy requirements in respect to the surface water flooding.

It is notable that the policy allocation also refers to developer funded improvements to ensure sufficient capacity within the public foul sewer system. Whilst the FRA submitted shows a plan of the Severn Trent Water sewer records to the south of the site, it is not clear whether these would have sufficient capacity for the development. This has been raised as a point for discussion during the life of the application with a response received 15th November 2018. A response from the applicant's Civil Engineer has been provided confirming that the foul flow generated by the site is not significant in terms of foul drainage system capacity locally and thus no issues are anticipated

in seeking approval from Severn Trent. It of course remains the case that if there are issues with overall capacity, then it falls for Severn Trent as the service provider to resolve the situation.

On the basis of the additional information received, and the comments and recommendations of NCC Flood, Officers have identified no detrimental flood or surface water impacts arising from the development.

Other Matters

Whilst the application has not been accompanied by a pre-determination archaeological evaluation as per the policy allocation requirement, Officers have taken the opportunity to consult with the Archeological expertise available with comments listed in full above confirming that no archaeological input is required. On this basis it is not considered reasonable to resist or delay determination on the basis of a lack of pre-determination archeological data.

The comments of the Town Council are noted however for the avoidance of doubt the amended site plan has been altered to remove land within the Town Council ownership and the agent has confirmed that there is no intention to build on the Town Council land. #

Overall Balance and Conclusion

Despite not being the original intention of the policy allocation, the proposed use is deemed acceptable in principle on the basis of the shown need for such types of development. As is debated above, the size and scale of the building necessitates a significant land take to a degree that the development would result in a number of compromised amenity relationships which must serve to weigh negatively in the overall balance. However, it remains the case that the intentions are for significant areas of existing planting (and indeed additional areas of landscaping) to be retained which will go some way in mitigating the aforementioned amenity impacts. When attaching weight to this, and significant weight to the proposed end use which serves to meet an identified need in the area, overall, by a very fine balance, the proposal is deemed acceptable. No other material considerations which would prevent the granting of planning permission have been identified and therefore subject to the conditions as outlined below (some of which are pre-commencement which has been agreed through the agent) the recommendation is one of approval.

RECOMMENDATION

Approve, subject to the following conditions.

Conditions

01

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

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

02

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

- Site Location Plan and Topographical Survey – 443-A-S003 Rev. B (received 18th October 2018)
- Proposed Site Plan – 443-A-S001 Rev. F (received 18th October 2018)
- Bin Collection Point Details – 443-A-S005
- General Arrangement Plans as Proposed – 443-A-001 Rev. E
- Elevations as Proposed – Sheet 1 – 443-A-002
- Block (A) General Arrangement Plans and Elevations – 443-A-A001 Rev. A
- Block (B) General Arrangement Plans and Elevations – 443-A-B001 Rev. A
- Block (C) General Arrangement Plans and Elevations – 443-A-C001 Rev. A
- Block (D) General Arrangement Plans and Elevations – 443-A-D001 Rev. A
- Preliminary Drainage Strategy – C2858 SK01 (received 18th October 2018)
- Extract of Site Plan to Show Visibility Splay – 443-A-S007 (received 23rd October 2018)

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

Reason: So as to define this permission.

03

Prior to any development above slab level details and samples of the materials identified below 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.

- Facing materials
- Bricks
- Roofing materials
- Cladding
- Render

Reason: In the interests of visual amenity.

04

No trees that are being shown as being retained on the approved plan shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the District Planning Authority. If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the District Planning Authority.

Reason: To preserve and protect existing trees which have amenity value.

05

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.

- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works shall therefore be carried out in full accordance with the approved scheme.

Reason: To preserve and protect existing trees which have amenity value.

06

If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the District Planning Authority.

Reason: To preserve and protect existing trees which have amenity value.

07

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

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

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

Reason: To preserve and protect existing trees which have amenity value.

08

Prior to any development above slab level full details of both hard and soft landscape shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- Full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
- The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. The landscaping scheme shall take account of the suggestive native species of Appendix G of the submitted Preliminary Ecological Appraisal dated 6th November 2018.
- Details of any lighting proposed.

Reason: In the interests of visual amenity and biodiversity and to enhance the landscaping to preserve neighbouring amenity.

09

The approved landscaping shall be completed within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. Any trees/shrubs which, within a period of seven 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 and neighbouring amenity and biodiversity.

10

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.

11

No development shall take place 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 incorporate that:

- a. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage

options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

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

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.

12

The private accesses shall be laid out to a width of not less than 4.8 metres for at least 15 metres back from the nearside edge of carriageway, and shall provide for vehicle parking and turning areas in accordance with the approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

13

No part of the development hereby permitted shall be brought into use until the accesses to the site have been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

14

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 443-A-S007 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

15

The premises shall be used for a 'Extra Care' Residential Development and for no other purpose, including any other use falling within class C2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification). The units hereby approved shall be occupied by at least one person over 60 years of age or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: To define the planning permission and in line with the applicants submissions.

16

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. 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.

17

The development hereby approved shall be carried out in accordance with the ecological mitigation measures outlined by the mitigation measures outlined by Section 8. Discussions and Conclusions of the submitted Preliminary Ecological Survey dated 6th November 2018. For the avoidance of doubt this requires the following:

- Any proposed lighting shall follow guidance from the Bat Conservation Trust and CIE 150:2003. Warm-white (long wavelength) lights with UV filters should be fitted as close to the ground as possible. Lighting units should be angled below 70° and equipped with movement sensors, baffles, hoods, louvres and horizontal cut off units at 90°.
- Any excavations on the construction site should be covered during the night to prevent animals from falling in.
- Lighting of the construction site at night should be minimised as far as practicable, to reduce the risk of possible disruption to nocturnal animals such as bats and badgers.
- Construction materials should be stored off the ground on pallets, to prevent providing shelter for animals and subsequent harm when materials are moved.

Reason: In the interests of ecological mitigation.

18

Prior to any development above slab level, a 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.

19

The development hereby approved shall be carried out in accordance with the ecological mitigation measures outlined by the mitigation measures outlined by Section 7. Discussions and Conclusions of the submitted Reptile Survey Report dated 17th October 2018. For the avoidance of doubt this requires the following:

- i. A temporary reptile fence to be installed around the periphery of site to prevent reptiles moving into the areas of works.
- ii. The site will incorporate a reptile receptor area along the site periphery to maintain habitat links to the wider landscape, including the allotments in the southeast corner. The receptor site will be enhanced by the creation of reptile hibernacula (Appendix A of Reptile Survey Report dated 17th October 2018).
- iii. The trapping of reptiles from the proposed areas of works for a minimum of 60 days with suitable weather conditions (during March to October), using 50 artificial refugia per hectare. Any animals caught on site will be translocated to the receptor area. After 10 clear days of catching no animals, an assessment will be made whether trapping should continue, in consideration of the depletion rate achieved up to that point.
- iv. A hand destructive search of all suitable reptile habitat to take place at the end of the trapping period, and a destructive search using machinery if necessary. Any animals caught on site will be translocated to the receptor area.
- v. Soft landscaping of the site with native species (post-construction) to maintain habitat links across the site for reptiles (see Appendix B of Reptile Survey Report dated 17th October 2018). for native species).

Mitigation measures following the works will include the long-term management of the receptor area to maintain a varied vegetation structure and reduce scrub encroachment by:

- i. Annually strimming the receptor area to a minimum height of 15cm (6 inches) between October and December.
- ii. Clearing scrub and removing trees which may provide too much shade to the receptor area.
- iii. Preserving the suitability of the hibernacula created for reptiles.

Reason: In the interests of ecological mitigation.

Informative

01

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

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

02

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

03

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

BACKGROUND PAPERS

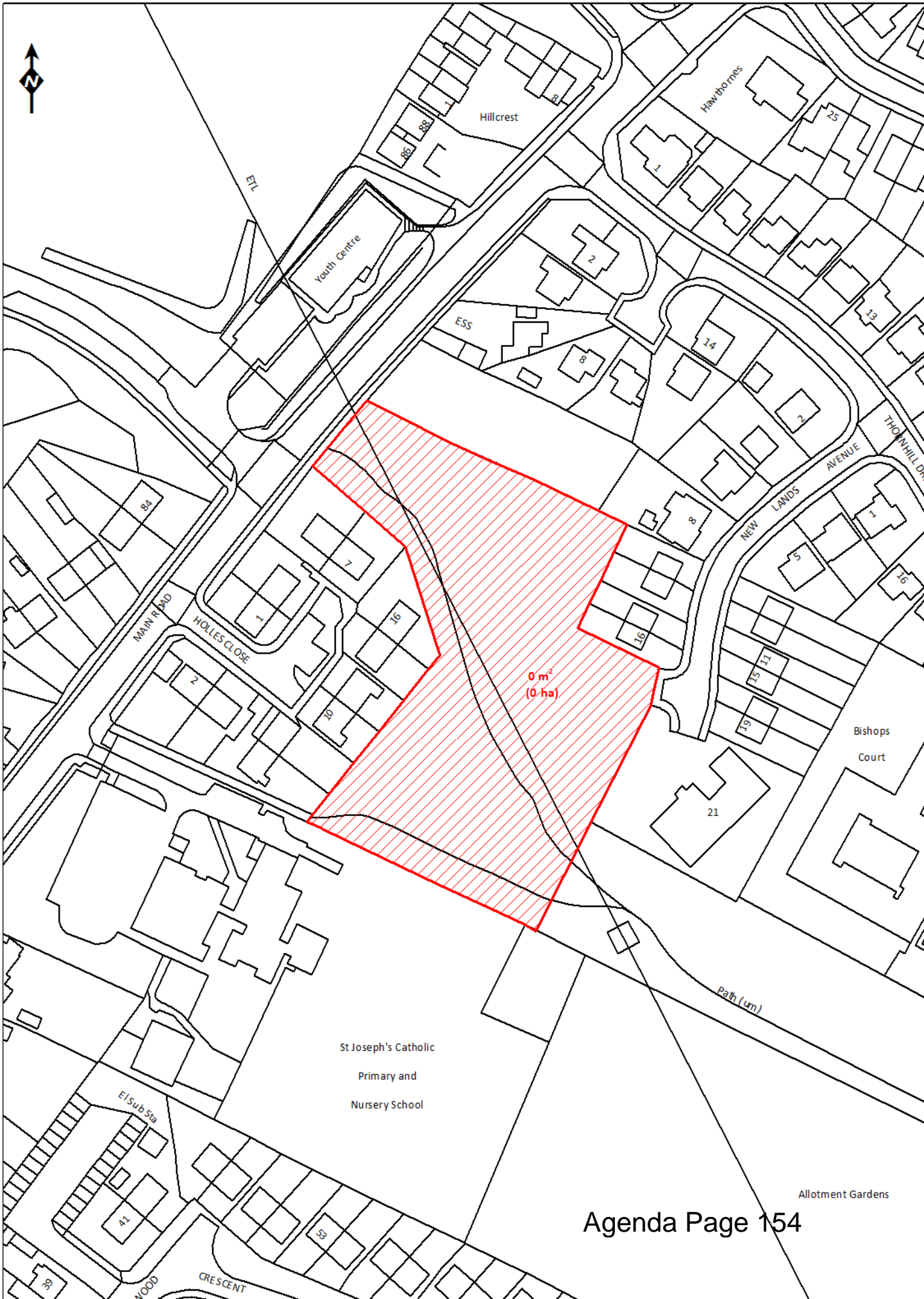
Application case file.

For further information, please contact 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



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/00799/FUL	
Proposal:	9 no. New Dwellings with garages and access road utilising existing vehicular access off Main Street	
Location:	Land Off Main Street, Coddington	
Applicant:	Ablehomes Limited - Mr David Shaw	
Registered:	26/04/2018	Target Date: 21/06/2018
		Extension of Time: 05/12/2018

This application is being presented to Planning Committee in line with the Council's Scheme of Delegation because the recommendation differs from the Parish Council's views.

The Site

The 0.31ha site relates to land to the rear of Post Office Row on the north side of Main Street within the settlement of Coddington. The site is located within a Conservation Area and is currently vacant land containing overgrown shrubs and weeds. The Grade II* Listed Building of All Saints Church is visible from the site and located approximately 80 metres to the east.

Access to the site is from the south to the west side of Post Office Row between No. 18 Post Office Row and No. 19 Brownlows Hill. Both of these properties (in addition to No. 20 Post Office Row) also use this access for private rear parking/driveways areas to the rear of each property with their side gardens containing hedgerow bordering the access to the site.

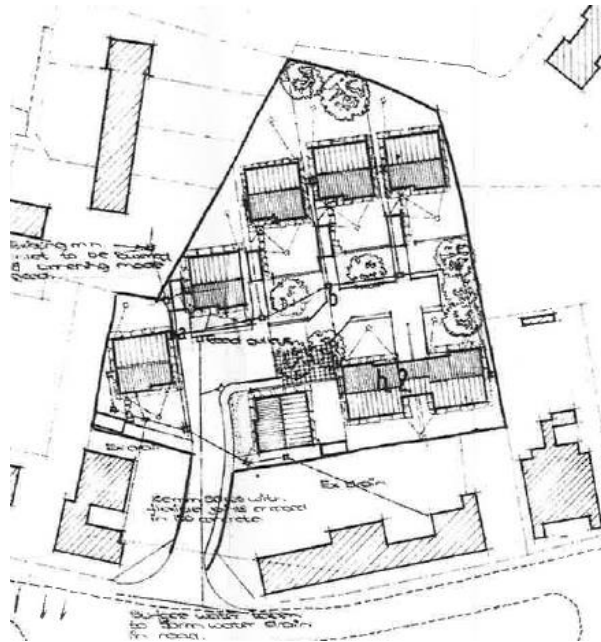
Post Office Row contains a number of two storey terraced dwellings backing onto the site. The rear of these properties is not uniform and benefit from a mixture of rear extensions and curtilage buildings. No. 9-13 Valley View are two storey terraces dwellings located to the north west of the site with the back/side of these dwellings backing onto the application site. The Scout Hall and associated curtilage is located immediately to the east of the site, with the Village Hall just beyond. No. 1 - 3 Church Cottages (Almshouses) and the Old Vicarage are also located to the north east of the site.

Boundary treatments bordering the site contain a mixture of close boarded fences, solid walls, trees and hedgerow.

The topography of the land is generally flat although there appears to be a slight drop in gradient in a south to north direction.

Relevant Planning History

7/693/75/574 Residential development (six detached and two semi-detached bungalows – 8 units in all) – permission granted on 10.12.1975. There is evidence on file that the Local Planning Authority confirmed in 2008 that there has been a lawful commencement of development on site pursuant to this permission. An extract of the approved site layout is below:



7/693/75/574 Proposed Site Layout

The Proposal

The application seeks full planning permission for the erection of 9 no. dwellings. Six of the dwellings would have detached garages.

Each dwelling would be detached and have between 2-4 bedrooms and an area of private garden space. The housing mix proposed is set out in the table below:

House type	No. of units
2-bed bungalow	1
3-bed bungalow	1
3 bed dwelling	5
4 bed dwelling	2
Total	9

The plans have been amended during the lifetime of the application to overcome the concerns of the both the Case Officer and Conservation Officer, in relation to both residential amenity and heritage impacts. Revised plans were received on 06.09.2018 with alterations to the proposed layout, increasing the number of units proposed from 8 to 9, reducing the no. of larger 4-bed dwellings proposed and substituting Plots 2 and 3 with bungalows. An ecology survey was also submitted on 17.10.2018 at the request of the Case Officer.

Proposed materials set out in the application form comprise facing brickwork and pantile or flat interlocking tiled roofs.

The proposed access would utilise the existing access off Main Street and off street parking would be provided for each dwelling.

The application is accompanied with the following:

- Supporting Statement Incorporating Heritage Impact Assessment
- Ecology Survey

Public Advertisement Procedure

24 neighbours notified individually by letter and re-consulted on amended plans. A site notice has been posted and an press notice published in the local press.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- NAP1 – Newark Urban Area

Allocations and Development Plan Development Plan Document (DPD) Adopted July 2013

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

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2018
- Planning Practice Guidance (PPG) 2014
- Newark and Sherwood Amended Core Strategy DPD 2017
- Spatial Policy 3 Guidance Note 2013
- NSDC Housing Market & Needs Assessment – Final Report 2014 – Reported to Homes & Communities Committee 26th January 2015
- Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Coddington Parish Council –

Comments received 05.10.2018:

Coddington Parish Council would like to add the following comments to the original submission sent in May - all of which still apply.

Coddington Parish Council does not object to the principle of residential development on this site. However, it does share the Conservation Officer's view that the proposed development does not

enhance the Conservation Area. Bearing in mind the location of the site at the heart of the old village, the highest standard of design and respect for that character should be required. The layout represents over-development and in no way has regard to the contribution of the openness of the site to the immediate character of the area. The “landscaping” is derisory with space only being available for the smallest of shrubs. The small detailed dwellings do not reflect the traditional built form of the village.

The Parish Council makes two proposals which it considers could improve the design and make it more agreeable, though by no means ideal:

- Firstly, properties 8 and 9 should be omitted. This would allow for an open, grassed area to be provided, planted with substantial trees. This would enhance the quality of the development itself and also create an attractive view from Main Street.
- Secondly, properties 5, 6 and 7 should be combined into a two-storey terrace of small starter homes (towards the Eastern boundary of the site) which would be far more in keeping and character established on Post Office Row and Valley View.

If these two proposals are incorporated into the design, there would be a significant reduction in overlooking of properties in Valley View, and the Parish Council would be minded to support the proposals. On the basis of the present design, the Parish Council objects for the reasons set out above.

Comments received 18.05.2018:

While accepting that there was planning consent on this site for eight bungalows many years ago, which was started but not completed, the Parish Council objects to the above application on the following grounds:

1. Planned Development

The houses planned for sit on a spur of significantly higher base level (around a metre) than the houses directly bordering the site on Valley View and Chapel Lane. The design of the proposed houses include heightened ceilings and a high pitched roof, where the adjacent houses are of standard height with low pitched roofs . The houses will sit significantly higher than surrounding houses giving rise to intrusion on the houses bordering on Valley View and Chapel Lane and making significant visual impact. Line of sight into gardens and conservatories and upstairs windows would provide further intrusion. In terms of intrusion the closeness of the dwellings to the boundaries of Post Office Row would be equally intrusive, where height would be less of an issue the physical proximity would significantly impact on privacy and loss of light.

2. Conservation Area

The previous extant planning permission is now more than 30 years old and was granted prior to the site falling within a conservation area. Any extant planning permission is now significantly dated (although there is no time limit on extant planning), however, even at the time of the original application permission was granted only for bungalows. The new application is for houses and this should be examined as a separate matter within all of the restrictions of building within a conservation area.

Unfortunately the very detailed analysis of the heritage merits of the area around the application site makes no reference to boundaries with The Old Vicarage, 1 Chapel Lane and the Almshouses,

also on Chapel Lane. All these properties have common boundaries with the application site and are of some architectural merit. It is suggested that the boundaries of the site which abut these properties should be a brick wall, of a brick sympathetic to the buildings referred to.

The designation as a Conservation Area requires a development to preserve and enhance that area. On this very important site in the heart of the Conservation Area, a design comprising a suburban type cul-de-sac of undistinguished houses does not meet these requirements. A design reflecting the agricultural heritage of the village, perhaps similar to that of farm redevelopments at Manor Farm off Main Street and at The Courtyard off the southern end of Drove Lane might serve as examples. The considerable care taken by the conservation officers of the District Council in respect of other developments in the vicinity of the application site would lead to the hope that the same insistence on a design which would enhance the Conservation Area will prevail in relation to this application.

3. Access

Access to the site is narrow, being of single lane status. This causes some safety concerns during construction and in occupation. Should a vehicle be entering the site at the same time as one is exiting this would leave a vehicle protruding onto Main Street. The designated turning area on the site being situated some distance within the site rather than near the entrance/egress. There is very limited vision of traffic approaching from either direction when exiting the site, this is exacerbated by the entrance being on the brow of a hill often with cars parked on the road, the busy adjacent T-junction, and the natural built environment already in situ. There is expected to be a further increase in on-street parking from visitors to this site, and from displaced cars that current park on the access road.

4. Local Development Plan

The council has an adopted LDP which does ask for the provision of affordable housing in developments of this size. There is no provision for any such affordable housing on this site. Nationally there are issues with smaller, more affordable dwellings being built within villages to enable young people within the village being able to remain within the area they were brought up. The style, size and design of these houses are clearly within the 'executive' bracket and therefore do not meet the nationally identified need nor the adopted LDP.

5. Density

The development is very dense and will not allow for any substantive landscaping internally within the site. Unfortunately the applicant's environmental assessment failed to note the predominance and importance of trees within Coddington, the area around the application site being no exception regarding the trees in Coddington House grounds, and in gardens along Chapel Lane. Suggest we request trees to be planted along all the site boundaries to soften the impact of the development on surrounding properties and to maintain the character of the area.

Coddington Parish Council objects to the application on the grounds set out above.

The Parish Council would welcome a revised planning application which provided for:-

- Less intrusive houses both in height and designs suitable for the Conservation Area.
- A proportion of dwellings which are designated affordable

- An amendment to site layout to enable a passing place near as possible to the entrance to the site

Suitable safety measures to ensure safe access and egress to the site Improved arrangements for parking and vehicle flow to accommodate the increases in on-street parking expected from this and nearby developments already approved If any application is approved for this site, to ensure the safety of residents, school children and workers, a condition should be placed such that no development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

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

The approved Construction Method Statement shall be adhered to throughout the construction period for the development. Such a condition was applied in a recent appeal decision on another site in Coddington, and the same standards should be applied to this development which is nearby and on the same road.

NCC Highways Officer – This site has an extant permission for 8 dwellings and has an existing access that is 4.8m wide with a service strip of about 0.8m on the east side.

The visibility splays measure 2.0m x 30m to the east and 2.0m x 37m to the west. These are commensurate with 85th percentile vehicle approach speeds of 24mph and 27mph. Speed readings have not been taken; nor submitted with the application, but given the road width, alignment and the regular presence of parked vehicles on the north side of Main Street, it is considered that approach speeds of around 24-27mph are likely.

The presence of parked cars on Main Street has both a detrimental and beneficial impact on the safety of the access arrangement. Whilst they can block visibility, they also help to slow vehicles and provide a carriageway space in the 'shadow' of the parked cars, at the mouth of the junction, to allow car drivers leaving the development site to edge out slowly and safely.

The parking provision and access layout appear to be adequate.

Since the access will remain private, a bin collection point should be identified and provided within a reasonable distance of the junction with Main Street. Also, the Planning Authority may wish to consider whether or not access drainage and lighting should be provided and approved beforehand.

On balance and given the site history, I consider that no objections should be raised.

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

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

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

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

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

NSDC Conservation Officer –

Comments received 14.09.2018:

This is now an improved scheme over the previous submission. The overall block plan layout shows a simpler and more linear alignment, relating better to the existing Main Street. The building designs are also more attractive, having segmental arches to windows and smaller paned windows. On a more minor note the sprocketed eaves and corbelled chimneys as now submitted, while not unattractive features in their own right are not a particularly traditional feature locally. Ideally something like a dentilated eaves and a flush gable stack should be used, but perhaps these could be controlled by condition?

Putting aside Conservation's in-principle concerns with development on this land, I do not have any objections specifically about the scheme submitted.

Comments received 07.06.2018:

If this approval from 1975 is extant I accept that *this* particular scheme could be fully implemented, and as such I do agree that, in these terms only, it would be hard to reject *all* schemes for redevelopment here.

However, there has been a number of significant changes at this site since the 1975 scheme was considered and approved, which would affect the benchmark against which the current scheme should be considered.

The main difference is that since 1975 Coddington Conservation Area has been designated, in 1992. In addition we now have the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990, bringing with it the statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This Act is then reflected in the current government guidance (NPPF & NPPG) and our local plan policies, as well as best practice enshrined in Historic England guidance documents.

The fact that there may be an extant scheme does not change the fact that there would be heritage harm resulting from the proposed scheme (as there would be if the extant scheme was built out) and I have already outlined my justification and level of harm in my previous comments.

What has changed is that, in making a balanced decision, weight may need to be given to the fact that an extant scheme could be built out.

I think it is imperative that the current scheme is no more harmful than the extant scheme, and arguably it should be better, considering the designation of the Conservation Area and high statutory duty bearing upon this decision.

In comparing the site layout of the two schemes, the 1975 scheme benefited from creating a new 'back lane' type arrangement, parallel to Main Street, and then creating two rows of housing either side of this, reflecting in this way the orientation of Post Office Row. In addition, the footprint of the house were quite simple, avoiding obvious projecting gables, allowing this linear character to (presumably) be better reflected in elevation.

I would like to see a layout which avoided the curving alien form of the suburban hammer head drive currently submitted, but which reverted to the extant scheme in so much as it created a parallel 'back lane' with simple linear cottages either side of this.

The modest nature of Post Office Row should be reflected in simple detailing and overall size, noting particularly the narrow gable widths and modest height of Post Office Row.

I would expect to see a reflection of the local vernacular building materials and style, so that a glimpse of red brick and pantile on a modest simple row here would not look incongruous.

I trust this explains why the current scheme is, in my opinion, more harmful than the (possibly) extant scheme and why the LPA should be only be accepting the very best scheme in this sensitive location.

Comments received 18.05.2018:

The land identified for this proposed development is within the Conservation Area of Coddington. It sits behind an attractive row of local interest buildings called Post Office Row. The proposal is for 8 new houses with detached garages and a new access road.

Some of the plot is visible from the public realm, down the access lane next to Post Office Row, and this makes an attractive green vista between low scale historic buildings. However, most of the site is not so visible in the public realm and the dis-use of the land means most of the site is currently of no particular aesthetic value, in itself. However, there is an aesthetic value in having a green and open backdrop to the attractive historic buildings on this road, and this is partly derived from this land parcel.

In addition, I think there is a particular importance of this land to the character of the Conservation Area, in terms of what it means to the history and development of Coddington as a rural, agrarian village. Looking at the map regression this land always seems to have been open (with the exception of minor transient outbuildings) and it was once part of the Thorpe Oak Estate Lands, which encompassed much of the land around the village. I acknowledge that this land parcel is not marked as being an important open area in the Conservation Area Appraisal, and note that those areas which are marked do make a stronger contribution in terms of setting to historic/listed buildings or by being more readily appreciable from the public realm. However, it does not follow that this land is of no value to the significance and character of the Conservation Area.

The Design and Access Statement has included a useful map regression, and demonstrates that this parcel of land sat behind the main street once leading through Coddington and was part of the rural hinterland of the village, giving way to open fields. Undeniably, the creation of the bypass in the 1940s truncated the village and divorced this land from the wider countryside around it, but crucially it remained undeveloped and is a very clear vestige of the village's historic plan form. That the Conservation Area's boundary still goes beyond the by-pass shows that the bypass may have altered and harmed the setting and plan form of the village, but has not destroyed it. While the creation of the school and council housing off Brownlow Hill have further hemmed the site in, it nevertheless remains a parcel of land which has essentially remained open and undeveloped, probably since the village was first formed.

While Coddington Conservation Area gets a lot of its significance from the good survival of historic buildings, it also gets significance from the setting of these structures, and this includes the rural setting of the village. The village was once a small, rural village and despite the bypass, infill and expansion, can still be read as such. The more open aspect of the land to the south of village most readily conveys this rural origin, but a look at the village plan form today shows that there is actually a good preservation of open and undeveloped land to the north of the Main Street. While the bypass has altered the village, the fact remains that the historic village plan form south of the bypass is actually clearly legible and in many ways very little altered, which includes the undeveloped nature of the land to the north of Main Street. Section of the Appraisal does note the importance of the fields both surrounding Coddington and those that penetrate into the village, which contribute to the village's rural feel.

I think this parcel of land is a clear survivor of the village's once open, rural and agrarian setting, it contributes positively in both a sense of openness and greenery on Main Street and is part of a pleasing green vista next to Post Office Row.

I think the proposed development would be read as back land development, which would contrary to the historic grain of the village. It would suburbanise this part of Main Street and give a clear vista down to a curved estate road with offset detached houses, which would sit at odds to the simple linear feel of Main Street. This view would replace the simple green open view next to Post Office Row, which currently helps convey the rural character and low density feel of this part of Main Street. It would infill an area that gives 'breathing space' to Main Street, currently giving it a green and open backdrop. It would also take away an important vestige of the village's rural setting and be harmful by eroding its historic plan form, which contributes directly to the village's character and significance.

There is nothing I inherently object to about the proposed design of the houses (although they would not enhance the Conservation Area in their design), however, the windy nature of the estate road is particularly out of character given the linear nature of Main Street and its structures. However, I do not see this as a site that is capable of development without causing harm so would stress that a different layout would not remove the harm.

In terms of the significance of the Conservation Area as a whole, I think the harm from this proposal would be less than substantial, but toward the middle of this and is far from inconsequential. I note the Agents also accept harm, but describe this as 'negligible', which for the reasons above I would disagree with.

I also think it could also set a harmful precedent for backland development, which may have a very real likelihood of coming forward, given the services Coddington has, its location and proximity to Newark.

The Decision Maker must give special weight to this harm, which conflicts with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering the planning balance.

For clarity, I do not think there would be any impact on the setting on the village's listed buildings, due to proximity, terrain, screening and height of the proposed development.

NSDC Archaeological Officer –

Comments received 22.05.2018:

I looked again at the evidence, or lack thereof that I used for my recommendation. This site is outside of the core of the medieval village and evidence suggests that this area and the area around it remained undeveloped until recently. The civil war defences are to the south and there is no indication that this extended in any way into the development site.

The Historic Environment Record, which is what I use to appraise potential archaeological sites had no records of Roman pottery or any other evidence of potential archaeology on this site so I could clearly not take this into account when making my recommendations.

Given this I wish to reiterate my original recommendation of no archaeological input required.

Comments received 14.05.2018:

No archaeological input required.

Coddington History Group -

Notts County Council archaeologists appear not to have been invited to comment.

Heritage Assessment Section 8.9 Para 4, Archaeology states that nothing of interest remains.

The 1875 map shows a curving boundary within the site that encloses the church on the north side and forms the north edge of Coddington House's access road. This looks to be of historical interest and the History Group would appreciate it being investigated before it is destroyed.

We have shown it to NCC's Community Archaeologist who considered it worthwhile of some investigation especially since Roman Pottery has been found in an adjacent garden.

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

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

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

Carefully designed inclusive approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Neighbours/Interested Parties - 10 letters of representation received prior to receipt of revised plans on 06.09.2018. Main issues raised include:

Principle

- The extant planning permission predates the designation of the Conservation Area, the doubling in the size of the school and increase in traffic;

Visual Amenity/Conservation:

- The original proposal included bungalows unlike the current 2-storey dwelling that would overshadow existing houses on Post Office Row;
- Relative heights of existing and proposed dwelling with proposed houses likely to site higher than surrounding houses;
- The dwellings detract from the architectural heritage of the existing buildings in both character and layout;
- Potential archaeological remains;

- The curving nature of the access road and layout of houses is not in keeping with the village setting, nor is the modern estate design of the houses themselves;
- Some of the photos in the Heritage Assessment are very old and states that the site was recently cleared of 'rubbish and undergrowth'. This site was actually valuable for wildlife and has/had wildflowers/hedgehogs;
- Owners have decimated the site and now it looks like a wasteland with tree removal already occurred.

Residential amenity:

- Light pollution from new dwellings.

Ecology:

- Fencing/walls should allow for wildlife access;
- The site has been cleared impacting on hibernating hedgehogs which has reduced a field of wildflowers to a brown desert with intermittent heaps of dying vegetation.

Highways:

- Vehicles emerging from the site would be a hazard due to low visibility;
- Surrounding roads are too narrow and the demand for on—street parking would increase;
- Cumulative impact of this and other development in the vicinity in terms of traffic volume and stress of parking space. A circulatory traffic scheme could easily be implemented thus creating a one-way, East-to-West flow of vehicles along Main Street and Brownlows Hill;
- Access to the site is not wide enough for 2 cars to pass.

Other:

- Some existing boundary treatments are in need of replacement – will they be replaced as part of the development?
- the western boundary that faces onto 3 – 7 Church Lane Almshouses should be a minimum of 1.8 metres close boarded fencing or mature hedging;
- Could access be created to the north to enable narrow access road to be avoided and also provide an opportunity for passers-by to interact with the new residents?
- The proposed cul-de-sac creates a long walk from the site to the pubs/areas of the village – can a shortcut on land belonging to the village charity be created?
- No provision of affordable housing. 2 bed bungalows for people wishing to downsize but stay in the village should be built.

Only 1 letter of representation was received post receipt of the revised plans. The main issues raised include:

- the road is too dangerous for all the vehicles that is going to use it.

Comments of the Business Manager

The 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.

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

Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply and policies of the Development Plan are considered up to date for the purposes of decision making.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Development Plan for Newark & Sherwood. There is no neighbourhood plan for Coddington. The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration.

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

It is worth also noting that the site benefits from extant planning permission for 8 bungalows (as set out in the Relevant Planning History section above). As such, the principle of residential development on this land has already been accepted and this fall back position must be given full weight in determining this application.

Below is an assessment of the application against each of the criteria within SP3:

Location

The first criterion 'Location' currently states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' I consider the site to fall within the built-up area of the village of Coddington.

Coddington is one of the District's larger rural villages with a variety of local services as outlined by the submitted Planning Statement which include a Primary School, Community Centre, two Public Houses, a Church and Village Hall. Coddington also shares good links with the wider Newark Urban area. The proposal for additional dwellings in the village would therefore conform with the first criterion of Spatial Policy 3.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the 'Impact on Visual Amenity' section below. The current proposal represents one additional

dwelling above the fall back position of 8 dwellings. Overall, it is considered that Coddington is of such a size that it could accommodate an additional nine additional dwellings without representing a disproportionate increase in the village size.

Need

Policy SP3 currently states support could be forthcoming for new housing where it helps to meet identified proven local need. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and Coddington does not have an up to date Local Needs Survey (prepared in conjunction with the Parish Council) as far as I am aware.

The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. Within the relevant sub area, this indicates a market sector demand for 4% 1-bed, 34% 2-bed, 40% 3-bed and 22% 4-bed+ properties. As such, there is clearly greatest demand for 2 and 3-bed dwellings and a lesser demand for 4 bed+ dwellings. The application proposes 11% 2-bed, 67% 3-bed and 22% 4 bed dwellings which I do consider to be broadly consistent with the housing mix demand set out in the 2014 Report.

I am also mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out in the section above). This states that new housing will be considered where it helps to support community facilities and local services. I consider the proposed dwellings are likely to support community services and facilities within Coddington. I am therefore satisfied in this instance that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3.

Impact

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

Character

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

Impact on Visual Amenity including the Character and Appearance of the Conservation Area

The site is located within Coddington Conservation Area. As such, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is supported by the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The Conservation Officers' comments are set out in full in the 'Consultations' section above. The Conservation Officer raises no objection to the most recent set of revised plans which ensure that the site layout is simpler with a more linear alignment, relating better to the existing Main Street. This is subject to conditions relating to the submission and approval of detailed design elements (including the eaves and chimney). The building designs have also been improved with segmental arches to windows and smaller paned windows. The Conservation Officer originally raised concerns with regards to the principle of the proposed development however this view altered in acknowledgement of the extant planning permission for housing development on the site and the fact that the current proposal represents the opportunity to secure a better design solution from a heritage perspective than the extant scheme.

The main difference between the extant scheme and the current application is that Coddington Conservation Area was designated in 1992 and the Planning Policy Framework (including other material planning considerations) for determining the application has changed. In addition, the site area has slightly reduced in size (as it does not include land immediately to the rear of No. 19 Brownlow's Hill), the number of dwelling has increased by one and the only two bungalows are proposed with the rest of the dwellings being 2 storey (as opposed to 8 bungalows on the extant scheme).

Overall, I do not consider the difference proposed result in any heritage harm and I concur with the Conservation Officer view that the development would preserve the character and appearance of the Coddington Conservation Area in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst the development represents a form of backland development, the layout proposed is considered to be in-keeping with the general character and density of the existing development in the area particularly when having regard to the fall back position.

It is not considered that any harm to the setting of the Grade II* Listed Building of All Saints Church would result from the proposed development.

Subject to a number of conditions relating to details and materials, it is considered that the proposed development would enhance the character and appearance of the Conservation Area in the interests of visual amenity and in accordance with the NPPF, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management Development Plan Document (DPD).

Impact on Archaeology

Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest.

I note the concerns raised by Coddington History Group in relation to archaeological potential. However having shared these views with the Council's archaeological advisor they recommend no further archaeological investigation. The full views of the Archaeology Officer are set out in the 'Consultations' section above. As such, I am satisfied that the development has taken into account the potential for archaeological interest in accordance with Policy DM9.

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

Access to the site is to the west side of Post Office Row between No. 18 Post Office Row and No 19 Brownlows Hill. No. 18 contains no windows in its side facing elevation but No. 19 contains a ground and first floor window. Both of these properties also use the application access to private rear parking/driveways areas to the rear of each property with their side gardens containing hedgerow bordering the access to the site. These hedgerows partially screen the access road and it is not considered that any material adverse impact would result upon the living conditions of the occupiers of these two dwellings as a consequence of the increased use of the access.

Post Office Row contains a number of two storey terraced dwellings backing onto the site. The rear of these properties is not uniform and benefit from a mixture of rear extensions and curtilage buildings. Plot 1 would be a two storey dwelling and its side elevation would directly face the rear elevations of 18 and 19 Post Office Row with a separation gap of at least 16.5 metres between the windows within the rear of Post Office Row and the side elevation of Plot 1. Plot 1 would also be located at least 3 metres from the rear garden of these dwellings with the existing car parking/driveway areas also located in-between. These separation distances are considered adequate and it is not considered that any adverse impact would result upon the occupiers of residents along Post Office Row by virtue of any overbearing or overlooking impact from the erection of Plot 1.

Plots 2 and 3 would be bungalows (with Plot 2 also containing a single garage close to the boundary) located directly to the rear of no's 20-24 Post Office Row. It appears that No. 21 benefits from a 2 storey rear extension not shown on the plans. In any event, due to the single storey nature of Plots 2 and 3, it is not considered that any adverse impact upon the occupiers of the dwellings along Post Office Row would result by virtue of any adverse overlooking or overbearing impacts. It is noted that the existing dwellings along Post Office Row are likely to overlook the rear gardens of the proposed bungalow. However, the future occupiers of the proposed plots would be aware of this relationship and it is not considered that the level of overlooking would be so harmful to warrant refusal of the application on these grounds.

No. 9-13 Valley View are two storey terraces dwellings located to the north west of the site with the back/side of these dwellings backing onto the application site. All elevations of these dwellings contain windows overlooking the application site and land levels for these dwellings appear slightly lower than the application site. Plot 9 would be located the closest to 9 and 10 Valley View. There would be a separation gap of at least 26 metres between the side of No. 9 and the corner of Plot 9. There would be a separation gap of 16.5 metres between the rear of No. 10 and the corner of Plot 9. However, the nearest windows to the boundary would serve a bathroom and ensuite. It is recommended that a condition be imposed to ensure that these windows are obscure glazed and non-opening below 1.7 metres in height. This means that the separation gap between main habitable room windows would be at an oblique angle at a distance of approximately 21 metres which is considered acceptable.

The side of Plot 7 would face directly towards No 11 Valley View at a distance of at least 20 metres away and would contain a ground floor habitable room window (with no windows at first floor level). Due to this separation, existing boundary treatments, it is not considered that any adverse overlooking or overbearing impacts would result albeit it is important that a condition requiring details of existing and proposed finished floor levels are submitted to ensure that the proposed dwellings are not elevated above the height of the dwellings along Valley View to an unacceptable level.

I note that the Plots 7, 8 and 9 have the potential to overlook the rear garden areas of the dwellings along Valley View, however it is not considered that the resultant levels of overlooking would be materially worse than existing levels of overlooking experienced by the occupiers of these dwellings.

The Scout Hall and associated curtilage is located immediately to the east of the site, with the Village Hall just beyond. It is not considered that any adverse impact upon the users of these facilities would result from the development proposed.

No. 1 - 3 Church Cottages (Almshouses) and the Old Vicarage are also located to the north east of the site. Separation distances are in excess of 21 metres between the side/rear elevations of the proposed dwellings and Plots 4 and 5 with a number of intervening mature trees located within the curtilage of the existing dwellings. As such, it is not considered that any adverse impact upon the occupiers of these dwellings would result by virtue of any materially adverse overlooking or overbearing impacts.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or dwellings adjacent to the application site in accordance with the Policy DM5 of the DPD.

Impact on Ecology and Trees

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

A Preliminary Ecological Appraisal (by Arbtech Oct 2018) has been submitted with the application and considers the impact of the proposal upon a number of species including bats, birds, reptiles and hedgehogs. Overall, this concludes that no further surveys are required although a number of

enhancement measures are recommended to improve the biodiversity of the site. Mitigation measures include the provision of bird and bat boxes, precautionary working methods and creating hibernacula and refugia. It is recommended that a planning permission be imposed to secure the implementation of these measures.

The site contains a number of trees either just inside or outside of its boundary. Whilst not clearly indicated on the proposed Site Plan it appears that all of these trees could be retained as part of the development and it is recommended that carefully worded conditions be imposed to ensure tree retention/protection and the submission of a landscape scheme.

Overall, the proposed development is unlikely to have an adverse impact upon ecology and subject to conditions, it is not considered that the proposed development would result in the loss of natural features of importance in accordance with the aims of Core Policy 12 and Policy DM5.

Highways and Parking

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.

NCC Highways Officer raises no objection to the proposal subject to conditions relating to the provision of a bin collection point, adequate drainage and lighting. Their full comments are set out in the 'Consultations' section above. I note the concerns of neighbours and the Parish Council in relation to highway safety, however a refusal on these grounds is not considered justified in this instance in light of the Highways Officers views who does consider any adverse highway safety impacts would result. The proposed parking provision and access layout appear are also adequate.

As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety and the proposals are therefore in accordance with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

Drainage and Sewage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The application proposed the disposal of surface water through the use of soakways and foul sewage by the mains sewer, however no specific details have been provided at this stage. As such, it is recommended that a condition be imposed requiring the submission and approval of drainage plans for the disposal of surface water and foul sewage. This would ensure that the development is provided with a satisfactory means of drainage in accordance with the aims of the NPPF and Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Affordable Housing

In relation to the comments made by the Parish Council in relation to affordable housing, Core Policy 1 of the Core Strategy states that the District Council will seek to secure 30% of new housing provision as affordable housing on all housing proposals of 10 or more dwellings or on sites of 0.4 ha or above (irrespective of dwelling numbers) inside Newark Urban Area. However, an order of the Court of Appeal dated 13 May 2016, gave legal effect to the policy set out in the written ministerial statement of 28 November 2014 which required that no contributions should be sought from developments of 10-units or less, and which have a maximum combined gross

floorspace of no more than 1,000 square metres (gross internal area). In this case, the overall floorspace is now 999m² including garages and it is not considered reasonable to seek a contribution towards affordable housing provision in this instance.

Conclusion

The site is located within the settlement of Coddington and its Conservation Area where the principle of development can be considered acceptable when assessed against the criteria set out in Spatial Policy 3. The majority of the site benefits from extant planning permission for the development of 8 bungalows representing a fallback position which must be afforded weight. The proposal is considered acceptable with regards to location, scale, character and impact with the proposed housing mix being broadly reflective of the local need within the area. The development would also support existing community facilities and services within Coddington.

Subject to planning conditions, the proposed development would not result in any adverse impact upon the character and appearance of the Conservation Area or setting of any other listed building including All Saints Church. Nor is it considered that the proposal would result in any adverse impact upon residential amenity, highway safety, ecology or any important trees. Subject to the conditions below, the recommendation is for approval.

RECOMMENDATION

That full planning permission is approved subject to the conditions set out below:

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following plans received 06.09.2018 reference:

P01 Amended Site Location Plan

P02 D Amended Block Plan

P16 A Plots 4+7 Elevations

P13 A Amended Floor Plans Plots 2 and 3

P12A Amended Elevation Plans Plots 1 5 6 8 and 9

P19 A Amended Garages

P15 A Amended Floor Plans Plots 4 and 7

P14 A Amended Elevations Plots 2 and 3

P11 A Amended Floor Plans Plots 1, 5, 6, 8 and 9

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 the occupation of any dwelling hereby approved, details of a wheelie bin collection point to serve the development shall be submitted to the local planning authority. Once approved in writing by the local planning authority, the wheelie bin collection point shall be provided in accordance with the approved details prior to the occupation of any of the dwellings hereby approved and shall thereafter be retained indefinitely.

Reason: To prevent wheelie bins obstructing the public highway, in the interests of highway safety in accordance with Spatial policy 7 and Policy DM5 of the DPD.

04

Prior to the occupation of the development, a scheme for the provision of external lighting shall be submitted to and be approved in writing by the local planning authority. The scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for all external lighting within the site and once approved in writing the approved scheme shall be implemented in full prior to first occupation of development.

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

05

No development shall take place until an ecological enhancement and mitigation strategy in accordance with the advice contained within the Preliminary Ecological Appraisal Survey (by Arbtech Oct 2018) has been submitted to and been approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full prior to the occupation of development taking place on site and shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The strategy shall include:

- Details of enhancement measures including bat/bird boxes to be installed on site including their design, quantum and precise positions including the height and timings of installation;
- The creation of hibernacula and refugia including their design, quantum and precise positions including the height and timings of installation;
- Details of any other mitigation measures recommended in the Survey.

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

06

No development shall be commenced in respect of the features identified below, until samples of the materials for all aspects of the development identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials
Bricks
Roofing materials
Joinery

Reason: In the interests of the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

07

Prior to the construction of walls above the footings, a brick work sample panel showing brick work, bond, mortar mix and pointing technique shall be provided on site for inspection by and subsequent written approval 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 the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

08

Notwithstanding the submitted details, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

External windows and doors and their immediate surroundings including details of glazing and glazing bars.

Chimneys

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Any other external accretion including extractor vents, flues, meter boxes, airbricks and soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the character and appearance of the Conservation Area in accordance with the aims of the NPPF and Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: 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: Additions etc. to the roof of a dwellinghouse.

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 of building etc. incidental to the enjoyment 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 and the amenity of neighbouring dwellings in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

10

No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority (both within and adjacent to the site). This scheme shall include:

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the Conservation Area in accordance

with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

11

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

12

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

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers, densities and approximate date of planting). For the avoidance of doubt, new planting should consist of native species only;

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials.

Reason: In order to preserve the character and appearance of the Conservation Area and enhance biodiversity in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

13

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of seven 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 and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

14

Any clearance works of vegetation (lopped, topped, felled or otherwise removed), shall not be undertaken 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 in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy.

15

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

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with the aims of the NPPF and Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

16

Details of the boundary treatments both within the site and around the perimeter of the site including types, height, design and materials must be submitted to and be approved in writing by the local planning authority prior to the first occupation of development. The approved boundary treatments shall be implemented in accordance with the approved details on a plot by plot basis unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the character and appearance of the Conservation Area and in the interests of residential amenity in accordance with Policy CP 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

17

The bathroom and ensuite window openings on the first floor north facing rear elevation of Plot 9 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

18

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

19

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

20

No development shall be commenced, including any site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

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

02

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

Background Papers

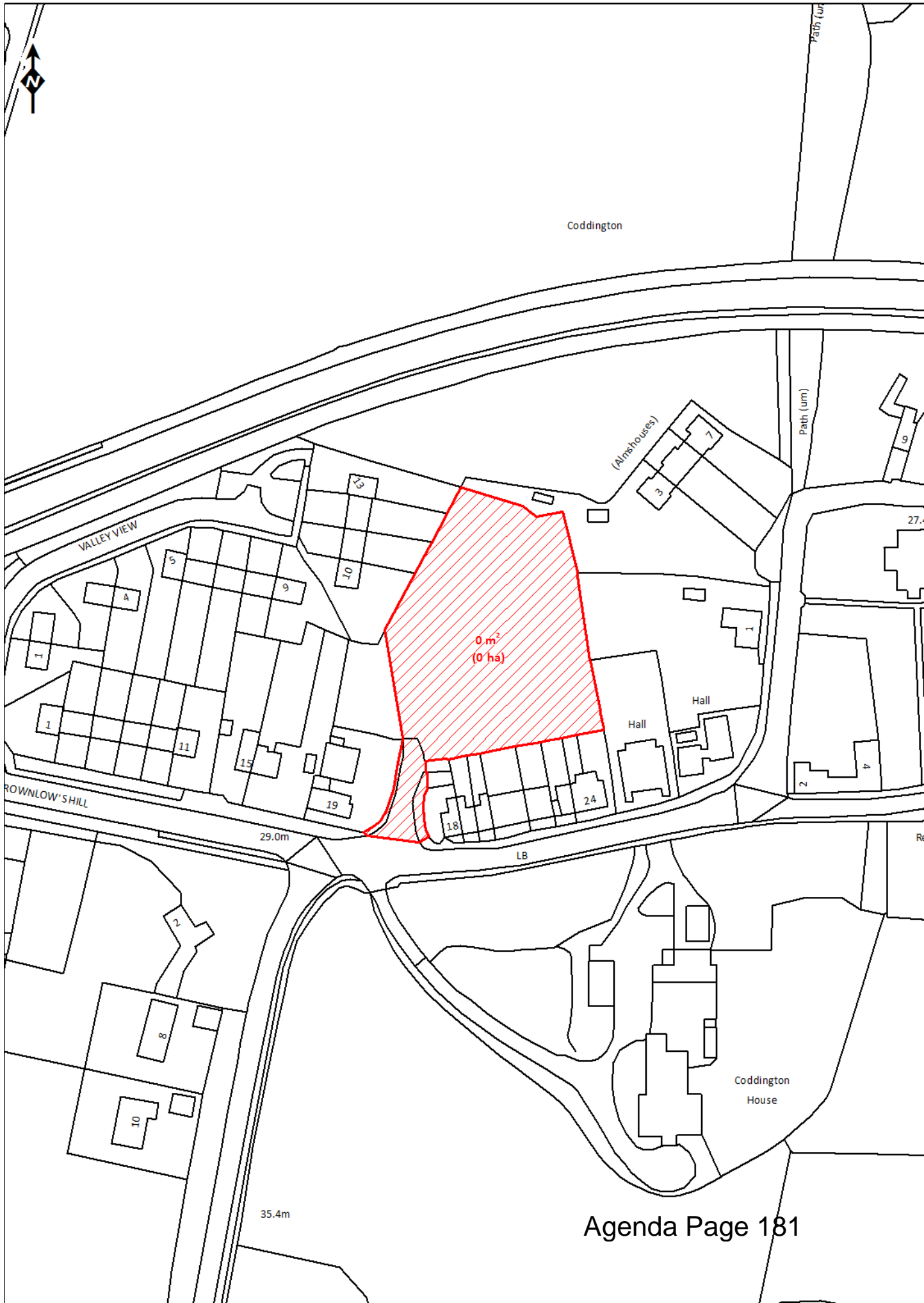
Application Case File

For further information, please contact Helen Marriott on ext. 5793

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

Matt Lamb

Business Manager – Growth & Regeneration



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01688/FUL	
Proposal:	Erection of Garage Building with Residential Annexe Above	
Location:	Wharf Cottage, Carlton Ferry Lane, Collingham, Newark On Trent, Nottinghamshire, NG23 7LZ	
Applicant:	Mr Mark Grocock	
Registered:	12.09.2018	Target Date: 07.11.2018 <i>Extension agreed to: 7.12.18</i>

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation is contrary to the view of the Parish Council.

The Site

The application site is located within the 'open countryside', away from the Village Envelope of Collingham. The site includes a residential dwelling and associated curtilage; further east on the wider site is an ancillary office as well as surrounding agricultural land.

The dwelling is accessed down along Carlton Ferry Lane (E) which according to Nottinghamshire County Council is a publicly maintained road. The property is directly accessed via a shared private driveway (S) leading from Carlton Ferry Lane. The parcel of land to which this building is proposed is currently grassed.

The dwelling is positioned on a N-S alignment with its principal elevation facing E. The south side elevation has a single storey lean to garage attached to it which is open fronted. To the rear of the dwelling, there is a steel framed balcony area. In front of the dwelling to the east is an area which is being used as storage space with a shipping container, boat, a number of garden sheds, greenhouse and allotment planting area. From aerial photography it is not clear that this piece of land is part of the residential curtilage of the dwelling and as such is being investigated independently from this application.

To the west of the dwelling is the River Trent which is approx. 58 m from the rear elevation of the hostdwelling. The rear garden to the property is approx. 23 m and the boundary with the River Bank is treated with a wall and planting. To the east of the dwelling is an agricultural field planted with orchard trees – the boundary between which is the gravel driveway and aforementioned informal storage area. To the north is an agricultural field, the boundary between which is treated with an approx. 1.2 m high post and rail fence. The land level here also reduces slightly towards the north.

To the south of the application property lies a small group of other residential properties. Further

east, past the agricultural land list the former and current areas of Besthorpe Quarry.

The site is located 2.06 km down Carlton Ferry Lane which according to Nottinghamshire County Council is a publicly maintained road. The property is accessed via a shared private driveway leading from Carlton Ferry Lane. Carlton Ferry Lane is a single width road with passing areas and is bound mostly either side by either open fields or the Besthorpe Quarry. Some farmsteads and dwellings are also located down this lane but the application site appears to be the last dwelling along the lane.

The application property is crossed by two footpaths, one running from adjacent to north-west of the junction between the existing access and the north-west corner of the property (North Collingham FP21A); and a footpath to the west of the property along the River Trent embankment (North Collingham FP29).

The whole of the site is located within Flood Zone 3b and therefore deemed to be the most at risk land of flooding from rivers.

Relevant Planning History

18/01495/FUL - Proposed new driveway to serve Wharf Cottage – Refused 01.10.2018

15/00565/FUL - Change of use of stable block to office – Permitted 30.06.2015

97/50486/FUL - EXTENSION TO FORM GRANNY ANNEXE – Permitted 15.08.1997

97/50485/FUL - EXTENSION TO FORM GRANNY ANNEXE – Refused 18.03.1997

96/50432/FUL - ERECT SINGLE STOREY STABLE BLOCK – Refused 28.01.1997

94/50419/FUL - ERECT STABLE BUILDING – Permitted 30.01.1995

2076677 - EXTENSION AND REPAIRS (NEW GARAGE WITH BEDROOM OVER) – Permitted 06.08.1976

The Proposal

The application seeks consent for the erection of a garage building with a residential annexe above. The building is proposed to be sited within the NE corner of the plot with the NW side elevation positioned approx. 0.5 m from the northern side out-shot of the existing dwelling and 3 m from the main body of the dwelling. The void between which is proposed to be linked by a 3 m x 0.5 m glazed roof over the entrance to the main dwelling and entrance to the annex.

The building is proposed to be approx. 18.6 m wide and 7.4 m deep. It is proposed to be two stories in height at 6.3 m to the ridge and 4.4 m to the eaves.

At ground floor the SE section of the ground floor is proposed to have a car lift pit with the NW open plan garage space. On the SW front elevation the building is proposed to have a continuous series of overhead sectional doors through two openings spanning a total of 13 m (2.1 m in height). The entrance door up to the first floor is also present on this elevation on the NW side.

On this elevation at first floor, three windows are proposed with a 5 panelled eaves flat roof dormer window spanning 3.9 m on the SE side.

On the NE rear elevation one roller shutter door is proposed at ground floor on the NW side. At first floor two large windows are proposed at first floor along with one 5 panelled eaves flat roof dormer window spanning 3.9 m on the SE side. A rooflight is also proposed in the NE facing roof slope.

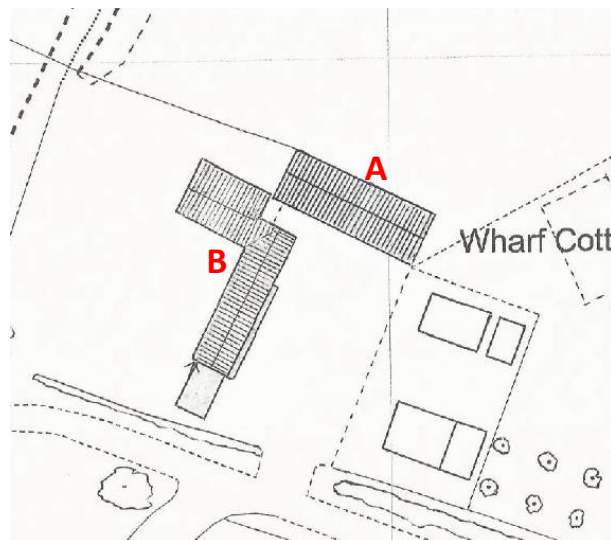
The NW side is proposed to have a roller shutter door at ground floor and the SE side is proposed to be blank.

At first floor the building is proposed to have a residential annex – this is proposed to have a lounge, dining room, two bedrooms and a bathroom. Entrance to the annex is proposed to be taken from the NW side through a pedestrian door and up a flight of stairs.

Materials proposed are off white render to the façade of the building to match the hostdwelling, brown uPVC windows, a concrete tiled roof, overhead sectional roller shutter doors and flat roof dormer windows with lead cheeks.

The annex/garage building is proposed to be 137.64 m² at ground floor (with a total area of 275.28m²)

Floor/elevation plans of the hostdwelling have not been submitted but from the block plan the dwelling is approx. 16.5 m in width and 5 m deep with an approx. 8 m x 6.4 m outshot on the northern side projecting towards the NW. Approx. 130.5m² at ground floor. The block plan (right) shows the proposed relationship between the Garage/Annex (A) and the hostdwelling (B).



Documents submitted with the application:

- Planning Statement
- Flood Risk Assessment and Flood Evacuation Plan
- Site Location Plan (Revised) – deposited 10.09.2018
- Proposed Plans and Elevations – PL-100
- Existing Block Plan

- Proposed Block Plan
- Annex Statement

Departure/Public Advertisement Procedure

Letters have been sent to 3 neighbouring properties and a site notice has been displayed close to the site.

Earliest decision date: 26.10.2018

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policies relevant to this application -

Policy DM5: Design

Policy DM6: Householder Development

Policy DM 8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Landscape Character Assessment Supplementary Planning Document (SPD)

Consultations

Collingham Parish Council – Support the proposal.

The Environment Agency -

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reason

The submitted FRA does not comply with the requirements for site-specific flood risk assessments,

as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

A standing advice document has been submitted instead of a full FRA. Since the proposed development includes additional living accommodation, the submitted FRA does not adequately assess the development's flood risks. In particular, the FRA fails to:

- consider how a range of flooding events (including extreme events) will affect people and property
- take the impacts of climate change into account
- consider how people will be kept safe from the identified flood hazards

Overcoming our objection

To overcome our objection, please reconsult us with an FRA which includes the following:

- A description of the development
- An assessment of the flood risk for your development, considering all sources of flooding and including an allowance for climate change
- The estimated flood level for your development
- Details of your flood resilience and resistance plans

We will respond within 21 days of receiving the revised FRA.

Advice to Sustainable Places and consultees

It is important to detail precisely what aspects of the FRA are defective. Specify place names or communities at risk wherever possible.

NOTE: Flood emergency planning

We do 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. In accordance with the planning practice guidance, our role is to ensure that built development proposals incorporate adequate flood risk mitigation up to the design flood level. However, there are some locations across the country whereby mitigation isn't always possible up to the design flood level and safe access/egress may be required. If the proposed development does not demonstrate that the occupants can remain safe for the development lifetime incorporating allowances for climate change (i.e. insufficient flood risk mitigation up to the design flood level and no specified arrangements for safe access and egress), then we should maintain an objection. If the FRA does include access/egress proposals, but it is clear that 'dry' or 'wet' safe access/egress is not demonstrated, then we should not object, but we should:

- provide advice on the likely duration, depth, velocities and UK flood hazard rating (FD2320) of floodwater (from PSO)
- suggest that the LPA consults the emergency planners/emergency services about whether 'safe' access/egress can be achieved through the FWEP
- Use with informative [NFR I 06 Flood warning and emergency response \(includes proposals for evacuation/safe refuge\)](#)

NSDC Emergency Planner – Second comments – “Whilst I empathise with the applicants and their wish to support their relative I have significant concerns. I recognise that there is an existing dwelling. However the intended use of the extension will increase the overall occupancy of this vulnerable location and potentially increase the number of people forced to take refuge at first floor level, potentially for many days. The current intended occupant has health needs that may or

may not be suitable to occupying a refuge facility. Should the occupants evacuate the premises ahead of flooding it is not clear where they would seek refuge without recourse to the support of the Local Authority support that may already stretched. Therefore I do not support this planning application.”

Preliminary comments – “I would expect a specific evacuation plan for a residence, they need to sign up to the flood warning alerts and consider how and to where they would evacuate without reliance upon the emergency services, should it be necessary.”

NSDC Access and Equalities Officer – “As part of the developer’s considerations of inclusive access and facilities for all, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards. Homes should be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term.

It is recommended that inclusive access to, into and around the proposal be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route clear of parked vehicles is important to and into the proposal from facilities such as car parking and from the site boundary. It is recommended that access be considered to any garden areas, amenity spaces and external features.

Carefully designed access, generous doorways, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

Comments of the Business Manager

Principle of Development and Impact on the Character of the Area

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

The site lies within the open countryside. SP3 (Rural Areas) provides that development away from the built up areas of villages will be strictly controlled and restricted to uses that require a rural

setting such as agriculture and signposts to The Allocations & Development Management DPD which sets out policies to deal with such applications. Given the location of this site away from the main built up area of Collingham the proposal represents development in the open countryside which is subject to strict control and limited to certain types of development as outlined in Policy DM8.

Point 2 of DM8 discusses extensions to existing dwellinghouses and the creation of new dwellings within the Open Countryside, stating ‘...the scale of new and replacement dwellings and extensions to those existing should be commensurate with the needs, and the ability of the operation they serve to fund them. Where a new or replacement dwelling is justified, its siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into account. Other than for the most minor of proposals, applications to extend dwellings subject to occupancy conditions will be assessed in the same way.’

The application seeks consent for the erection of a garage building with a residential annexe above. The building is proposed to be sited within the NE corner of the plot and the void between is proposed to be linked by a 3 m x 0.5 m glazed roof over the entrance to the main dwelling and entrance to the annex. The building is proposed to be approx. 18.6 m wide and 7.4 m deep. It is proposed to be two stories in height at 6.3 m to the ridge and 4.4 m to the eaves. At ground floor the building is proposed to have a secure garage for the applicants personal and competition vehicles – the planning statement advises that there is no provision within the existing site for secure storage of vehicles as the existing lean-to structure is open fronted and temporary. The statement advises that the applicants own numerous vehicles including competition vehicles which need to be secure to prevent theft. “In addition there is a need to be able to repair and maintain these personal competition vehicles. The applicant also owns a sailing boat which would benefit from internal storage.”

At first floor the building is proposed to have an annex with two bedrooms, one lounge room, a dining and a bathroom. The Planning Statement indicates that the annex is required for the mother of the applicant that has deteriorating health concerns and requires increasing care and supervision. The applicant states that there is not sufficient space within the existing dwelling to accommodate the annex accommodation; they also advise that the second bedroom has been incorporated in case they need to have overnight care in the future.

The Council’s SPD for householder development states that ‘where an annexe includes all of the primary aspects of accommodation (bedroom/ living room, kitchen and bathroom) and the unit could be, or is being, lived in separately with limited or no relationship to the host dwelling either through a family member or the level of accommodation then it will be considered as a new dwelling and so not householder development. Accordingly full planning permission for a new dwelling would be required with relevant policies of the development plan being applied in its consideration.’

I accept that the annex is not proposed to have a kitchen (although acknowledge that this could be added without the requirement for planning permission) and thus does not contain all of the primary aspects of accommodation. Notwithstanding this I consider that by virtue of the size of the building it could be lived in separately with limited relationship with the host dwelling, noting that the link between the two buildings is a glazed canopy and not an integral link. The building could also be accessed separately from Wharf Cottage and could have a separate curtilage created without giving rise to amenity concerns. The proposed annex is clearly capable of independent living in this case and as such the application is not classed as Householder Development and the application has been validated on this case (noting that whilst agreeing to this validation rather than appealing the process, the agent has contested this validation point). Please note that had the proposal been considered

ancillary to the main dwelling it would have been appropriate to consider the proposal as householder development and the consideration of Policy DM6 of the DPD would have been relevant (which is not the case in this instance).

A residential annexe is accommodation ancillary to the main dwelling within the residential curtilage and must be used for this purpose. The annexe should form part of the same "planning unit" by sharing the same access, parking area and garden. As such, I consider there to be two main factors in considering whether or not a proposal is ancillary and therefore an annexe as opposed to a dwelling and this is whether the proposed annexe demonstrates a clear physical and functional link to the host dwelling.

Notwithstanding the SPD guidance, the application as made is partly for residential annexe accommodation and the occupation and use of the proposed annexe is intended for family members which require support in their day to day lives. The supporting information indicates that the intention is for an elderly family member to live in the annex in order for the family to provide a degree of care that is increasingly required whilst allowing them to retain some degree of independent living.

The statement outlines how the unit (Wharf Cottage) will function and how existing occupants of the main house and future occupants of the annexe will interact whilst maintaining a single planning unit in planning terms, stating that it is not the applicant's intention for this building to be used as a new dwelling.

Notwithstanding this I consider that the proposed annexe cannot be regarded as ancillary to the main dwelling given the scale of the proposed building. Although described as an annexe, the building would be a self-contained, detached structure within its own front door and to all intents and purposes the building would be perceived as a separate unit, set at a perpendicular angle to the main dwelling, at a similar two storey height albeit of a different character to existing dwellings nearby. The footprint of the annexe is large and certainly not materially smaller than some detached dwellings in the vicinity, indeed the footprint of the annex portion of the building is proposed to be c.138m² and the hostdwelling is c.130.5m² at ground floor. The annexe could be lived in separately, with the addition of a kitchen, with only occasional visits to the existing house (in the same way friends and family from other houses would visit the house).

Overall, the size of the proposed annexe is not considered subservient or subordinate to the host dwelling and its detached nature means that it is not designed in such a manner to easily enable the building to be used at a later date as an integral part of the host dwelling. I do not consider the proposal could reasonably be considered to be ancillary to the main dwelling given the level of accommodation proposed and the size of the building relative to the host dwelling. I note the agent has stated in the second planning statement that due to the nature of the garage use for the hostdwelling at ground floor, the interrelationship would make the separation to a single dwelling unsuitable; however I would note that the garage could be used as residential accommodation use without the requirement for a change of use application and as such I give this relationship little weight.

It is not considered appropriate to assess whether or not a new dwelling would be acceptable in this location given that this is not what has been applied for within the description of development, however I cannot ignore that the scale of this annex could facilitate a new dwelling in the future which would be inappropriate in an Open Countryside location. I also note the refusal of recent application 18/01495/FUL which was to create an alternative/2nd access to Wharf Cottage which led close to the position of the proposed annex.

In conclusion notwithstanding the functional requirement for annex accommodation (to accommodate an elderly relative), I do not consider the proposed building including the annex could reasonably be considered to be ancillary to the main dwelling given the size of the building relative to the host dwelling and the level of accommodation it could accommodate. It is not to be said that an annex would be wholly inappropriate in this location just that it would need to be suitably scaled so that it is clearly ancillary to the main dwelling. The application as submitted is therefore contrary to the provisions set out within Core Policy 9 or the core strategy, policies DM 5 & 8 of the ADMDPD and the NPPF which is a material consideration.

Visual Impact (including impact on the Open Countryside)

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in proposals for new development.

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.

Within the Newark and Sherwood Landscape Character Assessment, the site of the proposed driveway falls within the Trent Washlands Policy Carlton Holme River Meadowlands (TW PZ 39). This area has a flat topography with extensive areas of intensively farmed arable fields. There are few detracting features other than the loss of some historic field patterns to farmland. The landscape condition is described as very good with the landscape sensitivity described as moderate.

The Policy Action for this area is to 'Conserve' which the LCA defines as *actions that conserve the existing field pattern by locating new small scale development within the existing field boundaries*'.

Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In this regard I consider it is important to retain the character of the landscape and prevent development from encroaching upon its rural characteristics.

The NPPF further states that application for 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

As previously stated, the proposed annexe would not be subservient or subordinate to the main dwelling and would occupy a large footprint when compared to the host dwelling and other dwellings in the vicinity. There are already a number of outbuildings/ancillary structures located within the curtilage Wharf Cottage which are not shown on the submitted plans and the addition of a further building would mean that a large proportion of the site is occupied by built form of some description.

Floor/elevation plans of the hostdwelling have not been submitted but from the block plan the dwelling is approx. 16.5 m in width and 5 m deep with an approx. 8 m x 6.4 m outshot on the northern side projecting towards the NW. Approx. 130.5m² at ground floor. The annex/garage building is proposed to be 137.64 m² at ground floor (with a total area of 275.28m²) and is thus 7.14m² larger in footprint than the hostdwelling itself, which evidences how the building is not physically subservient to the hostdwelling to which it would relate.

In the same vein I consider that the size of the garage is not appropriate for this countryside location, being of a bigger footprint than the hostdwelling, it is not proportionate to the existing built form on the site and by virtue of its positioning, forward of the principal elevation of the dwelling and would result in a detrimental impact on the character and openness of the surrounding countryside. The building would incorporate two large dormer windows which would also be out of keeping with the design of the hostdwelling.



Figure 2: Aerial photograph 2001



Figure 3: Aerial photograph 2016

As can be seen from the aerial photographs in Figure 2 and 3, a radical change to the landscape around Wharf Cottage has already occurred and it appears that a section of hedgerow to the south of the proposed access has already been removed (and replaced with laurel).

In addition the proposed building would be built along the boundary of the domestic curtilage with no screening between the site and the open countryside beyond. This increases the prominence of the proposed building, particularly when viewed from the nearby public footpaths to the detriment of the open rural character and visual amenity of the area. I therefore consider the proposal to be would be contrary to policy DM5 of the DPD and Core Policy 9 & 13 of the Core Strategy.

Impact upon Residential Amenity

Policy DM5 and the NPPF seek to ensure that development does not have an adverse impact upon the amenities of neighbouring properties. For the intended use the garage/annexe unit is unlikely to result in a material increase in noise or disturbance upon the amenity of neighbouring properties above and beyond levels created by existing residential properties in the vicinity. Therefore the use of the site is not considered to result in any appreciable impacts.

The building is proposed to be two storey in height (6.3m to the ridge) and to be sited within the NE corner of the plot with the NW side elevation positioned approx. 0.5 m from the northern side out-shot of the existing dwelling and 3 m from the main body of the dwelling. The void between which is proposed to be linked by a 3 m x 0.5 m glazed roof over the entrance to the main dwelling and entrance to the building.

Given the separation between the hostdwelling and application site and neighbouring residential properties in excess of 60 m it is not considered that there would be any significant impacts of overlooking or oppression to warrant refusal. The only property likely to be impacted by this new building is the hostdwelling.

The proposal is considered to be acceptable in respect of impact upon the neighbouring properties residential amenity. The proposal would be located in close proximity to the host dwelling at approximately 3m separation from the side elevation. It is therefore considered prudent to attach a condition to ensure that the proposed building is used for its intended purpose as annexe accommodation to the dwelling and not as a separate dwellinghouse.

The proposal is considered to be acceptable in this respect with Policy DM5 and the guidance in the NPPF.

Impact on the Highway & Footpath Network

Given the nature of the location, access route to the property and that the application does not propose to create a new access on to the highway it is not considered that the proposed building would result in any impact on highway safety. The building is proposed to provide secure garage space at ground floor and as such the proposal is considered to accord with policy SP7 of the Core Strategy.

The application property is crossed by two footpaths, one running from adjacent to north-west of the junction between the existing access and the north-west corner of the property (North

Collingham FP21A); and a footpath to the west of the property along the River Trent embankment (North Collingham FP29). Neither of these footpaths will be affected by the proposed garage and residential annexe, by virtue of positioning - the route of Footpath FP21A from Carlton Ferry Lane diagonally across the small agricultural field to the north of the proposed garage is not proposed to be altered.

Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

Para 159 states that 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'.

Para.160 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The whole of the application site is located within Flood Zone 3b, functional floodplain. The site is on the eastern bank of the River Trent; the site is relatively flat and lies on land forming the flood plain of the River Trent. The River Trent is approx. 60 m to the west of the proposed new building. The proposal seeks permission for the erection of a garage at ground floor and a residential annex at first floor, the NPPF advises that if the proposal constitutes 'minor development' (householder development or non-domestic extensions of no more than 250 sqm) then the sequential test need not be applied. Indeed, had the principle of development as an ancillary annex been accepted it also follows that the sequential test would be passed as an annex cannot be located anywhere but on the site of the host dwelling. A Site Specific Flood Risk Assessment is required and has been provided by the agent, although the level of appropriate detail within it is limited.

The Exception Test, as set out in paragraph 102 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk

overall. Table 3 of the PPG advises when the exception test needs to be applied.

In addition, table 3 of the PPG to NPPF advises when the Exception Test is required; in this instance Table 3 states that 'more vulnerable developments' (which residential development is) should not be permitted in any event within Flood Zone 3b.

The agent has re-submitted a flood warning and evacuation plan that was submitted to the Council under application 15/00565/FUL relating to the change of use of stable block to office. This plan remains in place for the office building and the owners of Wharf Cottage are registered with a flood warning service. This evacuation plan is not considered to be appropriate for this proposal given the residential annex building is a more vulnerable use than the office block. The risk to people sleeping, particularly elderly dependant relatives, in the proposed building has not been considered within this evacuation plan regardless of the sleeping accommodation being proposed at first floor. It has not been demonstrated how the occupants of the building would be kept safe from flood risk in a flood event which is highly likely given the location within the functional flood plain.

The Environment Agency has been consulted and object to the proposal for the reasons set out in full in the 'Consultations' section set out above. The Emergency Planner has also been consulted given the vulnerability of the location to which this new building is proposed and he has advised that he would expect a specific evacuation plan for a residence rather than an old plan provided for a use class of a different vulnerability classification. Their comments in objection read "whilst I empathise with the applicants and their wish to support their relative I have significant concerns. I recognise that there is an existing dwelling. However the intended use of the extension will increase the overall occupancy of this vulnerable location and potentially increase the number of people forced to take refuge at first floor level, potentially for many days. The current intended occupant has health needs that may or may not be suitable to occupying a refuge facility. Should the occupants evacuate the premises ahead of flooding it is not clear where they would seek refuge without recourse to the support of the Local Authority support that may already stretched."

It is considered that the applicant has failed to demonstrate how people would be kept safe in the event of a flood evacuation and consider how and to where residents would evacuate without reliance upon the emergency services, should it be necessary.

Overall, in conclusion the application is considered to be contrary Core Policy 9 (Sustainable Design), Core Policy 10 (Climate Change), DM5 (Part 9: Flood Risk and Water Management) and Section 14 of the NPPF and PPG.

CIL

The annex/garage building is proposed to be 137.64 m² at ground floor (with a total net additional area of 275.28m² over both floors). The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m² for CIL purposes. Therefore the CIL charge on this development would be £22,458.09.

Conclusion

Notwithstanding the proposed development being acceptable in terms of the impact on neighbouring amenity and highway safety, there is a fundamental policy objection to the erection of the proposed building, notwithstanding the functional requirement for annex accommodation, I do not consider the proposed building including the annex could reasonably be considered to be ancillary to the main dwelling given the size of the building relative to the host dwelling and the level of accommodation it could accommodate. The size of the building proposed conflicts with the provisions of policy DM8 which seeks to control development within the Open Countryside and as such is contrary to Core Policy 9 or the core strategy, policies DM 5 & 8 of the ADMDPD and the NPPF which is a material consideration.

In addition, regardless of the application being technically considered as 'minor development' and not requiring the application of the Sequential Test, reflective of the previous assessment I have concluded that whilst the application has been made for a residential annex it has not been determined that the annex building is ancillary to the main dwelling and as such is not an appropriate form of development within the Open Countryside. In addition, in accordance with table 3 of the PPG to NPPF 'more vulnerable developments' (which residential development is) should not be permitted in any event within Flood Zone 3b. The applicant has failed to demonstrate how flood risk to people and property will be managed satisfactorily and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

As such, there are no material considerations that would warrant an approval of this proposal.

RECOMMENDATION

That full planning permission is refused

Reasons for Refusal

01

The Local Planning Authority does not consider the proposal building including the annex could reasonably be considered to be ancillary to the main dwelling given the level of accommodation proposed and the size of the building relative to the host dwelling. In addition, the scale of the building is not proportionate to the existing built form on the site and by virtue of its positioning, forward of the principal elevation of the dwelling, would result in a detrimental impact on the character and openness of the surrounding countryside, particularly when viewed from the nearby public footpaths. The proposal would constitute a significant increase in the overall scale of the property in the open countryside. In the opinion of the local planning authority, the proposal is not considered to represent sustainable development and is therefore contrary to Core Policies 9 and 13 of the Core Strategy (2011) and Policies DM5, DM8 and DM12 of the Allocations and Development Management DPD and the NPPF, a material planning consideration. There are no other material planning considerations which would outweigh this harm.

02

The site lies within Flood Zones 3b Functional Floodplain. In accordance with Table 3 of the NPPG (Paragraph 67) 'more vulnerable' development should not be permitted at all within Flood Zone 3b. The applicant has failed to demonstrate how flood risk to people and property will be

managed satisfactorily in a flooding event and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. As such, the proposal represents an unacceptable form of development having regard to its location where development should not be permitted contrary to Core Policy 9 (Sustainable Design) and Core Policy 10 (Climate Change) of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 (Design) of the Allocations and Development Management DPD and the aims of the National Planning Policy Framework 2018 and National Planning Policy Guidance, which are material considerations.

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

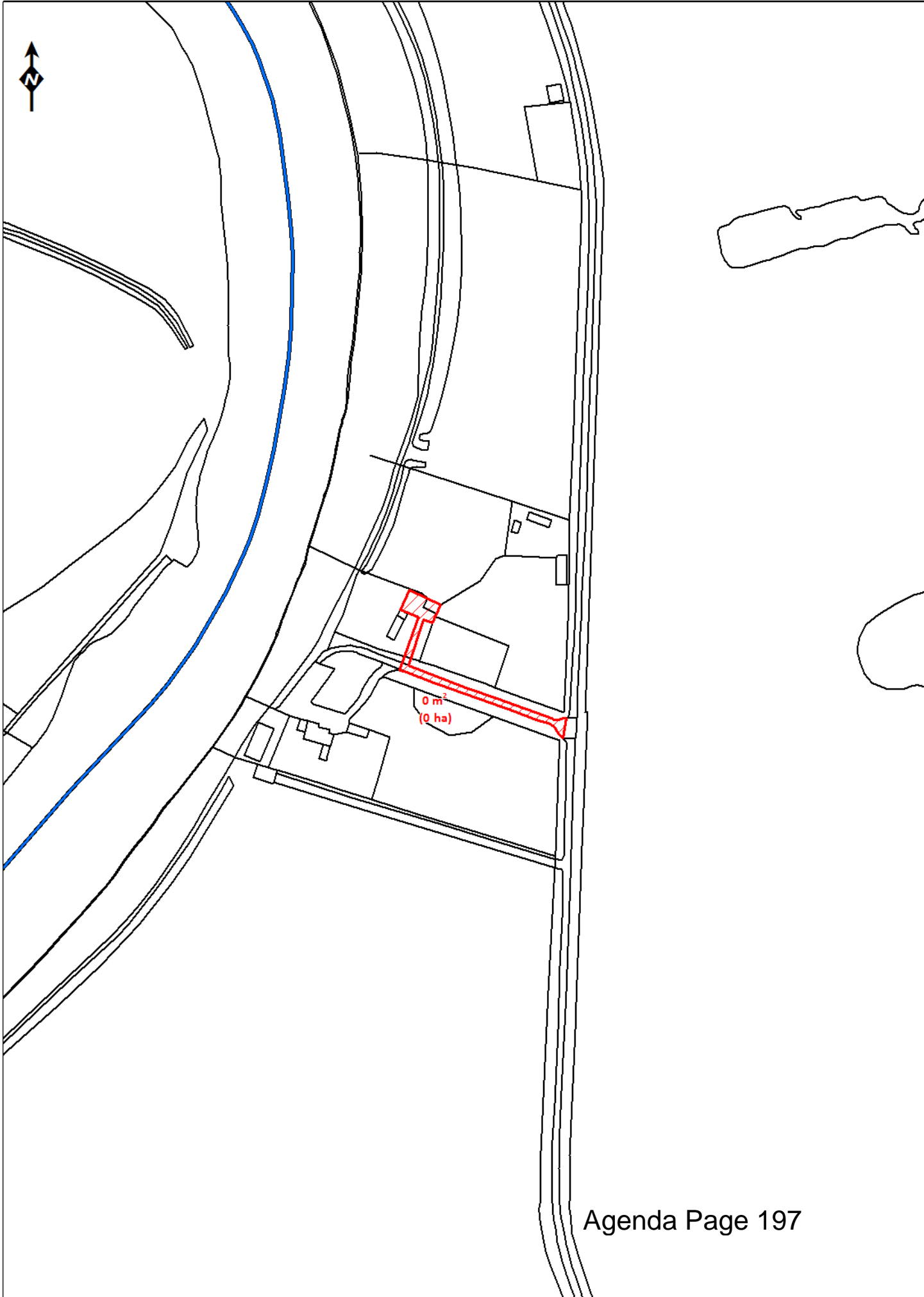
Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

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

Matt Lamb

Business Manager – Growth & Regeneration



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01863/FUL	
Proposal:	Erection of Dwelling	
Location:	Land To The Rear Of 112-118, High Street, Collingham, Nottinghamshire	
Applicant:	Mr Jonathan Bailey	
Registered:	05.10.2018	Target Date: 30.11.2018
		Extension agreed to: 7.12.18

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation is contrary to the view of the Parish Council.

The Site

The application site is an approx. 25m x 24m (c950m² including the access) parcel of land to the east of High Street within the defined village envelope of Collingham. The site also lies within the Collingham Conservation Area and is just outside the boundary for the Collingham Main Open Area (Co/MOA) which lies to the east, as defined by the ADMDPD.

The site is accessed from a driveway off High Street (west) which also serves the rear of 112 High Street which lies directly to the west along with the rear gardens of 112-118 High Street. The site is bounded to the east by a 2m high (approximate) hedge and vegetation, to the south by a redundant agricultural building and to the west by the rear garden fences of 112-118 High Street. Further to the east of the boundary of the site is part of the Collingham MOA and the footpath which links Woodhill Road with Swinderby Road.

The site is mainly located within a residential area with residential properties bounding the site to the west and south. To the north of the application site, two dwellings have been granted planning permission under 17/00283/FUL.

The site hidden from immediate views of High Street by existing built development that fronts on to the highway. Currently the site is used for the keeping of horses with some areas laid to lawn and some with hardstanding.

Relevant Planning History

PREAPP/00114/18 – Proposed dwelling – General objection on the grounds of impact on the character of the area by virtue of the proposal resulting in uncharacteristic backland development and an increase in housing density that would impact the historic urban character of the area – Objection also raised regarding highways safety.

12/01581/OUTM - Outline application with access, layout and scale to be considered incorporating the demolition of the existing built structures and the erection of 10 dwellings together with associated access road – Withdrawn 2013.

The Proposal

Full planning permission is sought for the erection a 4 bedroom two storey dwelling with an integral garage on the land to the rear of 112-118 High Street, Collingham.

The dwelling is proposed to be c. 15 m x 15 m with an L plan form with a maximum ridge height of c.7.8 m and eaves height of c.4.8 m. The two storey dwelling would be positioned approx. 5 m from the northernmost boundary of the site with the rear elevation following the northern boundary line and approx. 1.2 m from the western boundary.

Fenestration: Front (S) two dormer windows at first floor, a garage door and front door at ground floor and two ground floor windows in the southern projecting gable. Side (W) two roof lights and two ground floor windows. Side (E) two windows at first floor and two at ground floor, in the projecting single storey range there is one set of patio doors and one 4 pane bi folding door. Rear (N) three roof lights and two windows at first floor, one at ground floor and a back door.

For the avoidance of doubt queries have been raised with the agent regarding the plans that have been submitted and anomalies between them – plans SK-001 and SK-002 show 5 rectangular outlines on the eastern facing roof slope which are not present on the detailed eastern elevation plan, the agent has confirmed that these are indicative PV panels that the applicant may choose to erect under 'Permitted Development' if approved. In addition, the plan SK-007 Western Elevation does not show the profile of the two dormer windows proposed and the agent has been requested to amend the plans for clarity – these are yet to be submitted but will be reported to the committee as a late item.

The private amenity space would be provided towards the east of the dwelling and would be approx. 9.6 m x 25.5 m (approx. 244.8 m²). To the north of the dwelling between the proposed property and the northern boundary would be an additional approx. 5 m x 16 m (80m²). Access would be taken from the public highway (High Street) alongside no. 112 High Street.

The dwelling would provide a dining room, kitchen/snug, living room, toilet/utility room and a garage workshop at ground floor and four bedrooms at first floor with a bathroom and an ensuite bathroom.

The dwelling is proposed to be constructed of:

- Walls - Red stock brick, with normal mortar
- Porch Structure - Oak or Douglas fir
- Roof – Red/Brown Pan tiles
- Porch Roof & Dormer Window Roof – Red/Brown Rosemary tiles
- Windows - Timber casement windows in a sage colour
- Front & Back Door & Garage Door – Timber in a brown colour
- Bi-fold Doors - Aluminium in a sage colour
- Guttering & Downpipes - Plastic antique look
- Front Wall - Brick wall at the front with timber gates
- Eastern Fence - Concrete posts and gravel boards with timber panels

A boundary wall along the southern boundary is proposed to be constructed (precise specification has not been provided) with a gated entrance for vehicles and pedestrians. The eastern boundary is proposed to have a garden fence (precise specification has not been provided).

The garden is proposed to be laid to grass with a gravel or paved area for car parking although precise details of the landscaping has not been confirmed.

CIL – Gross Internal floor space of the new dwelling is proposed to be 261 m².

Documents deposited with the application:

- Site Location Plan - SK-001
- Site Plan – SK-002
- Proposed Ground Floor Plan - SK-003
- Proposed First Floor Plan - SK-004
- Proposed Roof Plan - SK-005
- Proposed South Elevation - SK-006
- Proposed West Elevation - SK-007
- Proposed North Elevation - SK-008
- Proposed East Elevation - SK-009
- Residential/Dwelling Units Supplementary Information Template
- Planning, Design and Access and Heritage Impact Statements
- CIL Determination Form

Departure/Public Advertisement Procedure

8 neighbours have been notified by letter, a site notice has been displayed close to the site and a notice has been placed in the local paper.

Planning Policy Framework

The Development Plan

NSDC Core Strategy Adopted 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 14: Historic Environment

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Policy Co/MOA: Collingham – Main Open Areas

NSDC Allocations and Development Management DPD Adopted July 2013

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 Considerations

National Planning Policy Framework 2018

National Planning Practice Guidance 2014

Collingham Conservation Area Appraisal

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Collingham Parish Council – Support the proposal.

NSDC Conservation Officer – “The application is for a large family home to the rear of historic buildings on High Street, within the Conservation Area of Collingham.

This application follows negative pre-application advice and as such I reiterate my earlier comments for PREAPP/00114/18. In summary, a proposal for new housing here was felt to be backland development which would harm the historic grain of this part of the Conservation Area and cause harm to the character of the Conservation Area.

Comparisons will be made to the planning history for the adjacent site (PREAPP/00081/16 & 17/00283/FUL) but there are several key differences between these two sites which are key to how to assess the different impacts of each proposal.

In the site adjacent there is no historic grain to preserve as the pre-existing modern bungalows had already been placed well back from the street frontage, so the modern historic building line had already been lost. While the new houses approved here are set back from the road, they would not be ‘backland development’ as they sit next to the modern bungalows and not behind. Indeed, we specifically negotiated out of the initial proposal an additional new house which would have created backland development. While the modern placement of the bungalows is not a positive feature, replicating this building line in this particular area caused no further harm to the character of the area here.

However, this site is quite different, being land to the rear of positive historic buildings, which sit directly adjacent to the street front, giving good street front enclosure and providing a clear and legible historic plan form and building line. This is a positive part of the character and appearance of the Conservation Area.

The proposal therefore needs to be read completely in the context of this specific site, where it would clearly be backland development, contrary to the historic grain of the village, which is a feature we should be specifically trying to conserve. I would stress that harm to character is of great importance as a Conservation Area is designated for both character and appearance. In being contrary to the grain of historic Collingham it would harm the character of Collingham Conservation Area. The minimum requirement in statute is that an application should preserve the character and appearance, which means to cause no harm to this.

I appreciate there are (and historically were) later outbuildings set behind the street front building line here, but they are/were just that – outbuildings; clearly ancillary in scale, character and appearance and do not/did not disturb this hierarchy of the principal buildings on the street front. The proposal is a substantial family home, very much a rival in status and size to the street frontage development and having no relationship with those buildings. It would be in no way a

reproduction of historic grain, as their supporting Statement suggests.

This is why I wish to reiterate my earlier concern that this is not appropriate development for Collingham and would harm the character of Collingham Conservation Area, being harmful to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considering the size and complexity of the overall Conservation Area the level of harm would be less than substantial, but be real and perceptible nonetheless.

It would also set a harmful precedent that, in a settlement like Collingham, could have a very real likelihood of coming forward.

I have the following comments on the design, but must stress that mitigation of these points would not change my in-principle objection to this proposal: the gable width is rather wide for a traditionally designed house; the use of a barge board would be better removed from the gable in favour of a simple verge and from the eaves for a brick detail with rise and fall gutters; and the rooflights are overly large and dominant on the west elevation. The concrete post and close boarded fence division across the plot is also unattractive.”

NCC Highways – Object:

Additional Highways comments following an email from the Agent: “I have reviewed my comments in light of your email below.

I remain satisfied that the Authority’s objection is reasonable and justifiable.

Whilst you point to other sites and other approvals which may appear to be similar to this application, each site is unique which means that consideration has to be given by applying engineering judgement on a site by site basis. At this site the A1133 carries about 5000 vehicles per day with an HGV proportion of about 8.6% (2015 figures). I am satisfied that the very poor access visibility, and the risk of a car having to wait on, or reverse out on to, the A1133 because of the access width and increased use, offer sufficient grounds to raise a highway safety concern such that a recommendation to refuse is sustainable.

I do not consider that there is sufficient argument to alter the Highway Authority comments dated 17 October 2018, but clearly it is the role of the Planning Authority to make the final decision.”

Previous comments

“The proposed dwelling would take access from the existing access adjacent to 112 High Street. This access is narrow in part; about 3.7m which is insufficient for two cars to pass one another, and has very poor visibility for drivers wishing to emerge on to High Street.

If a vehicle leaving the site encountered one entering the site, then there is the possibility that a car may have to wait on the A1133 High Street, or reverse out on to it.

Given the nature of this road and the volumes of traffic this is not considered acceptable.

In view of the above, the additional traffic generated by the proposal would increase the risk of an accident and therefore this Authority is likely to object to any formal planning application.

Recommended Reason for Refusal

The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access & junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133.”

Archaeology Officer - No archaeological input required.

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

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwelling be carefully examined throughout. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed ‘vehicular free’ access to the proposals. In particular, ‘step-free’ access to and into the dwelling is important and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed ‘step-free’ approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

No comments from neighbours or interested parties have been received to date.

Comments of the Business Manager

I consider that the main issues in assessing the proposal to relate to (1) the principle, (2) conservation/heritage issues, (3) highway matters and (4) the impact on neighbours. Each matter is addressed in turn below:

Principle (including position on 5 Year Housing Land Supply)

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

The site is located within the main built up area of Collingham. Collingham is defined within the Adopted Newark and Sherwood Core Strategy (2011) as a Principal Village where there are a good range of facilities to support further housing. In settlement terms there is thus no objection in principle to housing. Notwithstanding acceptability with respect to the settlement hierarchy it is noted that site is also just west of the defined Collingham Main Open Area (Co/MOA) and within the conservation area. This is explore further below.

Impact upon Character (including upon the Main Open Area and Heritage Impacts)

It is important to understand the function of this main open area within the wider context of the village. The Council's view is that the principle of development within the MOA's of the district will normally be resisted, however we acknowledge that in some instances, development has occurred within the more enclosed parts of these MOAs that could prejudice future development opportunities. However it is accepted that this site lies outside of the Main Open Area and as a result is not necessarily contrary to this part of the ADMDPD.

The Co/MOA is referred to as being important within the context of views from High Street. In terms of a viewer's experience what is important is the sense of space when viewed from this area. What is clear on site is that the area is clearly defined as separate land with established boundary treatment and no public access apart from along the footpath which lies to the east of the site. Having regard to the function which the space performs I am of the opinion that given the new dwelling has been sited behind the existing build line on the High Street and it is not excessive in scale nor would it undermine the ability of the retained open area to the east to continue to perform this function.

The High Street is currently the main road through Collingham which is characterised by historic properties facing the road, notably cottages, barns and other vernacular buildings. The historic mapping indicates that the properties 110-118 High Street forms a tight-knit cluster between open fields. The historic cottages provide setting to the Grade II listed Aberdeen House which lies to the west of the application site across the highway on the Church Lane/High Street junction facing southwards. The 20th century infill development to the north of the application site, 124 and 126 are 1950s/60s in origin and appear to be police house style which offer social and historic context that contributes positively to the Conservation Area. It has been accepted that 124 High Street offers limited historic and architectural interest; nonetheless, the spaciousness of the layout to 124 is an echo of the former openness of the land to the east of the High Street. Its sharp contrast with the more compact development directly to the west of this site emphasises the original village layout.

However, it should be acknowledged that permission has been granted for the erection of 2 dwellings to the north of the application site and to the south of 124 High Street. The application site for this application is paddock land that lies directly behind the rear gardens of the tight knit dwellings and as a result a dwelling here would result in backland development behind the

established line of built form on this point of the High Street.

The properties to the west on High Street present a typically linear form of development which have extended linear ranges projecting towards the east; all of the properties have extensive c. 20m curtilages and from aerial photography I am satisfied that whilst there are examples of outbuildings present in the rear gardens along High Street, it is clear that this is the end of the build line with the MOA to the east. I believe there are no other examples of dwellings having been built in the land to the rear of the residential properties in any other case other than 17/00283/FUL in which the dwellings are at a perpendicular angle (referenced within the planning statement).

The Conservation Officer has commented on this advising “Comparisons will be made to the planning history for the adjacent site (17/00283/FUL) but there is several key differences between these two sites which are key to how to assess the different impacts of each proposal.

In the site adjacent there is no historic grain to preserve as the pre-existing modern bungalows had already been placed well back from the street frontage, so the modern historic building line had already been lost. While the new houses approved here are set back from the road, they would not be ‘backland development’ as they sit next to the modern bungalows and not behind. Indeed, we specifically negotiated out of the initial proposal an additional new house which would have created backland development. While the modern placement of the bungalows is not a positive feature, replicating this building line in this particular area caused no further harm to the character of the area here.”

I agree with these comments. It is acknowledged that permission has been granted for the erection of two dwellings in the site to the north, which do not correspond with the traditional build line of the area. The reasoning from the conservation officer above is notably different given the association of the dwellings to the west of the application site and the defined building line that would be degraded by the construction of the dwelling within this application.

Policy DM5 of the DPD requires development to reflect ‘the scale, form, mass, layout, design, materials and detailing’ of the surrounding built form. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals affecting the historic environment are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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 their setting.

The proposal site is considered to represent backland development. DM5 states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established

character and appearance of the area. As stated above I am mindful that the built form on the southern side of the site, comprising 110-118 High Street represent linear built form which front the highway with their principal elevations at the back edge of the pavement. These dwellings have reasonable residential curtilages which have had some linear range extensions. Other than that there are no other examples of dwellings having been built in the land to the rear of these properties.

With regards to the above, I consider that the proposal to create a dwelling to the rear of 112-118 High Street would be out of keeping with the general character and density of the surrounding area. I also consider that approval of development of this nature in this location would set a precedent for similar forms of development to occur within the paddock land and MOA to the east of High Street that would cumulatively create harm to the established character of the surrounding area by virtue of uncharacteristic and harmful backland development and an increase in housing density off High Street.

I agree with the Conservation Officer that this backland development would be harmful to the historic grain of the village and that it fails the minimum requirement in statute as it doesn't preserve the character and appearance, which means to cause no harm to this.

With regard to the design of the new dwelling, I note the comments on this made by the Conservation Officer. It is suggested that the gable width is rather wide for a traditionally designed house; the use of a barge board would be better removed from the gable in favour of a simple verge and from the eaves for a brick detail with rise and fall gutters; and the rooflights are overly large and dominant on the west elevation. The concrete post and close boarded fence division across the plot is also unattractive. I agree. However given that the principal of this new dwelling has received a strong objection on other matters the applicant has not been requested to amend the scheme in line with these additional design comments. This is because working positively and proactively with the applicants would not have afforded the opportunity to overcome the in-principal objection, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

In conclusion I am of the view that the proposal to construct a new dwelling in the land the rear of 112-118 High Street, Collingham would unduly harm the character of the surrounding area and as such is contrary to Core Policy 9 and 14, Policies DM5 and DM9 of the ADMDPD and Section 16 of the NPPF. Although the harm would be considered to be less than substantial, no clear and convincing justification has been presented and there are no public benefits that would outweigh this harm. The proposal is also considered to fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Amenity

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

The properties most likely to be impacted by the development are No's. 112-116 High Street to the west, no. 124 to the north and the two new dwellings approved directly to the north of the site that would intervene the site and no. 124 once built. I acknowledge that permission has been granted for two new dwellings directly to the north of the application site and as the permission is extant I have regarded these as 'committed development' that command full weight.

The two storey dwelling would be positioned approx. 5 m from the northernmost boundary of the site with the rear elevation following the northern boundary line and approx. 1.2 m from the western boundary.

From the site plan the dwelling would be positioned with its rear elevation approx. 28m away from the nearest dwelling to the north (No. 124), the dwellings approved under 17/00283/FUL would be approx. 9.6 m away from the rear elevation of the proposed dwelling (rear to rear). 116 High Street would be c. 16 m to the west of the side elevation of the dwelling with 114 High Street c. 12 m from the side elevation and 112 High Street 20 m from the side elevation of the southern projecting gable range.

The relationship with the neighbouring dwellings to the west would be close but is separated by the rear gardens of the dwellings that front on to the High Street. I do note that to the west is an outbuilding range that is present that would separate the proposed dwelling from the rear elevations of the dwellings to the west and as a result the introduction of further built form would not have a greater impact on the enjoyment of the residential gardens to the west. In addition, given the dwelling is proposed to be L shaped with the main bulk of the dwelling positioned further eastwards the closest part to the dwellings to the west would be the gable end which is not proposed to have any windows inserted. As a result I do not consider that any privacy issues would occur to the west.

The rear elevation is proposed to have two windows at first floor and one at ground floor towards the eastern part of the dwelling as well as three rooflights in the western side of the roof slope. I note that at present the proposed dwelling would be c.24 m from the neighbouring dwelling to the north and would be at a perpendicular line of sight to the existing dwelling to the rear. This relationship is considered to be acceptable given the set back of the neighbouring dwelling (124) in comparison to the positioning of the proposed dwelling and by virtue of separation distance.

The private amenity space is considered proportionate to the size of the proposed dwelling proposed in this location.

My main concern is the relationship between the proposed new dwelling and the two dwellings granted consent under 17/00283/FUL. Whilst I acknowledge that this permission has not been implemented I would highlight that it is an extant permission granted in April 2017 with c.1 year 5 months remaining – as such I must give weight to these dwellings and the designs that have been approved. The two dwellings are proposed to be two storey and be positioned c.4.6 m from the common boundary with this application site. Both dwellings are proposed to have main habitable room windows on their rear elevation which would look onto the rear elevation of this new dwelling. The new dwelling subject to this application is proposed to have two windows at first floor, one to serve a bedroom and one to serve a bathroom and three rooflights. Given that these small windows on the rear elevation could be obscurely glazed and for the bedroom, would not be the only window serving this room I am satisfied that any overlooking could be mitigated through the imposition of a suitably worded condition.

Notwithstanding this I remain concerned about the relationship between the proposed new dwelling and the two approved northern dwellings as they would still only be 9m apart rear to rear which is considered to be insufficient to meet the needs of privacy. The new dwelling and approved dwellings are all two storey and given the close separation distance I consider the

impact of this new dwelling on the two to the north would be oppressive and overbearing and have a perception of being overlooked.

On the basis of the above assessment, I am of the view that the proposal fails to comply with Policy DM6 of the DPD.

Impact upon Highway Safety

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

The proposal is for the erection of a house served from an existing access that already serves one dwelling and the application site. The proposed site plan shows that there is sufficient space within the site for the dwelling, parking area and space for maneuvering within the site. However whilst the applicant has not demarcated any parking bays on the site I am confident that there is capacity for sufficient off street parking and there is also an integral garage proposed.

From my site visit I can conclude that the junction visibility existing on to High Street is poor, particularly to the north/right where one would hope to find a splay of 2.4m x 43m, although I note that a visibility splay plan has not been submitted to clarify whether this would be achievable in this location. Visibility is partially masked by the corner of 112 High Street. The agent has stated within the planning statement that the existing access “does not meet the modern standards that would be applied to the creation of a new access”. Whilst I accept that this is an existing access point on to the High Street I must consider the intensification of this access point and whether this would increase the risk of safety to road users.

I accept the agents statement that the site was historically used as an agricultural merchants yard, however this use ceased some time ago (c.7 years) and the agent states that prior to this use the land was used for agricultural purposes. The agent states how the agricultural merchants included lorry ownership and daily deliveries were made to the site from this access point on to the highway. Notwithstanding this I would reiterate that the land is no longer used for this purpose and has not been in the recent past.

Currently the High Street is a classified ‘A’ road that carries c.5000 vehicles per day with an HGV proportion of about 8.6% (2015 figures provided by NCC Highways). The agent refers to a ‘HGV ban’ although I would note that this is a time restriction of access and that HGVs still use the A1133 frequently, as witnessed on my site visits as part of this application and at pre-application stage. The access point onto High Street at this site is obscured by the buildings that flank the entrance – the agent makes reference to existing properties along High Street that have similar access arrangements but these do not set a precedent for new development.

The agent comments on the ‘SLOW’ road markings and the parked cars often present on the High Street as justifications as to why this access should be acceptable as “vehicle speeds along High Street are generally low” – I would note that this is a 30mph road and as stated above, has a high capacity, with HGV use. Notwithstanding the historic use of the site, the application must be assessed on its own merit and the risk that it would present now.

The Highways Officer has objected to the scheme on highway safety grounds noting the poor visibility and stating that this increased danger to users.

The agent refers in his statement to an example in the village of Scarrington (Application 18/01075/FUL in the Borough of Rushcliffe) in which a similar access arrangement was proposed and the highways took a different view in that “the additional traffic generated by the proposal [1 new dwelling] is minimal” and that this view should be taken in this application. I would reiterate that each development must be assessed on its own merit. Whilst the highways authority may have concluded differently in this example for this application they have considered the nature and intensification of use of the High Street which has contributed to their conclusion.

The agent also refers to a planning application in which members contested the view of the highways officer for a new bungalow at No.70 High Street in Collingham (13/00445/FUL) and resolved to approve the application. I would note that the applications are materially different in that this access is flanked by buildings and the 2013 approval was flanked by a hedge on one side and that given the passage of time the use of the High Street has intensified. In any event, it may be the case in some instances that the addition of 1 dwelling would not be significant to increase the risk to road users however there must be a limit to this justification – an additional new dwelling emerging from a sub-standard access point onto a road with high volumes of traffic (including HGV use) poses a cumulative risk to road users which cannot be overlooked. Indeed, this view is reiterated by the Highways Officer in their additional comments: “each site is unique which means that consideration has to be given by applying engineering judgement on a site by site basis. At this site the A1133 carries about 5000 vehicles per day with an HGV proportion of about 8.6% (2015 figures). I am satisfied that the very poor access visibility, and the risk of a car having to wait on, or reverse out on to, the A1133 because of the access width and increased use, offer sufficient grounds to raise a highway safety concern such that a recommendation to refuse is sustainable”.

As such, on the basis of the above assessment I consider that the application would result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access & junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133 and fails to accord with policy DM5 of the ADMDPD.

Impact upon Trees and Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District’s biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The site is predominately hardstanding and scrub grassland which is occasionally used for the grazing of horses - there are no trees within the application site itself although there are a few smaller trees within the wider area. There is a single larger tree to the east of the site which is not protected by a Tree Preservation Order, but as it lies within the Conservation Area it is afforded a degree of protection against its removal without prior consent. As this lies outside of the site it is not proposed to be removed or to be affected by the proposal.

There is not considered to be any significant ecological value to the land subject to this application that would harbour any wildlife – as such the proposed development is considered to accord with the aims of policy DM7 of the DPD.

Community Infrastructure Levy

The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £70m² for CIL purposes. Gross Internal floor space of the new dwelling is proposed to be 261 m² and as such the CIL charge on the development would be £21,293.09. This is not a material planning consideration and should not be taken into account for decision making purposes.

Conclusion

The principle of new residential development in Collingham is acceptable as a matter of principle. However in this case I consider that this proposal would create harm to the established character of the surrounding area by virtue of uncharacteristic backland development and an increase in housing density that would unduly harm the historic urban grain and character of the area. Although the harm would be considered to be less than substantial, no clear and convincing justification has been presented and there are no public benefits that would outweigh this harm. As such the proposal is contrary to Core Policy 9 and 14, Policies DM5 and DM9 of the ADMDPD and Section 16 of the NPPF. The proposal is also considered to fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I also consider that approval of development of this nature in this location would set a precedent for similar forms of development to occur which would harm the character of the surrounding area and would therefore not be acceptable in principle.

In addition, by virtue of proximity to the common northern boundary and extant permission for the construction of two new dwellings which would be c.9.6m apart (rear to rear) I consider the new dwelling would result in an unacceptable relationship between dwellings to meet the needs of privacy with an unacceptable adverse impact in terms of being overbearing and oppressive as well as giving rise to a perceived impact of being overlooked upon the future occupiers of the two committed dwellings which would be contrary to Core Policy 9 of the Core Strategy, Policies DM5 and DM6 of the Allocations and Development Management DPD as well as the National Planning Policy Framework.

Finally, the application would have a harmful impact on highways safety and it has been concluded that the application would result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access & junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133 and fails to accord with policy DM5 of the ADMDPD.

In this case the harm cannot be mitigated and as such I conclude that this application should be refused.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

In the opinion of the Local Planning Authority by virtue of its design and siting the proposal is considered to represent harmful backland development that would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village and failing to meet the minimum requirement in statute (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) of preservation and rather would erode the historic urban grain of this part of High Street. Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by the public benefits of the proposal, namely in respect of the contributing marginally towards the Districts Housing delivery and supporting local services. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the local Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Core Strategy and Policy DM9 (Protecting and Enhancing the Historic Environment) and Policy DM5 (Design) of the adopted Allocations and Development Management DPD.

02

As a matter of fact an extant planning permission exists in respect of land to the north of the site for two dwellings which are committed in that they could be developed without further reference to the Local Planning Authority. In the opinion of the Local Planning Authority the proposal by virtue of its proximity to the common northern boundary (being less than 10m rear elevation to rear elevation) would result in an unacceptable relationship between dwellings to meet the needs of privacy, with an unacceptable adverse impact in terms of being overbearing and oppressive as well as giving rise to a perceived overlooking impacts upon the future occupiers of the two committed dwellings. The proposal is therefore contrary to Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the National Planning Policy Framework.

03

In the opinion of the Local Planning Authority the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access and junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133. As such the proposal is contrary to policy DM5 of the Allocations and Development Management DPD, Spatial Policy 7 (Sustainable Transport) of the Adopted NSDC Core Strategy and National Planning Policy Framework (NPPF).

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning

permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

Background Papers

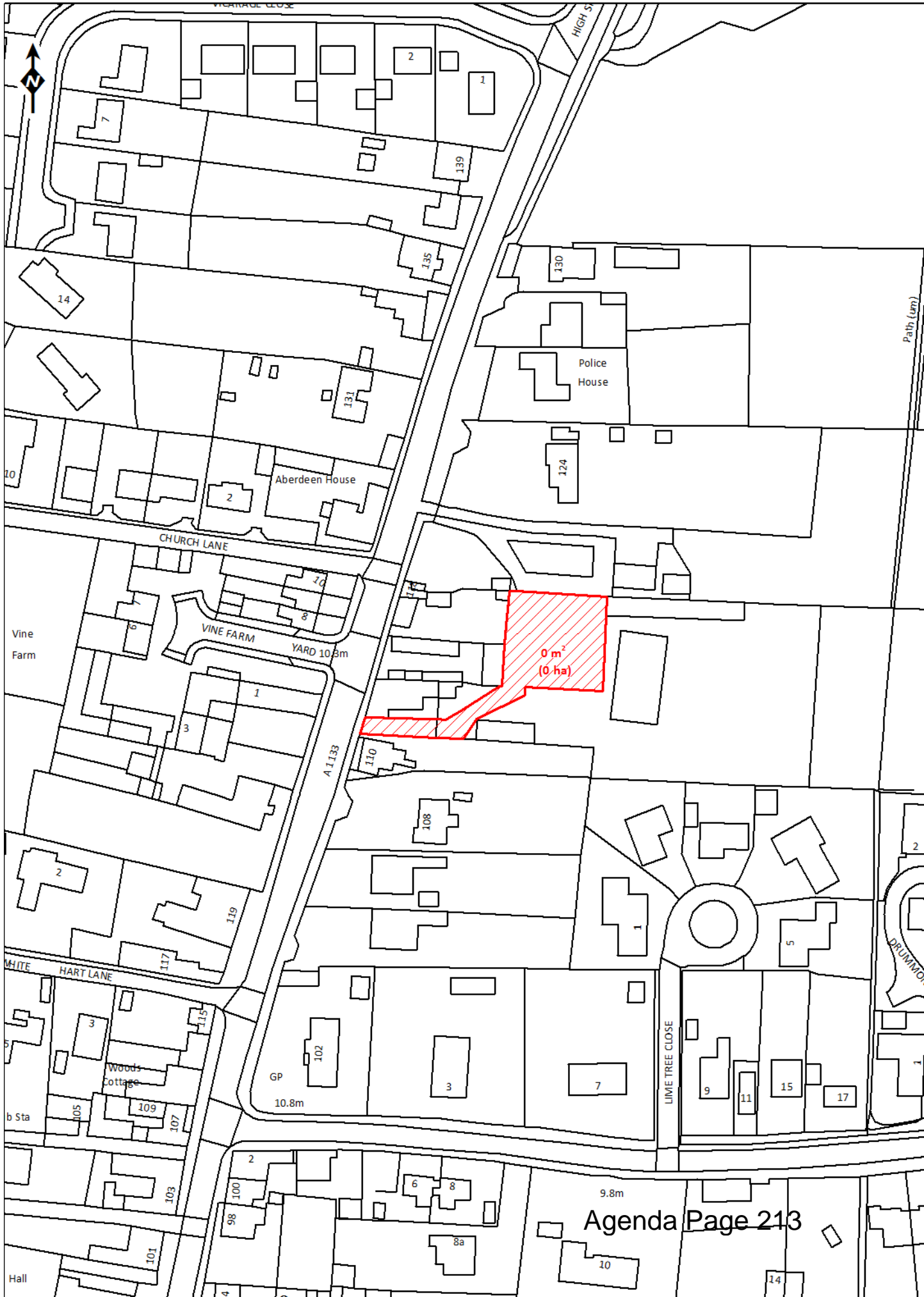
Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

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

Matt Lamb

Business Manager – Growth & Regeneration



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/00509/FULM (MAJOR)
Proposal:	Erection of 71 dwellings, structural landscaping, open space provision and access roads.
Location:	Land West Of Waterfield Way, Clipstone
Applicant:	Avant Homes - Mrs Lorna Rider
Registered:	13 March 2018
	Target Date: 12 June 2018
	Extension of time: 05 December 2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation due to a call in request from Cllr Peacock on the grounds that the community infrastructure and other services are not in place to support an increased number of homes on Cavendish Park.

The Site

The 2.9ha application site forms an area allocated as a ‘Housing Site with Planning Permission (Ho PP)’ in the Allocations and Development Plan Document (DPD). It comprises a rectangular shaped field to the south east of dwellings along both Waterfield Way and Portland Way and north-west of dwellings along Primrose Way. The application site also includes linkages through a housing site currently under construction (100 dwellings approved by 17/02051/RMAM) to the roundabout that currently forms the western termination to Cavendish Way.

Existing houses are located adjacent the south and east boundaries of the main part of the application site with the existing estate roads of Waterfield Way also terminating at the edge of the application site.

The site slopes upwards in a south to north direction with a notable difference in height between the dwellings to the south of the site which have retaining walls forming their rear garden boundaries. Close boarded fences form the majority of the boundaries to the adjacent dwellings with the exception of two garage walls which run along the boundary. Mature trees and hedges bound the western boundary of the site.

The surrounding area is predominantly residential, comprising a mix of two and 2.5 storey semi-detached, detached and terraced properties of fairly generic style, representative of the age of dwellings which are all relatively recently been constructed. Grade II Listed Clipstone Headstocks is visible above.

A public right of way (Clipstone FP16) runs close to the west boundary of the site.

In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1.

Relevant Planning History

17/02051/RMAM Submission of Reserved Matters pursuant to Conditions 1 and 2 of outline planning permission 13/00458/OUTM for the erection of 100 dwellings (Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads) – permission 06.06.2018.

13/00458/OUTM Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads (Extant Permission) Please see Documents saved under 09/01136/OUTM (replacement planning permission) – permission 11.12.2014.

09/01136/OUTM Erection of up to 100 residential units, structural landscaping, open space provision and access roads – permission 09.08.2010.

04/00733/OUTM Housing development together with associated infrastructure – refused 11.06.2004.

02/02292/OUTM Variation of condition 1 from permission OUT/980066 relating to the time limit for submission of reserved matters application – permission 07.03.2003.

98/50350/OUT Residential development (340 dwellings) industrial development and access – permission 29.12.1999.

93/50350/OUT Residential development (340 dwellings), industrial development and access – permission 19.01.1995.

The Proposal

The application seeks full planning permission for the erection of 71 dwellings, structural landscaping, open space provision and access roads.

The application has been amended during the lifetime of the application. The first amendment was made in May 2018 when the red line boundary of the application site was amended to include access to the adopted public highway linking the site to the roundabout that currently forms the western termination to Cavendish Way. Further amended plans were received in September 2018 which included the deletion of a plot to enable the reconfiguration of the layout to address residential amenity concerns, amendments to the layout to address highways issues and the creation of an informal footpath link to an existing footpath which runs to the west of the site to improve overall site permeability. On-going negotiations regarding the viability of the scheme and the overall contributions to be secured have also been ongoing during the lifetime of the application with a final offer being made in November 2018.

Proposed house types include a mix of styles and design including detached, semi-detached and terraced. A mix of 3-bed and 4-bed dwellings are proposed. All of the proposed dwellings would be 2-storey apart from two 3-bed units which would be 3-storey.

The application is accompanied with the following:

- Application Form
- Preliminary Ecology Appraisal December 2017

- Letter regarding impact on potential Special Protection Area (pSPA) 19.07.2018
- Planning Statement
- Arboricultural Survey Report
- Geotechnical and Geo-Environmental Site Investigation
- Amended Travel Plan 19.06.2018
- Transport Assessment
- Flood Risk Assessment
- Design and Access Statement
- Topographical Survey
- Sustainable Drainage Strategy
- Viability Appraisal (including updates)
- Cross Sections

Departure/Public Advertisement Procedure

Occupiers of 36 properties have been individually notified by letter. A site notice was displayed near to the site and an advert was been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting & Promoting Leisure & Community Facilities
- Core Policy 1 - Affordable Housing Provision
- Core Policy 3 - Housing Mix, Type and Density
- Core Policy 9 - Sustainable Design
- Core Policy 10 - Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM10 - Pollution and Hazardous Materials
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Publication Amended Core Strategy DPD 2017

Consultations

Clipstone Parish Council:

Comments received 29.09.2018:

No comment.

The Officer sent a reply to Clipstone Parish Council's comments received on 26.06.2018 stating the following:

Thank you for the extra information which I have forwarded to the developer. They have produced a plan which overlays the title plan for the allotments to show that they would not encroach into this area with the proposed gardens of properties 47, 48, 49, 50 and 51. They have also stated that they understand the definitive route for the path to run to the west of the landscape strip on the edge of the field which is outside of the application site and therefore unaffected by the proposed development. As such, no diversion of the footpath is proposed.

Comments received 26.06.2018:

Please see the attached in an attempt to clarify matters:

- The proposed diversion of the footpath takes the path onto land owned by a third party. As far as the council is aware this third party has not been asked for permission to use their land for a public footpath so the applicant can use the existing footpath for their development. That land belongs to the Clipstone Allotments Association. NT516690. No permission has been sought by the existing landholder to re-route the footpath.

- The boundary of several gardens as drawn on the plan surpasses land owned by the developer. It appears the developer is planning gardens on land owned by a third party. To the Council's knowledge this third party has not been approached about this use of their land. Again the land in question belongs to the Allotments Association.

- Planning permission should not be granted until the developer can prove that they own all land they will be using for their development and the redirected footpaths.

- Properties 147, 148 and 149 exceed the boundaries of the planning consent application.

Apologies, this should have read properties 47, 48, 49 but also 50 and 51. Please see the attached plans for details.

He also tells me that when the original outline Planning consent was given, a 3m wildlife corridor was shown on the plans. The developers have been ignoring this and been building up to the boundary of the area marked on the plans and beyond. Clipstone Allotments Association is already in expensive boundary disputes with property owners who have encroached onto its land believing it was theirs.

The Footpath is on land owned by the Association and no permission has been given to the developers to utilise the land leading up to it.

Comments received 10.04.2018:

Clipstone Parish Council Has resolved to object to the proposed planning application.

- The roads in the new development appear to be too narrow and of unsuitable layout (90° bends) to allow for safe access of emergency services and utilities

- Not bus stops are planned. The nearest bus stop on First Avenue is a ten minute walk away and requires crossing the busy Cavendish Road.

- The whole of Cavendish Estate still only has one access route. Emergency services may not be able to reach the estate.
- Still no amenities such as shops, schools etc. have been added to the plans
- Properties 169, 170, 171 and 172 would be overshadowing properties in the existing neighbouring development. Turning the layout by 90° so that the green space would be between the new and the old development would solve this problem.
- More public green space away from roads required
- The proposed diversion of the footpath takes the path onto land owned by a third party. As far as the council is aware this third party has not been asked for permission to use their land for a public footpath so the applicant can use the existing footpath for their development.
- The boundary of several gardens as drawn on the plan surpasses land owned by the developer. It appears the developer is planning gardens on land owned by a third party. To the Council's knowledge this third party has not been approached about this use of their land.
- Planning permission should not be granted until the developer can prove that they own all land they will be using for their development and the redirected footpaths.
- Properties 146, 147, 148 will interfere with 3 B2 rated oak trees.
- Properties 147, 148 and 149 exceed the boundaries of the planning consent application.
- The plans show several properties with only one car parking space. Without suitable connection to public transport residents are likely to be relying on more than one car per household. Any surplus vehicles would be parked on the road adding to car parking and emergency access problems.

Environment Agency – This application is situated in flood zone 1 and as such the EA has no comments to make. The LLFA should be consulted for their comments on surface water.

Severn Trent Water – With reference to the above planning application the Company's observations regarding sewerage are as follows.

Condition

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

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

Suggested Informative

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

Additional Drainage Requirements

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.

- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) Include a timetable for its implementation; and
 - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
- The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Ramblers Association - This development is bounded to the west by Clipstone FP16 and we would like to see the boundary hedge remain undisturbed. It might be a good idea if the developers' Welcome Pack which names Pocklington Ramblers as the nearest walking group was changed to give a mention of Mansfield and Sherwood Ramblers!

Natural England – No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Sherwood Forest golf course and Clipstone Heath Sites of Special Scientific Interest (SSSI's) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- The authority should ensure that the proposal conforms with the policies in your authority's GI strategy and consideration should be given to using developer contribution or planning obligations where necessary to assist with implementation of the aims and objectives of the GI Strategy.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

The proposal for 72 new homes on the edge of Clipstone is within approximately 1.2 km of Sherwood Forest golf course and Clipstone Heath SSSIs. Both SSSIs are notified for their lowland heathland habitat; Clipstone Heath is an important dry acid lowland heath site in Nottinghamshire, a habitat that is nationally in decline and therefore a priority habitat.

Both SSSIs are identified as sensitive to the impacts of increased residential development (as identified by Natural England's SSSI Impact Risk Zones (IRZs). Increases in residential development close to the SSSIs means there is potential for increased recreational pressure which could result

in adverse effects on the SSSIs notified features as a result of; increased footfall and erosion of habitat, eutrophication from dog litter and increased risk of fire etc.

It is important that housing growth is supported by an investment in the green infrastructure network in order that there is sufficient provision of areas of green space, which residents can access for recreation purposes, in order to alleviate pressure on the surrounding sensitive ecological habitats, such as the SSSIs.

Whilst we recognise that elements of Green Infrastructure (GI) have been provided within this proposal and on the adjacent site (17/02051/RMAM) including a pocket park, play area and landscaped bund, these areas do not appear to be ecologically connected. We would wish to ensure that this proposal will contribute to your authority's Green Infrastructure strategy (referenced in the Allocations and Development Management DPD paragraph 6.18) which is a material consideration when determining this planning application. The GI issues particularly identified for Clipstone focus on:

- the protection and enhancement of existing networks
- the creation of new strategic access routes to link the settlement to nearby employment and tourism centres and into the wider Green Infrastructure Network.

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

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

Natural England do not consider there is a measurable impact from this proposed development on the SAC, however new residential developments can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

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

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

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

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat

- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

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

Nottinghamshire Wildlife Trust – We are no longer able to provide the level of free ecological planning advice as we have previously.

NCC Highways Authority – *Comments received 02.07.2018:*

Further to comments made on 17 April 2018, additional information has been submitted including a revised drawing 1768.PH2.01K. This now shows a new road link to Cavendish Way within the red edge application boundary.

Minor modification to the layout is required to meet NCC Highways guidance. The private access serving plots 66-74 should be made 4.8m wide; not 4.25m as shown.

Additionally it should be noted that where bends are shown with forward visibility chords, the land within the chorded areas should be offered for adoption as public highway for highway safety reasons. Consequently, the treatment of this land will need to be subject to Highway Authority approval under a Section 38 Road Adoption Agreement. Nothing in these areas higher than 0.6m should be permitted to obstruct visibility.

For the type and scale of development proposed and its juxtaposition with surrounding development, it is imperative that a new road link is made to the Cavendish Way/Ward Road roundabout. In line with this Authority's Planning Obligations Strategy a developer contribution of £32,000 is sought towards sustainable transport improvements. It is assumed this would be achieved via a Section 106 Agreement.

It is now considered that this application may be approved subject to the following conditions:

No part of the development hereby permitted shall commence until the new access road link to the Cavendish Way/Ward Road roundabout, shown within the application site boundary, has been completed and made available for construction traffic, and; no part of the development hereby permitted shall be occupied until this link is made available for public use also.

Reason: In the interests of highway safety and capacity.

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced driveways 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 5.5 metres for sliding or roller shutter doors, or 6.1 metres for up and over doors. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

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.

No part of the development hereby permitted shall be occupied until the access roads have been designed and thereafter completed to a standard that provides a minimum carriageway width of 5.5m

Reason: In the interests of highway safety and capacity.

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

The shared private driveway serving plots 66-74 shall be laid out to a width of not less than 4.8 metres.

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

Comments received 17.04.2018:

Further to comments made on 3 April 2018 additional information has come forward that clarifies the position regarding access arrangements and, consequently, the number of dwellings able to be served.

Outline permission 13/00458/OUTM which includes the land subject to this application approved development of up to 100 dwellings. Application 17/02051/RMAM is currently being considered for these 100 homes (albeit a layout with 113 plots has been submitted).

According to the 6C's Highway Design Guide, no more than 400 dwellings should be served from the existing road system with 5.5m carriageways. Currently there are about 320 dwellings served, so the extra already-approved 100 would take this figure to about 420 which, under the current circumstances, would be compromisingly accepted.

However, this means that the additional 72 dwellings being sought in this application would result in about 492 homes being served from a road system designed to cater for a maximum of 400. It is therefore unacceptable.

In addition, the access road system is inadequate to cater for bus service provision and cycleways. For a development of over 400 dwellings one should be designing and implementing a road

system that would allow sustainable transport provision. This would require a wider carriageway (6m) on key routes through the estate to cater for bus services plus further widening on bends and/or junctions where necessary to deal with vehicle swept paths. Cycleway provision would require wider shared use footway/cycleway.

It is recommended that the application be refused on the grounds that

- the access road arrangement leading to the site is inadequate to accommodate the additional traffic which the proposed development would generate, and; the increased use of such roads would result in an increase in the likelihood of unacceptable danger to users of the highway.

If access were to be made available via the existing yet-to be-adopted road that leads to the roundabout at Cavendish Way/Ward Road, then this objection could be reviewed.

Comments received 03.04.2018:

The application site boundary is such that the only connection with an adopted public highway is via Waterfield Way. This road already serves about 100 dwellings as a cul-de-sac. Therefore, as an extension of that, only about 50 more dwellings should be added if it is to comply with the 6C's Highway Design Guidance (72 dwellings are proposed). Either the amount of development should be restricted to 50 dwellings, or only 50 allowed to be occupied until a second highway connection is made (presumably to the Cavendish Way/Ward Road roundabout).

Some of the houses do not have highway frontage allied to the same planning application i.e. Plots 79-80, 90 & 114-118. This should be addressed.

Traffic calming features have been shown and it is considered that these may not be necessary and may be deleted or amended when it comes to the Section 38 Highway Adoption Agreement.

Clarification is sought of the adoption/maintenance intentions of the accesses to plots 140-161 & 163-172. These are not appropriate for adoption as public highway as they are shown on drawing 1768.PH2.01A, but may still require amendment as private shared accesses. Lighting and drainage will need further consideration.

It is requested that these comments are treated as a holding response because not only are the above matters in need of resolution, but also further time to assess the Travel Plan and Transport Assessment is required.

Comments received 09.07.2018 in relation to Travel Plan:

All previous comments have been addressed and, as such, this travel plan is approved.

Comments received 15.06.2018 in relation to Travel Plan:

The updated Travel Plan has been reviewed against previous comments, and this Travel Plan is almost ready for approval. Those comments not addressed satisfactorily are below:

- As per the NCC TP Travel Plan Guidance, the primary target should be based around the trip generation values set out in the development's TA (which were used to demonstrate the acceptability of the proposal on the highway network), reduced to take account of travel plan initiatives. Modal splits can be used as a secondary target. This should be a relatively easy change

to implement as all the information should already be available – To avoid confusion and misinterpretation later, a further table should be added showing the trip generation with the travel plan in place (i.e. a repeat of Table 2, but with a reduction as per the proposed mode shift).

- As the primary target should be based around trip generation totals, monitoring should be in the form of both traffic counts and travel surveys. Traffic counts should be undertaken within the monitoring period, not just in the case where a statistically significant sample is not achieved, as stated in para 6.6.

Comments received 24.05.2018 in relation to Travel Plan:

Full contact details for an interim TPC should be provided now (which could be a representative of the developer or their agent). These details should then be updated and provided to NCC once appointed – and updated if the TPC changes (for whatever reason). The TP has been adjusted to show a client organisation only – we could do with some actual contact details included given the historic problems of maintaining liaison following TP approval.

- The adjacent development had within its Travel Plan the provision for a bus taster ticket, or voucher for cycling equipment. At present the TP says that vouchers would be investigated – it would be better if the offer was consistent.

- As per the NCC TP Travel Plan Guidance, the primary target should be based around the trip generation values set out in the development's TA (which were used to demonstrate the acceptability of the proposal on the highway network), reduced to take account of travel plan initiatives. Modal splits can be used as a secondary target. This should be a relatively easy change to implement as all the information should already be available.

- As the primary target should be based around trip generation totals, monitoring should be in the form of both traffic counts and travel surveys.

Comments received 18.04.2018 in relation to Travel Plan:

As a general comment, the TP suffers from a lot of statements which say that things 'could' happen rather than they 'will' happen which doesn't give NCC certainty that much of the TP would be enacted as documented. This is particularly important for statements within the measures, monitoring and remedial measures sections. These sections should be reviewed and re-worded in the next iteration.

- We reviewed a travel plan for an adjacent site in 2014. It is not clear if these are two separate sites, or if a Travel Plan was approved for the initial 100 units. Either way, this TP appears to have been developed in isolation and it would benefit from being part of the wider planning context.

- The footpath link between Portland Way and Highfield Road should be considered in the isochrones map which would extend the isochrones to the south east of the site.

- The primary target should be based around the trip generation values set out in the Development's TA (which were used to demonstrate the acceptability of the proposal on the highway network), reduced to take account of travel plan initiatives. Modal splits can be used as a secondary target.

- Para 6.4: the targets should not be amended without the approval of NCC.

- Full contact details for an interim TPC should be provided now (which could be a representative of the developer or their agent). These details should then be updated and provided to NCC once appointed and updated if the TPC changes (for whatever reason).

- The TPC should be in post to cover the entire monitoring period. At present there appears to be a 'gap' between the proposed monitoring period and the appointment period of the TPC.

- Need to make clear the travel welcome packs will be disseminated to all residents on first occupation.
- Additional walking and cycling measure would be to cooperate in national promotional events
- The adjacent development had within its Travel Plan the provision for a bus taster ticket, or voucher for cycling equipment.
- The TP should refer specifically to the Notts lift share website:
<https://liftshare.com/uk/community/nottinghamshare>
- As the primary target should be based around trip generation totals, monitoring should be in the form of both traffic counts and travel surveys.

NCC Policy –

Education provision

Paragraph 72 states that:

‘The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.’*

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: *similar to and not better than the England average* with Healthy Life and Disability Free expectancy statistically worse than the England average for this area or remove if not appropriate).

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important

role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>.

This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-and-wellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar but not better than the England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' –

http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark and Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL. Given that limiting long term illness or disability is significantly worse than the England average,

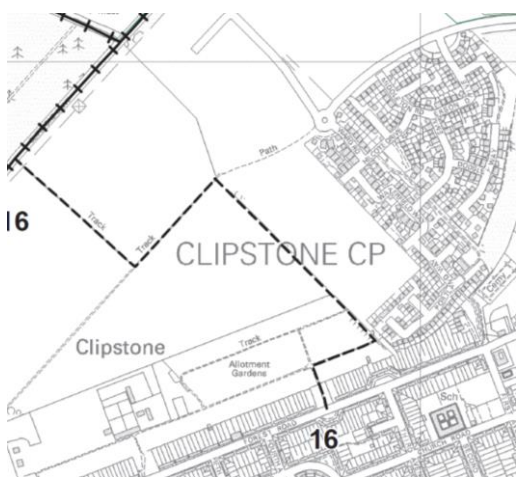
the development needs to ensure that it is age friendly providing good access to health and social care facilities.

Ecology

The site is predominantly an arable field in nature, and a Preliminary Ecological Appraisal has been carried out to support the application. NCC have not looked at this in detail, but this indicates that the site is of low ecological value.

Nevertheless, the recommendations contained therein (see Section 6) should be conditioned. In addition, NCC would request that in order to deliver ecological enhancements, the following should also be conditioned:

- The installation of bat and bird boxes (the latter targeting house sparrow, starling and swift) into a proportion (c.20%) of the new dwellings/their garages.
- The submission of a detailed landscaping scheme, via a condition, using native species of tree and shrub in the open space/site boundary areas, and ideally the use of a flowering lawn mix.



Rights of Way

The Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site.

Clipstone Public Footpath No. 16 abuts the South Western boundary of the proposed development site and provides a link from North Western corner of the site to an extensive network of Public Footpaths, Bridleways and cycle routes. Access to the footpath should be provided from the North West corner of the development.

The footpath is external to the development site and so should not be impacted upon during construction. The route should remain open for use and free from obstruction at all times. According to the Land Registry, the land subject to the application is in the same ownership of the section of Clipstone FP16 between the North West corner of the development site and Clipstone BW6 (known as Clipstone Drive). In lieu of the anticipated additional usage of the footpath that the completed development will bring, and in order to assist the developer in meeting objectives regarding sustainable transport options and promoting healthy lifestyles, an obligation is sought to upgrade the footpath to either Public Bridleway or Cycle Track status on the section indicated blue on the larger scale plan (20180320_ClipstoneFP16Proposal) provided. This would provide a link from the development site, and the rest of the recent adjacent developments off Cavendish Way, to new cycle routes connecting to the centre of Mansfield. It would also provide a cycle link to National Cycle Route 6, serving Vicar Water Country Park, Sherwood Pines, Sherwood Forest and Clumber Park. This proposal would also satisfy Highway Authority Local Transport Plan aims and objectives. Without such an agreement being made the footpath would be susceptible to unlawful use and trespass against the landowner by any person who uses it on a bicycle.

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

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

Should any developer contributions be sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

NCC Education – Nottinghamshire County Council therefore have no alternative but to request primary education contributions from any proposed housing development west of Waterfield Way Clipstone. A proposed development of 72 dwellings would yield an additional 15 primary and 12 secondary places. We would therefore wish to seek an education contribution of £171,825 (15 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

NCC Lead Local Flood Risk Authority – *Comments received 10.05.2018:*

No objections to the proposals following submission of the Sustainable Drainage Statement ref. CPC-BWB-HDG-XX-RP-CD-0001-S2-P1_SDS. The proposals for the adoption of the various surface water assets should be checked with the relevant authorities to ensure their validity.

Comments received 23.03.2018:

The application and Flood Risk Assessment make reference to a Sustainable Drainage Statement, reference CPC-BWB-EWE-XX-RP-CD-0001 which has not been included with the application. Without this document we cannot support the proposals as have no evidence of the suitability of the proposed surface water drainage.

NSDC Strategic Housing Officer - I think it unlikely for NCHA to be interested in the site as the type/layout and size of property at the time was not acceptable as it would cause significant management issues. This was raised at the time of the application. If it is a no then I would be happy to secure £32k per unit.

NSDC Tree Officer – Comments received 15 November 2018:

The amended plan is acceptable and reduces concern in relation to the proximity of proposed dwellings to proposed trees subject to the conditions previously listed.

Comments received 15 June 2018:

I have some concerns over the close proximity of proposed dwellings to retained trees on the south west boundary.

Plots 49 and 50 are located so far to the rear that T2 RPA is likely to be adversely affected by construction activities and both properties are likely to experience overshadowing and seasonal nuisance.

I would recommend that an adjusted layout pulling these 2 dwellings in line with others on the adjacent plots could minimise these issues.

Any full approval should fully condition tree/hedge protection and soft landscaping.

Recommended conditions:

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3. Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.

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

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

NSDC Environmental Health (Contaminated Land) – With reference to the above development, I have received a Phase 1 and Phase 2 Geotechnical and Geo-Environmental Site Investigation report submitted by Eastwood and Partners Consulting Engineers acting on behalf of the developer. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following intrusive sampling the report concludes that there are no exceedances of the relevant screening criteria for the proposed use. In addition no asbestos or pesticides were identified from the sampling carried out. Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed residential use.

NSDC Environmental Health (Reactive) – No comments.

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

temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

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

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements

6 households have submitted representations (albeit multiple letters/emails have been received from the same households as a result of reconsultation) which can be summarised as follows:

Principle of Development:

- No need for housing on an already over-developed site that has no amenities e.g. a shop in place

Highways:

- No bus routes into the development
- Traffic should not be routed through an already busy estate
- There remains only 1 way in and out of the estate, via Cavendish Way with a huge no. of homes serving this route;
- roads are narrow with 90 degree bends which are already difficult to navigate in the existing surround estates, especially should emergency services (fire in particular) need access.

Residential amenity:

- Overlooking
- Loss of light
- Significant difference in levels which exacerbates impacts as existing houses sit at a lower level which will make houses appear higher than 2 storey
- Overshadowing
- Inadequate separation distances
- No daylight and sunlight assessment has been undertaken
- Can overlooking windows be obscured?

Visual Amenity:

- There should be a green buffer zone between us and the new estate

Other

- Surface water run-off into adjacent properties due to sloping land
- Pressure upon existing retaining wall and fencing
- New boundary treatments required
- Impact on local services such as schools

- Can area of open space be moved immediately behind existing dwellings?
- Has any thought been given to the additional pressure/water-pressure/ground disturbance that significant groundworks will cause?
- It seems apparent, from an engineering perspective, that additional supporting concrete footed structure would be required
- I believe there should be a new boundary fence at the rear of the property, as the existing fence is my obligation I have certainly not given permission for the developer to use my fence as their boundary.

None material planning issues raised:

- Devalue homes
- Access is required on this land for maintenance reasons

Comments of the Business Manager

The Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD forms the Local Plan for Newark & Sherwood. The site is located within the urban boundary of Clipstone and forms part of a wider site identified on the Proposals Map as a 'Housing Site with Planning Permission (Ho PP)' in the Allocations and Development Plan Document (DPD). Spatial Policy 1 of the Core Strategy identifies Clipstone as one of two Service Centres for the Mansfield Fringe Area (the other being Rainworth) with an intended function of acting as a focus for service provision for a large local population and rural hinterland.

The NPPF recognises the need to support the Government's objective of significantly boosting the supply of homes and states that 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.

The application site forms part of the land previously granted outline planning consent for up to 100 dwellings, approved in August 2010 (09/01136/OUTM) with a subsequent extension of time limit for implementing the permission approved by Planning Committee in December 2014 (13/00458/OUTM). A reserved matters application to provide the 100 dwellings previously consented on the northern part of the site was approved by Planning Committee in June 2018 (Phase 1). The current application represents the remaining part of the original outline area on which 71 further dwellings are proposed (Phase 2).

As such, the principle of development is considered acceptable in principle subject to an assessment of all relevant site specific considerations.

Housing Numbers, Density and Mix

This application represents the Phase 2 provision of 71 dwelling over and above the 100 dwellings now under construction on the Phase 1 site. Core Policy 3 provides that development densities

should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

A density of 38 dwellings per hectare is proposed on the Phase 1 site. A density of 30 dwellings per hectare is proposed on the current Phase 2 site. The overall density of development is considered to be similar to the density of surrounding housing development.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan reflects this and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

CP3 also states that the LPA will seek to secure new housing which adequately addresses 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. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any local housing need information.

The detailed layout proposes the following housing mix:

	Phase 1 Dwellings	Phase 2 Dwellings	Phase 1 and 2 Blended Mix
2 Bed	17	0	10%
3 Bed	58	36	56%
4 Bed	25	35	35%
Total	100	71	100%

In terms of what the local demand is, evidence of this is contained within the Newark and Sherwood Housing Needs Survey Sub Area Report 2014 by DCA. Clipstone falls within the Mansfield Fringe Sub-Area from the perspective of our Housing Market & Needs Assessment (2014), with the Sub-Area Report showing demand within the market sector to be predominantly focussed on 32% 2-bed, 25% 3-bed and 14% 4-bed unit types, with lesser demand shown for 1 bed (17.0%) and 5-bed (12%).

As such, I do not consider the Phase 2 mix to fully reflect the needs of the Mansfield Sub Area given the lack of 2-bed units proposed within the Phase 2 development.

The Applicant has responded to my concerns with regards to the proposed housing mix as follows:

'This site has been subject to extensive viability negotiations based upon the current layout and mix. Were we to substitute larger units for smaller two beds, then this would have a negative knock-on effect on the viability that would reduce the affordable housing sum further. Whilst not explicit in the revised NPPF, the previous iteration was clear that local housing provision should aim to meet both need & demand. Avant's initial sales on Phase 1 have seen the majority of interest in larger family units, with little take up to date on the smaller 2 bed units. Whilst a concern for us on Phase 1, we clearly wouldn't wish to sub out units on the second phase were the market signals to be telling us that the demand is not there'.

I note these comments and also note that there is 2-bed provision on the Phase 1 development representing 10% of the overall provision across both phases. The floorspace of the proposed units on the Phase 2 development is not excessive (presenting smaller 3 bedroom dwellings) and predominantly provides for 3-bed units which represent the 2nd greatest need within the Sub Area. In addition, the proposal would contribute to the family size market housing that is required in this district as acknowledged by CP3. The proposed housing mix and density also reflects the character of the adjacent residential development. Even so, I have to conclude that the mix of housing units proposed does not fully comply with the aims of the NPPF and Core Policy 3 and this is an issue which will need to be weighed in the overall planning balance.

Impact on Visual Amenity including the Character of the Area

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.

Core Policy 13 in the NSDC LDF states that 'The District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area'. The site lies within the Sherwood Landscape Character Area, in landscape Policy Zone S PZ 12 Cavendish Wooded Estatelands and Wooded Farmlands. The landscape policy for this policy zone is to restore and create because of the poor landscape condition and moderate sensitivity. Suggested policy actions of relevance to this application include restoring historic field patterns including hedgerows and creating woodland.

There would be a mix of style, design and size of dwellings with a mixture of render and brick dwellings proposed. All dwellings would be 2 or 3 storey in appearance with a mix of detached, semi-detached and terraced dwellings proposed. Details of materials have not yet been submitted and it is recommended that a condition be imposed requiring the submission and approval of these details. As stated in relation to the housing mix section above, the proposed layout is considered to be in keeping with and similar to the existing residential dwelling to the east and south of the site. Notwithstanding this, the application site is located at a higher land level than the surrounding houses as existing and the development would inevitably have an impact on the landscape and the character of the surrounding area by virtue of the fact that a greenfield site would become a housing site.

The site benefits from a good deal of concealment offered by existing dwellings on three sides (when also taking into account the housing development currently under construction) and existing landscaping. A landscape strip provides a buffer between the application site and the open countryside to the west and contains a number of trees, shrubs and hedgerow (the north

section of this strip is within the blue line boundary of the application site albeit the southern section is in the ownership of Clipstone Allotments Association Ltd and contains Footpath 16). The Parish Council concerns in relation landownership have been resolved and the proposed site layout does not encroach onto 3rd party land according to the evidence before me. This buffer provides an appropriate soft edge to the development and assists in assimilating the development into the surrounding countryside and it is recommended that its retention is secured in the S106 agreement.

There are existing oak trees within this landscape strip identified as Category B (moderate quality) within the submitted Arboricultural Survey. All other trees and hedgerow within or immediately adjacent to the application site are identified as Category C (low quality) within the submitted Arboricultural Survey.

Concern has been expressed during the lifetime of the application in relation to the number of car dominated frontages proposed within the development. The submission of amended plans has reduced the number/occurrences of these hard surfaced frontages albeit some do remain and the Applicant has declined to reduce these any further as they are necessary to meet a highways requirement. The majority of these occurrences are not located along prominent entrances into the site. As such, it is considered that a reason for refusal on these grounds would be difficult to sustain.

There is no doubt in my mind that a scheme for residential development as proposed would alter the existing character of the site but this has already been accepted through historical permissions on this site. As such, it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. I am mindful of the character of the surrounding area which has been established through a number of housing developments over recent years. It is my view that the current proposal including the house types proposed, would be in keeping with the scale, character and appearance of this area. I am satisfied that the design has been properly considered and meets an acceptable standard of design. Subject to conditions relating to external materials, finished floor levels, landscaping, tree/hedgerow protection and perimeter boundary treatments the overall design of the proposed development is considered acceptable and in compliance with Core Policies 9 and 13 of the Core Strategy and Policy DM5 of the DPD.

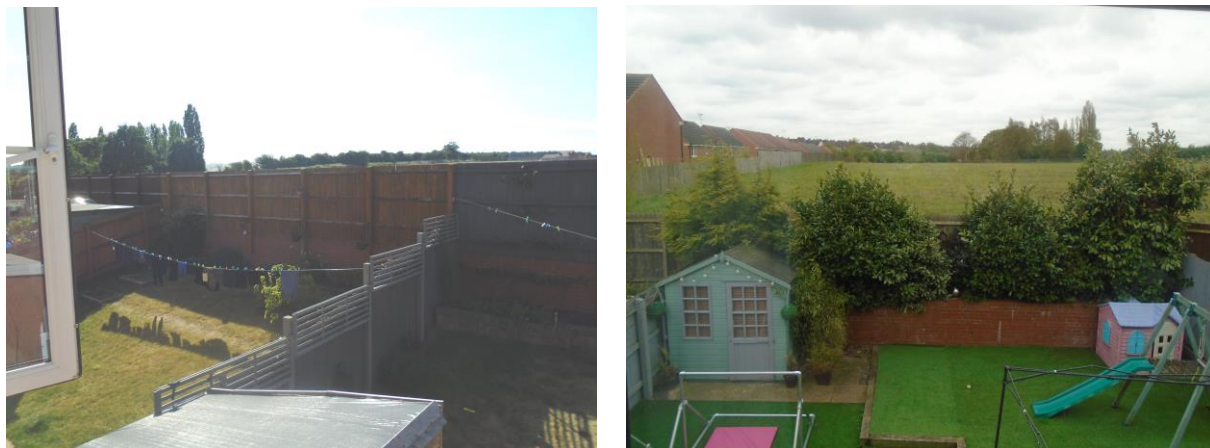
Impact on Residential Amenity

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

The dwellings located adjacent to the east and south boundary of the site would be most affected by the proposed development due to the positioning of proposed dwellings adjacent to the boundary. There are no specific separation distances set out in the Development Plan albeit the supporting text to Policy DM5 says that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an

adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The land levels of the application site are up to 3 metres higher than the existing dwellings along Primrose Way and Portland Way as illustrated on the photographs below.



Rear gardens of dwellings on Primrose Way and Portland Way taken from upper floor windows

In light of concerns raised by my officer and residents, amendments have occurred during the lifetime of the application in order to address overbearing and loss of privacy concerns raised. Sections have also been submitted to illustrate the relationship between existing and proposed dwellings. It was advised that an additional 1 metre be added to each separation gap (beyond best practice distances) for every 1 metres difference in gradient and the Applicant has followed this advice.

In relation to the dwellings located to the south of the site, the side elevation of no. 10 Primrose Way is blank and the rear elevation of the nearest proposed dwelling is 16.5 metres away. Whilst the upper floor windows of the proposed dwelling along this boundary would overlook the private rear garden areas of No. 10 and other dwellings, the resultant level of overlooking is not considered to be materially worse than existing levels of overlooking between properties and this separation gap is therefore considered adequate.

No.s 5, 7, 9 and 11 Primrose Way all have high retaining walls/boundary fences along their rear garden boundaries. These dwellings experience the greatest drop in gradient between the application site and their garden areas, however a 25m separation gap between main habitable room windows is proposed with the gardens of the proposed dwellings visibly deeper than the gardens of the existing dwellings. Likewise, a similar separation gap is proposed between the rear elevations of No.s 61, 63, 65, 67, 69, 71, 73 and 73 Portland Way. Proposed Plot 56 would be positioned side on to these dwellings at a distance of 14.8 metres away. Two first floor windows are proposed within the side elevation of this dwelling serving a bathroom and ensuite. This distance is considered acceptable provided that a condition requiring these windows be obscure glazed and non-opening above 1.7 metres in height above floor level be imposed. Separation gaps of between 23.8 metres and 26.8 metres (depending on land levels) are proposed between main habitable room windows and the remainder of the dwelling along Portland Way which again is considered acceptable.

In relation to the dwellings located to the east of the site on Portland Way (No.s 2, 4, 5 and 8), a 15 metre separation gap between the rear elevation of these dwellings and the side elevation of the nearest proposed dwelling (Plot 74) is now proposed which is considered acceptable given the

approximate 2 metre difference in the gradient of the land provided that a condition requiring the proposed landing window within the side elevation be obscure glazed and non-opening except above 1.7 metres in height above floor level. This dwelling would also be hipped which also reduces the bulk of the built form along this part of the boundary.

No.s 38 and 40 Waterfield Way are positioned side on to the application site. The side elevation of No. 40 is blank whereas the side elevation of No. 38 contains a small none habitable room window. Proposed Plots 75-79 (and Plots 76-77 in particular) would overlook the side elevation and private rear garden area of No. 40 at a distance of just over 10 metres away. Both of the existing dwellings contain a detached garage within their rear garden areas which form the boundary to the application site. The frontage of proposed Plot 91 has the potential to overlook the rear of No. 12 Waterfield Way at a distance just less than 20 metres between the elevations. I still consider there are elements of the proposal which demonstrate amenity relationships are on the cusp of acceptability. Due to the number of dwellings proposed that would back onto the existing dwellings, there are a significant number of windows within their rear elevations that would result in a perception of being overlooked by the future occupiers of the dwellings on both their dwelling and private amenity space. Albeit, I consider the degree of overlooking to be slight due to the separation distances proposed/angles and existing levels of overlooking experienced by these properties.

Having carefully assessed the scheme I am satisfied that the proposal would have no unacceptable detrimental impacts upon the amenity of future occupiers of the proposed dwelling or committed dwellings adjacent to the application site in accordance with Policy DM5 of the DPD albeit the cusp of acceptability concerns I have identified will need to be weighed in the overall planning balance.

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 application is accompanied by a Sustainable Drainage Statement (SDS). This states that residential drainage utilises, as far as possible, individual soakaways per dwelling along with porous block paving to shared driveways. The highway drainage is directed to the Public Open Space areas so that Traditional Manhole soakaways can be utilised. Foul water sewage from the residential dwelling plots connect to two existing foul water stub connections along the eastern border of the site. The Lead Local Flood Authority raise no objection to the methods proposed in the SDS.

Subject to a condition requiring implementation in accordance with the SDS, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Core Policy 9.

Highways Impacts

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The Highways Officer raises no objection as a result of amendments to the proposed red line

boundary of the application site which now shows a new road link to Cavendish Way subject to conditions relating to detailed highways layout and design. An adequate amount of parking has been provided for each dwelling to the side or front of properties, in garages or within parking courtyards.

It is not therefore considered that the proposed development would result in any parking or traffic problems subject to the planning conditions in accordance with the requirements of Spatial Policy 7.

Impact on Ecology

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

Previous historical applications considered impacts on ecology and concluded that the existing site is unlikely to be used by protected species and the proposal would not have an adverse impact upon ecology. An updated ecology survey has also been undertaken and this also concludes that no adverse impact on protected species would result although recommendations are made which includes the provision of bird/bat boxes and ensuring that any lighting proposed does not illuminate adjacent habitat. It is recommended that a condition be imposed to ensure a mitigation scheme for implementing these measures is secured.

Potential Special Protection Area (pSPA)

An additional assessment regarding the impact on potential Special Protection Area (pSPA) was also submitted by the Applicant in a letter dated 19.07.2018.

The site is within the 5km buffer zone of the Potential Special Protection Area (pSPA) relating specifically to the presence of woodlark and nightjar. Within this area, a precautionary approach should be adopted by LPAs to ensure that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse impacts upon these birds within the Sherwood Forest Area. Advice received previously from Nottinghamshire Wildlife Trust in relation to adjacent sites is that housing development is unlikely to have a direct impact on breeding nightjar and woodlark given the lack of breeding habitat on the application site. I consider the same advice likely to apply to the current site.

There is the possibility of increased recreational usage of nearby woodland which support these birds as a result of the development. There is no such direct access to such woodland from the application site itself and it is not considered reasonable to block any such footpaths as a direct result of this development particularly in light of comments from Natural England in relation to the Green Infrastructure Strategy for Newark and Sherwood 2010 (GI Strategy) explained in more detail in relation to Designated Sites below. The site layout plan includes a small amount of open space and an informal footpath link would connect to the wider existing public footpath network. It is recommended that the provision of this link be secured through a S106 Agreement. Along with the full provision of open space on the Phase 1, it is hoped that this would encourage residents to stay on site rather than use the nearby woodland for recreation and any increased.

In my opinion the proposals will not result in a direct impact on the pSPA and any impact from recreational pressure would be negligible. I consider that on balance the mitigation measures set out above will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Designated Sites

The site is located in close proximity to the Birklands & Bilhaugh SAC and Birklands West & Ollerton Corner SSSIs which are Internationally Designated Sites. Increased visitor pressure on the Birklands and Bilhaugh SAC means the LPA should seek contributions toward the areas Green Infrastructure network as set out in the Green Infrastructure Strategy for Newark and Sherwood 2010 (GI Strategy). This type of mitigation is not specifically codified in the Developer Contributions & Planning Obligations SPD and is difficult to conceive how this could be delivered in the context of Cavendish Park given the fact that a wide variety of planning applications exist on the site. One of the original requirements of the wider site was that a landscaping buffer and circular walk be provided and this has been secured through other consents and would connect to Clipstone FP16 which runs to the west of the site.

The GI Strategy states that “Clipstone also has a substantial amount of green infrastructure surrounding the village. It is located in between the Maun Valley and the Sherwood Pines Forest Park. Key to improving the health and wellbeing of the community is ensuring other policies and programmes recognise and promote the many benefits associated with green infrastructure and promote its use. Actual provision in the village should focus on connecting communities to those resources and the restoration of the extraction site on the eastern edge of Clipstone and to the Vicars Water Country Park LNR. New development in Clipstone should contribute to the access to the surrounding countryside by ensuring clear access routes exist.”

In relation to comments from Nottinghamshire County Council, they have suggested that an obligation is sought to upgrade the footpath to either Public Bridleway or Cycle Track status be provided. I have asked the County Council to explain this further as it is not clear from the information submitted which section of footpath they are referring to in order to help qualify whether or not such a request is reasonable particularly given number of housing developments which have already occurred in the vicinity (a response has not been received at the time of writing this report). In addition, this type of contribution is not specifically codified in the Developer Contributions & Planning Obligations SPD. The site layout has been amended during the lifetime of the application to include footpath access to an informal link (between Plots 32 and 33) which is considered a reasonable compromise as it relates directly to this proposal. It is recommended that further precise information on how this link would connect to the footpath though the S106 requirements, noting the fact that this land and the landscape strip to the west of the Phase 2 development is in the control of the Applicant. Taking into account the overall viability of the scheme it is not therefore considered appropriate to request any additional contributions in this instance.

Habitat Regulations Assessment

Natural England have reminded the Authority of its duty to carry out a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2010 (Regulations) and that they believe that the likely conclusion would be that it would be “unlikely to have a significant effect” and should be screened out from further assessment.

The Regulations require “a competent authority, before deciding to undertake, or give consent, permission of other authorisation for, a plan or project which:

- a) Is likely to have a significant effect in a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) Is not directly connected with or necessary to the management of that site

Must make an appropriate assessment of the implications for that site in view of that’s site’s conservation objectives.”

An appropriate assessment requires the LPA to:

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

Having considered the mitigation measures put forward, I am satisfied that taking into account the assessment requirements set out above, the mitigation measures to be secured by condition will help to rule out likelihood of significant effects on Birklands & Bilhaugh Special Area of Conservation (SAC) and Ollerton Corner SSSIs. As such, any impact from recreational pressure would be negligible. Given this conclusion, it is considered the requirement to complete an appropriate assessment has not been triggered and the development is in compliance with the provisions of the Regulations.

Summary

Overall I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity have been/can be secured through conditions/S106 Agreement (landscape strip protection and landscape scheme). The proposals therefore comply with the aims of Core Policy 12, Policy DM5 and the guidance in the NPPF.

Contaminated Land

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

The previous outline consent on this site imposed a condition requiring the submission of a contaminated land survey. This was been submitted with the reserved matters application in relation to the Phase 1 development and the Environmental Health Officer is content with its findings and does not consider it necessary to impose a similar condition in relation to the Phase 2 development. As such, the site is considered suitable for its new use in accordance with the requirements of the NPPF and Policy DM10 of the DPD.

Developer Contributions

The viability of the development has been subject to careful consideration in the context of the current application. For the avoidance of doubt, the current proposal is not offering a policy compliant scheme in terms of the developer contributions which would ordinarily be sought for an

proposal of 71 residential units; a matter which must be weighed carefully in the overall balance.

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.

Members will recall the reserved matters application for 100 dwellings on the Phase 1 land which was presented to Planning Committee in July 2018. The current application has been submitted by the same housebuilder - Avant Homes. Following the submission of a viability including independent review, the following contributions were secured at outline stage:

PHASE 1	CONTRIBUTIONS FOR 100 DWELLINGS (13/00458/OUTM and 17/02051/RMAM)
Affordable Housing	£133,218 off site contribution. This equates to a 4.2% off site provision at £32,000 / dwelling.
On Site Open Space (2250m ²) / Children's Play Area (LEAP)	Provision & maintenance of amenity green spaces and provision for children and young people: On site physical provision of amenity open space (2250m ²) + 20m ² x 100 (400m ² to be equipped) LEAP and overall maintenance company. Total area required= 4250m²
Highways/Integrated Transport	£86,400 + indexation for the provision of bus stop and shelter.
Education	£120,278 + indexation
Community Facilities	£120,275 + indexation
Total S.106 Contributions	£460,171 overall (for off-site affordable housing contribution and all other obligations)

As a standalone full planning application, a fresh viability appraisal for the addition 71 dwellings has been undertaken and the anticipated level of contributions that are required/proposed by the applicant are set out in the table below:

PHASE 2	Policy Requirement current application on south part of site 18/00509/FULM (71 dwellings). Based on 2016 indexation.	Proposed by current application 18/00509/FULM. Based on 2016 indexation.
S106 REQUIREMENTS		
Affordable Housing	30% on site provision (21 units) on an off-site contribution of £672,000 (£32,000 per unit)	Off-site equivalent contribution of 14% affordable housing provision (10 Units) of £319,630 (£32,000 per unit)

Open Space / Children's Play Area	Provision & maintenance of amenity green spaces and provision for children and young people: On site physical provision to include play equipment. Amenity Green Space requirement = 1037m ² Provision for children and young people = 1296m ² Total area required= 2333m ²	923m² on site children's play proposed with no amenity open space. This equates to an under provision of (1278-923 =) 355m ² of on-site children's play and 1022m ² of amenity space provision resulting in an off-site contribution of: Amenity Green Space = £39,128 Provision for children and young people = £38,154 Total contribution required = £77,282 + indexation (or £83,431 uplifted for indexation to August 2018)
Highways/ Integrated Transport	£32,000 + indexation	£32,000 + indexation (or £34,546 uplifted for indexation to August 2018)
Education	£160,370 to provide 14 additional primary places (at £11,455 per place) + indexation	£160,370 + indexation (or £183,867 uplifted for indexation to August 2018)
Community Facilities	£1384.07 per dwelling = £101,130 + indexation	£98,269 + indexation (or £105,216 uplifted for indexation to August 2018)
Retention of landscape strip	N/A	Retention of landscape strip to the west of Phase 2 and partly west of Phase 1 (within the blue line area) in accordance with a management scheme to be submitted to and approved by the LPA.
Provision of footpath link to Clipstone FP16	N/A	Provision and retention of an informal footpath link between Plots 32 and 33 to connect to FP16 in accordance with a scheme to be submitted to and approved by the LPA.
TOTAL	Off-site contribution of £672,000 (30% at £32,000 per unit) plus £407,060 towards all other required contributions (uplifted for indexation to August 2018).	Off-site contribution of £319,630 (14% at £32,000 per unit) plus £407,060 towards all other required contributions (uplifted for indexation to August 2018).

The viability position has evolved since the submission of the application through the revised NPPF document and the update of the NPPG online guidance in respect to matters of Viability. The processes for the consideration of viability have been rewritten in an effort to appear 'proportionate, simple, transparent and publically available' (Paragraph: 010 Reference ID: 10-010-

20180724). This therefore aids in reinforcing paragraph 57 of the revised NPPF which explains that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. 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, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

In line with the requirements of the Viability Guidance Note (Ref ID 10-007-20180724) and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

Whilst it is recognised that under paragraph 019 Reference ID: 10-019-20140306 of the replaced Viability Guidance Note (2014) that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause development to be unviable, the Local Planning Authority should be flexible in speaking such obligations, in particular affordable housing, this is no longer the case.

Paragraph 64 of the revised NPPF now expects that for major development, planning decisions should expect at least 10% of homes to be available for affordable home ownership, unless *'this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'* The paragraph goes on to list exemptions to this 10% requirement, which does not include discussions around viability. This is a new requirement which The Government had previously not placed substantial weight on.

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing where the thresholds are met. At 14% (off site equivalent contribution), the level of affordable housing proposed falls below the 30% sought through Core Policy 1 of the Core Strategy albeit above the 10% requirement set out in the NPPF. A viability statement has been submitted with the application (and updated throughout the lifetime of the application). I have sought advice from the Council's independent viability consultant who after extensive negotiations (given the initial starting point of 0% provision) is satisfied that the case now presented provides a fair assessment of the site and the market circumstances.

The application is fully compliant in relation to integrated transport, education and community facilities contributions. With regards to the provision of open space and children's play area, the Applicant proposes a children's play area albeit the area proposed is slightly less than that required by the SPD and no on site amenity space has been provided. A full off site equivalent contribution of £77,282 + indexation is therefore proposed to compensate for this shortfall.

Overall, I consider it reasonable to accept reduced contributions towards affordable housing in light of the viability issues presented and the proposal is compliant with the requirements of the NPPF and NPPG as a consequence.

Other Matters

It is noted that some concerns have been raised regarding the impacts of construction traffic and noise and that concerns have been raised in relation to the construction of the Phase 1 development. It is therefore recommended that a condition be imposed to ensure the submission of a construction management plan which should include a no. of mitigation measure including no construction work, including site clearance and delivery of materials, to be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays.

Neighbours have also raised concern during the lifetime of the application in relation to the safety of existing boundary treatments given the land level differences. The Applicant has confirmed that 'retaining features will be utilised for some of this boundary, but the proposed gardens will be stepped to ensure level differences are sympathetic to the surrounding areas'. The existing fence along the perimeter of the site would be retained and an extra fence installed by the Applicant just in front of it. It is recommended that a condition requiring final perimeter boundary details be required by condition.

The Applicant has confirmed that they have no plans to construct external lighting other than highway street lighting under the S38 of the Highways Act.

Some of the issues are not considered material to the consideration of the planning application e.g. impact on property values.

Planning Balance and Conclusion

The principle of residential development on this site is established through historical permissions and its acknowledgement as a site with planning permission for housing within the ADMDPD. Whilst the application would result in 71 additional dwellings above and beyond the number of dwellings originally anticipated on this site, this number is considered an appropriate number for the site having regard to the character and layout of the surrounding area.

The design and layout of the scheme is satisfactory with regards to visual amenity and landscape impacts. The proposed mix of dwellings is not fully reflective of the Sub Area particularly when looking at the Phase 2 provision in isolation albeit it is acknowledged that there are a greater proportion of smaller units being provided in Phase 1. In addition, some of the residential amenity issues identified are considered to be at the cusp of acceptability. However, when weighed in the overall planning balance, it is considered that a refusal on these grounds alone would be difficult to sustain given that the level of harm identified in relation to the perceived overlooking impacts are considered slight. There would no unacceptable adverse impacts in respect of trees, ecology, contaminated land, flood risk or highway matters.

Having regard to the overall viability of the development (with the proposed contributions being considered acceptable by an independent viability consultant), I consider it reasonable to accept a shortfall in affordable housing provision to ensure the delivery of a sustainable housing development which would contribute to a need for family housing within the District on a site which has historically has been considered an acceptable site for housing development. I attach significant weight to in the overall planning balance.

Subject to the conditions below, the recommendation is for approval.

RECOMMENDATION

That full planning is approved subject to the following conditions and the completion and engrossment of a S106 Agreement to secure the required level of commuted sum payments and infrastructure provision on the wider site (as set out in the Phase 2 S106 requirements table above):

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, references:

8000-102 Rev D Site Location Plan
1768.PH2.01 Rev S Planning Layout Phase 2
1768.PAN.01 Rev A Paignton
1768.MTN.01 Rev A Melton
1768.LTN.03 Lorton Hipped
1768.LTN.01 Rev B Lorton
1768.LBY.01 Rev B Lathbury
1768.KBY.02 Rev A Kintbury Plot 75
1768.KBY Rev B Kinbury
1768.HBY.02 Rev B Holbury Plots 96-97
1768.HBY.01 Rev A Holbury
1768.FBY.02 Rev B Finsbury Plot 56
1768.HBY.01 Rev A Finsbury
1768.BBY.02 Rev B Bilbury Plot 64
1768.BBY.01 Rev A Bilbury
1768.ABY.01 Rev A Abbotsbury
1768.05.F Cross Sections
1767.BT.01 Screen Fence
1768.BT.02 Brick Pier and Timber Panel
1768.BT.03 0.6m Post and Rail Fence
1768.BT.04 0.45m knee rail
1768.G.01 Single Garage

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 approval.

03

No works or development shall take place until a scheme for the protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area

04

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

- i. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- j. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- k. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- l. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- m. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- n. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- o. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- p. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

05

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

06

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

07

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

08

Drainage of the development hereby permitted shall be undertaken in accordance with the methodology set out in accordance with the Sustainable Drainage Statement Feb 2018 (by AVIE Consulting Ltd.) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9

09

No development above damp proof course shall be commenced until details of the materials for all aspects of the development identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials
Bricks
Render
Roofing materials

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

010

Notwithstanding the submitted details, prior to first occupation details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and also include the provision of planting between car parking spaces along the front boundary of properties where possible;

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

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

011

Prior to the occupation of the first dwelling, a scheme for the phasing of the approved landscaping scheme as demonstrated on the plans (required by Condition 10) shall be submitted to and agreed

in writing by the local planning authority. Any trees/shrubs which within a period of seven years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority. The approved phasing scheme shall thereafter be implemented as agreed.

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

012

Notwithstanding the submitted plans, details of the boundary treatments around the perimeter of the site including types, height, design, materials and any retaining features must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved boundary treatments shall be implemented in accordance with the approved details on a plot by plot basis unless otherwise agreed in writing by the local planning authority.

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

013

Notwithstanding the submitted details, no dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt, the bin storage area indicated on the open space to the east of Plot 67 should be relocated.

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

014

No part of the development hereby permitted shall commence until the new access road link to the Cavendish Way/Ward Road roundabout, shown within the application site boundary, has been completed and made available for construction traffic, and; no part of the development hereby permitted shall be occupied until this link is made available for public use.

Reason: In the interests of highway safety and capacity.

015

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced driveways shall then be maintained in such hard bound material for the lifetime of the development.

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

016

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, or 6.1 metres for up and over doors. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

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.

017

No part of the development hereby permitted shall be occupied until the access roads have been designed and thereafter completed to a standard that provides a minimum carriageway width of 5.5m.

Reason: In the interests of highway safety and capacity.

018

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

019

Notwithstanding the submitted plans, the shared private driveway serving plots 67-74 shall be laid out to a width of not less than 4.8 metres.

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

020

No site clearance, including the removal of any hedge or tree that is to be removed, lopped, topped, felled or otherwise as part of the development, shall be undertaken 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 in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

021

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development in relation to Plots 91, 51-56, 68-74 and 75-79 under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: Additions etc. to the roof of a dwellinghouse.

Class C: Any other alteration to the roof of a dwellinghouse.

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

Reason: To protect neighbouring amenity in accordance with the aims of Policy DM5 of the Allocations and Development Plan Development Plan Document (DPD).

022

The window openings on the first floor side elevations of Plots 91 and 74 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

023

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

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

024

The approved Travel Plan Revision P5 shall be implemented, monitored, reported upon and any necessary resulting actions taken in accordance with the timetable &/or triggers set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel in accordance with the aims of the NPPF and Spatial Policy 7 of the Core Strategy and Policy DM5 of the 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 that if any highway forming part of the development is to be adopted by the Highways Authority.

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

It is strongly recommended that the developer contact the Highway Authority at an early stage and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to david.albans@nottscc.gov.uk

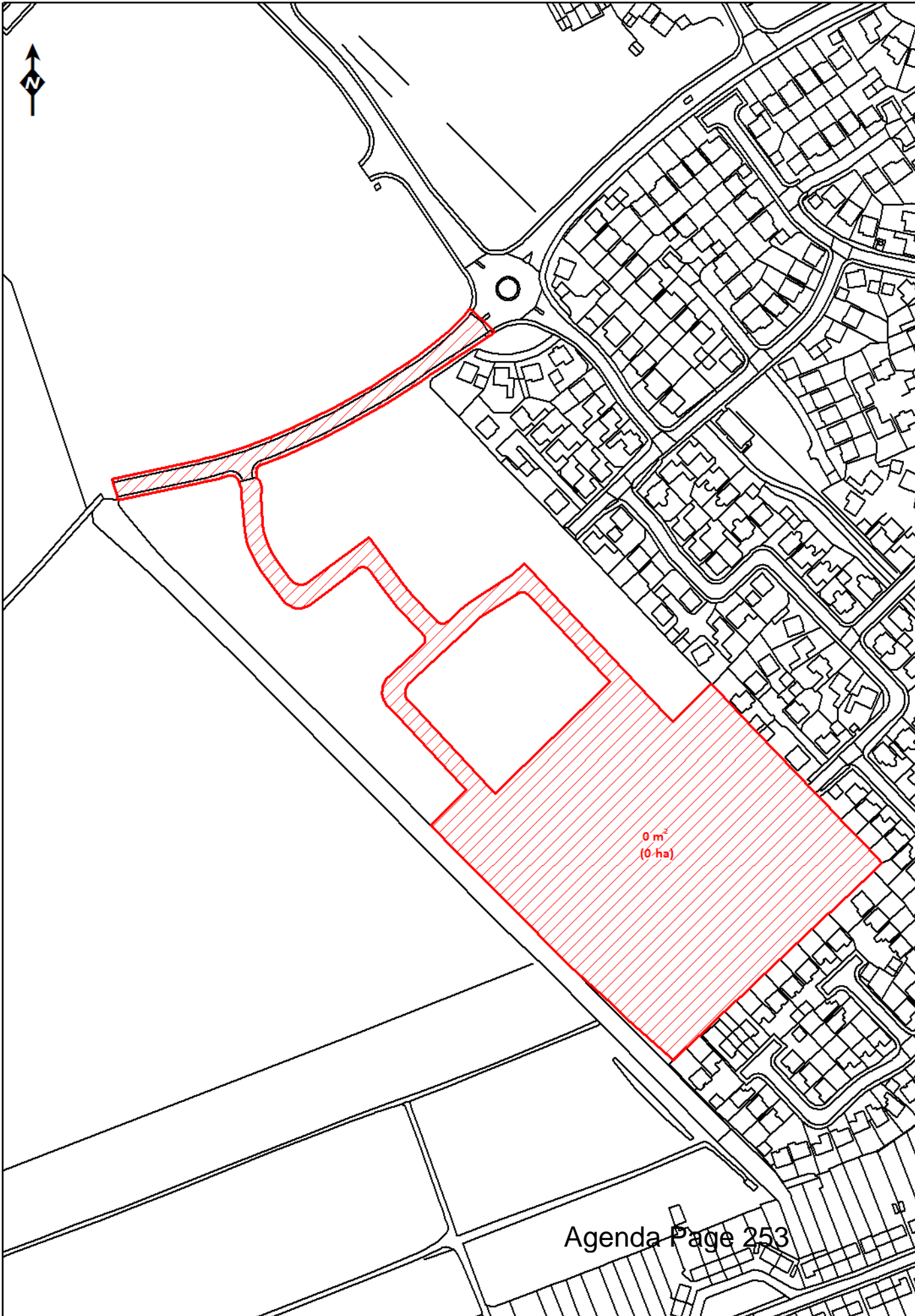
Background Papers

Application Case File

For further information, please contact Helen Marriott on ext 5793

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

Matt Lamb
Business Manager - Growth & Regeneration



0 m²
(0 ha)

PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01965/FUL	
Proposal:	Variation of condition 3 attached to planning permission 16/00883/FUL to alter the rear window to a french door and install a Franklyn Juliet Balcony	
Location:	1 Tenters Cottage, Tenters Lane, Eakring, Nottinghamshire, NG22 0DQ	
Applicant:	Mr Simon Prest	
Registered:	22.10.2018	Target Date: 17.12.2018

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

The Site

The application site is a rectangular plot approximately 0.2 hectares in extent at the corner of Church Lane and Tenters Lane. The site as existing comprises a development site in line with the residential development approved by recent planning permissions as detailed in the planning history below. This includes the building of two semi-detached dwellings set towards the north western corner of the site with their principle elevations orientated towards Tenters Lane albeit their rear elevations are visible from Church Lane.

There is also a detached dwelling to the north east of the site and a further two semi-detached properties in the process of being built towards the south of the site.

The site is situated within the designated conservation area. There are neighbouring residential properties shared with the southern and eastern boundaries of the site as well as on the opposite side of Church Lane. The land use to the west, on the opposite side of Tenters Lane is a farmyard with associated detached buildings along the eastern boundary.

Relevant Planning History

The site is subject to an extensive planning history;

17/01780/FUL - Demolition of No.2 Tenters Cottage and Erection of Replacement Dwelling; Erection of Extension to No.1 Tenters Cottage; and Erection of Two Dwellings (Resubmission).

This application related to a similar scheme to the original approval detailed below albeit a revised design demonstrating a greater foot print and additional dormer windows to the semi-detached replacement cottages. Application approved 7th December 2017.

17/01488/FUL - Variation of condition 3 attached to planning permission 16/00883/FUL to allow amendments to the layout of the new dwelling to be retained.

This application related to the dwelling in the north east corner of the site (Phase A of the original approval) to which the current application also relates. Application approved 20 October 2017.

17/01178/FUL - Demolition of No.2 Tenters Cottage & Erection of Replacement Dwelling; Erection of Extension to No.1 Tenters Cottage; and Erection of Two Dwellings.

Application refused 23 August 2017 for a single reason in relation to the fact that the proposal would provide a wholly 3 bed scheme which would be contrary to the identified need for smaller units which was afforded weight in the initial approval reference 16/00883/FUL.

17/00754/FUL - Application to vary condition 3 of planning permission 16/00883/FUL to allow the following amendments: Addition of a rear two-storey extension to the existing No.1 Tenters Cottage and the replacement No.2 Tenters Cottage and Substitution of new design for the pair of new semi-detached cottages on Tenters Lane.

Application returned on the basis that the application could not be determined as a Section 73 application given that the amendments would affect the number of bedrooms as described by the description of development.

17/00597/FUL - Application to vary condition 2 of planning permission 16/00883/FUL in relation to the Phasing arrangements on the site.

Application approved by Planning Committee (in line with officer recommendation) with the decision notice dated 7 June 2017. This application essentially amended the wording of the Phasing condition to allow commencement of Phase C before Phase B was completed (albeit not before Phase B were capable of occupation).

17/00531/DISCON - Request for confirmation of discharge of conditions 04, 05, 06, 10 and 11 of planning permission 16/00883/FUL: Demolition of Southernmost existing cottage (No 2 Tenters Lane) and erection of replacement two bedroomed cottage, demolition of derelict outbuildings (Nos. 1 and 2 Tenters Cottage); erection of pair of two bedroomed semi-detached cottages, erection of three bedroomed detached dwelling and creation of new access to No 1 Tenters Cottage.

Conditions discharged 18th May 2017 in respect to Phases B and C.

16/01947/DISCON - Request for confirmation of discharge of conditions 04, 05, 06, 10 and 11 attached to planning permission 16/00883/FUL for Demolition of Southernmost existing cottage etc. and Erection of three bedroom detached dwelling and creation of access to No.1 Tenters Cottage.

Conditions discharges 16th January 2017 allowing commencement of Phase A.

16/00883/FUL - Demolition of Southernmost Existing Cottage (No.2 Tenters Cottage) & Erection of Replacement Two Bedroom Cottage , Demolition of Derelict Outbuildings (Nos.1&2 Tenters Cottage), Erection of Pair of Two Bedroom Semi-Detached Cottages, Erection of Three Bedroom Detached Dwelling and Creation of New Access to No.1 Tenters Cottage.

Application approved by Planning Committee in August 2016 (in line with the officer recommendation) with the decision notice dated 4 August 2016.

The Proposal

The current proposal has been submitted as a Section 73 Variation of Condition application to allow the plan reference of the original approval to be amended demonstrating changes to the fenestration details of the dwelling to the north east of the site. The revised plan submitted to accompany the application (reference 281.W03 Rev. C) details changes to the south elevation through the replacement of a first floor window with a door and associated Juliet balcony.

Departure/Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type & Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM4 – Renewable and Low Carbon Energy Generation
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 2014
- Eakring Conservation Area Appraisal
- SP3 Guidance Note
- Section 72 of the Planning Act 1990

Consultations

Eakring Parish Council - Eakring Parish Council are opposed to the changes proposed re the French door and Juliet balcony. This is because we wish the original consent to remain to safeguard any privacy issues.

NSDC Conservation – We have reviewed the submitted details, and have no objection to the proposal. The change to the window design affects the rear of the property, and will not be prominent from the roadway.

In reaching this view, we have considered the Council's special duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving the character and appearance of the conservation area.

One letter of representation has been received, details of which can be summarised as follows:

- The house is close to neighbouring boundaries which are set at a lower level.
- The window overlooks the ground floor of neighbouring windows and the proposed door would increase the view resulting in a further erosion of privacy.

Comments of the Business Manager

Principle of Development

The application has been submitted as a Section 73 application to vary an existing condition. The principle of development in terms of the erection of 3 dwellings and the refurbishment of the existing cottages has therefore already been accepted. Indeed it is acknowledged that the scheme is already in the process of being delivered on site.

As is outlined above through the description of the proposal, the current application seeks to amend the approved plans to allow changes to one of the dwellings (Phase A of the overall scheme). Although it is acknowledged that a Section 73 application is essentially a new permission which warrants assessment of all material planning considerations, it is deemed appropriate to focus the following appraisal on the impacts of the revised plan submitted.

Impact on Character

Whilst assessment of character impacts should be made in respect of differences between the extant proposal and the current plans, it is nevertheless relevant to refer to the original assessment at the time of the 2016 approval (16/00883/FUL):

'The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The site's location within the designated conservation area is also important to consider and the council's conservation team have been consulted in this regard.'

'Local and national planning policy pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Core Policy 14 and policy DM9 of the DPDs amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.'

'The new dwellings exhibit positive architectural detailing which is compatible with the general vernacular of the CA.'

As is referenced above in the planning history section, the plot to which the proposed changes of this application relate has already been subject to a Section 73 Variation of Condition application to allow for changes to the dwelling which was originally built not in accordance with the original plans. For the avoidance of doubt, the dwelling as built has now been regularised by the aforementioned S73 application and the changes now sought would not be retrospective in nature.

The change from the approved window to a French door with Juliet balcony would be relatively unperceivable in their character impact being positioned at the rear of the property orientated towards the associated rear garden. The French door and balcony would still be interpreted as part of a modern residential development and therefore would not harm the character of the area nor the associated designated heritage asset of the Conservation Area in accordance with aims of Policies CP14 of the Core Strategy and DM9 of the Allocations and Development Management as well as being consistent with Section 72 of the Planning Act

Impact on Amenity

The French door would be positioned at the location of an existing window which is orientated towards primarily the amenity space for the proposed dwelling before the amenity space for the semi-detached cottages at the south of the site beyond. Despite the concern received during consultation, it is considered that the effect on neighbouring amenity would be marginal. Whilst the Juliet balcony may amount to a perception of occupiers being stood looking out of the doors, the reality of this occurring is considered to be low. The doors would afford no greater line of sight or overlooking opportunity when compared to the extant approval for a window and therefore it would be extremely difficult to resist the application based on amenity impacts. The proposal is compliant with the relevant amenity criteria of Policy DM5 on this basis.

Conclusion

There exists an extant planning permission on the site which has accepted the development in principle. In a comparison of the current application to the extant scheme, officers have identified no harm which would warrant a resistance of the proposal.

Given that the proposal relates to variation of a condition attached to a previous approval it is necessary to repeat all relevant conditions for clarity. In the instance where conditions have been previously discharged, the conditions shall be re-worded to ensure that development is implemented in accordance with the approved details. For the avoidance of doubt where the wording of the conditions have been altered they are done so through underlined text. As the site history above outlines this is the second S73 application which has been assessed and therefore the revised wording agreed through the previous decision has been indicated by italicised text for completeness. The numbers of the original conditions will be altered owing to the removal of a time compliance condition given that the works have already commenced on site. Thus whilst the application description refers to Condition 3, the amended condition is now Condition 2.

RECOMMENDATION

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

Conditions

01

The development shall be implemented in accordance with the phasing scheme shown on drawing no. 1723/A/01a received 22nd July 2016 unless otherwise agreed in writing through a non-material amendment. For the avoidance of doubt *the dwellings hereby approved within Phase C shall not be occupied until Phase B is complete to a degree that the existing cottages are capable of occupation.*

Reason: In order for the development to be delivered in a satisfactory manner in the interests of bringing the vacant units back into use before the *occupation* of the two new-build semi-detached properties and in line with the applicant's aspirations for development within the site.

02

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

- Block Plan - 1731.A.1d
- Tenters Lane New Cottages - 1731.A.2a
- Tenters Lane Replacement Cottage Church Lane New House - 1731.A.3c *save for the details in relation to 'Church Lane: New House'*
- *Proposed Floor Plans – OP.01*
- Proposed Elevations – 281.W03 Rev. C

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

Reason: So as to define this permission.

03

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the material details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A the approved details are contained within the letter sent by the LPA dated 16th January 2017 and in respect of Phases B and C, the approved details are contained within the letter sent by the LPA dated 18th May 2017.

Reason: In the interests of visual amenity.

04

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the window; door (and associated treatments); verge and eaves; soil and vent pipes and rainwater details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A the approved details are contained within the letter sent by the LPA dated 16th January 2017 and in respect of

Phases B and C, the approved details are contained within the letter sent by the LPA dated 18th May 2017.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the drainage details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A the approved details are contained within the letter sent by the LPA dated 16th January 2017 and in respect of Phases B and C, the approved details are contained within the letter sent by the LPA dated 18th May 2017.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9.

06

No part of the development hereby permitted shall be brought into use until the 2 dropped vehicular verge crossings onto Church Lane are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

07

No part of the development for any phase pursuant to condition 1 shall be brought into use until the drives and parking/turning areas for that phase are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives and parking/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.).

08

No part of the development for any phase pursuant to condition 1 shall be brought into use until the parking areas for that phase are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

09

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the boundary details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A

the approved details are contained within the letter sent by the LPA dated 16th January 2017 and in respect of Phases B and C, the approved details are contained within the letter sent by the LPA dated 18th May 2017. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

010

Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be carried out in accordance with the landscaping details agreed through the discharge of conditions for the original application reference 16/00883/FUL. In respect of Phase A the approved details are contained within the letter sent by the LPA dated 16th January 2017 and in respect of Phases B and C, the approved details are contained within the letter sent by the LPA dated 18th May 2017. The approved soft landscaping shall be completed during the first planting season following the commencement of the development within its respective phase, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping elements of the scheme shall be implemented on site prior to first occupation or use of each associated phase.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained and in order to preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

011

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.

012

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
Class B - additions etc. to the roof of a dwelling house

Class C - other alterations to the roof of a dwelling house

Class H - microwave antenna on a dwelling house

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc.

Or Schedule 2, Part 14:

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

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

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

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

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

Reason: In the interests of visual amenity and in order to preserve the setting of the conservation area.

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 pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

In the event that any bat/s are found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

04

Trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site (other than those expressly shown will be removed to make way for built development permitted by this permission) you may require the prior consent in writing of

Newark and Sherwood District Council and are advised to contact the Development Control Service of the Council on 01636 650000 to discuss the matter.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

The development makes it necessary to construct 2 vehicular crossings over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

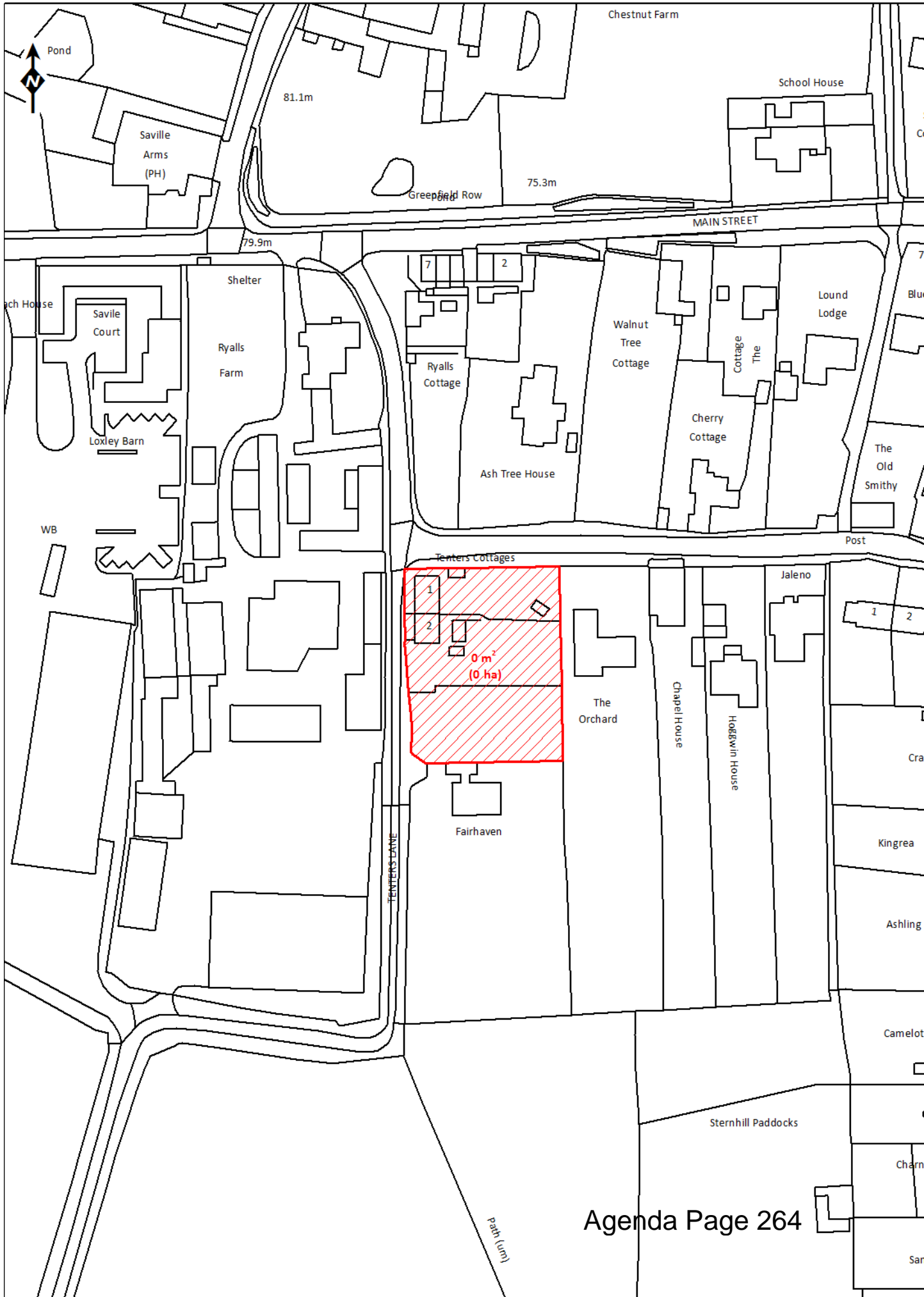
Application case file.

For further information, please contact Laura Gardner on 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 - 18/01965/FUL



PLANNING COMMITTEE – 4 DECEMBER 2018

Application No(s):	(A) 17/00357/FULM & (B) 16/01134/FULM
Proposal (s):	(A) Residential development comprising 95 no. dwellings and associated infrastructure, including the removal 26 No. TPO trees. (B) Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM)
Location:	Highfields School, London Road, Balderton, Newark On Trent NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division – Mr. Chris Dwan

UPDATE – STATUS – CURRENTLY AT APPEAL

1.0 Background

- 1.1 Members will recall that two schemes for the Highfields School site were presented to the Planning Committee on 14th September 2017 for consideration. Members resolved to refuse scheme (A) as set out above ('the 95 Unit Scheme') contrary to officer recommendation as follows:

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

- 1.2 Scheme (B) as set out above ('the 89 unit scheme') was also refused contrary to the officer recommendation on the following grounds:

"In the opinion of the Local Planning Authority the measures proposed in an attempt to resolve the objections of the previous appeal Inspector in relation to the Multi Use

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

1.3 The application was presented to the Planning Committee again on **6th March 2018**. In summary this was because changes to the CIL charging schedule meant that the developer could afford more in terms of developer contributions than previously offered and they were advancing an updated Section 106 Agreement/Unilateral Undertaking to secure these in the event that the appeal was allowed. As this represented material changes to the schemes that had previously been presented to the Committee, and in order that Officers could be clear with the Planning Inspectorate that the Planning Committee, as the LPA decision-makers in this instance, had been aware of ALL material planning considerations in coming to an overall planning balance, it was necessary to re-present the schemes in the interests of completeness. Having considered the matter in respect of both cases, the Planning Committee resolved that it did not change their view on either scheme.

2.0 Prior to the Appeal Hearing in September 2018.

2.1 Upon original exchange of evidence the Council’s case for the 89 unit scheme was that permission should be refused due to issues associated with the MUGA as expressed in the reason for refusal above. At that time the Council did not promote a case that insufficient mitigation in the form of developer contributions should form a reason for refusal, despite however noting the significant level of abnormal costs.

2.2 The Council’s case on the 95 unit scheme was a relatively straightforward one. In addition to identified harm by reason of ecology and loss of protected trees, the level of abnormal costs had risen yet further and disproportionately. The consequential impact upon the viability of the scheme meant, in the Council’s opinion that the inability to acceptably mitigate impacts of the development equated to an unsustainable development.

2.3 In July 2018 the new NPPF was published by the Government. This included an update on a variety of matters, most notably with respect to viability. Changes were also immediately made to the National Planning Policy Practice Guidance (NPPG). A consequence of these changes included the need for viability appraisals to be, amongst other things, open, transparent and understandable. The NPPF also made clear (paragraph 64) that:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely for Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes;
or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site. “

29 As part of the overall affordable housing contribution from the site.

2.4 Neither appeal scheme meets any of the exemptions detailed. The Council’s stance prior to the appeal hearing was therefore that both schemes failed to meet the requirements of the newly published NPPF, a new national piece of guidance which in the Council’s submission should be afforded significant and determinative weight. On this basis, the Council promoted that both appeals should be dismissed.

3.0 At the Hearing

3.1 Both appeals have been co-joined (references APP/B3030/W/17/3188864 & 3188871) and were heard by way of a **Hearing on 18th and 19th September 2018**. On the second day of the co-joined Hearing with both sides have already presented their cases in respect of the impacts due to the loss of trees and ecology (in the case of Appeal A) and the impact of the MUGA and its acceptability (in the case of Appeal B) the hearing was adjourned by the Inspector. The reason for the adjournment was to enable the appellants to prepare a **fresh viability submission** in respect of both appeals on the grounds that any viability submission should be based on the new National Planning Policy Framework (NPPF). The appellants and the Council were instructed to work jointly to identify any areas of agreement and dispute.

3.2 A fresh appeal timetable dictates that the **Hearing will be re-opened on Tuesday 8th January 2019**.

4.0 Post Hearing Discussions

4.1 Since the adjournment, the appellants have been preparing a revised viability appraisal and our own appointed consultant has been working to agree common ground such that officers can form a view and report this to the Planning Committee as the decision maker.

4.2 It should be noted that public consultation has taken place on the appellants viability evidence submitted 30th October 2018 submission; responses to which are set out in **Appendix A** to this report. None of the representation responses received have raised comments on viability that alter their previous positions. The appellants have submitted additional viability evidence which Officers have reported to neighbours and interested parties but given time constraints have asked that comments be provided direct to the Inspectorate.

4.3 Attached as **Appendix B** to this Report is officer’s updated position already submitted to the Planning Inspectorate given the tight deadlines involved.

4.4 Members will see that officers hold the view, based on the advice of its independent viability advisor that the schemes can and should afford contributions equating to a full policy compliant 30% affordable housing offer (based on an off-site payment). The appellant disagrees, arguing that each scheme cannot achieve 10% provision. They have, nevertheless, in the interests of seeking to agree viability, offered 15% affordable housing provision as follows:

- 95 Unit Scheme, a compromise offer of £644,000 which equates to 15% affordable provision based on a £46,000 per plot basis (14 plots); and
- 89 Unit Scheme, a compromise offer of £598,000, which equates to 15% affordable provision based on a £46,000 per plot basis (13 plots).

4.5 Full details and explanations of the positions of the Council and appellants (as captured in Appendices 1 to 11 referred to in the appeal update at Appendix B attached) can be provided upon request and indeed are available to view on the Council's public access website.

5.0 Securing any Developer Contributions

5.1 For the avoidance of doubt, both sides now agree that the full policy compliant amount of requested developer contributions can and should be paid in respect of mitigation for community facilities, children's play areas, amenity green space, highways infrastructure, primary education and libraries. Affordable housing is a matter of dispute between the parties. The appellant is preparing legal obligation(s) to present to the Inspector to secure both their position and our position the relevant one of which would come into effect if the appeal were to be allowed.

6.0 Conclusions/Consideration for Members

6.1 Members are asked to endorse the viability findings to continue to defend both appeals. Members are equally asked on Appeal B (the 89 Unit Scheme) to re-affirm that concerns regarding the MUGA remain to such a degree as to outweigh the new offer of the appellants to provide 15% affordable housing off-site.

6.2 It is expected that negotiations and exchanges of rebuttal evidence will continue until the reopening of the appeal. This is likely to incorporate discussions on sales revenue and construction costs. In the event that the Council's independent viability consultant agrees the appellants values to such a degree that the 15% offer on both appeal schemes is fair and reasonable, Officers seek confirmation as to whether this would alter the Planning Committees view on the acceptability of the appeals. In other words:

Appeal A (95 unit scheme) – does a 15 % affordable offer, when balanced alongside all other material planning considerations, including identified harm by reason of ecology and tree loss, result in an acceptable scheme in planning terms? and

Appeal B (89 unit scheme) – does a 15 % affordable offer, when balanced alongside all other material planning considerations, including identified harm by reason of the impacts of the MUGA, result in an acceptable scheme in planning terms?

7.0 **RECOMMENDATION**

In light of the above, Members are requested to ratify recommendation 1 and give a view on recommendation 2 which are set out below:

- (1) That the Council should defend the position set out in the attached Appendix A for both appeals at the appeal hearing in January 2019; and
- (2) That the Planning Committee answer the questions posed on the acceptability of each appeal set in paragraph 6.2.

Background Papers

Application/appeal case file.

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

M Lamb
Business Manager – Growth & Regeneration

Appendix A

Additional Public Consultation

Public consultation was undertaken based on the Viability Analysis Updated submitted 30th October 2018 and the responses are set out below. For the avoidance of doubt a fresh-round of further public consultation on the more recent viability evidence has been undertaken but due to committee timetable's, representations will be sent direct to the Planning Inspectorate.

Balderton Parish Council – 20.11.2018 comment in respect of both appeals:

'I have been asked to advise that nothing in the documents alters this Council's original stance and previous objections to both planning applications.'

Newark Town Council – 14.11.2018

"Members considered the above additional information at the Planning Meeting on 31st October, 2018 and decided to retain their original objections below:

16/01134/FULM – Comment as follows 15.11.2018:

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

- (i) It will result in the loss of green/open space between Newark and Balderton and a total loss of 8 high value trees within the TPO for the site, with lesser native replacements in gardens which offer no permanence of planting.
- (ii) The biodiversity statement is now outdated and needs revisiting and the ecological barriers within the site (width, height and location) are insufficient for ecology and inappropriate for privacy screening. The traffic impact assessment has not been updated or reviewed to take into account the southern urban extension including Fernwood and predictable traffic volume increases on London Road. The proposed Travel Plans and 5% traffic reduction target are not thought to be a meaningful or realistic means of addressing concerns. It is iterated that the original TIA was not thought appropriate for assessing impacts at peak time.
- (iii) Reassurance is sought that there will be a planning condition requiring a full archaeological management plan which, in turn, is endorsed by Nottinghamshire County Council.
- (iv) The development remains over-intensive with inappropriate boundary treatments to mitigate noise and the loss of privacy (both to existing premises and new neighbours), especially for 27 London Road, Nos 31 & 33 Glebe Park and 11a The Woodwards, whereupon rear parking (contested by NCC Highways) will increase noise levels adjacent to existing premises. As such, it is contested that the application mitigates the specific comments made by the Inspector in the Appeal hearing with regard to noise and privacy/overlooking to existing *and* new residents.
- (v) The proposed MUGA cannot be made available for meaningful community use due to the need to mitigate light pollution and noise and so is not considered to be of community value and does not mitigate for the loss of open space/play. Further, the acoustic barrier now proposed still causes noise pollution (open windows and trickle vents), as supported by Sport England and will negatively impact on visual and landscape amenity, not least due to the varying land levels and massing of the proposed boundary treatment to the MUGA.

Assurance is sought for planning conditions to maintain access for existing residents to boundary treatments (in particular 33 The Glebes) and for traffic routing during construction.

- (vi) There is concern that there is a lack of Primary school capacity to accommodate additional pupils arising from the development. There is also no provision for any Section 106 funding to mitigate the impact on local schools.”

17/00357/FULM - Residential development comprising 95 no. dwellings and associated infrastructure, including the removal of 24 no. TPO trees.

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

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

NCC Developer Contributions – 15.11.2018 in respect of both appeals:

‘I am contacting you in response to your letter of the 30th October regarding the above applications, in particular with respect to the additional documents submitted by the appellants as part of the appeal. It is noted that the applicants agent has also emailed the District Council explaining the viability position and how this impacts on the contributions which are being sought to mitigate the impact of this development.

In respect of the contributions sought by the County Council for education, highways and libraries, it appears that these will remain the same as those contained with the agreed Unilateral Undertakings i.e. £229,100 Education, £14,200 Highways / Integrated Transport and £4,516.30 Libraries for the 95 dwelling scheme and £217,645 Education, £14,200 Highways / Integrated Transport and £4,231.06 Libraries for the 89 dwelling scheme.

The fact these contributions remains unchanged is welcomed by the County Council who have no additional comments to make at this time.’

Environment Agency – 01/11/2018 in respect of both appeals:

“Although the EA objected to planning application 14/01964/FULM the responsibility for surface water has now passed to the LLFA and it is they who will need to respond to the Appeal notice.”

NCC Rights of Way Officer – No further comments to make on either appeal.

Lead Local Flood Authority – No further comments on make on either appeal.

Neighbours and Interested Parties – The notification letters sent inviting comments made clear that comments should only be made in respect of the new evidence. In response one interested party has made representations relating to traffic and potential harm to pedestrians.

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Temple Quay House
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BS1 6PN

Telephone: 01636 655834

Email: clare.walker@nsdc.info
Your ref: APP/B3030/W/17/3188864 &
3188871

By email to: North1@pins.gsi.gov.uk

Our ref: 16/01134/FULM & 17/00357/FULM

23rd November 2018

Dear Sir/Madam,

Re: Town and Country Planning Act 1990

Appeals by Avant Homes (England) Ltd - Midlands Division

Site Address: Highfields School, London Road, New Balderton, NEWARK, Notts, NG24 3AL

This letter contains an update to the Council's current position with respect to both pending appeals for the above site, which for the avoidance of doubt are:

- Appeal A (as referenced in the Inspectors original hearing agenda). Appeal Ref 3188864 for "Residential development comprising 95 no. dwellings and associated infrastructure, including the removal 26 No. TPO trees." **'The 95 unit scheme'**
- Appeal B (as referenced in the Inspectors original hearing agenda). Appeal Ref 3188871 "Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Areas (MUGA) and the removal of 8 TPO trees. **'The 89 unit scheme'**

The purpose of this statement is to furnish the appointed Inspector with an updated position on matters not covered as part of the original hearing sitting days, namely viability. The Council does not seek to re-rehearse its case beyond these matters, noting that the Council has already made clear that it considers the 89 unit scheme should be dismissed for issues associated with the proposed MUGA.

For the avoidance of doubt this letter represents the view of Council Officers (and advisors) given the lack of ability to present the updated position to Members given the timescales involved in Planning Committee cycles and the timings of exchanges of evidence between the parties. Officers will be presenting an update on the matters captured in this letter at the Planning Committee meeting on the 4th December 2018. Any updated position (including confirmation if the Planning Committee agree with the contents of this letter and appendices) will be reported

to the Inspectorate and appellant as a matter of urgency after 4th December in order to ensure ample time for parties to digest and respond to any issues.

Update on Discussions.

Following the adjournment of the hearing in September 2018 the Council and appellants have, as instructed, worked jointly to produce viability evidence. The chronology of the debate between the parties and the Council's stance on this matter is best understood by reference to the following schedule, which form Appendices to this letter.

Viability Evidence Schedule

1. Appendix 1 - NSDC Appeal Statement on Viability prepared by AMK Planning, 1 November 2018
2. Appendix 2 - NSDC 95 Unit Scheme Viability Appraisal, 1 November 2018
3. Appendix 3 - NSDC 89 Unit Scheme Viability Appraisal, 1 November 2018
4. Appendix 4 - NSDC Avant Homes Web Site Sale Prices October 2018
5. Appendix 5 - Appellant Viability Report Update prepared by Devvia, 22 October 2018
6. Appendix 6 - Appellant Musson Liggins Existing Site Valuation Report, 22 October 2018
7. Appendix 7 - Appellant Viability Report Update Rev 1 prepared by Devvia, 26 October 2018
8. Appendix 8 - NSDC Appeal Statement on Viability Addendum prepared by AMK Planning, 19 November 2018
9. Appendix 9 - NSDC 95 Unit Scheme Viability Appraisal – Reduced Sale Values, 19 November 2018
10. Appendix 10- Appellant Viability Report Update Rev 2 prepared by Devvia, 31 October 2018

Following a 6 week period post the adjournment of the hearing the appellants, on the 26th October 2018, submitted an Appellant Viability Report Update Rev 1 (as detailed in Appendix 7). After a clarification discussion and agreement, a new Viability Report Update Rev 2 (as detailed in Appendix 10), with different figures and assumptions, was submitted by the appellants on 31st October 2018 (3 working days later).

The Council and its professional advisor retains a number of fundamental concerns with the appellants current position, as captured in the Councils Viability evidence (Appendix 1 and 8) to such a degree that it would strongly recommend to the appointed Inspector that both appeals are dismissed on the ground of an inability to reasonably (in viability terms) provide an appropriate and policy compliant level of affordable housing.

Aside from conclusions on the professional advice the Council has received, it is noted that the NPPG is clear that any viability process should now be "... simple, transparent and publicly available" (Paragraph: 010 Reference ID: 10-010-20180724). The statements submitted by the appellants do not provide this comfort and confidence, given the clear change in figures and conclusions. Irrespective, it is the Council's position, in attaching weight to the advice of its

independent Viability assessor (AMK) that both appeal schemes are sufficiently viable to provide for a 30% off-site affordable housing contribution. Indeed, the Council's advisor in the addendum report (see Section 3.0, Appendix 8) is of the opinion that both schemes generate a residual value which is greater than the off-site affordable value that would be required by the Council as an equivalent 30% policy compliant scheme.

For the avoidance of any doubt the Council's position at the original hearing did not challenge viability evidence at that time. Indeed, the Council's case was that even if viability dictated that affordable provision could not be provided for financial reasons, paragraph 64 of the NPPF, was nevertheless clear that on major housing schemes (such as is the case for both appeals) a minimum of 10% affordable housing should be provided for. In other words, viability must not in itself, be a reason to not meet a clear national policy requirement and there must be a point at which the lack of ability of a scheme to meet needed contributions means that a development as a whole is unsustainable.

As a result of the viability exercise following the adjournment it is the Council's position that not only does the evidence confirm that 10% affordables can and should be provided, but that the schemes are capable, and should therefore provide, the policy requirement of 30% affordable housing. Officers are minded to support the principle of an off-site affordable housing contribution in this instance given that the scheme has been designed for some considerable time. That said, should the appointed Inspector wish to explore on-site provision relevant plots capable of providing an overall affordable housing mix could be identified.

However for absolute clarity the Council's position is that based on the new viability evidence presented, a policy compliant 30% affordable housing offer would be appropriate and viable and officers should therefore not accept the latest 15% offer as submitted via email to the Council on 21st November 2018 which forms Appendix 11. This position is to be presented to Members and the position will be ratified as soon as possible.

With regard to planning conditions, the Council has already provided a list of possible conditions for each appeal to be considered in the event that the appeals are allowed. The appellant has also now made clear that they intend to prepare Obligations for each appeal to reflect both their position and the Council's position. The Council agrees that this is a sensible approach and we shall continue to assist alongside our legal advisors in this regard.

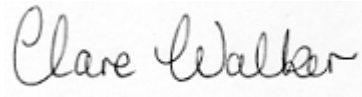
The Councils planning balance for each appeal has already been presented but to summarise;

- In respect of Appeal A it is considered that there are some clear benefits of the 95 unit scheme. However weighing against the scheme is the loss of 26 protected trees, inadequate ecological protection or enhancement together with the new viability evidence which shows in the Council's submission, the failure of the scheme to provide for needed and policy compliant affordable housing provision despite the scheme being able to do so in viability terms. This harm is not outweighed and the appeal should be dismissed.
- In respect of Appeal B it is considered that the 89 unit scheme causes harm as a result of the MUGA; through its 2.4m high solid boundary treatment which is the only means of mitigating unacceptable noise levels which is considered to cause visual harm and prevents the ability to provide natural surveillance of the MUGA which is likely to give rise to anti-social behaviour (actual or perceived). Furthermore, in the Councils submission, based on the new viability evidence the proposal fails to provide for needed and policy

compliant affordable housing provision despite the scheme being able to do so in viability terms. Whilst there are clear benefits with the proposal and it is acceptable in other regards, such harm is not outweighed and the appeal should be dismissed.

I trust that this letter is clear. I will endeavour to provide as soon as I am able to the Report to Committee and the relevant Minutes for this after 4th December 2018 Planning Committee Meeting.

Yours faithfully

A handwritten signature in black ink that reads "Clare Walker". The signature is written in a cursive, flowing style.

Clare Walker
Growth & Regeneration

Encs – Appendices 1 to 11

PLANNING COMMITTEE – 4 DECEMBER 2018

APPEALS A

APPEALS LODGED (received between 19 October 2018 and 26 November 2018)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb

Business Manager Growth & Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/18/3200406	17/02139/OUT	Field Reference Number 7919 Caunton Road Hockerton Nottinghamshire	Outline permission for 6 new homes for local people with a specific housing need; and provision of dedicated car parking for the Village Hall, areas around the Village Hall incorporating extension to building and new amenity area for the local community to use	Written Representation
APP/B3030/D/18/3204867	18/00267/FUL	24 Post Office Row Main Street Coddington Newark On Trent Nottinghamshire NG24 2PN	Retrospective Householder application for the erection of a side extension to dwelling to form conservatory	Written Representation
APP/B3030/C/18/3204869		24 Post Office Row Main Street Coddington Newark On Trent Nottinghamshire NG24 2PN	Appeal against	Written Representation
APP/B3030/W/18/3206741	18/00737/OUT	Land To The Rear Of Mill Lane Caunton Nottinghamshire	Outline planning application for up to 5 no. dwellings	Written Representation
APP/B3030/C/18/3209928		Lurcher Farm Mansfield Road Farnsfield Nottinghamshire NG22 8HY	Appeal against	Written Representation
APP/B3030/W/18/3210177	18/00438/FUL	Land Adjacent Savile Court Bilsthorpe Road Eakring Nottinghamshire	Resubmission of 17/01925/FUL planning application for erection of 2 dwellings	Written Representation

PLANNING COMMITTEE – 4 DECEMBER 2018

APPENDIX B: APPEALS DETERMINED (between 19 October 2018 and 26 November 2018)

App No.	Address	Proposal	Decision	Decision date
	Forge House Westgate Southwell Nottinghamshire NG25 0LD	Appeal against	DISMISS	30.10.2018
17/02100/OUT	Chapel Farm Chapel Lane Spalford Newark On Trent Nottinghamshire NG23 7HD	Erection of 2 detached dwellings	DISMISS	26.10.2018
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)	DISMISS	20.11.2018
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)	DISMISS	21.11.2018
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)	DISMISS	21.11.2018

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