



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Monday, 7 January 2019

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, 15 January 2019 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.

26.	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.

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 4 December 2018 at 4.00 pm.

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

Councillor R Blaney, Councillor B Crowe, Councillor Mrs M Dobson,
Councillor P Duncan, Councillor J Lee, Councillor Mrs P Rainbow,
Councillor Mrs L Tift, Councillor I Walker, Councillor B Wells and
Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs K Arnold, Councillor Mrs C Brooks and Councillor F Taylor

140 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor D.R. Payne, I. Walker and B. Wells declared Personal Interests in Agenda Item No.7 – Land off Allenby Road, Southwell (18/01645/RMAM) as they were Members of the Trent Valley Internal Drainage Board.

Councillors P.C. Duncan and D.R. Payne declared Personal Interests in Agenda Item No. 11 – Land at Main Road, Boughton (18/01499/FULM) as they were Directors of Newark and Sherwood Homes.

Councillor Mrs M. Dobson declared a Personal Interest in agenda Item No. 14 – Land to the Rear of 112-118 High Street, Collingham (18/01863/FUL) as she was known to the parents of the applicant.

141 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

142 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 20 November 2018 and proposed an amendment to Minute No. 133 – Green park, Tolney Lane, Newark. The minute should include delegated authority be granted to the Business Manager Growth & Regeneration to amend the wording of the conditions.

AGREED (unanimously) that subject to the above amendment the minutes of the meeting held on 20 November 2018 be approved as a correct record and signed by the Chairman.

143 THE OLD MALTINGS, MAIN STREET, FISKERTON, NOTTINGHAMSHIRE (18/01678/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission, part retrospective - amendment to approved application 17/01793/FUL to change the

existing ancillary annexe to individual dwelling use class c3(a), the addition of two dormer windows and set in own private amenity space with separate access and parking, site access by partial removal of Ileylandii hedge.

Members considered the application acceptable.

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

144 9 CHURCH STREET, SOUTHWELL (18/00664/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for the material change of use from A2 to A3.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from local residents.

Councillor David Martin representing Southwell Town Council spoke against the application in accordance with the views of Southwell Town Council.

Councillor Bruce Laughton Local Ward Member for Southwell also spoke against the application and commented on the considerable impact this change of use would have on the residents of the flat above. The bedroom located to the rear of the flat would be overlooked when seated in the restaurant below. The access to the side of the property was narrow and any deliveries would have to be made at the kerb side potentially on the zig zag area of the road. The noise element would increase due to bottles being thrown into containers to the rear of the property. There would be a security issue to the rear of the property as the public would have access. A substantial tree had also been felled which had affected the amenity value of the residents. All the services for the previous bank ran through the centre of the flats, including the water tanks for the building. If an air conditioning unit was installed, that would be to the side of the lounge in the flat and the noise impact would be unacceptable for the residents.

Members considered the application and it was commented that although the application before Committee was for change of use from A2 to A3 – which was for restaurant and café, Members did not have any detail of the end user and it was questioned how the applicant knew that the business would be open from 7am until 11pm as there was no details of the business contained within the report. It was therefore felt that the application should be refused due to the proposal would result in an adverse impact on the amenity and privacy of adjoining and adjacent neighbouring dwellings by virtue of increase noise, odour and disturbance levels resulting from patrons entering and exiting the building and for the duration of their stay exacerbated by the lack of designated smoking area, extra lighting, background music and tables being sited in the front garden area which would encourage people to congregate.

Other Members commented that finding a use for old buildings was difficult and this building if approval was not granted may stand empty for some time. This building

was an opportunity for the hospitality trade, which could be enjoyed by many people if made available. The residents of the upstairs flat choose to live in the centre of a town where there was likely to be change. Other Members disagreed and felt that residents of the town should be taken into consideration.

AGREED (with 9 votes For and 3 votes Against) that contrary to Officer recommendation planning permission be refused on the grounds that the proposal would result in an unacceptably adverse impact on the amenity and privacy of adjoining and adjacent neighbouring dwellings by virtue of increased comings and goings and associated noise and disturbance levels resulting from patrons entering and exiting the building and for the duration of their stay exacerbated by the lack of designated smoking area, extra lighting, background music and tables being sited in the front garden area which would encourage people to congregate.

The Planning Committee Chairman asked the Business Manager Growth & Regeneration to address the concern raised by the Local Ward Member regarding the felling of the large tree to the rear of the property and ensure that the works undertaken were authorised.

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

Councillor	Vote
Mrs K. Arnold	Absent
R.V. Blaney	Against
Mrs A.C. Brooks	Absent
R.A. Crowe	For
Mrs M. Dobson	For
P. Duncan	Against
G.P. Handley	For
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	Absent
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	For

145 LAND OFF ALLENBY ROAD, SOUTHWELL (18/01645/RMAM)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought permission 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.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Agent and

Southwell Civic Society.

Councillor David Martin representing Southwell Town Council spoke against the application in accordance with the views of Southwell Town Council.

Members considered the application and commented that the site was a prominent gateway to Southwell and was likely particularly during winter months that views of the dwellings rear gardens i.e. washing lines and other paraphernalia would be seen particularly at the pinch point of the buffer zone, in the North West corner of the site. It was suggested that the open space from the opposite corner be moved to this point and/or the dwellings be re positioned to front the road. Members therefore requested that the item be deferred in order for the Case Officer to seek improvements to the site layout.

AGREED (unanimously) that item be deferred in order for the Case Officer to seek improvements to the site layout. The site was a prominent gateway to Southwell and was likely particularly during winter months that views of the dwellings rear gardens i.e. washing lines and other paraphernalia would be seen particularly at the pinch point of the buffer zone, in the North West corner of the site. It was suggested that the open space from the opposite corner be moved to this point and/or the dwellings be re positioned to front the road.

146 LAND TO THE REAR OF THE RED LION, SOUTHWELL ROAD, THURGARTON (18/01907/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for the erection of three dwelling houses with revised access arrangements.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Neighbours; Nottinghamshire County Council Highway Authority; and Agent.

Councillor Roger Jackson Local Ward Member Dover Beck spoke in support of the application and informed the Committee that Thurgarton Parish Council had voted unanimously in support of the development. He commented on the long history of applications for this site going back to the 1990's. The plot had been granted planning permission for four bedroom bungalows, before it was designated a conservation village. The proposed development would tidy up this area of land and would provide three bedroom houses to encourage young people into the village and also provide homes for residents of the village to down size.

Members considered the application and felt that the development was too over developed and impacted on neighbouring properties. Due to the land levels Plot 7, the most northerly plot would be built on the public footpath and the rear window would overlook into the private amenity area of the neighbouring barn. Members felt that the design of the properties was acceptable; two properties would however be more amenable.

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

147 ACACIA VILLAS, 7 MAIN STREET, GUNTHORPE, NOTTINGHAMSHIRE (18/01357/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for a two-storey extension to the side of an existing dwelling and the formation of a new vehicle/pedestrian access along Main Street with the hard surfacing of the forecourt.

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

Councillor Roger Jackson Local Ward Member Dover Beck spoke in support of the application. The proposed extension would enhance the look of the property. The current housing arrangement means that the surrounding houses were all overlooked, however obscure glazing could be used to prevent and further overlooking. The neighbouring properties were in support of the development.

Members considered the application and whilst taking into account the potential overlooking issue they felt that the proposed extension was sympathetic to the design of the current property and would enhance the property and make good use of the available land. It was suggested to prevent any further overlooking that the window over the back door be obscure glazed.

AGREED (with 10 votes For, 1 vote Against and 1 Abstention) that contrary to Officer recommendation full planning permission be approved, subject to reasonable conditions as delegated to Officers.

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

Councillor	Vote
Mrs K. Arnold	Absent
R.V. Blaney	For
Mrs A.C. Brooks	Absent
R.A. Crowe	For
Mrs M. Dobson	Against
P. Duncan	For
G.P. Handley	Abstention
J. Lee	For
D.R. Payne	For
Mrs P. Rainbow	For
F. Taylor	Absent
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

148 LAND ADJACENT 1 OAK AVENUE AND 10 SYCAMORE ROAD, OLLERTON

(18/01795/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of a pair of semi-detached houses.

Members considered the application and felt that the application had a detrimental effect on two sets of houses and was such a small parcel of land.

AGREED (with 11 votes For and 1 Abstention) that full planning permission be refused for the reasons contained within the report.

149 LAND AT MAIN ROAD, BOUGHTON (18/01499/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for the proposed extra-care residential development for the elderly, consisting of 30 one bedroom flats, 10 two bedroom bungalows and associated shared facilities.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Severn Trent which suggested an additional condition, reason and informative 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.”

Members considered the application and whilst Members welcomed this development concern was raised regarding car parking. It was suggested that an informative note be included to provide signage for visitor parking. Members also requested softer boundary screening rather than the two metre fencing, to create a softer relaxation space.

AGREED (unanimously) that planning permission be approved subject to the following:

- (i) the conditions contained within the report,
- (ii) the additional condition, reason and informative, as proposed by Severn Trent, as above;
- (iii) the information to the applicant regarding car parking visitor signage; and
- (iv) the softer boundary screening.

150 LAND OFF MAIN STREET, CODDINGTON (18/00799/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought full planning permission for the erection of nine dwellings; six of the dwellings would have detached garages.

Councillor David Armstrong representing Coddington Parish Council spoke against the application in accordance with the views of Coddington Parish Council as contained within the report.

Members considered the application and felt that the proposed development was not right for the site. The proposals created overlooking for existing neighbours due to the land levels, plot 1 should be a bungalow, plot 4 sat in isolation and plot 5 was tucked away with poor outlook. It was also commented that the Arms Houses had significant heritage value and should be protected.

AGREED (unanimously) that the item be deferred in order for Officers to negotiate a reduction in the size and scale of the scheme more in line with Coddington Parish Councils suggestions.

151 WHARF COTTAGE, CARLTON FERRY LANE, COLLINGHAM (18/01688/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, following a site inspection, which sought planning permission for the erection of a garage building with a residential annexe above.

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

The Committee was informed that reason No.2 would not be sustained at appeal and should be removed from the reasons for refusal.

The Committee considered the application and felt that as the footprint for the annex was larger than that of the hoist dwelling it was considered that the development was too large for the plot.

Councillor J. Lee left the meeting during the Officers presentation and took no part in the vote on his return.

AGREED (unanimously) that planning permission be refused for reason 1 contained within the report.

152 LAND TO THE REAR OF 112-118, HIGH STREET, COLLINGHAM (18/01863/FUL)

The application was deferred pending a site visit.

153 LAND WEST OF WATERFIELD WAY, CLIPSTONE (18/00509/FULM) (MAJOR)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for the erection of 71 dwellings, structural landscaping, open space provision and access roads.

Members considered the application and felt that this was the final stage to complete this development.

A Member sought clarification as to whether there would be a Management Company responsible for this development and if so that the correct terminology be included within the planning conditions. The Business Manager Growth & Regeneration confirmed that a meeting had taken place with the Management Company and Member of Parliament for Sherwood last week which sought to control the nature of the management.

AGREED (unanimously) that full planning be approved subject to the conditions contained within the report 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 contained within the report) and the inclusion of the terminology used for the Management Company in the Councils most recent S106 agreements (such as at Allenby Road) in the relevant condition.

154 1 TENTERS COTTAGE, TENTERS LANE, EAKRING (18/01965/FUL)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought the 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

Members considered the application acceptable.

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

155 HIGHFIELDS SCHOOL, LONDON ROAD, BALDERTON, NEWARK ON TRENT (17/00357/FULM & 16/01134/FULM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought ratification to defend the Councils position regarding the appeal of the following schemes. Both planning applications were refused by the

Planning Committee, which was contrary to Officer recommendation:

- (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)

The Planning Committee were asked to answer the questions posed on the acceptability of each appeal set in paragraph 6.2 of the report and contained below:

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?

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the applicant/appellant and the Planning Case Officer.

AGREED (unanimously) that:

- (a) the Council should defend the position set out in Appendix A included in the report, for both appeals at the appeal hearing in January 2019; and
- (b) the Planning Committee answered Yes to both questions posed on the acceptability of each appeal set out in paragraph 6.2 of the report and as above.

156 APPEALS LODGED

AGREED that the report be noted.

157 APPEALS DETERMINED

AGREED that the report be noted.

158 BURTON JOYCE CAR CENTRE, OLD MAIN ROAD, BULCOTE (17/01729/FULM)

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 pre-

commencement conditions (namely No.3 materials, No.10 surface water and No.16 piling risk assessment) to allow demolition and site preparation works to take place at the site prior to the submission of a formal discharge of condition application.

The reason for the urgency item was to ensure there was no delay in issuing a decision.

The Committee was also provided with an update regarding the viability appraisal, planning officers and the viability consultant had met with the applicants for the scheme to discuss the contributions towards planning obligations. The outcome of the meeting was that following clarification over land acquisition costs, the agreed amount of £200,000 for planning considerations quoted within the committee report was justified and accurate, which meant that the viability conclusions presented to Members were sound.

AGREED (unanimously) that the wording to secure the trigger point for a discharge of conditions application be delegated to the Business Manager Growth & Regeneration.

159 EXCLUSION OF THE PRESS AND PUBLIC

There were none.

Meeting closed at 7.28 pm.

Chairman

PLANNING COMMITTEE - 15 JANUARY 2019

Application No:	18/00973/FULM		
Proposal:	Erection of 62 residential dwellings including new vehicular access road and removal of eight TPO trees (TPO N313)		
Location:	Site Of The Bearings, Bowbridge Road, Newark On Trent		
Applicant:	Mr B Casswell - Westleigh Partnerships Ltd.		
Registered:	29 May 2018	Target Date:	28th August 2018
	Extension of time agreed until 22ND January 2019		

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

The Site

The site comprises a brown field site that lies within the built up part of Newark.

The site is approximately 1.6 hectares in area that forms a basic rectangular shaped parcel of land. It was formerly occupied by 'RHP The Bearings' and used for commercial industrial use and for conferences and training. The two buildings that were on site have been demolished and the land is now a flat site covered in concrete hard standing although it is overgrown.

There are two access points into the site from Bowbridge Road.

There are various protected trees within the site, most of which are along the western and northern boundaries which provide a mature visual screen with existing residential properties. There are also protected trees to the north eastern and south eastern corners of the site. The southern boundary comprises established conifers which also provide a good level of screening. The frontage of the site with Bowbridge Road is bounded by metal railings, which are now looking unkempt because the paintwork is peeling off.

The site lies in a predominantly residential area with the terrace dwellings of Lime Grove to the west, Jubilee Street/Bowbridge Road to the north and Bowbridge Road to the east. Immediately to the south of the site is a terrace of commercial properties comprising 2 retail units and a café. With Newark Hospital and its associated buildings beyond.

The existing area is characterised largely by traditional Victorian terraces fronting the back edge of the footpath with long thin gardens. The rows of terraces together with the linear street form of the surrounding area create a strong grid-like character.

Relevant Planning History

07/01331/FULM – Full planning permission was granted on the 19 December 2007 for the

Demolition of existing buildings and erection of 89 units of residential accommodation.

10/01699/FULM – Full planning permission was granted on the 30 November 2011 for the demolition of existing building and erection of 89 units of residential accommodation (renewal of extant planning permission). This secured 30% Affordable Housing on site comprising 10 x shared ownership (1x1 bed apart, 3x2bed apart, 4x2bed houses, 2x3 bed houses) and 16 Social Rented Housing (11x1 bed aparts, 3x2bed aparts,1x2 bed house,1x3bed house), Community Facilities contribution of £110,137.50, Integrated Transport Contribution of £24,800 and Libraries contribution of £18,020.

The Proposal

Full planning permission is now sought or the erection of 62 no. dwellings (5 single storey and 77 two storey buildings) comprising:-

12 no. 1-bed flats;

33 no. 2-bed dwellings;

13 no. 3-bed dwellings; and

4 no. 4-bed dwellings.

A revised tenure type of 32 intermediate properties and 30 affordable rent properties has been deposited with the latest Viability appraisal on the 26 October 2018.

The development comprises 5 single storey properties the remainder being maximum 2 storey height properties. The majority of the units are semi detached although there are a few terraces of 3 units.

The scheme is served by a central access road which runs the full length of the site in an east to west direct with private drives running to the south and north western corner. There are three main pockets of open space together with smaller areas landscaped space within the site.

The application has been accompanied by the following documents:-

Design and Access Statement;

Planning Statement

Affordable Housing Statement;

Tree schedule

Flood Risk Assessment

Phase II Site Appraisal

Transport Statement

The following plans have been submitted for consideration:-

41040 001N – Revised site layout deposited 23.08.18

41040 02A – Amended Public Open Space Plan – deposited 02.07.18

41040 004 House type H57 Pair
41040 005 House type H68 Pair
41040 006 House type H98 Pair
41040 007 House type H82Pair
41040 008 House type H68 H75 Pair
41040 009 House type H68 H75 Pair Handed
41040 0010 House type H82 H75 Pair
41040 011 House type M46 Flats
41040 012 House type M46 Flats Side Entrance
41040 013 House type H68 H68 H75 Terrace
41040 014 House type 57 Terrace
41040 017B External Materials
41040 019 House type H68 H 82 Pair
41040 016C – Revised Boundary Treatment Plan deposited 17.12.18
41040 018C – Revised Street scene deposited 17.12.18

Departure/Public Advertisement Procedure

Occupiers of 140 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 14 - Historic Environment

Allocations & Development Management DPD

Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside

Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- SPD: Conversion of Traditional Rural Buildings, adopted November 2014

Consultations

Newark Town Council (received 28.06.18) - It was decided to OBJECT to this application on the potential traffic and parking impact on Bowbridge Road, the concern of 3 egresses within close proximity of one another onto an already very busy road, the removal of trees on the site boundary with no plans to replace them and the need for better boundary landscaping.

Comments received 02.08.18 - *Members felt that none of the issues raised in their previous comments from 27th June, 2018 had been addressed and therefore wish to raise Objection to this application on the same grounds as before:*

'It was decided to OBJECT to this application on the potential traffic and parking impact on Bowbridge Road, the concern of 3 egresses within close proximity of one another onto an already very busy road, the removal of trees on the site boundary with no plans to replace them and the need for better boundary landscaping'.

Environment Agency– (received 31.05.18) The site falls in Flood Zone 1 and the LLFA should be consulted.

Nottinghamshire County Council Lead local Flood Authority (received 18.06.18) - No objections to the proposals based on the submitted documents.

Comments received 30.07.18 - *please refer to our comments dated 18 June 2018*

Severn Trent Water – No comments received.

Trent Valley Drainage Board – comments received 03.08.18

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

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

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

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

No further comments are made

Natural England – (received 04.06.18)

Natural England has no comments to make on this application.

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

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

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

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

Comments received 24.07.18 reiterate previous comments

NSDC Environmental Health Contamination (received 08.06.18) - I have now had the opportunity to review the Phase I Site Appraisal (Desk Study) and Phase II.

Site Appraisal reports submitted by GRM in support of the above planning application. The desktop includes a detailed description of the site, a review of the earlier site investigation report (Grontmij 2007), consideration of the site history and includes an Environmental Screening report. The report then goes on to propose an appropriate preliminary conceptual site model.

Following this work, intrusive sampling has identified areas where further works will be required which include completion of the gas monitoring program and remediation of the asbestos containing materials amongst several other recommendations.

I generally concur with the reports findings and shall await the submission of the suggested Remediation Strategy and Gas Verification Plan prior to commenting further at this stage. I would therefore recommend the use of our full phased contamination condition.

Comments received 12.08.18 – Please refer to previous comments dated 08.06.18

Latest comments received 05.12.18 - I have now received the Additional Contamination Report (21/5/18) and Gas Addendum Letter (16/6/18) submitted by GRM in support of the above application and can comment as follows:

Additional Contamination Report - Confirms the elevated hydrocarbon contamination in an area of the site (TP104, TP105 & TP108). Due to the depth of the contaminated material (>2m) the risk to human health is deemed acceptable providing site levels remain unchanged. I can concur with this assessment however I would expect the validation report to confirm that sufficient depth to be protective remains post development. I would also expect hydrocarbon resistant water pipes are used in this area of the site.

The risk to controlled waters is significant and a remedial method statement is proposed, I look forward to receiving this which should also be forwarded to the Environment Agency for comment.

Gas Addendum Letter - I can concur with the proposed Characteristic Situation 2 (CS2) gas protection measures for plots 15 to 20 and 24 to 25 due to the elevated CO2. I look forward to receiving the validation documentation for this work.

In addition to the above the earlier reports identified asbestos contamination and recommended specialist contractors were used to remove it. I would expect submission of documentation confirming that this has been completed successfully.

Any material imported for use in garden or landscape areas will need to be certified as clean.

As the site characterisation has now been completed with submission of the phase 1 and 2 reports, I can accept the discharge of part A of the contamination condition. However due to the above outstanding matters I would recommend the continued use of the subsequent parts as copied below:

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes to Applicant.

An advisory booklet is available – “A guide to Developing Land in Nottinghamshire”. This is available from NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/landpollution/>

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

*Natural England
Block 6 & 7 Government Buildings
Chalfont Drive
Nottingham
NG8 3SN
Tel: 0115 929 1191
Fax: 0115 929 4886
Email: eastmidlands@naturalengland.org.uk*

*English Heritage
Ancient Monuments Inspector
44 Derngate
Northampton,
NN1 1UH
Tel: 01604 735400
Fax 01604 735401
E-mail: eastmidlands@english-heritage.org.uk*

*Heritage Planning Specialists
Nottinghamshire County Council*

Trent Bridge House
Fox Road
West Bridgford
Nottingham
NG2 6BJ
Tel: +44 (0)115 977 2162
Fax: +44 (0)115 977 2418
E-mail: heritage@nottscc.gov.uk

to prevent damage or harm to the historic environment.

NSDC Environmental Heath - confirm that they have no comments to make.

Comments received 07.08.18 - *confirm that there are no additional comments to make.*

Arboricultural Consultant (received 08.06.18) - Although the submitted tree report broadly addresses the requirements for tree survey/constraints and protection purposes I do have some concerns on the proposed layout.

Several plots are likely to be in direct conflict with retained trees subject to TPO which will only increase as these trees mature with resultant repeat applications for removal or repeat pruning to alleviate lack of light/seasonal nuisance issues.

Of particular concern are trees T20-24,T32,T4 and T1/2. Similar issues are also likely but to a lesser degree with trees T7,T8,T9 and T34.

Trees T4 and T34 also have areas of hard standing within RPAS which while this impact can be reduced by no-dig this option is rarely followed through due to the differences in ground height and edging required between standard and geoweb construction.

I also have some concerns that there is little in the way of mitigation planting proposed across the site, especially given the high number of proposed tree removals. Proposed planting areas leave little room for trees of any large species size or scope for future full development I,e enclosed next to hard surfacing and/or directly adjacent to new builds.

Comments received 13.07.18 - *No further comments. Previous issues raised are still considered pertinent.*

Nottinghamshire County Council Highway Authority (received 13.06.18) - The proposal shown on drawing 41040-015A and supported by a Transport Statement is acceptable subject to a few minor amendments which are sought below:

A couple of more visitor car spaces should each be provided in relation to plots 1-6 and plots 39-44.

Car spaces allied to plot 52 are remote and the tendency will be for on-street parking to occur on the road in front of that property.

The private drive serving plots 10-18 should be 4.8m wide at least for the first 10m or so (currently it appears to be 4.25m).

The traffic calming feature may not be necessary. Assuming this is not a critical 'planning matter', this could be discussed further at the time when a Section 38 Road Adoption Agreement is being pursued.

A waiting restriction should be introduced on the west side of Bowbridge Road to protect junction visibility splays in the interests of safety and the protection of two-way traffic flow. This is due to the amount of parking that can take place on the section of road.

Subject to these matters being addressed, it would appear that a scheme can be offered a conditional permission. Suitable 'highway' conditions will be offered once revised plans are received.

Latest comments received 31st July 2018 - *Further to comments dated 13 June 2018, revised drawing 41040-015B has been submitted which seeks to address the issues previously raised.*

Whilst a couple of more visitor car spaces were sought in relation to each of the parking areas related to plots 1-6 and plots 39-44, one additional space has been provided at each.

Plot 52 now has one car space in front of the dwelling and a remote visitor/2nd space which is unlikely to be used.

In view of the above, there remains therefore a risk of on-street parking occurring.

Notwithstanding the above, it is considered that the application could be approved subject to the following conditions:

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway in accordance with Highway Authority standards.

Reason: In the interests of highway safety.

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 access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

No development shall commence until the off-site traffic management works comprising of waiting restrictions on the west side of Bowbridge Road are approved by the Highway Authority in

accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter, such restrictions are to be implemented prior to occupation of the first dwelling.

Reason: To protect adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network; in the interests of highway safety.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, 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.

The minor access reinstatement works referred to in the conditions involve work in the public highway and as such require the consent of the County Council as highway Authority. The traffic management works referred to in the conditions require a Traffic Regulation Order before the development commences to provide safe access.

The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note this process can take 9-12 months.

NSDC Strategic Housing - The Council's Strategic Housing Business Unit has worked with Nottingham Community Housing Association and Westleigh Developments to secure a scheme that delivers 100% affordable housing in one of the district's areas with the highest demand. The proposed scheme will provide 62 new homes offering nearly 50% for affordable rent (rents to be set in line with the area's local housing allowance) and slightly above 50% for intermediate housing (shared ownership and rent to buy). The scheme delivers a range of types and tenures and I am pleased to see the inclusion of 5 bungalows for affordable rent to meet the needs of older people and smaller dwellings (1 and 2 beds) to contribute towards accommodating the needs of single people, couples and small families. The need for this range of type and tenures has been identified in the DCA Housing Needs Study.

NSDC Community, Sports and Arts Development (received 12.07.18) – I have no objection to the proposed development subject to a community facilities contribution in accordance with the current Supplementary Planning Document - Develop Contributions. Such contribution would be used to improve community facilities in the locality.

NSDC Parks and Amenities (received 31.07.18) - As a site with 62 dwellings this development needs to provide 1,116m² of children's playing space and 893m² of amenity open space. The open space layout plan suggests they are providing 2,442m² which is more than is required. However the open spaces are scattered around the development and I don't think any of them are large enough to take a LEAP – which we would normally require on a development of this size. So I think there are 2 options:

1. We could ask them to provide 2 or 3 LAPs on the larger open spaces
2. We can seek an off-site commuted sum in lieu of on-site provision

I think if the LAPs are well designed they can provide a reasonable amount of play value for the development.

The developers should also be asked to look at providing some more natural areas to encourage wildlife and biodiversity.

Latest Comments received 28.12.18 – *Following correspondence received from the applicant that a LAP is not feasible given the proximity of open spaces to houses and/or trees the Parks and Amenities officer has advised that the developer should be able to include some provision but if they don't want to include on-site provision then an off-site contribution would be sought.*

Nottinghamshire County Council Policy received 11.07.18 - Thank you for your letter dated 31st May 2018 requesting strategic planning observations on the above planning application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that: the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are 'essential to support sustainable economic growth and our quality of life.'

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;

set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that 'they have an important role in safeguarding minerals in 3 ways:

having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are 'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.

Education provision

Paragraph 72 states that:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

give great weight to the need to create, expand or alter schools; and

work with schools promoters to identify and resolve key planning issues before applications are submitted.'

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

Minerals

In relation to the Minerals Local Plan, 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

NCC do not expect the site to have significant ecological interest, given its location and previous use; aerial photos indicate that the site is dominated by hardstanding. However, a number of trees are to be removed, which have not been assessed with regards to their potential to support roosting bats.

Notwithstanding this, NCC would request conditions covering the following:

The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)

- The submission of a detailed landscaping scheme, to include the use of native species of tree and shrub and wildflower/flowering lawn seeding in POS areas
- The inclusion of integrated bat and bird boxes (the latter targeting swift in particular, but also house sparrow and starling) incorporated into the fabric of a proportion of the dwellings (c.20%).

Travel and Transport

Bus Service Support

The Council has conducted an initial assessment of this site in the context of the local public transport network.

This area lies within 400 metres of London Road which enjoys a frequent service into Newark. A similar distance in the opposite direction leads to Boundary Road where again there are frequent services into the town with the nearest served stops approximately 600 metres from the site. As these services are all commercially operated by Stagecoach they would need to be included in any discussions. It is possible although unlikely, that they would divert one of their existing routes so as to serve Bowbridge Road. Another matter for consideration is that any new service is likely to abstract passengers from the existing network unless it was introduced to serve only Bowbridge Road.

At this time it is not envisaged that contributions towards local bus service provision will be sought. However the travel demands arising from this site should be included as part of discussions as part of a broader plan for bus provision, in light of the substantial development plans in the Newark area.

Current Infrastructure

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

NS0384 Hospital – Bus Stop Pole, Polycarbonate Bus Shelter, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

NS0385 Hospital – Bus Stop Pole, Polycarbonate Bus Shelter, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.
NS0030 Earp Avenue – Bus Stop Pole.
NS0702 Earp Avenue – No Infrastructure.

Possible Infrastructure Improvements

Transport & Travel Services would request a contribution via a Section 106 agreement for Bus Stop Improvements in the vicinity of the site to the value of £20,000. Improvements may include (but are not limited to) Real Time Bus Stop Poles & Displays including Associated Electrical Connections, New or Refurbished Bus Shelters, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearways.

Justification (S106)

The current level of facilities at development site is not at the standard set out in the Council's Transport Statement for Funding. The nearest bus stops are approximately 275 metres from the centre of the site on Bowbridge Road, however the closest currently serviced bus stops are approximately 600 metres away from the centre of the site on Boundary Road. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The improvements would be at the closest serviced bus stops to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (62 dwellings).

Heritage

This site does not appear to contain any buildings of heritage interest. It is close to the site of a 'non- designated heritage asset' identified on the Notts Historic Environment Record to the south. This NDHA is the Newark Union Workhouse buildings, which are now part of the hospital, NCC do not think the proposals will impact on the setting or significance of this heritage asset.

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Education

Nottinghamshire County Council would request primary education contributions from any proposed housing development on land at The Bearings, Bowbridge Lane, Newark.

A proposed development of 62 dwellings would yield an additional 13 primary places. NCC would therefore wish to seek an education contribution of £148,915 (13 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

The information above is given on the understanding that it is based on the best information available to Nottinghamshire County Council at the time. District Council colleagues are advised to contact the County Council again in the future if they require a 'project' to be named. None of the information above should be used to denote a project.

Appendix 1 sets out the detailed Education Statement for the site.

As these developer contributions are sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

The developer contributions detailed above are necessary in order for the proposed development to be considered acceptable and as such the County Council would wish to raise objections to this application unless these contributions are secured.

No further comments received.

Nottinghamshire County Council Education (received 11.07.18)

Outlines the context for meeting the need for the increasing demand for school places, the methodology for forecasting demand and meeting demand from proposed housing developments.

Concludes that Nottinghamshire County Council therefore have no alternative but to request primary education contributions from any proposed housing development on land at The Bearings, Bowbridge Lane, Newark.

A proposed development of 62 dwellings would yield an additional 13 primary places.
Strategic housing

We would therefore wish to seek an education contribution of £148,915 (13 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

The information above is given on the understanding that it is based on the best information available to Nottinghamshire County Council at the time. District Council colleagues are advised to contact the County Council again in the future if they require a 'project' to be named. None of the information above should be used to denote a project.

No further comments received.

Independent Viability Consultant – latest comments received 29.12.18

GENERAL		
Net Developable Site Area		1.6Ha
Development Scenario		Brownfield
Total Unit Numbers		62
AREAS		
Net Residential Sales Area	Houses	3612qm
	Apartments	624qm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		100%
Affordable Housing Tenure Mix		48% Affordable Rent
		52% Intermediate
SALES VALUES		
Market Value Equivalent (Discounts applied)	Apartments & Houses	£3200qm
	Intermediate 70% OMV	£2240sqm
	Affordable Rent 50% OMV	£1600sqm
CONSTRUCTION COSTS		
	Apartments	£1394sqm
	Houses	£1139sqm
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Cost Allowance		£471656
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£1,289,151
Existing Land Use Value		£592,000
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£940,576
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL	Affordable Housing Exempt	£0
Planning Obligations	Education	£148,915
	Community Facilities	£85,812
	Libraries	£17,633
	Bus Stop Improvements	£20,000
FINANCE COSTS		
Interest		0%
Arrangement Fee		1%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		6%

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

The applicant has submitted its own projected sale values at an equivalent market rate of £3200sqm (to which discounts are applied relevant to the Affordable Housing Types proposed).

This compares favourably to the rates adopted by NSDC in recent assessments in Newark and has been accepted.

The applicants construction cost rates of £1194sqm for houses and £1394sqm for apartments compares favourably to BCIS data and have been accepted. The applicant's abnormal costs figure of £471,656 has been accepted but may require further investigation in the event of dispute.

The principal difference between the applicant and the Council is on land value. The applicant proposes a land value of £1.67 Million. based on Sales Values. The Council's adopted benchmarking methodology has been adopted which indicates a land value allowance of £940,576.

The applicant advises that no interest costs need to be considered due to the disposal route to the end user. The applicants finance cost equivalent to a 1% arrangement fee has been accepted.

The full required S106 Infrastructure Contribution allowance (as set out in the table above) of £272,360 has been allowed in the appraisal

Viability Results & Conclusions

The appraisal indicates a positive viability margin of £28,810 and so it is considered that based on the applicants' proposed sale values and construction costs the development is capable of making a full S106 Contribution of £272,360.

The applicant considers that the delivery of 100% Affordable Housing on the site justifies the removal of requirements for full S106 infrastructure contributions on viability grounds. Under normal circumstances where discounts of between 20-50% of open market value are placed on the affordable housing units, this would almost certainly be the case but the sale values attributed to the affordable housing units after discounts are applied of between £1600-£2240 sqm are closer to open market values in Newark. After discussions with the applicant it is understood that these are the broadly agreed sales prices with the proposed RSL operator and as such it is considered that the proposed S106 contributions are economically viable.

NSDC Access (received 05.06.18) - 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.

Comment received 12.07.18 – *no further observations beyond those previously advised.*

NSDC Strategic Housing (received 30.07.18) - The Council's Strategic Housing Business Unit has worked with Nottingham Community Housing Association and Westleigh Developments to secure a scheme that delivers 100% affordable housing in one the district's areas with the highest demand. The proposed scheme will provide 62 new homes offering nearly 50% for affordable rent (rents to be set in line with the area's local housing allowance) and slightly above 50% for intermediate housing (shared ownership and rent to buy). The scheme delivers a range of types and tenures and I am pleased to see the inclusion of 5 bungalows for affordable rent to meet the needs of older people and smaller dwellings (1 and 2 beds) to contribute towards accommodating the needs of single people, couples and small families. The need for this range of type and tenures has been identified in the DCA Housing Needs Study.

No further comments received.

NSDC Emergency Planner (received 08.08.18) - I have no comments to add concerning this application.

No further comments received

11 representations have been received from local residents/interested parties. The representations can be summarised as follows:-

Some support for the construction of houses but with some concerns outlined below

Loss of protected trees

Overlooking and loss of privacy

Ecological and Environmental Impact

The position of the road in relation to neighbouring properties

Lack of off street parking and impact on highway which would exacerbate existing congestion issues and impact on emergency vehicles

Impact of access drives and road on highway and pedestrian safety

Increased traffic

Proximity of proposed dwellings to neighbouring properties

Overshadowing and loss of light

Potential contamination

Comments of Business Manager, Growth and Regeneration

Principle of Development

The principle of residential development on the site has previously been established through the grant of planning permission for 89 dwellings in 2007 and 2010 (albeit the 2010 permission was never implemented and consequently expired). That's said, there is a new Development Plan and National Planning Policy Guidance now in place which request a fresh consideration of the proposals.

The National Planning Policy Framework 2018 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is the duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the development plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of encouraging the effective re-use of previously developed land (provided it is not of high environmental value).

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 within the Development Plan by Policy DM12 of the Allocations and Development Management DPD which sets out a positive approach to considering development proposals. Where appropriate this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved where possible and to secure development which improves economic, social and environmental conditions. The policy further details that applications which accord with the District's Development Plan will be approved without delay, unless material considerations indicate otherwise.

The application site is within a sustainable location within Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy as the Sub Regional Centre. Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided it is appropriate to the size and location of the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. The site is cleared, has a history of residential permissions (which themselves assessed and accepted the residential as opposed to employment re-use), and is a significant vacant brownfield site that and makes no positive contribution to the amenity of the area. On this basis the principle of the residential redevelopment of the site is acceptable.

Current 5 Year 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. This scheme will contribute to the Council's supply, representing a windfall site.

Housing Affordability, Mix, Type and Density

Core Policy 1 of the Core Strategy (which has been amended to reflect recent changes from Central Government which have set new thresholds) states that for all housing proposals of 11 or more dwellings and which have a combined gross floorspace of more than 1000 sq metres, a level of 30% affordable housing will be sought. The tenure mix of the affordable housing provision should reflect a 60% social rented and 40% intermediate mix.

Core Policy 3 goes on to state that housing densities should normally be no lower than an average of 30 dwellings per hectare net and should seek to address the housing need of the District, namely:

- family housing of 3 bedrooms or more;
- smaller houses of 2 bedrooms or less;
- housing for elderly and disabled population.

The mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.

Section 11 of the NPPF is entitled "Making effective use of land" (para 117) states that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 118 goes on to state that planning policies and decisions should, amongst other criteria, give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate derelict land as well as promote and support the development of under-utilised land and buildings. Section 11 then goes on to refer to achieving appropriate densities and should support development that makes efficient use of land, taking into account a range of criteria including, the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change and the importance of securing well designed, attractive and healthy places.

The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the need of groups with specific housing requirements are addressed.

Annex 2: Glossary of the NPPF defines affordable housing as being 'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following..'. This includes affordable housing for rent, starter homes, discounted market sales housing or other affordable routes to home ownership including shared ownership.

The scheme represents 100% affordable housing provision which exceeds the 30% policy requirement by 43 dwellings.

The revised tenure split proposed for the development is 32 intermediate houses and 30 affordable rent.

Evidence from the 2014 Housing Market and Needs Assessment identifies the affordable housing need for Newark as follows:

Property size	Affordable Need (in Nos)	Proposed by this application
1 bed	234 (27%)	12 (19%)
2 bed	458 (55%)	33 (53%)
3 bed	150 (18%)	13 (20%)
4 bed	0	4 (8%)
TOTAL	842	62

It is shown in the table above that the type of housing provided by this scheme does mirror local need. This is reflected in the comments made by the Council’s Strategic Housing Officer.

The density across the site is 38 dwellings per hectare. Core Policy 3 provides that densities are no lower than 30 dwellings per hectare. The proposal therefore complies with this policy. The site is within an urban setting and close to the town centre where such a density of development would not be out of context.

Given the very high levels of affordable housing need in Newark, it is considered that the provision of 100% affordable housing would be of considerable benefit in meeting this need, a benefit to be weighed significantly in an overall planning balance. It is also acknowledged that the policy requirement of 30% affordable provision on market housing sites across the District in the last 5 years or so has not been achieved (often on viability grounds) via individual planning applications.

It is acknowledged, however, that a 100% affordable development could be seen as an undesirable, over-concentration, resulting in an exclusive, homogenous tenure community, rather than a more appropriate mix of market and affordable units. However, in the overall balance, it is considered that the provision of the much needed affordable housing weighs heavily in favour of the development in this case and is in line with Core Policies 1 and 3, the Housing Needs Survey and the NPPF. This is especially the case within the Newark Urban Area, which has a many and varied tenure type and mix.

Impact On Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 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.

The surrounding area to the north east and west is predominantly high density 2 storey terraced properties. It is considered that the proposed development would sit well within this context in terms of appearance, scale and layout. It is acknowledged that there are a small number of single storey dwellings proposed within the site. However this is not considered to be fatal to the application given their location and relationship to adjoining properties.

The amount of hard surfacing within the site to accommodate the access road, private drives and off street parking spaces particularly to the front of the proposed dwellings is a design necessity to address. A revised site layout plan has been deposited which does show landscaping along the central access road and around the parking areas which does help soften the impact and which can be secured by condition to ensure that proposed planting is sufficiently robust and well established to ensure that the development does not have such a car dominated frontage to be completely dominated by hard surfacing.

Overall, and subject to conditions relating to materials, boundary treatments and landscaping details, it is considered that the scheme makes an acceptable contribution to the area, according with the aims of the NPPF, Core Policy 9 and Policy DM5 of the Allocations and Development Management DPD.

Impact on Trees and Ecology

Policy DM5 of the DPD requires that natural features such as trees and hedges should be protected and enhanced, reflecting Core Policy 12 of the Core Strategy.

The application has been accompanied by an Arborecultural Impact Assessment. It is acknowledged that the proposed development would result in the loss of trees some of which are protected by a TPO (N313) mainly to its south western corner along the boundary with properties on Lime Grove and 2 no. groups of lleyalndi trees within the site towards the norther boundary. Six of these trees are proposed to be removed as they are unsuitable for retention in the interests of good arboricultural management given that they are in poor health and condition. Nine trees are proposed to be removed to facilitate the development. These trees have been inspected and are classed within the Arborecultural Assessment as being as category C and predominantly in poor condition.

Turning to the comments of the tree consultant it is accepted that plots 1-4 would directly face tree T1 to the front of the site. However works are pruning are proposed to this tree as part of this application which would improve the amenity of the occupiers of these flats.

With regards to Plots 48, 49, and 51 I consider that likely impacts on amenity would not in themselves be so significant as to justify refusal on these grounds. Any future applications to carry out works to trees on the site would need to be assessed on their own merits. Moreover, in this case all plots will be taken on by a registered provider who will be aware of the situation and ongoing management requirements for occupiers and the site itself, with a single umbrella management vehicle in place in relation to future maintenance works.

With regards to the areas of hardstanding which fall within tree protection routes I note the comments of the tree consultant with regards to the proposed no dig option. A condition is recommended with respect to protection during construction of retained trees.

It is considered that on balance the proposal would accord with Core Policy 12 of the Core Strategy and Policy DM5 of the DPD.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 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 site is immediately adjoined by residential properties to the north and west.

The comments received with regards to impact on the amenity of the occupiers of neighbouring dwellings are acknowledged. The separation distances between proposed and existing dwellings meet best practice separation distances.

In terms of relationships between the proposed and existing dwellings along the western boundary of the site, there is a separation of circa 15m between the rear elevations of the two storey dwellings to the west on Lime Grove (Nos 45-51) which have rear windows facing the blank gable of the proposed two storey flats in the southwestern corner of the site (plots 41-42) This would in officer opinion be an acceptable relationship with no windows to the side gable of the flats and thus no overlooking of these existing properties and that this would not create undue overbearing or overshadowing impact to justify refusal on these grounds. There would be first floor windows to front and rear elevation of these plots which may have glimpses into garden areas but these would be from an acute angle and this is not such an unusual situation in an urban area.

There is circa. 17m separation between the gable of the semi-detached 2 storey properties at plots 43 and 44 of the proposed development and the windows to the rear elevations of numbers 59 and 61 Lime Grove. A first floor bathroom window is proposed to the side gable of the new dwellings which would face these existing dwellings. However a condition requiring obscure glazing would safeguard the occupiers of the existing dwellings from any undue overlooking.

There is between c20m separation between plots 45, 46, and 48 of the proposed development and the windows to the rear elevations of nos 63-77 Lime Grove directly to the west. There is 18m separation between plot 47 and no. 71 Lime Grove; however this plot is single storey. It is considered that these separation distances are acceptable.

Bearing this in mind it is considered these plots would not result in undue overlooking, overbearing or overshadowing impact.

In terms of relationships with properties to the north on Jubilee Street these are sited at least 54 m from the boundary with the application site and as such the development would not unduly impact upon the amenity of the occupiers of these properties.

Given the garden depths of circa 10m serving plots 57-59 it is considered that occupiers of the adjoining property 80 Bowbridge Road together with properties to the north on Jubilee Street would continue to enjoy reasonable amounts of day light and sunlight with limited overshadowing of their rear garden.

It is noted that there is circa 17m between the side gable of plot 60 and the side boundary of the adjoining property to the north at no. 80 Bowbridge Road. This existing dwelling has first floor windows to its side elevation overlooking the site and a single storey side extension with windows facing a small courtyard adjoining the application site. I am mindful that there are mature trees to the south eastern corner of the site which partially obscure these windows. Furthermore the first floor window to the side gable of plot 60 would serve a bathroom and obscure glazing to this window could be secured by condition.

Turning to the development itself I am satisfied that the relationships between the proposed dwellings are acceptable and that they would be served by private amenity areas proportionate to their size.

Having carefully assessed the scheme I am satisfied that the proposal would have no unacceptable 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 Allocations and Development Management DPD.

Highway Matters

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

The comments received with regards to highway safety and parking issues are acknowledged.

A Transport Statement has been submitted with the application. The Highway Authority originally sought amendments to the scheme in relation to the location of parking spaces, width of private drives and the introduction of waiting restrictions to protect the visibility splay.

A revised layout has subsequently been deposited. The Highway Authority has not raised any significant objection to the revised scheme but it is noted that they still consider that there may be a risk of on street parking resulting from the location of the parking space for plot 52 and a visitor parking space. They have however suggested conditions as noted in the consultation section of this report should Members be minded to grant permission which are considered to be reasonable. However, the risk of on street parking is not considered to be so significant in this particular instance given that it relates to the location of one space to serve a dwelling and one visitor spot to justify refusal on these grounds, particularly as the Highway Authority have recommended conditions.

I note the comments and request received from Nottinghamshire County Council with regards to developer contributions for possible infrastructure improvements in the form of bus stop improvements. However, as discussed within the Viability of Development and Developer Contributions that applicant has put forward a viability argument that the development could not viably deliver such contributions.

It is therefore considered that the proposed development would not result in any significant parking issues or lead to a significant impact on highway safety subject to the approval of details reserved by condition in accordance with the requirements of Spatial Policy 7 and DM5 of the DOD.

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.

The submitted Preliminary Ecological Appraisal has identified the potential for impacts on possible reptiles, birds and bats.

The Survey makes the following conclusions and recommendations:-

The habitat on site has limited biological interest and poor species diversity;

Given the distance from nearest strategic sites (Devon Park Pasture and Farndon Ponds LNR) between 970m and 2.8km it is considered that the proposal would be unlikely to have any direct impacts.;

With regard to bats, there is one tree (proposed to be felled) which has low potential to support roosting bats – soft fell method should be used.

The existing substation on site has low potential to support roosting bats but no potential for hibernating bats. Any works should therefore be undertaken during winter hibernating months;

Trees and shrubs have low potential to provide foraging for bats; there are some low quality foraging and commuting resources and no further surveys are required.

Any lighting to be provided on site should be bat friendly.

With regards to birds, the scattered trees and shrubs on site provide suitable nesting habitats, although it is unsuitable to support schedule 1 species such as birds. Any works to trees and shrubs should therefore be undertaken outside of bird nesting season.

Although no badgers were found some part so the site does have the potential. There should be a pre commencement check of the site and precautions such as mammal ladders, capping off pips at the end of the day, covering of open holes, safe storage of harmful substances and avoidance of night work are recommended.

The survey also recommends that post development the site should make provisions for invertebrates through the incorporation of suggested plant materials.

I am of the opinion that the above recommendations and enhancements can reasonably be secured through condition to safeguard the ecological interest within the site.

Nottinghamshire County Council Ecology have commented that the site is not considered to have significant ecological interest, given its location and previous use and also recommend conditions in relation to vegetation clearance, appropriate landscaping and the incorporation of bat and bird boxes within the development which are considered to be reasonable should Members be minded to grant permission.

I am therefore of the opinion that it has been demonstrated that the proposed development would not adversely impact on the potential habitat of a protected species, in accordance with the guidance within Core Policy 12 and Policy DM5 of the DPD.

Drainage/Flooding

Core Policy 9 (Sustainable Design) provides that development should 'through its design, proactively manage surface water, where feasible, the use of Sustainable Drainage Systems' CP10

seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies in Flood Zone 1 which is at lowest risk of flooding. The application is accompanied by a flood risk assessment which concludes that the site is at low risk of fluvial flooding, overland flow, surface water run-off, ground water sources or the sewerage network.

The Environment Agency has advised that the Lead Local Flood Authority are consulted, The Lead Local Flood Authority have stated they do not wish to make comments given the sites low risk of flooding.

I am therefore satisfied that subject to a condition requiring the submission of precise details of foul and surface water drainage disposal the proposal would accord with Core Policy 9, Core Policy 10 and DM5 of the Development Plan. CP10 and DM5 of the Development Plan.

Other Matters

Given the site's historic use, the Council's Environmental Health Service has, following the submission of a Phase 2 Site appraisal, recommended a revised land contamination condition so that any contamination that may be found on the site is dealt with appropriately and that the land can be made safe for its new residential occupiers.

Viability of Development and Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth.

Paragraph 57 of the NPPF (2018) 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) of the NPPG and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

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

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

The 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.

Contribution	Expectation	Based on 62 dwellings
Affordable Housing	30% on site for 10 houses or more usually with a tenure split of 60% social rent/40% shared ownership as per CP1.	19 affordable dwellings
Community Facilities	£1,384.07 per dwelling (figure includes indexation as at 2016) likely to be spent on Sports Hub further along Bowbridge Road	£85,812.34
Education	Triggered at 10 dwellings; this scheme would generate a projected need for 13 primary school places at £11,455 each	£148,915
Library	Provision triggered at 10 dwellings £236.86 (indexed at 2016) per dwelling	£14,685.32
Library	(Stock) Triggered at 10 dwellings £47.54 (indexed at 2016) per dwelling	£2,947.48
Amenity Open Space	Triggered at 30 dwellings, AOS of 14.4m ² per dwelling would normally be expected on site. Where this is not possible (or only provided in part on site) a financial contribution for the shortfall would be expected based on £282.94 (indexed at 2016) per dwelling.	SUFFICIENT ON SITE PROVISION SUBJECT TO PARKS AND AMENITIES COMMENTS REGARDING THE PROVISION OF 2 OR 3 LAPS - THE AGENT HAS CONFIRMED THAT THE DEVELOPMENT IS UNABLE TO PROVIDE LAPS GIVEN PROXIMITY OF DWELLINGS AND TREES
Amenity Open Space (Maintenance)	Triggered at 30 dwellings £282.79 (indexed at 2106) per dwelling	Management Plan to be secured by S106 as agreed with the applicant
Children's Play Space	Triggered at 10 dwellings, 18m ² of CPS for dwellings with 2 or more bedrooms would be expected in site. Where this is provided off-site the contribution would £927.26 (indexed at 2016) per dwelling	SUFFICIENT ON SITE PROVISION SUBJECT TO PARKS AND AMENITIES COMMENTS REGARDING THE PROVISION OF 2 OR 3 LAPS - THE AGENT HAS CONFIRMED THAT THE DEVELOPMENT IS UNABLE TO PROVIDE LAPS GIVEN PROXIMITY OF DWELLINGS AND TREES

Bus Stop Improvements	(requested by NCC)	£ 20,000
TOTAL		£272,360.14
OVER PROVISION OF AFFORDABLES	30% = 19 DWELLINGS Over provision of 43 dwellings	43 dwellings at £46k = £1,978,000

In this case, a scheme of 100% affordable housing provision will be exempt from paying CIL on the basis of the social housing exemption provisions. That's said; affordable housing schemes and families who occupy them still generate the need for education spaces in local schools and pressure on community and open space facilities in the area. There is often therefore a need for balance between over provision affordables (over provision for this scheme but not in terms of overall affordable needs for Newark) and lack of provision for some other contributions. The Council has applied such a balance in the past, notably at Sleaford Road whereby the provision of 100% affordable housing was consider most important against a shortfall of other contributions on viability grounds.

In this case there is an unusual situation. The scheme, in monetary terms, very significantly overprovides for affordable housing (to the tune of £1.9m, far outweighing the total S106 contribution level of £272,360.14). However, even with this the Council's viability consultant reports that the scheme can also afford all other developer contributions. Whilst the applicant strongly disagrees with this the Council must attached weight to its specialist and independent advice. That said, whilst a viability case does not exist in my view to not provide all contributions there is a careful benefits case to assess in coming to a final view on acceptability. The scheme will provide for all affordables and the full requirement of £148,915 towards education provision. In such circumstances I consider a case can and should be made for not refusing the scheme for the failure to provide other contributions.

Conclusion and Planning Balance

The site is located within Newark Urban Area and the principle of residential development on this site is considered to be acceptable. The delivery of 100% affordable housing in an area of high need is a significant material planning consideration as is the contribution this site would make towards the Council's five year housing supply. The development would provide for some developer contributions in the form of education and would also bring back into use significant previously developed land. The scheme does contain design compromises and a shortfall in full S106 contributions however it is considered that in overall terms the scheme is acceptable and should be approved.

RECOMMENDATION

That full planning permission is granted subject to:

(a) the conditions set out below;

(b) the signing and sealing of a S106 Planning Agreement to secure:

i) 100% affordable housing provision;

ii) Contribution to Education of £148,915; and

iii) Maintenance of the communal landscape areas in perpetuity by the Registered Provider.

Conditions

01.

The development hereby permitted shall be begun within 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

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish of the dwelling and garage hereby approved) 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.

Reason: In the interests of visual amenity.

03

No development shall be commenced until details of the existing ground levels and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

04

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

Reason: In the interests of visual amenity and biodiversity..

05

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the

local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

06

No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include [include pertinent sections]

- a. 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.
- b. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations)
- c. 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.
- d. 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.
- e. Details of any scaffolding erection and associated ground protection within the root protection areas
- f. 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. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

07

During the construction period 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 ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

08

The approved boundary treatments for each individual plot on site (41040 016C – Revised Boundary Treatment Plan deposited 17.12.18) shall be implemented prior to the first 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..

09

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts B to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless

otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

12

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway in accordance with Highway Authority standards.

Reason: In the interests of highway safety.

13

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 access/driveway/parking area to the public highway. 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.

14

No development shall commence until the off-site traffic management works comprising of waiting restrictions on the west side of Bowbridge Road are approved by the Highway Authority in accordance with details to be first submitted to and approved in writing by the Local Planning

Authority. Thereafter, such restrictions are to be implemented prior to occupation of the first dwelling.

Reason: To protect adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network; in the interests of highway safety.

15

No part of the development hereby permitted shall be commenced until visibility splays of 2.4m x 47m {minimum} are provided at the junction with Bowbridge Road.

Reason: In the interests of Highway safety.

16

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

17

The ecological mitigation recommendations detailed in Section 6 of the Preliminary Ecological Appraisal (prepared by RammSanderson) dated May 2018 shall be implemented in accordance with those recommendations unless any variations have previously been agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding interests of ecological importance in accordance with the requirements of Policies DM5 and DM7 of the DPD.

18

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

19

No building on site shall be occupied until details of integrated bat boxes, bird boxes (targeting swift, house sparrow and starling) and hedgehog boxes have been submitted to and approved in writing by the local planning authority. The bat and bird boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

20

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

Reason: In the interests of visual and residential amenity.

21

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.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

22

The first floor bathroom window openings 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 they are 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

23

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 B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.

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

24

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference [insert] unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Site Layout Plan drg. no. 41040 001N

House Type B57 PAIR drg. no. 41040 004

House Type H68 PAIR Drg. No. 41040 005

House Type H98 PAIR Drg. No. 41040 006

House Type H82 PAIR Drg. No. 41040 007

House Type H68 H75 PAIR Drg. No. 41040 008

House Type H75 PAIR HANDED Drg. No. 41040 009

House Type H82 H75 PAIR Drg. No. 41040 010

House Type M46 FLATS Drg. No. 41040 011

House Type M46 FLATS SIDE ENTRANCE Drg. No. 41040 012

House Type H68 H68 H75 Terrace Drg No. 41040 13

House Type B57 Terrace Drg. No 41040 14

House Type H68 H82 Pair Drg. No. 41040 019

External Materials Drg. No 41040 017b

Tree Constraints Plan Drg. No. Rse-1511-Tcp V2

Tree Protection Plan Drg. No. Rse-1511-Tpp V2

Reason: So as to define this permission.

Informatives

01

The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

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

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.

04

The minor access reinstatement works referred to in the conditions involve work in the public highway and as such require the consent of the County Council as highway Authority. The traffic management works referred to in the conditions require a Traffic Regulation Order before the development commences to provide safe access.

The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note this process can take 9-12 months.

05

Your attention is drawn to an advisory booklet which is available – "A guide to Developing Land in Nottinghamshire". This is available from NSDC website using the following link: <http://www.newark-sherwooddc.gov.uk/landpollution/>

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

Natural England
Block 6 & 7 Government Buildings
Chalfont Drive
Nottingham
NG8 3SN
Tel: 0115 929 1191
Fax: 0115 929 4886
Email: eastmidlands@naturalengland.org.uk

English Heritage
Ancient Monuments Inspector
44 Derngate
Northampton,
NN1 1UH
Tel: 01604 735400
Fax 01604 735401
E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists
Nottinghamshire County Council
Trent Bridge House
Fox Road
West Bridgford
Nottingham
NG2 6BJ
Tel: +44 (0)115 977 2162
Fax: +44 (0)115 977 2418
E-mail: heritage@nottscc.gov.uk

BACKGROUND PAPERS

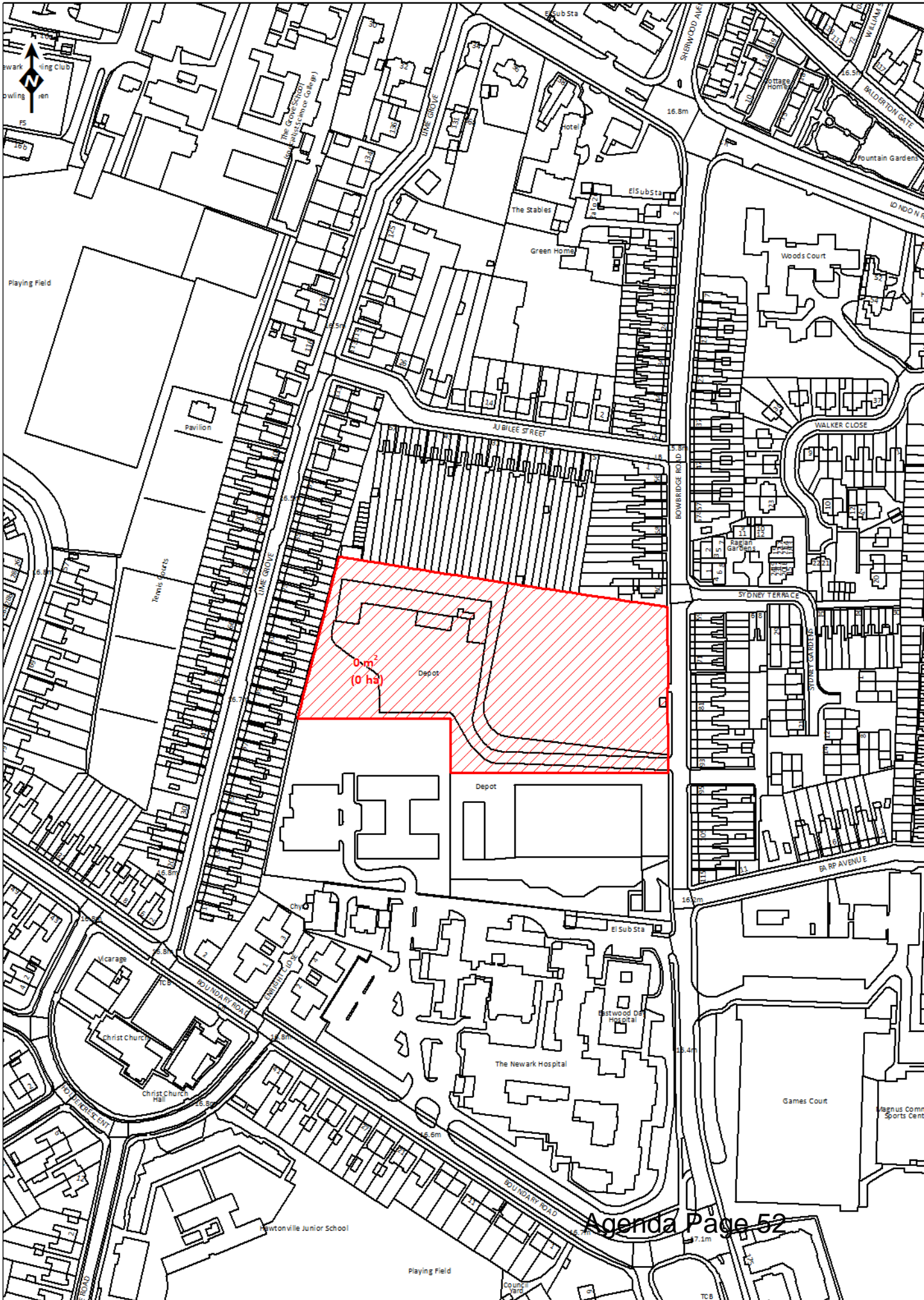
Application case file.

For further information, please contact Bev Pearson on ext. 5840

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

Matt Lamb
Business Manager Growth and Regeneration

Committee Plan - 18/00973/FULM



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01435/FUL		
Proposal:	Proposed Apartment building incorporating 8no. Apartments with associated parking		
Location:	The New Ritz, 127 Mansfield Road, Clipstone, NG21 9AA		
Applicant:	Mr S Cooling		
Registered:	24.10.2018	Target Date:	19.12.2018
	Extension of Time Agreed in Principle		

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

The Site

The site lies on the south side of Mansfield Road, set behind a shared forecourt access and parking area. The site previously contained The Ritz Cinema but this has now been demolished and the site cleared. The site drops by approximately 2m below the level of its Mansfield Road frontage and is unfenced from the housing construction site (Vicar Court) currently under way to the south.

The immediate vicinity of the site exhibits a variety of building heights (single storey to tall two storey) and a variety of facing and roofing materials. The site is located within a parade of commercial properties and identified to be within a Local Centre. The closest neighbouring properties to the site are Vicar Water Nursery, a detached property to the north-east and 129 Mansfield Road, also a detached commercial property to the west with a private fenced car park which is accessed from Vicars Court.

The new residential development under construction to the south of the site is faced in red brick.

Relevant Planning History

08/00549/FULM - Demolition of club and post office and erection of single unit containing post office, 3 shops, 30 apartments and related parking and servicing facilities. Refused permission in 2008 due to lack of affordable housing.

PREAPP/00172/17 – pre-application advice was sought in respect of a very similar scheme to that currently proposed; the response given was broadly supportive.

The Proposal

The application seeks permission for the construction of a 3 storey block of 8 flats on this cleared site. The proposed block is shown to be approx. 29.5m front to back, with a maximum width of

14m. Most of the building will be three storeys: approx. 8.5m high on the Mansfield Road frontage and 10.5m high at the rear elevation due to the change in site levels behind the Mansfield Road frontage and towards the rear of the site. Part of the proposed building, on the western side is lower, providing two storeys of accommodation surmounted by a roof terrace which is to be edged in powder-coated metal railings.

The proposed building will be flat-roofed with a front elevation containing architectural reference to the Art Deco style of the former cinema that stood on the site, with vertical emphasis, stepped elements and a finial at rooftop level. The drawings also show a cantilevered canopy projecting at ground floor level on the front elevation, reminiscent of a typical cinema of the period.

Materials proposed are two contrasting red brick types (details unspecified) with render detail at the front entrance. Fenestration is of a broadly contemporary, rather than traditional, design; these and railings for the Juliet balconies are to be powdercoated metal.

With regard to private open space, the plans show a small triangular patio for unit 1, and stepped landscaped areas for each of units 2 and 3 along the western elevation of the block.

Five car parking spaces are proposed on the Mansfield Road frontage with four more accessed from the rear via the adjacent new housing development. This will provide one space per flat plus one off-street visitor space. Pedestrian access to the interior is to be provided from both the front elevation and from the rear car park.

Submission Documents

For the avoidance of doubt, the development has been assessed below on the basis of the following plans

812:1064:25 03 (proposed plans and sections) received 25th October 2018

812:1064:25 10 (proposed ground floor plan inc site),

812:1064:25 11 (proposed first and second floor plans,

812:1064:25 12 (proposed elevations and sections)

812:1064:25 OS (O.S. site location plan) Rev. A received 25th October 2018

Design and Access Statement.

Public Advertisement Procedure

Occupiers of seven nearby properties have been individually notified by letter. A site notice has also been displayed on the highway outside the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 Settlement Hierarchy

Spatial Policy 2 Spatial Distribution of Growth

Spatial Policy 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 & Development Management DPD

Policy CI/LC/1 Clipstone Local Centre Boundary
Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM9 Protecting & Enhancing the Historic Environment
Policy DM11 Retail and Town Centre Uses
Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (Online Resource)

Consultations

Clipstone Parish Council - Clipstone Parish Council objects to the proposal.

The development is in Clipstone's retail zone, yet the development does not encompass any retail units. There appears to be only one parking space per unit. Any additional vehicles would either end up permanently parked in front of retail units taking away customer parking or on the road leading to congestion. Unit one consists of two bedrooms and a ground floor "study" which will easily serve as a third bedroom. Councillors are concerned that the safety of children at the nursery may be put at risk when nursery parking has been taken up by residents.

There is no adequate on road parking on Mansfield Road.

The spaces that are being provided appear to be very narrow.

Fire escapes appear to be insufficient.

NCC Highways Authority – 'This proposal is for the construction of 8 apartments with 5 parking spaces at the site frontage and 4 further spaces at the rear of the site. The access to the rear of the site is not yet in place as it is part of a further development currently being constructed.

Whilst the parking provision is minimal for this proposal, there are adequate public transport facilities in the area and on street parking facilities exist opposite the site on Mansfield Road.

The applicant should note that Clipstone bridleway no. 7 runs along the grass verge on Vicars Court, with a recorded width of 3 metres, and as such, the public have a right to use the route on foot, by bicycle or on horseback. It is strongly recommended that the applicant contact NCC Rights of Way section for advice/approval relating to the access from Vicars Court prior to any permission being granted.

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

1. No part of the development hereby permitted shall be brought into use until the access to the site from Vicars Court has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan. **Reason:** In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access 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 that surface water from the site is not deposited on the public highway causing danger to road users.

3. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan no. 10. The parking areas shall not be used for any purpose other than the parking of vehicles. **Reason:** In the interests of highway safety.

Note to applicant

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

Ramblers Association – The nearest right of way to the proposed development is Clipstone Bridleway 7. As this has been incorporated into Vicars Court roadway we have no objection.

Conservation Officer – 'The New Ritz on Mansfield Road in Clipstone was built in 1936 and was demolished in 2018. The building was built in the streamlined 'art-deco' style. The motivation of the decision makers and architects who inspired the 1930's art-deco cinema and theatre movement across Britain were clear; to build functional, low-cost buildings, with unadorned rear elevations and elegant front facades, to convey the glamour of the international style without exceeding their budgets.

The demolition of the New Ritz has resulted in the loss of an important piece of architectural history. The original scheme that was submitted for conservation through a pre-application consultation has been amended from a scheme that failed to respond to its historic context, to a positive building that references the art deco legacy of the site.

The new scheme that has been submitted under 18/01435/FUL is considered to be an imaginative re-interpretation of the original building. While there are no designated heritage assets located in close proximity, it is important to ensure the positive elements of the previous building were not entirely eroded. The present scheme is supported on the basis of its central fin and linear full height window ranges to the front elevation. The side elevations are also supported, as they continue to replicate the form and function of the original building and will not be unduly prominent when viewed from Mansfield Road.'

NSDC Access & 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 inclusive access to, into and around the proposals 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 proposals. In particular, 'step-free' access to and into the proposals 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. It is recommended that inclusive step free access be considered to external features.

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

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

Following discussion, the officer responded further:

My comments are general access observations of which the developer should be mindful. Compliance with Building Regulations matters will be for the Building Control Body to determine although site topography usually forms part of their considerations.

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

- Concerned over the lack of parking associated to the development and the potential for residents cars to be parked at the front of the site resulting in an impact on highway safety and the safety of the children attending the nursery.
- The adjacent nursery has historically benefitted from gated access onto the application site in the event of a fire which has not been included in this proposal.
- Whilst initially concerned regarding overlooking, this has been addressed in the design of the proposed building

Comments of the Business Manager

Principle of Development

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan. Clipstone is designated as a Service Centre within the Settlement Hierarchy set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 2 of the Core Strategy sets out that 30% of housing growth within Service Centres will be focused in Clipstone.

The application site is located within an identified local centre and as such Policies CI/LC/1 and DM11 of the Allocations & Development Management DPD are relevant. These policies seek to encourage and support town centre uses within identified local centres, however, in contrast to sites within larger District Centres, the policy guidance for Local Centres does not specifically preclude residential development without strong justification.

Given the above, and in also considering that the application site is currently vacant following a long period of the previous building lying empty, it is considered that the principle of the new housing development on land within the main built up area of the settlement is appropriate subject to any proposals having regard to the current use of the site and according with wider local and national planning policy considerations which are discussed further below.

Impact on the Character of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The 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. Paragraph 127 of the NPPF (2018) goes on to advise that Planning policies and decisions should aim to ensure that developments are visually attractive, sympathetic to local character and history, establishes a strong sense of place, optimises the potential of the site and creates places that are safe, inclusive and accessible.

As detailed by the conservation officer the previous building on the site was considered to represent an important piece of architectural history dating to the 1930s. Whilst the Local Authority were aware that elements of the building had been demolished in recent months in the interests of safety of neighbouring sites, it is disappointing that the façade, considered to be the element of the building of most interest has already been demolished.

The previous building with art-deco façade was approximately 3 storeys in height with a roofline that was pitched from east to west, with a central flat element and parapet walls to the north and south. In terms of the overall size and bulk of the proposed building, it is noted that the height and footprint of the proposed building would be very similar to that of the previous building. The proposed building has aimed to reflect the scale of built form which previously occupied the site and, on the front elevation at least, include a greater visual reference to the style of the pre-existing cinema building than was demonstrated at pre-application advice stage. The remainder of the proposal is broadly the same as the earlier draft scheme. It is felt that the re-design of the proposed building has been successful in referencing the design and character of the previous building and historic context of the site. I also note that conservation officer shares the same opinion, raises no objection to the scheme and considers the proposal to represent an imaginative re-interpretation of the scheme. As such it is considered that the proposal would accord with the aims of Policies CP9 and DM9.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. New development that cannot be afforded an adequate standard of amenity

should also be resisted. Furthermore the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

In terms of the potential impact on the neighbouring property to the north-east, Vicar Water Nursery and associated playground to the rear, I am mindful that the proposed building would occupy a similar position within the site, close to the shared boundary with this neighbouring property, and would be of a similar overall height to the previous building. It is therefore considered that the proposed development would not result in any material overbearing or overshadowing impact over and above the previous situation which was established for quite some time historically. I am also mindful that all the windows along the north-east side facing elevation are shown to serve either non-habitable spaces or be secondary window to bedrooms, and all would be obscure glazed. I am therefore satisfied that the proposal would not result in any material overlooking on the property to the north-east.

In assessing the potential impact on No. 129 Mansfield Road to the west of the site and bearing in mind that the proposed scheme would result in the built form of the proposed residential building being positioned considerably in from the shared boundary with this neighbouring property, especially in comparison to the position of the previous building at the site, I am of the opinion that the proposal would not result in any material overbearing or overshadowing impact on 129 Mansfield Road over and above the previous situation. I am mindful that there are a number of windows and Juliet balconies on the west facing side elevation of the proposed residential building, however in also taking into account the level of separation between the windows/balconies and the neighbouring properties rear windows which is between 9m and 16.5m as well as the acute angle between the side facing windows of the proposed building located at the closest point to neighbouring property, I am satisfied that the proposal would not result in a material overlooking impact on the amenity of this property. I am also mindful that these windows would overlook the rear of the neighbouring properties site, although as this property is commercial and the rear of the site is in use as informal parking rather than as a private residential garden, I am of the view that it would be unreasonable to withhold planning permission on the grounds of the potential overlooking of this area.

In regards to the terrace area at the front of the building and having considered the side elevation of 129 Mansfield Road which contains only 2 small obscure glazed windows (one at ground floor and one at first floor) as well as the position of the terrace, which would be broadly in line with 129 Mansfield Road, it is considered that this element of the proposal would also not result in any material overlooking impact on the amenity of neighbouring properties.

Amenity of future occupiers

In assessing the level of accommodation within each of the proposed units, I am mindful that the Government has produced a Technical Housing Standards (March 2015). However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA “wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.” Provision in a local plan can also be predicated on evidence, as the NPPG goes onto describe.

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes
- viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.” (Paragraph: 020 Reference ID: 56-020-20150327)

In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way

The layout plans submitted with the application annotates floor areas of the proposed units and indicates a range in floor areas between 55m2 and 100m2 for each of the proposed units. The stated national space standard for a 2 bedroom 3 person property is 61m2.

The performance of the current scheme against the standard is detailed in the table below:

Unit Number and No.	Floor Area (m2)	Space Standard for 2 bedroom property 3 person property is 61m2.
1 2-bed	100 (Plus 42.7m2 external)	61
2 2-bed	55 (Plus 14.5m2 external)	61 (6m2 or 10.9% shortfall)
3 2-bed	62 (Plus 57.4m2 external)	61
4 2-bed	78	61
5 2-bed	55	61 (6m2 or 10.9% shortfall)
6 2-bed	62	61
7 2-bed	55	61 (6m2 or 10.9% shortfall)
8 2-bed	62	61

Whilst acknowledging that 3 of the units would fall below the threshold which is clearly not ideal, I am also mindful of the NPPG guidance that any requirement from the LPA should be provided by the LDF. I am also mindful that units 1, 2 and 3 would have access to outside amenity space, either a terrace or landscaped area, which is an additional benefit not always afforded to apartments. Taking careful consideration of this, I am of the view that, on balance, this would not result in such a modest level of amenity for future occupiers of these rooms or apartment to justify refusal on these grounds.

Highway Matters

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

I note the concerns raised from both the Parish Council and neighbouring properties in relation to the level of associated off street parking within this proposed scheme, although I am also mindful that the Highway Authority have not raised any objection to the scheme having had regard to the public parking amenity within the local vicinity as well as the sites location close to public transport links. Therefore whilst acknowledging that the level of associated off street parking is minimal, I am of the opinion that it would be unreasonable to recommend refusal of the scheme on this basis. I also note the recommended conditions put forward by the Highway Authority and I consider these to be appropriate to attach to any grant of planning permission in order to ensure that Highway safety at the site is maintained.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this instance given that the proposal is for 8 units the threshold has not been met and as such no affordable housing provision would be required.

Other Matters

I note the concerns raised in relation to emergency egress through the application site in the event of a fire however I am of the opinion that emergency access through the site would be a civil matter between land owners. Furthermore, the fire safety element would be covered in greater detail within building regulations. As such, in this instance I am of the view that this matter cannot be given any significant weight in the determination of this proposal.

Conclusion

The application relates to the erection of a residential building containing 8 No. apartments, within the main urban area of Clipstone which is classified as a service centre within the settlement hierarchy. The principle of development at the site is therefore acceptable.

The application site is also located within an identified Local Centre. Whilst it is acknowledged that there are no retail or specific town centre uses included within the proposed scheme, given the individual circumstances at the site, in which the previous building at the site, now demolished, had laid empty for significant period of time, the proposed residential use of the site is considered to not result in any significant impact on the vitality or viability of the Local Centre and as such is also acceptable.

The design of the proposed building is considered to have successfully taken on references to the art deco architectural detailing and original cinema use of the previous building at the site, and is sympathetic to the historic context of the site. The proposed building is also considered to visually attractive and to be visually acceptable within the street scene.

There would be no adverse impact on neighbouring properties and there are no other material planning considerations that indicate a decision should be made to the contrary. Accordingly it is recommended that planning permission is approved subject to the following conditions.

RECOMMENDATION

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

Conditions

01

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

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

02

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

812:1064:25 10 (proposed ground floor plan inc site),
812:1064:25 11 (proposed first and second floor plans,
812:1064:25 12 (proposed elevations and sections)
812:1064:25 OS (O.S. site location plan) Rev. A received 25th 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

No part of the development hereby permitted shall be brought into use until the access to the site from Vicars Court has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

04

No part of the development hereby permitted shall be brought into use until the access 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 that surface water from the site is not deposited on the public highway causing danger to road users.

05

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan 812:1064:25 10. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

06

No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Cladding

Render

Canopy roof

Finial

Terrace guard rails finish

Reason: In the interests of visual amenity.

07

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Reason: In the interests of visual amenity.

08

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

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

[an implementation and phasing programme].

proposed finished ground levels or contours;

means of enclosure;

hard surfacing materials

car parking layouts and materials

Reason: In the interests of visual amenity and biodiversity.

09

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

10

The windows opening on the north-east facing elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

02

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

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

03

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

BACKGROUND PAPERS

Application case file.

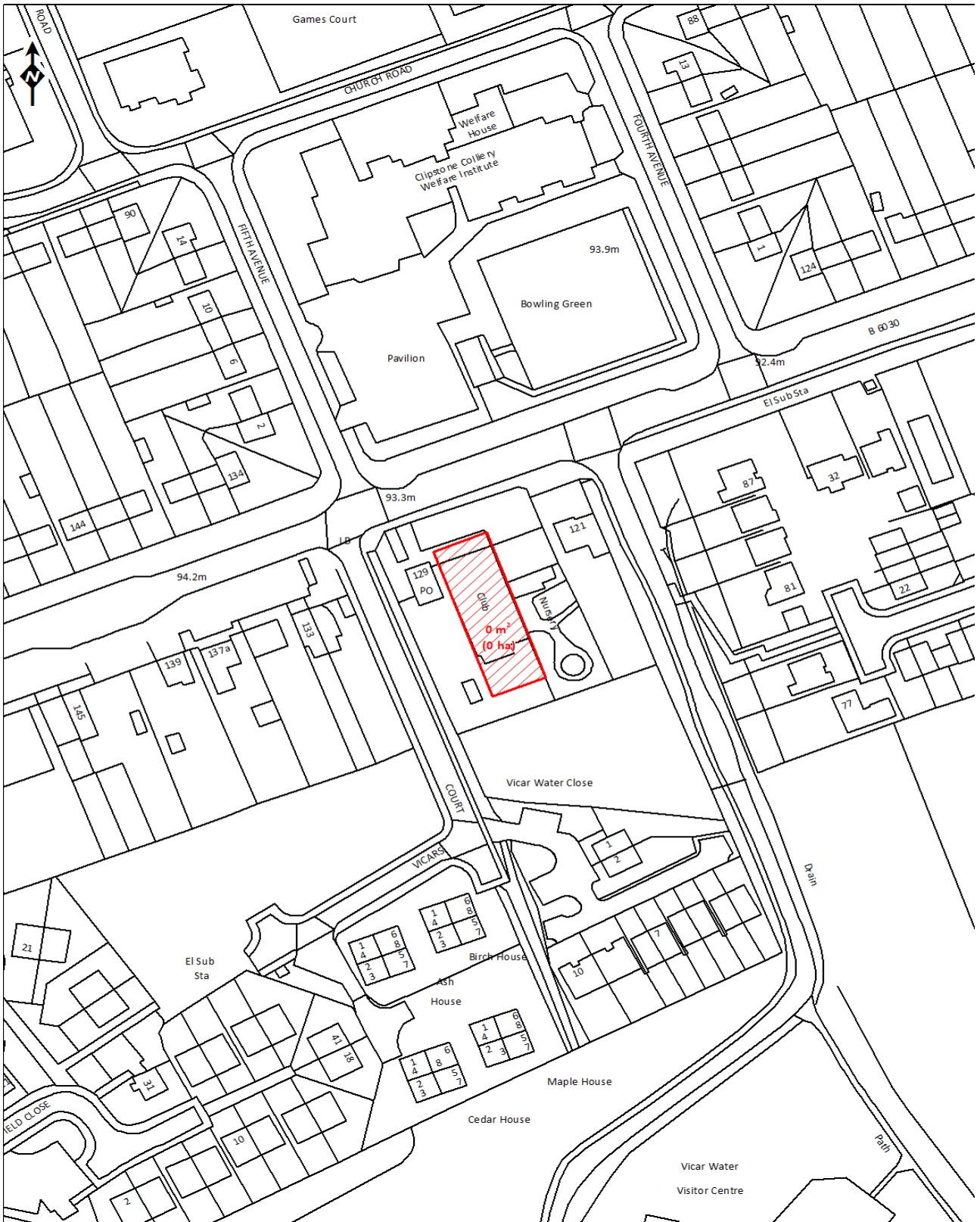
For further information, please contact Gareth Elliott on ext 5836.

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

Matt Lamb

Business Manager Growth and Regeneration

Committee Plan - 18/01435/FUL



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PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01861/FULM (MAJOR)	
Proposal:	Application for substitution of plots 138 – 268 (in relation to planning applications 16/00139/RMAM and 12/00966/OUTM) with plots 301 – 422, a total of 131 to be substituted with 122 plots and the associated infrastructure	
Location:	Land at Clipstone Drive, Clipstone, Nottinghamshire	
Applicant:	Persimmon Homes	
Registered:	12 October 2018	Target Date: 11 January 2019
	Extension of Time Agreed in Principle	

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

The Site

The site forms part of a consented housing site within the defined built up part of Clipstone. The site and wider area has been subject to multiple permissions in recent years, as explored below. It has few distinguishing features on the ground but the land levels slope down gradually from north-east to south-west. Some structural planting (semi-mature broadleaf plantation) has already taken place along the periphery of the site but is surrounded largely by agricultural land to the north (comprising scrub, grassland but the majority of which is cultivated /disturbed land) with housing immediately south-east being built out by Taylor Wimpey under a reserved matters approval. Land to the west already has permission for housing by Permission Homes whilst land to the south will form an area of public open space (POS) with the Neighbourhood Equipped Area of Play being located on it. The main spine roads of the estate are already in place with Bluebell Wood Lane separating the approved POS from the application site.

Relevant Planning History

There are various historic planning consents on the wider site. However the most relevant are (for the avoidance of doubt approvals just comprising this application site) **bolded**:

08/01905/OUTM – Outline consent (with all matters reserved) was granted to Retail Ventures Ltd for up to 420 residential units, 1ha of B1 office, community facilities, landscaping and public open space on 5th November 2009. No longer extant.

12/00966/OUTM – Outline application was sought for an additional 180 units over and above the 420 units on part of the site. The application was a bare outline with all matters to be reserved for subsequent consideration. However an indicative layout plan was provided showing how 180 units might fit within the site area. This application was approved 8th February 2013 under delegated

powers. Approved 8 February 2013 subject to conditions. Condition 1 required reserved matters to be applied for no later than 3 years from date of the permission (i.e. by 8th February 2016) and that the development should begin no later than 2 years from the date of the approval of the last reserved matter. This was subject to a S106 Agreement that secured the following:

Contribution	Trigger
30% on site affordable Housing	Standard triggers, no more than 60% dwellings unless AH
Education - 38 primary school places and at £11,455 per place the development requires an education contribution of £435,290.	Not more than 60 dwellings to be occupied until 1/3 contribution paid and not more than 100 dwellings occupied until 2/3 paid, not more than 150 dwellings until contribution paid in full.
Library contribution of £6,969.02 is required as a direct result of this development, based on their formula.	Contribution to be paid before occupation of 100 th dwelling
Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180.	½ to be paid on occupation of 100 th dwelling with remaining ½ upon 150 th occupation
Community facilities - £100k to improve existing community facilities within the existing settlement.	To be paid in full before occupation of 91 st dwelling

14/02054/VAR106 – Variation of Section 106 Agreement attached to 12/00966/OUTM. Approved as recommended by Committee on 07.09.2015. Variations based on viability comprised:

Contribution	Trigger
Contribution towards affordable housing of £238,000 (based on 7.4 houses at £32k each) equating to a 4% offer (Amended)	£80K to be paid on occupation of 80 th dwelling, not to permit occupation of more than 110 until £160k has been paid, not to permit occupation of 140 dwellings unless paid in full. (amended)
Education - 38 primary school places and at £11,455 per place the development requires an education contribution of £435,290. (As previous)	Not more than 60 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before occupation of the 151 st dwelling. (amended)
Library contribution of £6,969.02 is required as a direct result of this development, based on their formula. (As previous)	Contribution to be paid before occupation of 100 th dwelling
Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180. (As previous)	Payment on occupation of 90 dwellings (amended)
Community facilities - £100k to improve existing community facilities within the existing settlement. (As previous)	To be paid in full before occupation of 91 st dwelling (as existing)

16/00139/RMAM – ‘Reserved matters application for residential development of 161 dwellings and associated parking, garages, roads, sewers and open space’ approved 5th December 2017. (In accordance with the outline, the development needs to be started on or before 5th December 2019.) This was accompanied by a deed of variation to ensure that previous triggers imposed continued to be met and that this is sufficient incentive for the development to be completed in its entirety as follows:

Contribution currently in S106	Trigger as Existing	Proposed contribution	Trigger as Proposed
Contribution towards affordable housing of £238,000 (based on 7.4 houses at £32k each) equating to a 4% offer (Amended)	£80K to be paid on occupation of 80 th dwelling, not to permit occupation of more than 110 until £160k has been paid, not to permit occupation of 140 dwellings unless paid in full. (amended)	A scheme for 161 houses would generate a requirement for 48 dwellings. However given previously accepted viability issues, 4% offer is considered reasonable. This would equate to 6 houses at £32k each so £206,080	£64K to be paid on occupation of 50 th dwelling, not to permit occupation of more than 100 dwellings until remaining £ has been paid, not to permit occupation of 120 dwellings unless paid in full.
Education - 38 primary school places and at £11,455 per place the development requires an education contribution of £435,290. (As previous)	Not more than 60 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before occupation of the 151 st dwelling. (amended)	Education – 34 Primary school places and at £11,455 per place the development requires a contribution of £389,470	Not more than 55 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before occupation of the 120 th dwelling.
Library contribution of £6,969.02 is required as a direct result of this development, based on their formula. (As previous)	Contribution to be paid before occupation of 100 th dwelling	Library contribution of £7,399.56 based on revised numbers	No changes proposed
Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180. (As previous)	Payment on occupation of 90 dwellings (amended)	Based on 161 dwellings a pro-rata contribution is considered reasonable as follows: £476.19 x 161= £76,666.59	No changes proposed
Community facilities - £100k to improve existing community facilities within the existing settlement. (As previous)	To be paid in full before occupation of 91 st dwelling (as existing)	Based on pro-rata contribution the amount sought for revised numbers will be £89,444.44	No changes proposed

History on adjoining sites.

11/00950/RMAM – Reserved matters approval was granted to Taylor Wimpey for 219 dwellings, associated roads and public open space on 11th October 2011. The edged red line included 'The

Green' which will be the focus for the NEAP and MUGA etc. as set out in the S106 Agreement.

12/00965/RMAM – Reserved matters application for 201 dwellings, retail units, crèche and associated infrastructure was submitted in July 2012 and was approved in December 2012.

The Proposal

The application as presented was originally to substitute 129 plots with different house types from those already approved. However the application has been amended during its lifetime in order to address concerns raised during the consultation process. The description of development has also been amended for clarity. It now constitutes a scheme that seeks to substitute plots 138 - 268 (in relation to planning applications 12/00966/OUTM and 16/00139/RMAM) with plots 301 – 422 (which have been re-numbered by the developer) making a total of 131 to be substituted with 122 plots; a net reduction of 9 units in total.

The following table details the house types being applied for:

House Name (& type)	No. of beds according to Persimmon	Accommodation	Number of rooms available as bedrooms	No. of Each House Type	Plots Numbers
Clayton (two storey, detached)		Lounge, kitchen-diner, bedroom with ensuite, 2 further bedrooms (one labelled office) and bathroom.	3	2	324,397
Chedworth (two storey, detached)		Lounge, open plan kitchen/family area, dining room, utility, bedroom with ensuite, 3 further bedrooms (one labelled office) and bathroom.	4	6	323, 418, 421, 338, 339, 347
Lumley (detached 2 ½ storey)		Lounge, open plan kitchen/dining area, utility, w.c, 2 bedrooms with ensuites, 2 further bedrooms (one labelled office) and bathroom.	4	8	301, 306, 417, 381, 373, 359.356, 367

Roseberry (detached, two storey)		Lounge, dining area, kitchen, w.c, integral single garage, master bedroom, 3 further bedrooms (one labelled as study) and bathroom	4	4	379, 375, 388, 395
Souter (end terrace, 2 ½ storey)		Lounge, kitchen-diner, w,c, master bedroom with ensuite, 2 further bedrooms (1 labelled as study) and bathroom	3	10	325,328,331,334, 341,344,360,363,376, 378
Hanbury (semi/terrace of 3, 2 storey)		Lounge, kitchen-diner, w,c, master bedroom with ensuite, 2 further bedrooms (1 labelled as study) and bathroom	3	22	320-322,308-310,336, 337,349-351, 364-366,368-370, 398,399, 410-412,
Hatfield (detached, 2 storey)		Lounge, kitchen-diner, w,c, utility, master bedroom with ensuite, 2 further bedrooms (1 labelled as study) and bathroom	3	4	307, 348, 416, 422,
Leicester (semi, 2 storey)		Lounge, kitchen-diner, w,c, master bedroom with ensuite, 3 further bedrooms (1 labelled as study) and bathroom	4	16	302-305, 318, 319, 329, 330, 406-409, 400, 401, 391, 392
Moseley (terrace, 2½ storey)		Lounge, kitchen-diner, w.c, 3	3	7	315-317

		bedrooms (1 labelled as study) and bathroom			
Stafford (semi-detached/detached)		Kitchen, open plan living area/diner, integral garage master bedroom, bathroom and 2 further bedrooms (1 labelled as office)	3	13	345, 346, 352, 386, 387, 389, 390, 393, 394, 414,415, 419, 420,
Sutton (mid terrace, 2 ½ storey)		Lounge, kitchen-diner, w,c, 3 bedrooms (1 labelled as study) and bathroom	3	9	326,327, 332,333,377,361,362,342, 343
Winster (detached, two storey)		Lounge, kitchen-diner, w,c, utility, integral single garage, master bedroom with ensuite, 4 further bedrooms (1 labelled as study – this is small but could accommodate a single bed) and bathroom	5	5	311, 419, 340, 384, 385
Alnwick (semi/terrace of 3, two storey)		Lounge, kitchen-diner, w,c, 2 bedrooms and bathroom	2	12	312,313, 314, 353,354, 355 371,372,402,403, 404,405
Corfe (detached, two storey)		Lounge, kitchen/family room, utility, w.c, dining room, master bedroom with ensuite, 4 further bedrooms (1 labelled as	5	8	357, 358, 383, 382, 374, 380, 335, 396

		study) and bathroom			
			TOTAL NO. OF PLOTS	122	

The Submission

- Site Layout, Drawing No. CP3/SL/01 Rev M (revised and received 04/01/2019)
- Site Location Plan, CP3-LP-01 Rev A
- Topographical Survey, Final Update May 2008 Layout 1
- Topographical Survey, Final Update May 2008 Layout 2
- Stafford, Plans & Elevations, Drawing No. SF-WD10 Rev G
- The Alwick, Plans & Elevations, Drawing No. AN-WD10 Rev L
- Clayton, Plans & Elevations, Drawing No. CA-WD10 Rev G
- Chedworth, Plans & Elevations, Drawing No. CD-WD10 Rev T
- Corfe, Plans & Elevations, Drawing No. CF-WD10 Rev K
- Hanbury, Plans & Elevations, Drawing No. HB-WD10 Rev W
- Hatfield, Plans & Elevations, Drawing No. HT-WD10 Rev U
- Leicester, Plans & Elevations, Drawing No. LR-WD10 Rev H
- Lumley, Plans & Elevations, Drawing No. LY-WD10 Rev R
- Moseley, Plans & Elevations, Drawing No. MS-WD10 Rev T
- Rufford, Plans & Elevations, Drawing No. RF-WD10 Rev X
- Roseberry Plans & Elevations, Drawing No. RS-WD10 Rev U
- Sutton, Plans & Elevations, Drawing No. ST-WD10 Rev E
- Souter, Plans & Elevations, Drawing No. SU-WD10 Rev Y
- Winster, Plans & Elevations, Drawing No. WS-WD10 Rev W
- Ecological Appraisal, by FPCR, October 2018
- Flood Risk Assessment, by BWB Consultancy, June 2012
- Landscape and Visual Statement, by FPCR, May 2017
- Phase 3 Design and Access Statement, Persimmon Homes, October 2018
- Planning Statement, Persimmon Homes, October 2018
- Residential Travel Plan, by Mayer Brown, September 2018
- Transport Statement, by Mayer Brown, September 2018

Departure/Public Advertisement Procedure

Occupiers of 49 properties have been individually notified by letter and a site notice has also been displayed near to the site and an advert has been placed in the local press giving an overall consultation expiry date of 18th December 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth

- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting & 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
- Newark & Sherwood Housing Need Survey by DCA, 2014

Consultations

Clipstone Parish Council – (26/10/2018) Object

“The Council wishes to object to the proposed planning.

Many of the properties are declared 2 or 3 bedroom homes with a study. In all cases, this "study" is on an upper floor. In most cases, it is of sufficient size to be a single if not a double bedroom. If the additional room is not being used as an additional bedroom but as a home office, this may lead to increased traffic due to business visitors to these premises.

In some designs, the interior garage was too small to accommodate an average sized car. It is therefore unlikely this space will be used for car parking.

2-3 bedroom homes have a maximum of two car parking spaces allocated. Where there are garage spaces the 2nd car park is in front of the garage. In a real-life situation, this means that cars are not parked in the garage and in front of it as would require moving one car to get to the other. So cars will be parked on the already narrow roads.

The Council objects to the proposals as it believes many of the properties to be incorrectly labelled as 2 or 3 bedroom when they are in fact 3 or 4 bedroom properties. Car parking for all these properties will need to be adjusted in line with the true size of the property.

Additional off road car parking will need to be provided as the road layout and property density of does not allow for 1 car per household to be parked on the road.

There will need to be access for emergency services and bin collections.”

NCC Highways Authority – 14.12.2018

“Further to previous comments, submitted drawing CP3/SL/01/K appears to have reasonably addressed all the points of concern previously raised. Assuming this drawing will be the one approved, no objections are raised subject to the following conditions:

- No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

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

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

- 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 access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Note to Applicant:

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.”

NCC Rights of Way – 07/12/2018:

“I have checked the Definitive Map for the Land of Clipstone Drive area and can confirm that Clipstone Bridleway No. 4 (Also known as Clipstone Drive) is adjacent to the site. I have attached a copy of the Definitive Map showing the legal Line of Clipstone Bridleway No. 4 please make the applicant aware of the legal line.

As stated in the Access statement there are unrecorded paths on the ground and it is noted that and welcome that a key link from Bluebell Wood Lane just near the new area of Public Open Space to Clipstone Drive (BW4) has been accommodated in the plan.

Any links including from the development to the Public Bridleway should be available to public and delivered to a standard that provides access for both cyclist and horseriders; as well as pedestrians with usual accompaniments such as prams and buggies. This will enable the wider network of off-road paths particularly the public bridleway network (which provides off-road cycling opportunities), to be available to residents in the development and beyond. The applicant needs to confirm how future maintenance of the path link to Clipstone Drive will be accommodated.

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."

Lead Local Flood Authority - 19.11.2018/20.12.2018

'No objections - The proposals submitted appear to align with those previously agreed.'

Previous comments: 'Object - The Flood Risk Assessment does not appear to consider or acknowledge the surface water flow path that is shown on the EA surface water maps and as such we must object to the proposals. Once this issue is considered and mitigated please re-consult.'

Representations (objections) have been received from 4 local residents/interested parties which can be summarised as follows:

- Lack of supporting infrastructure - instead of building more houses the developers need to focus on working to find solutions in regard to providing much needed services in the area including buses, shops and community facilities. Priority should be to provide items for current residents and not build more houses;
- This bit of land is ideal for local residents who want to venture out, walk the dog and over look a bit of beautiful countryside rather than the usual housing estate. For a development which still has no local park, this is a much needed escape and a breath of fresh air. This was one of the reasons for purchasing a home here.
- Also around the site are high voltage pylons and overhead cables which in studies have shown living next to these increases your risk of cancer and other health problems. The closer you are the more you are bombarded with dangerous EMFs.
- With minimal parking resulting in more cars in the area is a high risk of an accident waiting to happen as the children's play area progresses on Bluebell Wood Lane.
- Having only one entrance and exit with the volume of traffic is becoming increasingly concerning for many residents and their families. In the last few months we have had at least 2 Road accidents putting the area to standstill the neighbour hood is getting too big with little options. Having an additional 100 plus cars is not acceptable;
- Loss of light due to overshadowing.
- I was told when I moved into this house there would be no building behind my house as I chose this house for the peace and quiet and view of nature behind my house yet 4 months after moving in a proposal has been applied for. I will have blocked sunlight and there will be no privacy in my own home if this is to go forward.

Comments of the Business Manager

The Principle

Members will note from the site history section that consent exists on this site (together with a small parcel of land adjacent to the west) for 161 dwellings granted through a combination of outline consent (in 2013) and a reserved matters approval in December 2017. A Section 106 Agreement exists which secures various developer contributions (which have been subject to viability appraisals in 2015 and agreed by the Planning Committee) and has been amended by subsequent deeds of variation, the latest to ensure that previous agreed triggers imposed continue to be met. The reserved matters approval remains extant. As such the principle of the development is now firmly established.

It is important to note that 30 (of the 161) plots of the 2017 reserved matters approval (16/00139/RMAM) are intended to be built out under that approval. The remainder of the plots are proposed to be substituted for different house types. The conditions of the reserved matters approval do not allow for the submission of any further reserved matters approval application's (the applicant was out of time) which has necessitated the submission of a full planning application as opposed to a reserved matters approval. However given the strong fallback position of Persimmon Homes being able to construct an alternative layout (all details of which have already been approved) this must carry significant weight.

It should be noted that this full application would essentially mean that 131 house types would be substituted with 122 house types, a net reduction of 9 dwellings altogether for the overall development site.

Given the fallback position, I do not consider it necessary to rehearse the principle of development further, albeit I note that in any case the site lies within a 'Service Centre' which is expected to accommodate a significant level of overall growth according to the Core Strategy with Clipstone specifically expected to take 25% of service centre growth, according to the Publication Core Strategy.

Impact upon the Landscape Character

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

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.

A Landscape and Visual Statement by FPCR has been prepared in respect of both this phase and previous phases which confirms that the site is within the Policy Zone 12: Cavendish Wooded Estatelands and Wooded Farmlands with key characteristics such as a gently undulating

topography and coniferous plantations. The landscape actions for the zone are to Restore and Create.

It is acknowledged that the character of the site has been changed in the recent past owing to major earthworks for the original consented mixed use development site. There are areas of pronounced cutting as well as areas of the site which have been levelled. The character of the immediate surroundings has also been fundamentally altered by the residential development of previous approvals. Features such as the public right of way which bounds the site to the north west are also identified. The landscape value of the site is defined as follows:

“In terms of "landscape value", in all intents and purposes the site can be considered to be already developed given the earthwork intervention undertaken under the consented outline application. The proximity of the new residential built form relating to phase 1 to the south of the site exerts a dominant urbanising character. As such it is considered that the site has a low value in terms of landscape sensitivity.”

In general I would concur with this assessment and agree that the existing buffers along the northern and north eastern site boundaries will assist in mitigating the development. The site benefits from a good deal of concealment offered by the prevailing topography. It is concluded that in all instances the mitigation planting once matured will provide near full visual containment with filtered glimpses during winter months. Overall it is considered that the application site and receiving landscape has the capacity to accommodate the proposals.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site but this has already been accepted through the granting of the extant approvals in any case. Given the positioning of the site within the settlement envelope and recent residential developments in the immediate vicinity, 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. In this regard the proposal is compliant with Core Policy 13 of the Core Strategy as has been previously found to be the case.

Impact of Design and Layout

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

During the lifetime of the application the scheme has been amended several times for various reasons, some of which related to concerns with the layout and particularly due to the large expanses of car/highway dominated site frontages of hard standing. The revised layout has seen the number of dwellings reduce to 122 (from 131) and in my view the proposals now result in an acceptable scheme. In my opinion, the layout as proposed is an improvement upon the extant scheme in terms of the way in which the dwellings address the spine road and in terms of reducing the car dominance of the layout overall.

The house types themselves offer a range of two and two-and-a half storey dwellings which have been arranged to form an attractive layout. The house types are similar to those already approved and those which have been successfully built elsewhere on the Cavendish estate such that this would assimilate well within their new context. I am mindful that the applicant is a national

housebuilder which have already been building plots in the immediate surroundings. This will inevitably mean that the proposal integrates well within its immediate surroundings. I am also mindful of the character of the surrounding area which has been established through the delivery of recent modern residential developments.

I am satisfied that the design has been properly considered and meets an acceptable standard of design in accordance with Core Policy 9. Subject to conditions relating to external materials, finished floor levels and boundary treatment the overall design of the proposed development is considered acceptable and in compliance with Core Policy 9 and Policy DM5.

Housing Density, Mix, Type and Need

Core Policy 3 (both as adopted and as emerging) 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. Paragraph 122 of the NPPF, a material consideration, also supports development making efficient use of land taking into account matters such as the identified housing need for different types of housing, the availability of land for it, local market conditions and viability and the importance of delivering well-designed and attractive healthy places to name a few.

I am satisfied that the density of the site is appropriate, equating to almost 40 dwelling per hectare which I consider remains as an efficient use of land and is in line with the policy expectations.

Delivering a choice of housing remains high on the Government's agenda. Paragraph 62 of the NPPF sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policy. 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.

Core Policy 3 (as adopted) 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. CP3 as published in the Publication Core Strategy removes reference to the family housing of 3 bedrooms or more, albeit I note there are unresolved objections in respect of this policy so this cannot attract full weight.

The Housing Needs Survey for the district, undertaken by DCA and commissioned by the Council in 2014 represents the most up to date evidence in respect of the housing needs. I have therefore considered this in assessing the acceptability of the housing mix now being promoted by the applicants. Clipstone falls within the Mansfield Sub-Area which shows demand within the market sector to be predominantly focussed on 2 bed (32.3%) and 3 bed (24.8%) unit types, with lesser demand shown for 1 bed (17.2%), 4 bed (14.1%) and five or more bed (11.6%) units.

The first thing to say with regards to mix is that there is some disagreement between the applicants and officers regarding how their dwellings should be assessed. For instance some of the house types have first floor rooms annotated as an office rather than a bedroom. In my view these offices are capable of accommodating a single bed and I have therefore considered them as

bedrooms (a point also made by the Parish Council comments). The level of accommodation and room types has been set out in the Table contained within the proposal section of this report. By my calculations the revised mix proposed is as follows:

2 beds x 12 (9.83%)
3 beds x 63 (51.63%)
4 beds x 34 (27.86%)
5 beds x 13 (10.65%)
122 Total Units

The applicant had amended the housing mix upon invitation to better reflect the need. Whilst this was initially improved, given issues with parking and highway matters, the layout was amended again resulting in a reduction in the number of dwellings and the mix set out above. Members will note that the revised mix proposed does not exactly reflect the need in the 'fringe area', with a higher proportion of 3 bedroom dwellings being offered and a lower number of 2 bedroom dwellings.

It should be noted that in the vast majority of the recent approvals of the housing developments at Cavendish Park, mix has been an issue and none of the mixes approved have exactly reflected the need evidence for varying reasons. Avant Homes is a recent example of this; having provided no 2 bedroom dwellings in their phase 2 scheme (as approved by the Planning Committee on 4th December 2018 under 18/00509/FULM) a matter which the applicant (Persimmon Homes) has drawn attention to.

The applicant has provided justification for their mix. They say that they have based their scheme on market research on what is selling on site. They also say that due to the Help to Buy schemes, for a small amount extra in monthly mortgage payments (usually around £50), residents can purchase the 3 bedroom properties and meet their longer term goals. They also point out that they offer a full range of 3 bedroom dwellings, many of which they say are actually 2 bedroom dwellings with an office.

This is essentially the same justification that was put forward with regard to Persimmons previous phases which was considered by both officers and Members and ultimately was found to be acceptable by the Planning Committee. Officers took the view that the experience was given in the context of the delivering of the dwellings on the wider site and thus is relevant to this application. What was particularly persuasive was the fact that in sales terms the difference between 2/3 beds was not significant for buyers looking to obtain a mortgage. Whilst the mix does not fully reflect the needs of the Mansfield Sub Area, I am mindful that it promotes house types that are generally smaller, ranging from terraces to detached dwellings with some being on the smaller side. The floorspace of the proposed units is not excessive (presenting smaller 3 bedroom dwellings) and predominantly provides for 3 bedroom 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 Residential Amenity/Living Conditions

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 vast majority of separation distances between dwellings meet best practice separation distances. However there are some elements within the site which demonstrate amenity relationships which are on the cusp of acceptability and these are focused on the area that abuts the already built out and occupied dwellings on Brownley Close. Whilst most distances exceed 19m from rear elevation to rear elevation, the distance between Plot 405 and its nearest existing dwelling on Brownley Close was initially c17.3m. A section demonstrating the relationship was provided which confirmed there is also a difference in land levels such that the finished floor levels of the application site sit 1.6m higher than the existing dwellings at this particular point. I took the view that this relationship was compromised and sought improvements which involved the use of a smaller house type that allowed the built form to be moved away from the common boundary and the parking relocated from the frontage to the sides. This has resulted in a greater separation distance of 19.5m for this plot which has brought it to an acceptable standard, albeit this remains (along with the other plots along this boundary) as being on the limits of acceptability particularly given land level differences.

Whilst we now have a proposed finished floor level for two plots (as shown on the earlier sections provided as requested) we do not have these for all plots. Land levels in the vicinity of the south-eastern part of the site vary. For example the gardens of existing dwellings at Brownley Close rise gradually to the boundary where they appear to peak before seeming to fall away in the most part. Whilst broad levels shown on the topographical survey have been provided it is difficult to assess the full impact given that finished floor levels have not been provided. A condition requiring these is considered essential in order to ensure that the other relationships are satisfactory, given that their acceptability are at the margins of acceptability and will ultimately depend upon it.

It is difficult to compare the relationships now proposed with the extant scheme as they are now mainly rear to rear elevations whereas previously they tended to be rear to side elevations where there was no direct overlooking involved. I am satisfied that the distances between dwellings are on the cusp of acceptability in order to safeguard the living conditions of existing residents. Future occupants who would move into these proposed dwellings will do so in the full knowledge of the separation distances and on balance it is considered that the proposed layout of the site allows for reasonable distances between dwellings to avoid any direct overlooking, overshadowing or overbearing impacts. An adequate area of private amenity space has also been provided for each dwelling.

Having carefully assessed the scheme, I am satisfied that the proposal is on the margins of acceptability and would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or already built out dwellings adjacent to the application site in accordance with the Policy DM5 of the DPD.

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.

As with the extant permission, this application was accompanied by the original Flood Risk Assessment dated June 2012. Condition 4 of the outline consent included a condition that required the submission of drainage plans for the disposal of foul and surface water to be agreed prior to development commencing which remains in place. The Lead Local Flood Authority have agreed this approach on the full application and the scheme is not materially different from the solution provided on earlier phases and it is therefore envisaged that there will be no issues. Subject to condition, 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.

It is noted that concerns have been raised by local residents regarding the increasing volume of traffic off the spine road and the minimal parking. This is noted. With regards to the traffic volume, an extant and implementable approval exists for 161 dwellings on the overall Persimmon site, whereby the Highways Authority raised no concerns regarding the amount/volume of traffic in principle. Given this fall back, it is not considered reasonable to reconsider the matter of volume of traffic albeit this scheme would actually reduce the numbers of overall dwellings by 9 in any event.

During the lifetime of this application, the scheme has been amended several times in order to address issues raised by NCC Highways Authority with regards to making the development safe and in terms of providing an appropriate level of off-street parking that this both convenient, legible and would not give rise to unacceptable on-street parking. As part of this, officers have been looking to reduce the car dominated frontages and street-scenes. This has resulted in the revised layout (revision K) which has reduced the number of plots in order to help achieve this. I note that parking levels was an area of concern that Clipstone Parish Council raised in their initial objection.

The resultant scheme has reduced the level of car dominance and has addressed the concerns regarding forward visibility on certain plots and has sought to provide footways in line with Highways advice. The level of off street parking has now increased so that all dwellings now have a minimum of 2 spaces per dwelling (previously it was 1.5 spaces per dwelling in places) which I consider is acceptable.

NCC Highways Authority now raise no objections in respect of the detail submitted. The scheme now accords with the requirements of SP7 and DM5 subject to conditions to secure the bound surfaces for parking areas, that garage doors are set a minimum of 5.5m back from the edge of the highway and that the parking and turning areas shown on the plans are provided prior to first occupation along with the provision to prevent the discharge of surface water on to the highway.

Finally I turn to the comments from NCC Public Rights of Way Officer regarding linkages to the public bridleways to the north and that the applicant needed to confirm future maintenance of the path link to Clipstone Drive. With regards to these linkages, these are located outside of the application site as these elements are the responsibility of the master land owner. They would fall within the remit of the on-site management company Meadfleet.

Impact on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Paragraph 8 of the NPPF sets that the environmental objective seeks to contribute to protecting and enhancing the natural environment, helping to improve biodiversity. Paragraph 175 provides that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused.

An up-to-date ecological appraisal has been submitted with this application. This concludes that there were no protected species found on site and the site wasn't considered suitable habitat for most species other than common lizard and foraging bats given the presence of hedgerows. This aligns with the findings of previous ecological surveys.

No direct impacts have been identified to any statutory designated habitats. Indirect impacts upon the habitats are possible however with regard to the Birklands and Bilhaugh SAC and the Clipstone Heath and Sherwood Forest Gold Course SSSI's with all 3 sites designated for the heathland, acid grassland and acidophilous oak woodland which are sensitive to air quality. Mitigation in the form of adopting best practices to minimise impacts of dust, the safe storing of materials etc. is recommended.

The appraisal also suggests a number of other measures for mitigation and enhancement which I am satisfied can be secured by condition.

I note that the potential Special Protection Area (pSPA) has been covered in the Ecological Appraisal and surveys have found that nightjar and woodlark are absent from the site and no further assessment is considered to be necessary.

Overall I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Developer Contributions/Deed of Variation

This is essentially a scheme for plot substitution and the reduction in numbers of plots by 9. Rather than the re-open the viability debate that was considered in 2015, officers have taken a pragmatic approach to the developer contributions that have already been agreed and applied them on a pro-rata basis. The triggers have also been considered to ensure that that the contributions come forward at an appropriate point in the development.

In addition to requiring developer contributions for the 122 plots that form this plot substitution scheme, it is also necessary to factor in the 30 units that will be built out under the outline and reserved matters approval which together make up the total quantum of 152 dwellings. As such it

will be necessary to vary the existing S106 Agreement so that the developer is obliged to pay its proportionate share of contributions for the 30 dwellings to be built out under 12/00966/OUTM & 16/00139/RMAM. At the moment the minimum trigger is 50 units and it would be unacceptable for the developers to avoid paying contributions on the units they develop out under the older permission just because they would never hit the 50 unit trigger. An Agreement or Deed of Variation to tie the two agreements together is likely to be required.

Below is a brief summary of the developer contributions and relevant commentary.

Policy Position	Agreed Contribution in 2015 based on 161 units	Trigger Existing as	Proposed contribution based on 122 + 30 dwellings units (152 dwellings)	Trigger Proposed as
Affordable Housing 30% on site provision (60/40 tenure split)	Off-site contribution towards affordable housing (based on £32k per plot) equating to a 4% offer (Amended) A scheme for 161 houses would generate a requirement for 48 dwellings. However given previously accepted viability issues, 4% offer is considered reasonable. This would equate to (6.44 rounded down) 6 houses at £32k each so £206,080	£64K to be paid on occupation of 50th dwelling, not to permit occupation of more than 100 dwellings until remaining £ has been paid, not to permit occupation of 120 dwellings unless paid in full.	A scheme for 152 houses would generate a requirement for 45 dwellings. However given previously accepted viability issues, 4% offer is considered reasonable. This would equate to 6.08 (rounded down to 6) houses at £32k each so remains at £206,080	£64K to be paid on occupation of 50th dwelling (overall of the two permissions), not to permit occupation of more than 100 dwellings (of either permission) until remaining £ has been paid, not to permit occupation of 120 dwellings unless paid in full.
Primary Education – developments of 11+ dwellings require contributions towards primary education given the schools have	Primary Education - 34 Primary school places at £11,455 per place the development requires a contribution of £389,470	Not more than 55 dwellings to be occupied until 1/3 contribution paid and remainder to be paid before	A scheme for 152 dwellings would generate a requirement for 32 primary school places and requires a developer contribution of	Not more than 55 dwellings to be occupied (across both permissions) until 1/3 contribution paid and remainder to be paid

no capacity. No. of dwellings x 0.21 rounded up (as part of a place cannot be provided)		occupation of the 120th dwelling.	£366,560 (+ indexation) (26 spaces for the 122 dwellings would equate to £297,830)	before occupation (of the 120 th dwelling of both permissions).
Library Contribution (for stock) required for 10 dwellings or more that are likely to increase pressure on existing services. £45.96 per dwelling	A contribution of £7,399.56 was agreed based on 161 dwellings	Contribution to be paid before occupation of 100th Dwelling.	Based on 152 dwellings an overall contribution of £6,985.92 (+ indexation) is required. (£5,607.12 for the 122 dwellings)	Contribution to be paid before occupation of 100th Dwelling of the combined 2 permissions.
Outdoor Sports Pitch provision for development of 10+ dwellings, based on 52.8m ² per dwelling or via an off-site contribution	Sports Pitch contribution of £85,714.20 based on a pro-rata of the level of contribution extracted by the previous consent, which was £200k/420= £476.19 x 180. Based on 161 dwellings a pro-rata contribution is considered reasonable as follows: £476.19 x 161= £76,666.59	Payment on occupation of 90 dwellings	Based on 152 dwellings an overall contribution of £72,380.88 (+ indexation) is required. (£58,0895.18 for the 122 dwellings)	Payment on occupation of 90 dwellings of the combined permissions.
Community facilities to improve existing community facilities within the existing settlement.	Community facilities - Contribution agreed for 161 dwellings was £89,444.44 (£555.55 per dwelling)	To be paid in full before occupation of 91st dwelling	Based on 152 the contribution sought should be £84,443.60. (£67,777.10 for the 122 dwellings)	To be paid in full before occupation of 91st dwelling of both permissions.

Subject to the Agreement/Deed of Variation (as advised by our solicitors) being entered into and sealed, I consider that the development will continue to constitute sustainable development having regard to the previous viability works that have been presented to the Authority and ultimately accepted by the Planning Committee in 2015.

Other Matters

Residential development has always been proposed for this site despite the comments of one local residents who was allegedly advised (by an unspecified person/company) that no development would occur behind Brownley Close.

Some of the representations made at this stage relates to matters of principle and quantum of development and link with matters such as the provision of public open space (which has already been determined) the perceived need for amenities and impacts on infrastructure. Given the extant permissions on the site, I do not consider that it is reasonable to re-open up the debate on such matters, particularly as the quantum of development would reduce as part of this scheme.

Planning Balance & Conclusion

The principle of development for up to 180 houses on this site has already been accepted which was reduced to 161 upon the granting of reserved matters. Due to limitations with the reserved matters approval (which remains extant until the end of this year) it is no longer possible to apply for any further reserved matters approvals under the outline which has resulted in a full planning application being made. However the application is essentially a plot substitution and reduction in the number of units from 161 approved to 152. The applicant intends to build 30 units out under the outline and reserved matters approval and 122 units under this full application if granted.

The design and layout of the scheme is satisfactory with regards to visual amenity and landscape impacts. There would no unacceptable adverse impacts in respect of ecology, flood risk or highway matters. Whilst there are a few relationships on the absolute cusp of acceptability in terms of living conditions, due to revisions made during the lifetime of the application I have concluded that the impacts are not so significantly detrimental that they would warrant a reason for refusal and the vast majority of these relationships exceed the margins of acceptability.

Whilst the proposed mix now being promoted does not exactly reflect the need evidence for market dwellings in the Mansfield Fringe Sub Area, I accept that the scheme promotes a range of house types and within the 3 bedroom range (the highest percentage promoted) these are not excessive in size and range from terrace to detached dwellings. When taken in the round I consider that the housing promoted is appropriate having regarding to the density and improved layout (visually) on offer compared to the consented scheme. In other words the harm identified is outweighed by the positives of the scheme.

The proposal necessitates a Section 106 Agreement/Deed of variation to the existing Section 106 Agreement to ensure that all pro-rata developer contributions for both the 30 dwellings to be erected under the previous permission and the 122 to be erected under the new full permission are forthcoming at an appropriate stage and that there is sufficient incentive for the development to be completed in its entirety. Subject to securing the Deed of Variation and the conditions below, the recommendation is for approval.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below and subject to the signing and sealing of a Section 106 Agreement to secure the matters outlined in the Developer Contributions section of this report.

Conditions

01 (Time for implementation)

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

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

02 (Surface Water and Foul Drainage)

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 as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

03 (Existing and Finished Floor Levels)

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted on a single plan/or document and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

04 (External facing materials)

No development above damp proof course shall be commenced until a full schedule of the external facing materials to be used in the development (including the provision of samples upon request) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

05

No development shall be commenced until full details of the temporary fencing which is to be installed to protect the retained vegetation (hedgerows and plantation woodland) during the construction phase of the development have been submitted to and approved in writing by the

Local Planning Authority. The details shall include the type of fencing proposed the precise location and method (where applicable) of its installation. The approved temporary fencing shall be placed and retained on site during the entire construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the retained natural environmental from harm during the construction phase.

06 (Ecology – Precautionary approach)

During construction the following precautionary approaches shall be adhered to;

- Any trenches dug during works activities should be covered or if left open overnight, should be left with a sloping end or ramp to allow any badgers or other animal that may fall in to escape.
- Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.
- If any mammal holes appear within the site between the time of the survey and beginning of works (including site clearance) an ecologist must be contacted for advice before works can continue.

Reason: In the interests of affording mammals adequate protection during the construction period in line with the advice from the applicants ecological consultants.

07 (Ecology - Passive displacement of vegetation)

Ground clearance shall be undertaken in line with the passive displacement of vegetation as set out in the applicant's ecological appraisal which forms part of this application. For the avoidance of doubt this will involve the directional strimming of the suitable ground vegetation as follows:

- Passive displacement shall only be undertaken during suitable weather conditions, i.e: daytime temperature 11°C or higher, within the reptile active season (mid-March to mid-October);
- Ground vegetation will first be cut to a height of 200mm and 2 hours later it will be reduced to 100mm to allow reptiles to move out of the working area;
- Strimming should be undertaken in the direction of off-site immature plantation woodland to the west and north of the site to encourage reptiles to move into these commuting habitats and towards suitable offsite habitats elsewhere.
- If a vehicle mounted mower is used a working speed no greater than walking pace is to be used to allow for any reptiles present to move out of the path of the mower.
- All arisings will be removed from the working area to prevent potential areas of refugia from being used by reptiles moving across the area.
- Following this, any potential places of rest and shelter (including the pile of heras fencing feet in the east of the site) shall be removed carefully under supervision of the ecologist.

- Any animals caught will be relocated to the suitable retained habitat within hedgerows along the northern and western boundaries. Any material recovered shall be removed from the site to prevent the creation of suitable refugia within refuse piles.
- During the construction phase of the proposed works, construction materials and products such as wood and rubble will be placed within a suitable compound away from potential reptile habitat to prevent these from being used by reptiles during works.

Reason: In the interests of providing adequate ecological protection during the construction period in line with the advice from the applicants ecological consultants.

08 (External lighting)

Prior to first occupation details of any external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and measures to minimise the impacts on the ecological value of the site as set out in the ecological appraisal which supports this submission. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and in order to protect the ecological value (particularly bats) of the site.

09 (No removal of vegetation during bird breeding season)

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 in line with the recommendations of the ecological appraisal submitted in support of this submission.

010 (Hard and soft landscaping)

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed to significantly enhance the ecological value of the site, including the use of locally native plant species;
- hard surfacing materials including proposed boundary treatments (including fence/wall designs and heights).

Reason: In the interests of visual amenity and biodiversity and ensuring that the development significantly enhances its setting and local character.

011 (Implementation of landscaping)

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

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

012 (Ecological enhancements)

Prior to first occupation of the development hereby approved, a scheme for ecological enhancements shall be submitted to and be approved in writing by the Local Planning Authority. The ecological enhancements could include, but is not limited to, the provision of bird nesting and bat roosting boxes and hibernacula. The scheme should detail the precise numbers, designs and positions (including height where appropriate) of these and the timings of installation. The approved scheme for enhancements shall be installed/implemented on site as agreed and shall thereafter be retained on site for the lifetime of the development.

Reason: In order to provide appropriate ecological enhancements for the site that build upon the recommendations set out in the ecological appraisal submitted as part of the submission.

013 (Provision of bound surfacing)

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

014 (Garage door set back)

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

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

015 (Provision of parking area with drainage)

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 access/driveway/parking area to the public highway. 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.

016 (Plans)

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference(s)

- Site Layout, Drawing No. CP3/SL/01 Rev M (received 04.01.2018)
- Site Location Plan, CP3-LP-01 Rev A
- Stafford, Plans & Elevations, Drawing No. SF-WD10 Rev G
- The Alwick, Plans & Elevations, Drawing No. AN-WD10 Rev L
- Clayton, Plans & Elevations, Drawing No. CA-WD10 Rev G
- Chedworth, Plans & Elevations, Drawing No. CD-WD10 Rev T
- Corfe, Plans & Elevations, Drawing No. CF-WD10 Rev K
- Hanbury, Plans & Elevations, Drawing No. HB-WD10 Rev W
- Hatfield, Plans & Elevations, Drawing No. HT-WD10 Rev U
- Leicester, Plans & Elevations, Drawing No. LR-WD10 Rev H
- Lumley, Plans & Elevations, Drawing No. LY-WD10 Rev R
- Moseley, Plans & Elevations, Drawing No. MS-WD10 Rev T
- Rufford, Plans & Elevations, Drawing No. RF-WD10 Rev X
- Roseberry Plans & Elevations, Drawing No. RS-WD10 Rev U
- Sutton, Plans & Elevations, Drawing No. ST-WD10 Rev E
- Souter, Plans & Elevations, Drawing No. SU-WD10 Rev Y
- Winster, Plans & Elevations, Drawing No. WS-WD10 Rev W

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.

Notes to Applicant

01

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.

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 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.

04

The decision should be read in conjunction with the Section 106 Agreement deed of variation which secures a range of developer contributions.

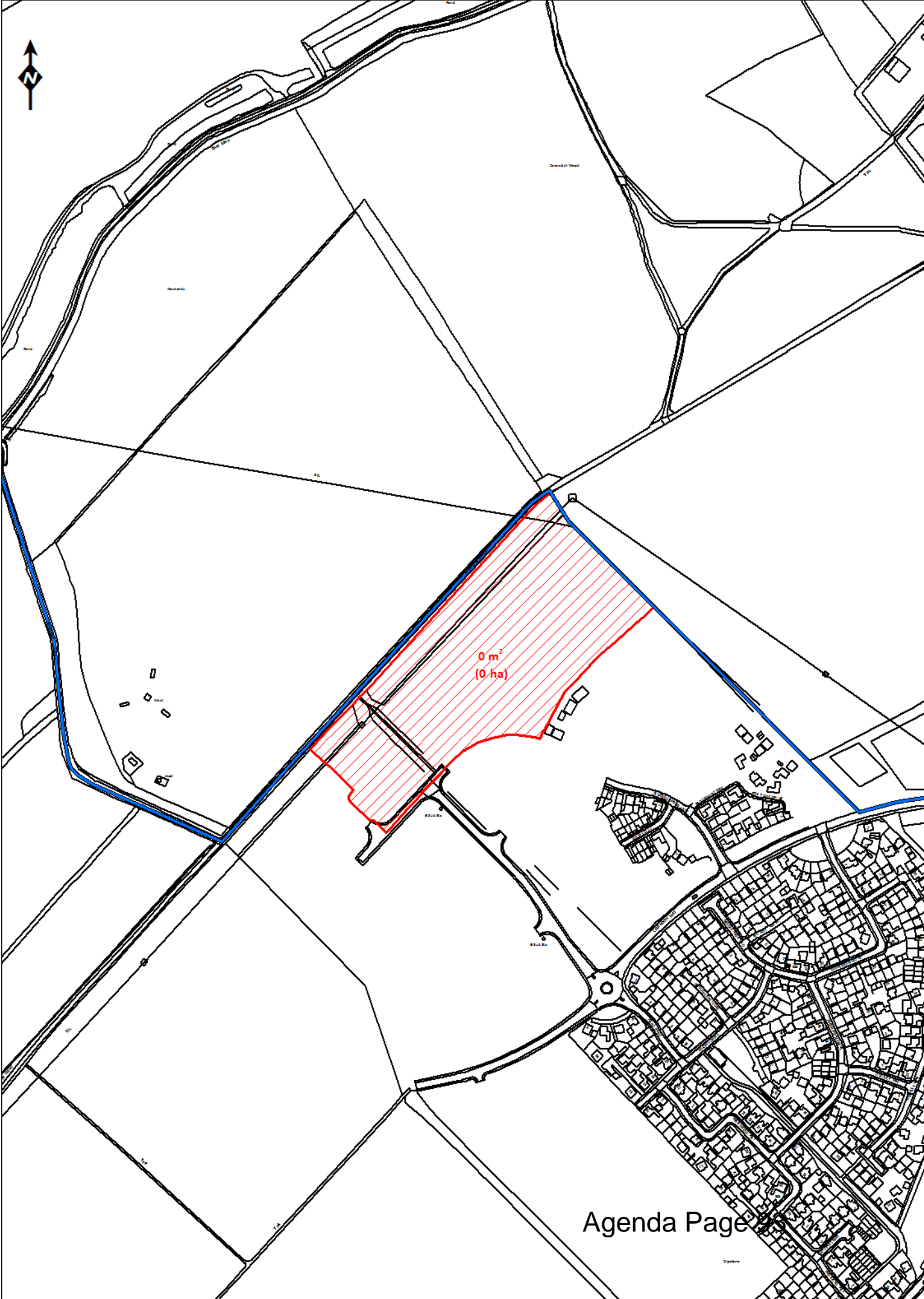
BACKGROUND PAPERS

Application case file.

For further information, please contact **Clare Walker** on ext 5834

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

Matt Lamb
Business Manager Growth and Regeneration



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01833/OUT	
Proposal:	Outline Planning permission for the erection of a detached dwelling.	
Location:	Land To The Rear Of The Croft, Great North Road, Cromwell	
Applicant:	Mr S Price	
Registered:	03 October 2018	Target Date: 28 November 2018

This application is presented to the Planning Committee for determination because the recommendation differs from the Parish Council's views.

The Site

The site comprises a parcel of land approximately 0.09 hectares in area on the west side of Great North Road within the settlement of Cromwell. The site is currently an overgrown area of grass. A close boarded fence is located along the north, south and east boundaries of the site. A post and wire fence is located along the west boundary of the site. Access to the site is via a single lane access track which runs to the south of The Orchard and connects to Great North Road approximately 50 metres to the east of the site. The Orchard is a two storey dwelling recently constructed (under planning application no. 17/00975/FUL) within the grounds of The Croft.

The Croft is a local interest building located to the north east of the application site. 36 Great North Road is a bungalow located to the south of the site. A pumping station is located immediately to the north of the site.

Approximately one half of the access to the site is located within Flood Zone 2 according to the Environment Agency maps.

Relevant Planning History

No relevant history relating to the site itself however, the following application relates to land to the north and south of The Croft:

North:

17/02278/FUL Erection of a Pair of Semi-Detached Dwellings – permission 20.02.2018 (with regard given to the previous appeal decision/fallback position).

15/01534/FUL Detached dwelling – refused 30.10.2015 because Cromwell was not considered to be a sustainable location suitable for residential development and the applicant had failed to demonstrate the proposals met an identified proven local need. Allowed on appeal 28.07.2016.

96/50444/FUL – new dwelling – Approved

06/000017/OUT – erection of a dwelling – Refused

South:

17/00975/FUL Demolition of existing stores. Construction of new dwelling, access and hard standing – permission 09.08.2017 (Member overturn following Officer recommendation of refusal on sequential test flood risk grounds).

The Proposal

The application seeks outline planning permission with all matters reserved for the erection of one detached 2-storey four bedroom dwelling with garage. The Block Plan submitted with the application indicates the provision of a roughly rectangular shaped dwelling with projecting front gable and single storey integral garage to the south side of the main dwelling. It would measure approximately 17 metres by 11 metres (at its widest points)

The following plans and documents have been submitted with the application:

- Planning Statement
- PC/18/001 Site Location Plan
- PC/18/002 Block Plan

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter.

A site notice was posted on 19.10.2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 - Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2018
- National Planning Policy Guidance (NPPG) 2014
- Housing Market Needs Sub Area Report (2014)
- Newark and Sherwood Amended Core Strategy DPD 2017
- Spatial Policy 3 Guidance Note (September 2013)

Consultations

Cromwell Parish Council: *In Favour - This application was discussed at the well attended Quarterly Parish Meeting held on the 11th October. It was pointed out that any such development would require the location of the pipes which serve the adjacent Severn Trent pumping station, and their protection throughout any construction. It was further pointed out that this has always been considered to be agricultural land although the location, size, and shape of the plot is only consistent with a dwelling. The meeting was broadly indifferent to the proposal but with a majority in favour of it.*

Trent Valley Internal Drainage Board: *The site is within the Trent Valley Internal Drainage Board district. The erection or alteration of any culvert, whether temporary or permanent within the channel of a riparian watercourse will require the Board's prior written consent. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).*

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.

Environment Agency: *We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make regarding the submission. The site is primarily located in flood zone 1 however there are areas within flood zone 2. Therefore the applicant should follow the Environment Agencies standing advice for this development.*

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 (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

NCC Highways: This is an outline application with all matters reserved for the construction of a detached dwelling served by an existing access onto Great North Road. The access currently serves an existing dwelling and a water pumping facility.

This proposal is not expected to have a significant impact on the public highway, therefore, there are no highway objections.

NSDC Conservation Officer: Cromwell is a characterful village with a number of historic buildings, notably the landmark Grade I Church of St Giles. The Croft, formerly Greenways, is identified as a Local Interest building. The adjacent late 19th century former almshouses in Tudor Revival style (6-9 Main Street) are also of architectural interest. To the south of the proposal site at Willingham House are the remains of a late 17th century pigeoncote which is Grade II listed. Combined with the Croft, these buildings form a positive group.

The architectural form and age of the Croft makes it of Local Interest. The Croft is formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the National Planning Policy Framework (NPPF), Local Interest buildings are non-designated heritage assets.

We have reviewed the submitted plans and do not wish to make any formal comments in this case. In reaching a decision, we urge you to consider the impact of the proposal on the significance of any non-designated heritage asset, which is a material consideration in accordance with paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

We also advise you to take into account section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') which requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm.

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

2 letters of representation have been received from local residents/interested parties. Main issues raised include:

- Elevation drawings are required to ensure the proposal does not overlook adjacent gardens – a bungalow or dormer bungalow is suggested.
- The property would be built on agricultural land (previous owners of this land were advised of this when they wanted to put a store on land in 2011).
- Severn Trent pipes go through this land.

Comments of the Business Manager

5 Year Housing Land Supply

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

As an LPA we have been challenged in the past on our ability to demonstrate a 5 YHLS, most recently in November 2017 when the appeal(s) were recovered by the Secretary of State who confirmed that the Council does indeed have the required 5YHLS (APP/B3030/W/17/3169436).

Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

Principle of Residential Development

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration.

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

Location

The first criterion 'Location' 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 application site to be within the built-up area of the village given that parcel of land is enveloped by built development on three sides.

Cromwell has limited services and facilities itself other than a church and shop. However, there are regular bus routes to Newark and Retford. Whilst there would be some reliance on use of the private motor vehicle this would not be uncommon with other, more sustainable settlements. Given the proximity to the A1 and the bus service it has been concluded by previous planning decisions that the location of a dwelling in Cromwell would not cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. It therefore considered that Cromwell is a sustainable location for new dwellings and the proposal complies with the locational criterion of Policy SP3.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume (this is further discussed in the Highway Safety section in this report).

Need

Policy SP3 currently states support could be forthcoming for new housing where it helps to meet identified proven local need. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and I am not aware that Cromwell has an up to date Local Needs Survey (prepared in conjunction with the Parish Council). The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. As the current application is outline, it is not possible at this stage to confirm whether or not the proposal is reflective of this need, however this is a matter which could be explored further at the reserved matters stage.

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

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

Impact

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

Character

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

Impact on the Character of the Area including the Setting of the Local Interest Buildings

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

The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Croft and the former almshouses (6-9 Main Street) are non-designated heritage assets located east/south east of the site and the development of the application site therefore has the potential to affect their setting. Within the wider setting, the remains of the Grade II Listed pigeoncote and Grade I listed church to the south of the site are not thought likely to be affected by the proposal given the separation distances and intervening built form.

The Conservation Officer's comments are set out in full in the 'Consultations' section above and raise no objection to the principle of development. The detailed design of the proposal would be subject to further consideration at the reserved matters stage and it is considered feasible that a detailed design that preserves the setting of the adjacent Local Interest Buildings (The Croft and former almshouses 6-9 Main Street) could be achieved on site.

Due to the existing built form on three sides of the proposed development, the proposed dwelling would not be out of keeping with the character surrounding site context. Likewise, whilst the proposal represents a form of backland development, this form of development is not considered to be out of character given the surrounding site context. The resultant plot size would also be similar to surrounding plot sizes.

Overall, the proposal would not result in an adverse impact upon visual amenity or the setting of heritage assets having regard to Core Policies SP3, CP9 and CP14, policies DM5, DM9 of the DPD and the NPPF.

Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. Para.163 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It further states 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 Environment Agency Flood Map identifies the front half of the site access would be situated in Flood Zone 2. It is noted that the erection of a dwelling on a plot of land to the north of The Croft was allowed at appeal in July 2016 (15/01534/FUL) and this has represented a fall back position for a subsequent application to build houses on this land (17/02278/FUL). At the time of determination of 15/01534/FUL by the Council, it appears that this site was located within Flood Zone 1. Flood maps have since been amended. In addition, a dwelling on land to the south of The Croft was recently constructed (17/00975/FUL) following approval by Planning Committee (an overturn following Officer recommendation of refusal on sequential test flood risk grounds).

A Flood Risk Assessment (FRA) has been submitted with the application. This proposes the following:

- Any hard standing to be of a “permeable” for example to be 20mm gravel or “Breadon” rolled marle.
- No flood prevention measures are required to the proposed building as it will not be sited in the flood plain.
- Occupiers will subscribe to the “Flood Warning Direct” phone text service and any occupiers on site will be warned of any likelihood of imminent flood inundation.

Whilst this level of mitigation may be acceptable in the case, the NPPF is clear that the exception test should not be applied until the Sequential Test has been passed.

I note that the submitted FRA refers to the fact that a proposed dwelling in Flood Zone 2 is identified as more vulnerable development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG and is considered to be ‘appropriate’ development in that respect. However, the PPG is clear that more vulnerable development should first pass the sequential test before it is considered to be appropriate; the sequential test is applied to guide development first to Flood Zone 1, then only Zones 2 and 3 if no land within Flood Zone 1 is available.

A sequential test has not been carried out by the applicant to demonstrate there are no other suitable sites available for the development at lesser risk of flooding. At a district level there are other sites at a lower risk of flooding than the application site (i.e. located in Flood Zone 1) on which new housing could be developed. For individual planning applications, the area to apply to the Sequential Test can sometimes be defined by local circumstances relating to the catchment area for the development. In the ‘Need’ section above, I consider the proposal has the potential to meet a need for housing identified in the Sutton on Trent Sub Area. The sequential search could therefore apply to the sub area of Sutton on Trent at minimum as this is the area of need for the

new dwellings being met. However, this does not overcome the fact that no such sequential test has been applied.

As such the proposal fails the sequential test and is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal would utilise an existing access to the site. The Highways Officer raises no objection to the application as it is considered to have a negligible impact on the public highway. As such, the proposed is considered to comply with the highways requirements of Policy DM5 and SP7.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

The submitted Block Plan indicates that a satisfactory relationship with neighbouring dwelling could be achieved (and shows that the two storey section of the proposed dwelling would be located 13 metres away from the edge of the bungalow to the south of the site). First floor windows would have the potential to overlook the rear of The Croft and The Orchard, however the separation gap would be in excess of 35 metres (window to window) which is considered an acceptable distance. Whilst the distance to the rear garden area is less than this, this is not considered to result in a material increase in overlooking over and above existing levels (given that the Orchard overlooks the rear garden of The Croft and vice versa).

Ensuring no adverse impact upon the occupiers of neighbouring dwellings is an issue which would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved.

Impact on Trees and Ecology

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

The application has not been accompanied by a tree survey. There are some trees located along the southern boundary of the site which appear to be located outside of the application site and are therefore unlikely to be affected by the proposed development. It is recommended that a landscape scheme (to include tree protection measures as required and landscape planting) be imposed as part of any permission, should Members be minded to approve the application.

The application also is not accompanied by an ecology survey. However, I note that the site has very low ecology potential having regard to Natural England Standing Advice given that no trees

are to be removed/buildings to be demolished. As such, it is unlikely that any adverse ecology impacts would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

Overall Planning Balance and Conclusion

The Council is satisfied that it has its 5 year housing supply. The application has been carefully 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 five criteria namely, location, scale, need, impact and character. The development is considered acceptable when assessed against each of these criteria.

However, part of the site access is located in Flood Zone 2. Insufficient information has been provided in order to assess whether the proposed development would comply with the Sequential Test to demonstrate that there are no alternative sites which could accommodate the development at a lesser risk of flooding.

It is not considered that there any benefits to the proposal which would outweigh the flood risk harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That outline planning permission is refused on the following grounds:

01

Section 9 of Policy DM5 of the Allocations & Development Management Development Plan Document relates to flood risk and water management and states that the Council will steer new development away from areas at the highest risk of flooding. Development proposals within Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones.

Part of the site access is located in Flood Zone 2 which is an area considered to be at risk of flooding. The submitted application does not outline the need for the proposed development to be located within Flood Zone 2 when there are sites at a lower risk of flooding located elsewhere within the District and therefore the Local Planning Authority have been unable to assess whether the site would meet the Sequential Test. The proposal is therefore contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2018, a material consideration.

Note to Applicant

01

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

therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. 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

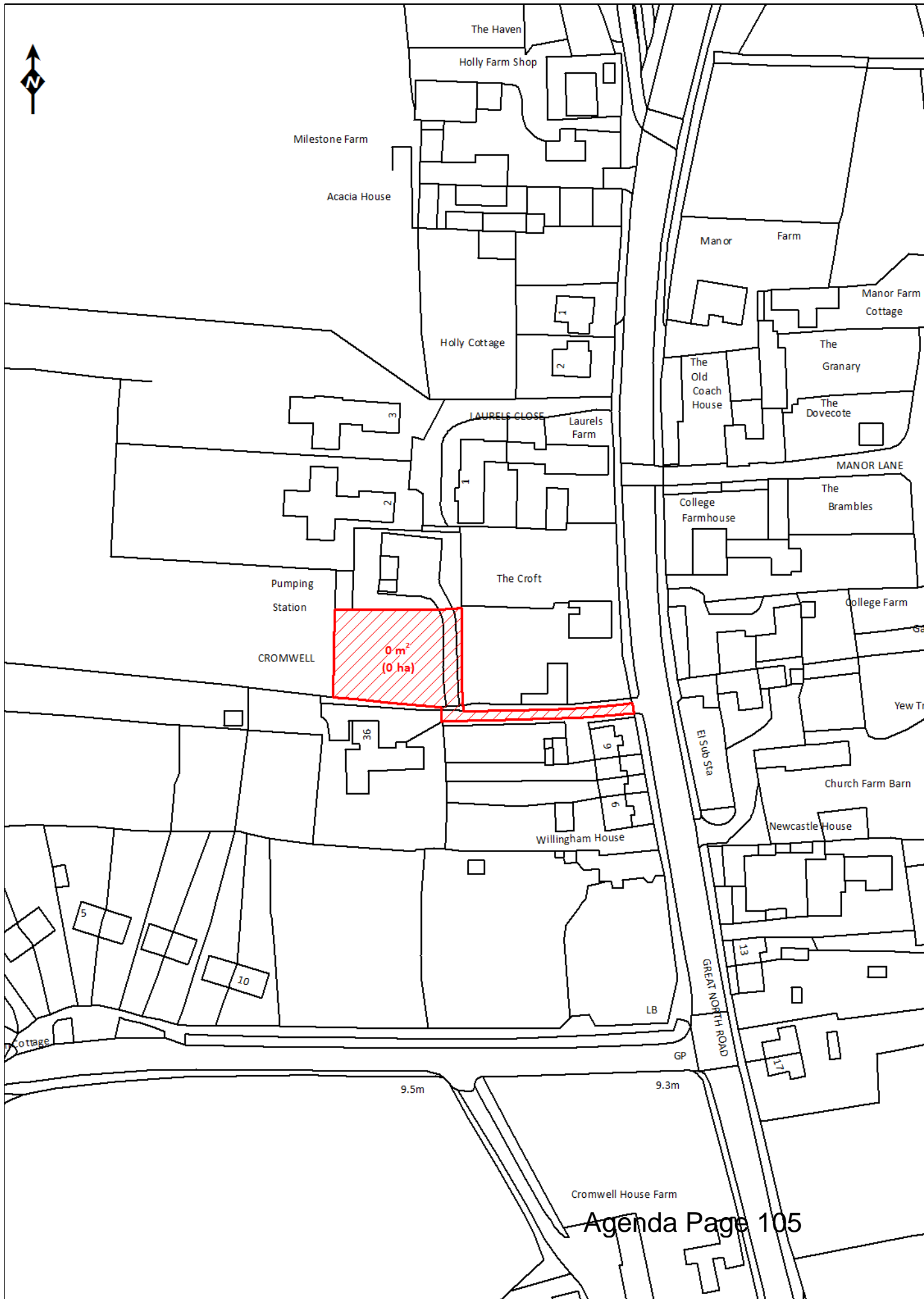
Application case file.

For further information, please contact 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 and Regeneration

Committee Plan - 18/01833/OUT



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/02056/FUL	
Proposal:	Construction of new 2 storey dwelling and garage	
Location:	Land adjacent Roewood Lodge, Bleasby Road, Thurgarton	
Applicant:	Mr & Mrs Grant	
Registered:	5 November 2018	Target Date: 31 December 2018
	Extension of Time of Requested	

This application is being referred to the Planning Committee for determination by the local ward member (Cllr R Jackson) due to concerns that the dwelling would be too large for the plot and over-intensive.

The Site

The application site historically formed part of the residential garden serving Roewood Lodge, situated immediately to the south west of that property but it has now been separated from the curtilage by a close boarded timber fence along the northern boundary to enclose it as a separate parcel of land. It is situated fronting Bleasby Road on the eastern edge of the settlement of Thurgarton. Roewood Lodge is a newly renovated dwelling which has been recently rendered with the appearance of being a contemporary dormer bungalow with a large dormer window situated in the front roof slope and which utilises the rear roof to provide a two storey rear addition. The Bleasby Road frontage is currently defined by a low (approx. 1.2m high) red brick wall.

To the south of the site is South Croft which is also two storey in height, detached and set within a substantial plot. The land which forms the development plot slopes up gently from the roadside from east to west with the rear of the site being steeper in incline. The proposed plot is approximately 15m in width x 45m in depth. There are a number of trees situated within the land, with a particularly large coniferous tree situated on the south eastern corner of the site. The site is designated as being within Flood Zone 1 in accordance with Environment Agency flood zone maps and is within Thurgarton Conservation Area.

Relevant Planning History

17/00641/FUL - Erection of a two bedroomed dwelling and detached garage, including internal and external alterations (Revision of Approved Planning Permission 15/02291/FUL). Approved 06/12/2017. This was presented to the Planning Committee in August 2017 having been deferred from July committee to allow the applicant to relocate the garage away from frontage. However the applicant chose not to and provided additional justification as to why it was not applicable.

This application was called in to Committee by Cllr Jackson. It was approved subject to a S106 Agreement to secure the visibility splay.

16/01503/NMA – Application for a non-material amendment to planning permission 15/02291/FUL for Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) refused 11/10/2016 because the changes (one of which was to add in a third bedroom) were considered material.

16/00868/FUL - Householder Application for Extension of existing house for a larger kitchen/dining area in the Ground floor and larger bedroom in the first floor. Approve 25/07/2013

15/02291/FUL - Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) approved 05/04/2016 under delegated powers.

15/00438/FUL - Construction of new two-storey dwelling and garage. Refused 19/05/2015 on the grounds that 1) it didn't meet a proven identified local need and was therefore unsustainable; and 2) lack of visibility splays to highway and 3) harmful impact on the amenity of neighbours by overlooking from first floor bedroom window.

The Proposal

Full planning permission is sought for the erection of a detached two storey dwelling with a detached double garage. The proposal is an amendment to a previously approved extant application which approved a similar development in a similar position on site.

The main change over and above the previously approved scheme relates to an additional two storey element of accommodation to the rear. Whereas previously the footprint of the dwelling was a T shape, it now extends the footprint further back by c4.36m and infills this such that the footprint is almost rectangular. The roof line of the dwelling has also been raised by approximately 0.2m at the rear so that it matches that at the front.

The new dwelling accommodation would comprise the following facilities;

On the ground floor there is a hall, W.C, kitchen, lounge/dining room, snug and study. On the first floor is a substantial master bedroom with dressing area and en-suite, and 3 other rooms (which are unannotated) presumably 2 bedrooms and 1 bathroom. The applicants agent suggests in their email of 5th December 2018 that the unit remains as a two bedroom unit *"...albeit with an extended footprint to accommodate additional living space for their family to visit. The proposal has been carefully and thoroughly considered to meet N&SDC policy. The extension has been designed to have no impact on the immediate neighbours, nor on the wider village as the proposal maintains the approved street facing appearance. "*

The proposed garage is detached and located to the front of the site, set of the frontage boundary by c1.7m. This size and design is as previously approved; it has a ridge height of 5.1m, an eaves height of 2.4m and is 6.54m wide by 6.54m deep. This has one window above the garage doors.

Trees would need to be removed to accommodate the proposal, T7 (Common Silver Fir) 8 (Snowy Mespilus) and 9 (Wild Cherry). These trees have been previously identified as being in good condition and are categorised as B.1-C.1.

A new vehicular access would be created to the north of the site boundary from Bleasby Road.

The submission

The following documents accompany the application:

- Planning, Design and Access Statement SJA1705/SK00 P1
- Planning Obligation dated 5th December 2017
- Tree Survey by Arbtech dated March 2017
- Existing Site Plan SJA/1705/SK02 P1
- Existing Site Section and Elevations SJA/1705/SK03 P1
- Proposed Site Plan SJA1705/SK13 P1
- Proposed Site Section and Elevation SJA1705/SK14 P1
- Proposed Ground Floor Plan SJA1705/SK15 P1
- Proposed First Floor Plan SJA1705/SK16 P1
- Proposed Roof Plan SJA1705/SK17 P1
- Proposed Side (Southwest) Elevation SJA1705/SK21 P1
- Proposed Section A SJA1705/SK/22 P1
- Proposed Garage SJA/1705/SK24
- Vision Splays SJA/SK25 P3
- Front (southeast) elevation SJA1705/SK18 P1
- Proposed rear (northwest) elevation SJA1705/SK19 P1
- Proposed side (northeast) elevation SJA1705/SK20 P1
- Proposed Section B SJA1705/SK23 P1

Departure/Public Advertisement Procedure

Occupiers of three 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

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 9 – Sustainable Design
Core Policy 12 – Biodiversity & Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Thurgarton Conservation Area Appraisal 2008
- Thurgarton Housing Needs Survey 2015

Consultations

Thurgarton Parish Council – No response received to date.

NCC Highways Authority – No objections:

This proposal is for the construction of a new dwelling and garage with the construction of a new vehicular access. The layout as shown on plan SJA1705/SK13 Rev. P1 is acceptable subject to the following conditions:

1. *No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification. **Reason:** In the interests of highway safety.*

2. *No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. SJA1705/SK13 Rev. P1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. **Reason:** To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.*
3. *No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).*
4. *No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the access drive to the public highway in accordance with details to be 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.*
5. *No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the LPA. **Reason:** To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.*

Note to applicant

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

NSDC Conservation – No objections:

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. 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, and 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, local planning authorities 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).

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

Significance of the heritage asset(s)

The site is located within Thurgarton Conservation Area. The conservation area was originally designated in 1983 and was reviewed and extended in 2008.

This areas of Thurgarton is of mixed age and quality, with a core of traditional red brick 19th century farmsteads later infilled at various stages and in various styles throughout the 20th century. The spacing between buildings and the building form and materials, as well as their location in relation to the road varies, but overall the street has a fairly informal character, giving way to open countryside to the east.

Assessment of proposal

This site has a detailed planning history. The proposal is a variation on an already approved scheme. The most recent approved scheme being in December 2017. This scheme seeks an additional two storey element to the rear that will reflect the design of the rear elevation of the approved scheme. Therefore it will have little impact to the overall design of the dwelling from the northwest. The proposed two storey element to the rear will sit below the approved ridge line and therefore will not impact the approved streetscene.

Taking these factors into account conservation do not object to the proposal.”

NSDC Environmental Health – No objections:

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.*

Trent Valley Internal Drainage Board – “The site is very close to the Trent Valley Internal Drainage Board district. There are a number of Board maintained watercourses in close proximity to the site. The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly to a main river for which the consent of the Environment Agency will be required). 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.”

Representations have been received from one local resident/interested party which can be summarised as follows:

- There is no objection to a two bedroom property – however Thurgarton doesn’t need a 4 bedroom plus dwelling see Policy 2, 4.10 of TNP;
- A four bedroom house on the site is over intensive (see 15/00438/FUL);
- The new design which incorporates 2 large rear facing windows at ground floor would impinge on neighbouring privacy, exacerbated by proposed removal of trees contrary to Policy 1 of TNP;
- Adjacent land is considerably higher;
- Loss of trees;
- Comments of housing officer are pertinent.

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, the Council adopted Thurgarton Neighbourhood Plan on 16th May 2017. 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.

Principle of development

This site already has planning permission granted under 17/00641/FUL which is extant and remains so until 5th December 2020 making this a realistic fall-back position which must be afforded significant weight. This establishes the principle of development for one dwelling on this site.

Permission is sought for a revised house type albeit it is essentially an addition to the rear over and above what has already been approved but appears the same from the frontage in terms of design, scale and massing. The introduction of a detached garage to the site frontage is already approved and is not open for debate. I therefore consider that the changes to the scheme below.

Housing Need

One of the main changes to the scheme is that the scheme would be going from a 2 bedroom dwelling to a 3 bedroom dwelling (an assumption made based on the floor plans). The internal layout is essentially proposed to be reconfigured at ground floor to separate the kitchen out from open plan living area and make it larger and at first floor whereas it was two bedrooms with a bathroom the upstairs would now have 3 bedrooms. The increase in floor space would go from 195m² to 281m² (an increase of 86m² or c44%).

In order to assess whether this change is acceptable, it is necessary to go back to the policy context.

Spatial Policy 3 (as adopted provides) that housing will be supported where there is a proven local need. The need is expected to be a community need rather than a personal need. In considering the scheme I am mindful of the emerging SP3 as amended in the Core Strategy which can attract significant weight given its advanced stage having been through an examination in public. This provides that new housing will be supported where 'it helps to support community facilities and local services and reflects local needs in terms of both tenure and house types.'

The most up to date position with regard to housing need in Thurgarton is within the 2015 Housing Needs Survey commissioned by the Parish Council and noted within the TNP. The survey identified a need for up to two affordable homes: one 2-bed bungalow for social rent, and one 2-bed house for shared ownership. It also indicated a preference/demand for up to six market homes comprising 1 x 1 or 2 bedroom bungalows, 2 x 2 or 3 bedroom bungalows, 1 x 3-bed house

and 1 x 4 bedroom house. The survey was supported by this Council, its findings are not disputed and so it follows to assess whether the proposal would help to meet the identified need.

It should be noted that the extant scheme being a two bedroom house over two floors would not meet the identified local need exactly. In considering the original approved 2 bedroom dwelling (15/02291/FUL – granted under delegated powers) the officer made the following assessment:

“The layout as originally submitted detailed a dwelling with an approximate floor space of 160m² and concern was raised by officers that this was not commensurate with the scale of other 2 bed dwellings approved by the authority and that furthermore 160m² was more akin to the floor space of a 3/4 bed unit. Discussions were entered into with the applicant to seek to reduce the scale of the dwelling and to seek to change the layout of the dwelling to be single storey so that it accorded with the findings of the housing needs assessment. The floor space of the dwelling has been reduced to just over 100m² but the dwelling still provides accommodation over two stories. However, the first floor element has been significantly reduced and now represents just over a quarter of the proposed total floor space.

There is a tension in planning terms between planning for an identified need (why identify a need if one does not plan for it) and the ability to restrict a family growing or changing their lifestyles by creating space (e.g. an extension) or expanding into space (e.g. creating a bedroom in a garage or a roof space). Guidance still exists on the need for homes to be flexible for the lifetime of occupants (to grow and shrink, such as in Lifetime Homes standards). In this particular case whilst there remains an ability for the house to be used with more bedrooms than stated, through the description of development and the recommended planning conditions and informative notes below, the Authority feels that at the point of implementation the need can be secured.

Given the above considerations, I am satisfied that whilst very finely balanced, the proposal would help in meeting an identified proven local need.”

Members will see that the size of the originally approved dwellings was negotiated to be smaller in size to ensure it met the identified 2 bedroom housing need. In this case the proposal now seeks approval for a 3 bedroom dwelling. The 2015 Housing Needs Survey identifies the need for 1 x 3 bedroom dwelling. Having reviewed the approvals granted since 2015, I note that there have been some for 3 bedroom dwellings (Members will recall the houses at the former Coach and Horses Public House which were all 3 bedrooms) which have been delivered and some that haven't such as the dwellings rear of the Red Lion public house and those at Priory Farm which remains on its conversion phase to name a few. The identified need for 3 bedroom dwellings in Thurgarton has therefore been met. However I am not convinced that this is fatal to the success of the scheme as I am not convinced that one additional 3 bedroom dwelling would be so harmful as to justify a reason for refusal. I say this in the context that if the extant two bedroom dwelling was built out, then I do not consider there would be grounds to resist a householder extension in the form that

is essentially proposed. Members will note that permitted development rights are proposed to be removed so as to control extensions and alterations to the dwelling.

Impact on the Character and Appearance of the Conservation Area

The development site is located within Thurgarton Conservation Area and the following policy context applies.

Policy 1 (New Development) of the TNP provides that development should be carried out without detracting from the character and appearance of the Conservation Area. Policy 6 of the TNP also seeks to prevent harm to the historic environment. Core Policy 14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Core Policy 9 of the Core Strategy states that all new development proposals will be expected to contribute to and sustain the rich local distinctiveness of the District and achieve a high standard of sustainable design that is appropriate in form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that the rich local distinctiveness of the District's character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The legal framework is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that with respect to any building in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The way in which the proposed dwelling would be appreciated from the public realm would remain unchanged from the extant permission as the front elevation remains unaltered from the roadside. The main change relates to what could be described as a two storey extension at the rear to the approved dwellings had the dwelling been already in existence. As it is not, it must be considered as a revised house design.

The height of the dwelling would no longer step down as it projects back into the plot adding some additional bulk. However the dwelling would not be readily visible from the north given the way the land lies. In my opinion the changes proposed would have a neutral impact upon the character and appearance of the conservation area. I note that the Conservation Officer agrees that the proposal would have *'little impact on the overall design of the dwelling from the northwest. The proposed two storey element to the rear will sit below the approved ridge line and therefore will not impact the approved streetscene...'*

Subject to conditions being imposed to control materials as previously imposed, the development is not considered to detrimentally impact on the character of the surrounding area and would preserve the character and appearance of the Conservation Area in accordance with the policy context.

Impact on the Residential Amenity

Policy 1 of the TNP provides that developments should be carried out without detracting from the levels of amenity that occupiers of adjacent premises may reasonably expect to enjoy. 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 NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Concern has been expressed during the course of the application that the proposal would cause harm to the amenity of surrounding occupiers. This matter has been carefully considered.

It is noted that a large two storey extension was approved to the neighbouring property known as South Croft in 2007 (planning permission 07/00096/FUL) which was implemented and has resulted in a two storey projection that projects as far back into the site as the original dwelling alongside the boundary. Along the boundary, facing the application site are two high level ground floor windows serving the integral garage which projects back the full depth of the extension and no windows at first floor facing the site.

Turning now to the proposal. It should be noted that the siting of the dwelling within the plot has not altered from the already approved permission 17/00614/FUL and 15/02291/FUL before it.

The dwelling as already approved stepped down in height from its front elevation as it projected back into the plot to 6.87m. The proposal now seeks to retain the height at c7.2m for its full depth. However the element closest to the neighbouring dwelling at South Croft would have a lower roof line at 6.65m to ridge, albeit this would project a further 4.2m back into the site than is currently approved. The dwelling would be sited c3.09m from the common boundary. However the depth of the extension would not project as far back into the site that South Croft itself, such that I do not consider that the proposal would have any adverse impact in terms of overshadowing or through being overbearing. It is noted that land levels are higher on the application site. However finished floor levels can be agreed by a suitably worded condition as was the case previously.

In terms of overlooking, it is noted that the changes proposed would result a new full height glazed window to serve an en-suite at first floor level as well as an obscure glazed window at ground floor level to serve the utility room. As these windows would face onto high level garage windows, I do not consider that there would be any loss of privacy or perception of such. A condition is recommended to ensure these windows do not open above 1.7m internally.

The new bedroom window proposed to the rear elevation would be set back into the site further than before and would not in my view introduce any harmful overlooking; this would face directly over its own private garden and slightly behind the rear facing wall of the adjacent dwelling.

The increase in height to the roofline is marginal and is not considered to cause any unacceptable impacts upon either South Croft or Rosewood Lodge.

Overall the impacts are considered acceptable, subject to conditions, and comply with the policy context set out above.

Impact on Highway Safety

The access, parking arrangements and proposed garage to the front of the site would remain as previously approved.

Policy 3 (Transport Impact of Development) of the TNP plan states “developments should make provision for suitable levels of off-street parking for the development proposed and off-street manoeuvring space for the vehicles likely to service the proposed use.” 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.

Plans depicting the proposed visibility splay to the property show that this is reliant on part of the splay overlapping third party land (Roewood). Members will be aware that permission has already been granted (twice before) for a dwelling with vehicular access as approved which is a substantial material planning consideration. On the first occasion the applicants were the owners of Roewood Lodge and the ‘site plan’ contained Roewood Lodge within the land controlled by them. The last approval was on the basis of the applicant entering into a Section 106 Agreement to secure the visibility splays required which they have agreed to do again. This can achieve what is necessary.

Whilst the dwelling proposed is larger than the extant permission, I consider that there is adequate off street car parking (two spaces within the garage and hardstanding upon which to park in front of this) commensurate with the dwelling to meet its needs and this would be unlikely to lead to on-street car parking. The Highway Authority have also raised no objection to the proposal, subject to conditions.

In conclusion the proposal to create a new access to Bleasby Road is not considered to result in a detriment to highway safety subject to conditions and the execution of an appropriate S106 Agreement in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD as well as the Thurgarton Neighbourhood Plan, the NPPF and PPG which are material planning considerations.

Flood Risk and Drainage

Flood risk and drainage has been previously considered and found to be acceptable. An assessment is set out below.

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. Flooding within Thurgarton is a concern and the Neighbourhood plan (paragraph 2.8) states that new development must not cause other properties to be put at any greater risk and it is necessary through floor levels, rainwater and sewerage disposal and landscaping, to alleviate any future problems.

The proposal would not result in a considerable increase in the amount of hard surfacing and there would still be a significant degree of permeable surfaces into which any surface water would be able to soak away. It is therefore considered that the proposal would not unacceptably increase the surface water run-off to the detriment of the surrounding area.

Overall, the development accords with Policy Core Policy 9 and 10 of the Core Strategy.

Impact on Trees

In accordance with the aims of Core Policy 12, Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the ADMDPD states "new development, should protect, promote and enhance green infrastructure."

The applicant has submitted a Tree Survey dated March 2017 which shows the trees within and adjacent to the site and classifies those in terms of their maturity and condition. There are four trees (T2, 7, 8 and 9) which are most affected by the construction of the dwelling and garage and which are due to be retained by the proposal. T2 is a semi-mature Cedar rated as good condition, T7 is a Common Silver Fir considered to be in good condition, T8 is a mature Snowy Mespilus rated as good condition and T9 is mature Wild Cherry also rated as good condition.

T2 and T7 have been considered previously by Officers in respect of the previous application and officers previously concluded that the trees would not be detrimentally impacted by the proposal and I would concur their assessment. No tree impact assessment has been provided but I am able to consider this based on the information provided. In relation to assessing the revised house type, I consider that the proposal would result in the removal of T8 and 9 (the Snowy Mespilus and Wild Cherry) as to retain these would very likely damage the roots and require a dis-proportionate amount of pruning. Whilst attractive and in good health I do not consider these trees to be worthy of protection by a tree preservation order and their loss can be mitigated through the planting of a tree species more native to the locality. Other trees would remain and their relationship with the building would not change from the previous approval.

Tree root protection measures are still considered necessary to protect the trees to remain throughout the construction phase which can be controlled by the landscape condition.

I consider the proposal could (with conditions) enhance the local biodiversity and the retention of the majority of trees on the site would preserve the character and appearance of the Conservation

Area. Therefore the proposal accords with the Development Plan taking into account the material planning considerations.

Planning Balance and Conclusions

The principle of a new dwelling on this site has already been accepted as there is currently an extant planning permission for one dwelling which carries significant weight. The proposal would result in the construction of what I consider to be is more akin to a 3 bedroom dwelling as opposed to the approved two bedroom dwelling. Whilst the specific 2015 identified need for a 3 bedroom dwelling in Thurgarton has already been met, I am of the view that the provision of one slightly larger dwelling over and above the approved/extant dwelling that would not adversely affect the character and appearance of the Conservation Area should not be refused on the lack of need ground alone. No unacceptable adverse impacts upon the living conditions of neighbours have been identified. The proposal would involve the loss of three trees (two in addition to those previously assessed). Whilst regrettable, these trees are not considered so positive in terms of their contribution to the visual amenity of the area that they should be protected. Their loss can be mitigated by replacement trees of a species that are more native to the locality. There are no issues regarding highway safety subject to conditions and the signing of the S106 Agreement to secure the visibility splays necessary to make the development safe. As such the scheme is considered acceptable for the reasons set out within this report and a recommendation for approval is offered.

RECOMMENDATION

That planning permission is approved subject to:

- (1) the conditions and reasons shown below; and**
- (2) the execution of a suitable S106 Agreement to ensure that the necessary highway visibility splays are provided and retained in perpetuity.**

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 other than in complete accordance with the following approved plans:

- Proposed Site Plan SJA1705/SK13 P1
- Proposed Site Section and Elevation SJA1705/SK14 P1
- Proposed Ground Floor Plan SJA1705/SK15 P1
- Proposed First Floor Plan SJA1705/SK16 P1
- Proposed Roof Plan SJA1705/SK17 P1
- Proposed Side (Southwest) Elevation SJA1705/SK21 P1
- Proposed Section A SJA1705/SK/22 P1
- Proposed Garage SJA/1705/SK24
- Vision Splays SJA/SK25 P3
- Front (southeast) elevation SJA1705/SK18 P1
- Proposed rear (northwest) elevation SJA1705/SK19 P1
- Proposed side (northeast) elevation SJA1705/SK20 P1
- Proposed Section B SJA1705/SK23 P1

Reason: So as to define this permission.

03

No development above damp proof course shall take place until full details of the external facing materials to be used in the construction of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

Notwithstanding the submitted plans, no development shall take place until a topographical survey of existing ground levels, together with details of the proposed finished levels and finished flood levels

have been submitted to and approved in writing by the local planning authority. Development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

06

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: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation in the interests of protecting the character and amenity of the area.

07

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

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

08

No part of the development hereby permitted shall be brought into use until a dropped vehicular verge crossing is 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.

09

No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the access drive to the public highway in accordance with details to be first submitted to and approved in writing by the

Local Planning Authority. 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.

010

No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

011

No part of the development hereby permitted shall be brought into use until the site frontage boundary (eastern boundary) is provided at a height not to exceed 0.6m from finished ground level in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

012

Prior to first occupation full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall mitigate for tree loss and shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity and to mitigate for the tree loss.

013

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

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

014

The window openings on the south-west side elevation 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.

Notes to Applicant

01

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

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 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

04

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

BACKGROUND PAPERS

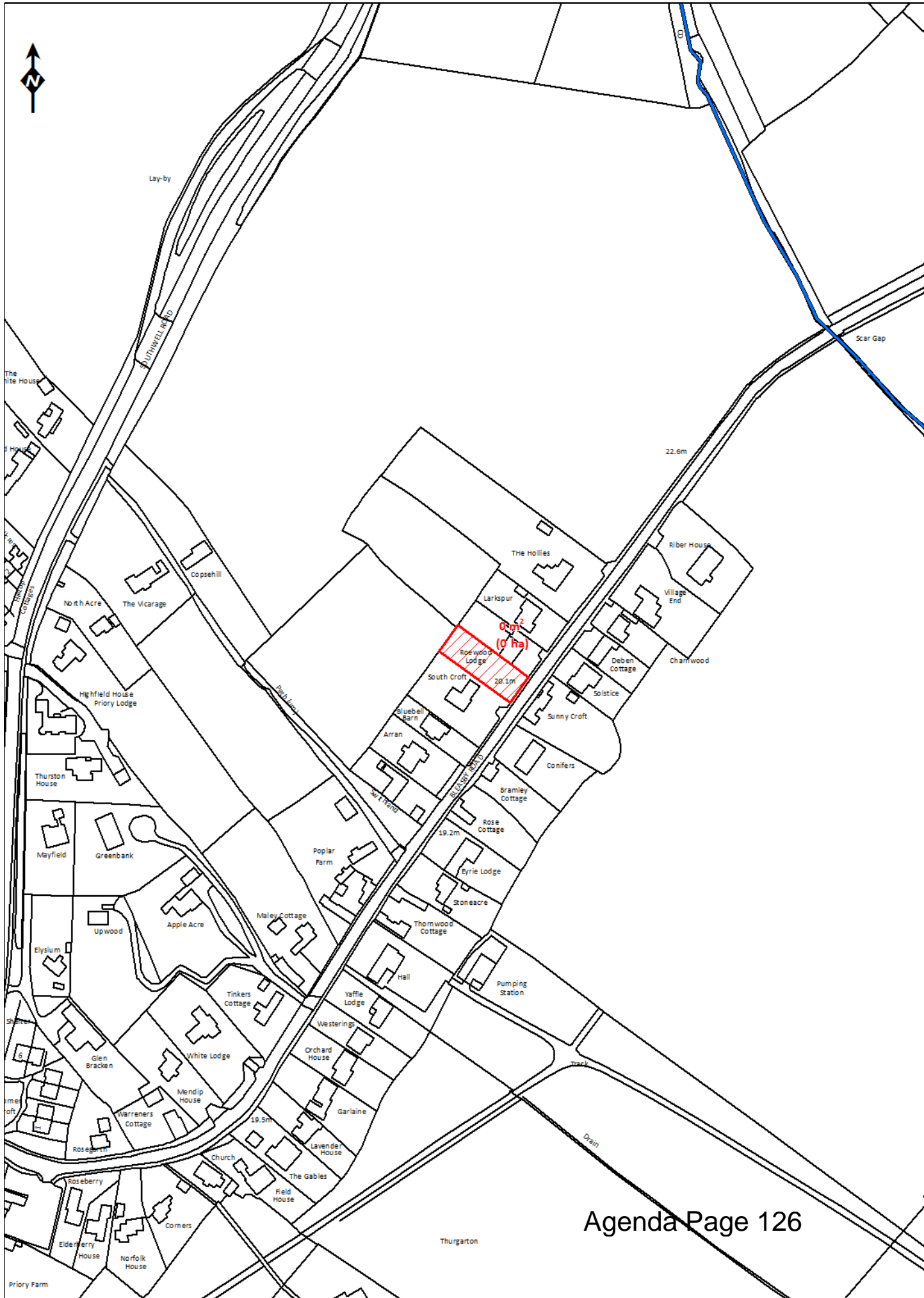
Application case file.

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

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

Matt Lamb

Business Manager Growth and Regeneration



PLANNING COMMITTEE - 15 JANUARY 2019

Application No:	18/02018/FUL	
Proposal:	Demolition of existing dwelling. New dwelling with garage and entrance gates and removal and pruning of existing trees (Re-submission of 18/00924/FUL	
Location:	Court Cottage, Chapel Lane, Farnsfield, NG22 8JW	
Applicant:	Mr and Mrs Mortimer	
Registered:	29th October 2018	Target Date: 24th December 2018
	Extension of time agreed until 18th January 2019	

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

The Site

This application relates to a detached predominantly rendered bungalow (which has accommodation within its roof space) with stone quoins and a stone clad pitched roof two storey projection to the front elevation which has a small dormer to the side roof slopes. There is an attached flat roof garage to the side. The western facing gable has a first floor door leading to a balcony area over the flat roof garage enclosed by wrought iron balustrade. To the other side is a side garden area which is well screened from the highway by mature and substantial hedging.

The dwelling is located to the southern side of Chapel Lane which is one way at this section. There is a public footpath which runs between Court Cottage and the immediate adjoining neighbour to the west.

The site falls within the built up area of Farnsfield and within the Conservation Area and is generally surrounded by residential properties to 3 sides (there is an electricity substation immediately to the east beyond which are the terraced properties forming The Stackyards). Recreational open space lies to the north of the site comprising a bowling green and tennis courts beyond).

To the west is Waterstone View, a detached L shaped red brick dwelling which has a first floor obscure glazed window to the nearest side gable facing the application site and 2 no. bedroom windows towards the front of the dwelling which would also face the application site (albeit at a greater distance than the gable end),

To the south west of this neighbour is Hill Cottage, a two storey traditional dwelling with first floor principle windows to the rear elevation facing the application site. Beyond this is Launceston House a red brick two storey dwelling which is set at a lower land level than the application site and has first floor windows to the end gable facing the site.

To the east beyond the substation is a terrace of red brick properties forming The Stackyard. To the south the site is adjoined by The Cottage (White House/West Lodge) which is a two storey white rendered dwelling with first floor windows overlooking the site, albeit this property is set at a much lower level.

The front boundary comprises a low brick wall with railings and with 2 no. access points providing in and out access onto Chapel Lane. 1.8m high fencing is provided to the front side boundary with the adjoining property to the west, Waterstone View.

To the rear immediately adjacent to the dwelling is a rased platform area with steps down to a substantial private rear garden which narrows towards the south western boundary with land levels falling approximately 1.5m. Where the garden narrows and centrally located is a small orchard of 4 fruit trees.

Boundary treatments to the rear garden comprise mature hedging (with Hill Cottage and Launceston House) circa 1.8m high timber fencing and mature hedging with Waterstone View, circa 1.8m high timber fencing and red brick wall with The Cottage and to the upper part of an outbuilding within the rear garden of the property immediately to the south which forms part of the rear boundary.

Relevant Planning History

18/00924/FUL – an application was submitted on the 14th May 2018 seeking full planning permission for the demolition of the existing bungalow and the erection of a one and half storey detached dwelling and a detached double garage– Withdrawn

The Proposal

Full planning permission is sought for the demolition of the existing bungalow and the erection of a detached two storey flat roof dwelling with an attached flat roof garage.

The dwelling would have maximum dimensions of circa 17.5m width, 12m depth and with a predominant height of 6.4m. There are 2 no. small projections (one to the front and one to the rear elevation) which would have maximum heights of circa 6.6m.

An attached single storey garage is proposed which would have maximum dimensions of 10.1m width, 7m depth and 3.3m height.

2 no. circa 1.6m high timber sliding gates supported by circa 1.7m high posts are proposed to the

Chapel Lane boundary separated by 1.6m high mesh fencing. Planting is proposed to the front of the fencing.

A row of solar panels are proposed centrally located within the flat roof of the dwelling which would have a maximum height of 0.7m.

The application also proposes the removal of several trees within the site, namely

- T1 - Laburnum (front boundary)
- T7 Holly (rear boundary)
- T10 (group) two fruit trees (rear garden)

All trees to be removed are graded as C2 with a 10+ years remaining lifespan. It is proposed that 6no. fruit trees would be planted along the rear boundaries and the existing holly tree (T7) is proposed to be replaced with 2no. fruit trees.

Submitted Documents

The following plans have been deposited with the application for consideration:-

- Proposed Elevations Drg. No. 2209/5 Rev K received 26th October 2018
- Proposed Elevations Drg. No 2099/6 Rev G received 26th October 2018
- Proposed Floor Plans Drg. No. 2209/4 Rev K received 26th October 2018
- Proposed Sections Drg. No 2209/7 Rev A received 26th October 2018
- Existing and Proposed Elevations Drg. No. 2209/8 Rev B received 20th December 2018
- Proposed site Plan Drg. No. 2209/3 Rev L received 20th December 2018
- Proposed wall and Gates Drg. No. 2209/9 Rev A received 20th December 2018
- The application has been accompanied by the following documents:-
- Design and Access Statement
- Ecology (EMEC Ecology December 2018)
- Tree Survey (AT2 19th April 2018)

Departure/Public Advertisement Procedure

Occupiers of 20 properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice posted.

Planning Policy Framework

The Development Plan

Farnsfield Neighbourhood Plan (made October 2016)

FNP1: Housing Development within the Village envelope

FNP7: The Quality of Development

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

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

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Farnsfield Parish Council – *Farnsfield Parish Council wish to object to this proposal on the following grounds,*

- *The Farnsfield Neighbourhood Plan Character Appraisal and Design Document Nov 2016 states that planning applications will be supported where it can be demonstrated that new builds are appropriate to its context and position within the village. The Planning Statement and Design and access Statement accompanying this application refers to good design and scale and size but the Parish Council dispute the assertion that this proposed dwelling set further back does not intrude upon the visual setting of the conservation area. In addition, metal transparent electronic gates on the front will have a visible negative impact on the conservation area.*
- *The statement that Court Cottage as it exists at the moment has a neutral-marginal negative impact also raises concerns because it refers to "incongruous materials that contrast with the vernacular" This cannot be used to justify a new build that also does not sit easily within the buildings either side. Brick and Pantile are the common features of these buildings and located nearby is the Parish Hall a grade 2 listed building. The design statement asserts that there are no listed buildings nearby. We refer to NPPF para 51. The*

“importance of integrating new development into the natural, built and historic environment.”

- *Innovation and sustainability are to be encouraged within the NP area as long as the design approach is sympathetic to the surrounding character area. This we dispute.*
- *Highway concerns. We note the objection in the previous application by Highways and also that this has now become a verbal agreement on the suitability of sliding gates on Chapel Lane. Our concerns are that access to the property while being developed will create logistical problems, with lorries and van parked on a very narrow one-way system. Should the application be approved the Parish Council will need details of how this is to be managed. The village has had experience of these issues and with a play park entrance and housing for the elderly near-by access is extremely important at all times.*

NSDC Conservation – *Many thanks for consulting Conservation on the above scheme. We provided advice on a previous submission (ref 18/00924/FUL) in which we raised concerns about the design of the proposal. The resubmitted scheme is an attempt to address those concerns.*

Introduction

The proposal site is located within the Farnsfield Conservation Area (CA). The host property is a modern bungalow which makes a neutral contribution to the character and appearance of the CA. Historic cottages such as Waterstone Cottage and Hill Cottage adjacent are identified as Local Interest buildings on the Nottinghamshire Historic Environment Record (HER) which contribute positively to the character and appearance of the CA. The Church Farm complex to the southeast is Grade II listed.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. 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, local planning authorities 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 HEGPA2 and HEGPA3). HEGPA2 for example reminds us that both the NPPF (section 12) and PPG contain detail on why good design is important and how it can be achieved, and that the significance of nearby assets and the contribution of their setting is a dynamic concept. The general character and distinctiveness of the area should be understood in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size.

The Council has produced a CA Appraisal for Farnsfield (adopted 2000) which contains a useful summary of the significance of the area, including architectural and historic interest. The Appraisal identifies significant non-listed buildings which contribute to the townscape, including cottages adjacent to Court Cottage.

In addition, the Farnsfield Neighbourhood Plan (adopted 2017) advises that new build should be appropriate to its context and position within the village.

Significance of heritage asset(s)

Court Cottage is a later 20th century property located on Chapel Lane in the heart of Farnsfield CA. Chapel Lane is a narrow lane and the host dwelling is located immediately opposite the Farnsfield bowls club. To the east of Court Cottage there is a linear row of low profile later 20th century dwellings in brick and pantile. Waterstone Cottage and Hill Cottage adjacent on the west side are identified as Local Interest buildings on the HER, and comprise post-medieval cottage forms, much altered. Although well-screened from the proposal site, the late-18th century Church Farmhouse

complex includes a typical Georgian farmhouse with an early 19th century barn range.

Court Cottage contrasts significantly with the traditional vernacular brick and pantile buildings within the locality, comprising a one and a half storey dwelling faced in a combination of render, imitation dressed stone and concrete roof tiles. Overall the building is considered to make a neutral impact on the character of the CA.

Assessment of proposal

The proposal seeks to demolish the existing bungalow, and erect a new two storey dwelling with garage and entrance gates.

The replacement dwelling is broadly situated within the existing footprint of Court Cottage, and comprises a flat roofed two storey modern style dwelling in render, natural stone/slate cladding panels and aluminium windows and doors. The first floor oversails, and the glazing is full height. There is an attached garage block.

The significance of Farnsfield CA is broadly reflected in the many post-medieval period brick and pantile cottage forms intimately arranged along streets and lanes. There are exceptions of course, with politer buildings such as The Grange, or landmark buildings such as St Michael's Church interspersed within the historic core of the village. Nevertheless, the design of the proposed dwelling is a marked contrast to the historic cottages and houses within the CA. The flat roof form of the building, for example, is a significant divergence from the many steep pantile roofs elsewhere along Chapel Lane.

Conservation had significant reservations with the previous proposal, both in terms of the design of the building, and the external building envelope measurements. During pre-application discussions following the withdrawal of the previous submission (18/00924/FUL), efforts were made to significantly reduce the scale of the proposed dwelling. The highest point of the new dwelling is 6.7m, and the main 2 storey element is only 6.2m high (the existing building is 6.3m). We therefore now accept that the proposed building does not result in a significant change in height when compared to the existing building. The two storey flat roof configuration, however, ensures that the gable wall is larger than the existing in terms of mass, and the bulk of the building therefore results in a greater impact on the street than the existing arrangement.

In the context of the existing property, we do not find the modern design to be an unacceptable approach. Whilst the new dwelling will clearly contrast with the many historic buildings along Chapel Lane, it is recognised that modern architecture can be accommodated within the historic environment without loss of significance. The proposal is clearly legible as a modern design, and the balance of fenestration and facing materials has been carefully considered so that the modular rendered form does not dominate. Indeed, the potential natural slate or stone panels and extensive glazing are framed by the main rendered blockwork rather than secondary elements, helping to minimise the overall mass and bulk of the structure. The height of the proposed dwelling is in keeping with the local cottage scale furthermore. It should also be noted that modern interventions

have seen render creep into the local building palette, noting a number of traditional buildings covered in render or with painted brick (presumably to cover spalled brick work or improve thermal efficiency). As a result, I do not find the use of facing materials to be obtrusive in this case.

The proposal is located some moderate distance from the rear of the listed Church Farm complex. Although the proposal is a contrasting form to the buildings within the listed range, the new dwelling will not be unduly prominent within their wider setting, and therefore we do not find the proposal to be harmful. It is possible that the cuboid shape of the building could be glimpsed from Main Street during parts of the year when trees are at their most denuded. However, we feel that the extent of glazing on the rear aspect will reduce some of the visual impact. Moreover, the existing concrete roof tiles are not a positive feature of the CA (traditional cottage forms typically had natural clay pantile roofs), and therefore the change in aspect is broadly neutral. Opportunities to improve the landscape cover along the rear boundary should however be considered to ensure that the new dwelling does not detract from any incidental intervisibility with Church Farmhouse.

The proposed gates comprise coloured metal in an overly complex double sliding configuration with a brick dwarf wall on the road side and a rendered section behind. This element of the scheme remains unsatisfactory, and we would encourage a completely green landscape boundary and less engineered gates.

Recommendation

We recommend that the gateway and section of boundary wall is re-considered. Thought should also be given to landscaping on the southern boundary towards Church Farm.

These issues notwithstanding, we have no fundamental objection to the proposed development. In accordance with section 72 of the Act, the LPA should consider the desirability of preserving or enhancing the character and appearance of the CA. The proposal is considered to be a neutral change to the character and appearance of the CA. It is not therefore an enhancement, but provided that it is not harmful, it accords with the principle of preservation.

If approved, we would anticipate that full details of all facing materials, joinery design and architectural details will all need to be conditioned.

Comments received 28.12.18

Many thanks for consulting Conservation on the amended plans.

The amended boundary treatment to the road addresses our concerns. The hedge and mesh green fence will further soften the impact of development on the lane, and Conservation welcomes the proposed timber gates (precise details will need to be agreed).

We also welcome the retention of trees T8 and T9, as well as the additional trees to be planted on the southern boundary which shall help soften the impact of the new development on the listed farm complex.

We have no objections to the proposed development subject to appraise conditions and safeguards.

Archaeology Consultant - *No archaeological input is required.*

Nottinghamshire County Council Highway Authority - *The proposal includes the installation of automatic sliding gates along the site frontage. This has been verbally agreed with the Highway Authority having taken into consideration that the application site is restrictive in size resulting in difficulty positioning gates 5m from the highway boundary and also that Chapel Lane is a narrow one way road.*

Therefore, the layout as shown on drawing no. 2209/3 Rev. K is acceptable to the Highway Authority, and as such, there are no highway objections subject to the following:

1. No part of the development hereby permitted shall be brought into use until the hardstanding area at each access point shown on dwg. No. 2209/3 Rev. K has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the hardstanding areas are constructed/surfaced with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

NSDC Tree Consultant – *Previous comments still applicable:*

Although the submitted tree survey does not clearly show root protection areas it is considered that the proposal can be facilitated with minimal tree loss/impact on retained trees.

I would recommend that any approval conditions tree protection measures and soft landscaping that mitigates against proposed tree removal.

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 working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- g. Details of any scaffolding erection within the root protection areas*
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.*

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

3. Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.*
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,*
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.*
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.*
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.*

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.

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 Access Officer - *As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings.*

It is recommended that disabled persons and wheelchair users' access to, into and around dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. In particular, step-free access to and into the dwelling is important and a suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways and facilities all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

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

Neighbours/interested parties - 3 Representations have been received from a local resident/interested party which can be summarised as follows:

- No ecology appraisal has been submitted;
- Some comments made in the Design and Access Statement are incorrect in relation to Listed Buildings and designated and non-designated heritage assets which do exist and in relation to visibility – the proposed dwelling would impact of views and vistas being visible from a number of view points in the Conservation Area and the wider setting;
- The proposal would result in overlooking and loss of privacy by virtue of loss of boundary treatments and changes in land levels;
- The proposed 2 storey dwelling is larger in scale than the existing dwelling;
- The proposal would result in undue impact on the Conservation area by virtue of its design, scale and materials;
- The dwelling would be out of character with the surrounding area appearing incongruous and alien;
- Concern raised over dust during construction.

Appraisal

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 28th September 2017 Newark and Sherwood District Council adopted the Farnsfield 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 Farnsfield. 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

5 Year Housing Land Supply

With regards to the Council's current position with regards to 5 year housing land supply it is relevant to acknowledge that at the present time the LPA is well advanced in the process of a plan review with an examination which took place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date. This has also been confirmed by Inspectors through recent appeal decisions dated April 2018.

The site is located within the village envelope of Farnsfield which is defined as a Principal village as set out in the Settlement Hierarchy, Spatial Policy 1 of the Core Strategy. The principle of new housing is therefore considered to be acceptable subject to site specific assessment. Notwithstanding this, the proposal relates to a replacement dwelling and therefore there is no net addition of housing within the site. The proposal is therefore considered to accord with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle and policies FNP1 and 2 of the Farnsfield Neighbourhood Plan.

Impact on Character and the Conservation Area

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or

enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policy FNP7 of the Farnsfield Neighbourhood Plan relates to the quality of development and makes reference that developments should respond to Farnsfield Character Appraisal and Design Principles and the most recent Conservation Area Appraisal.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

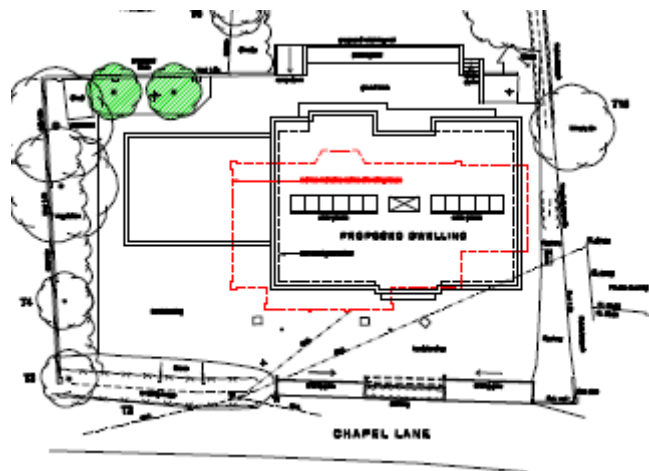
The comments received from the Conservation Officer detailed in the consultation section of this report are noted.

Third party representations have been received which raise concerns with regards to the scale of the proposed dwelling in proportion to the existing property on the site. The replacement dwelling would broadly sit within the footprint context of the existing dwelling.

The existing dwelling has a ridge height of 6.3m. In comparison the highest section of the proposed dwelling is 6.7m to the small projections to the front and rear and 6.2m to the main two storey element of the building, lower than the ridge height of the existing property. Given the flat roof design of the replacement dwelling it is acknowledged that this would present a larger elevation which is accepted would have a greater impact on the streetscene than existing, although this would not be so unduly harmful to justify refusal on these grounds. The plans below indicate the existing and proposed footprint and front elevation for comparison.



FRONT ELEVATION



It is also accepted that the contemporary and flat roof design of the proposed development would be very different from other properties within the surrounding area. However this in itself is not fatal to the application. I would concur with the Conservation Officer that modern and contemporary buildings can be appropriately accommodated within a historic setting without resulting in the loss of significance of the heritage asset. In this instance the proposal would replace a fairly modern late 20th Century property which has no significant architectural merit and which makes a neutral contribution to the Conservation Area setting of the site.

The proposed dwelling would be clearly read as a modern contemporary building. The design of the fenestrations and balance between the extensive glazing and facing materials would in my view assist in reducing its prominence in the streetscene and the wider setting.

There would be glimpses of the upper floors of the development and the proposed solar panels from public view points within the Conservation Area particularly when trees have shed their leaves. However, being mindful of the extensive glazed elements which would in officer opinion reduce visual impact and given the scale and location of the solar panels such views would not be considered to be so significantly different to existing views of the host dwelling to result in undue harm.

Following concerns raised by the Conservation officer in relation to concerns expressed with regards to the proposed gates and rendered block wall to the Chapel Lane frontage revised plans have been deposited. These now propose 1.6m high timber gates rather than metal gates and green mesh fencing with planting to the front to soften any impact rather than a rendered wall in line with the Conservation officers advice.

Precise details in terms of the design and appearance of the proposed fencing and gates are not shown on the revised plans. However the comments of the Conservation officer are noted and it is considered reasonable to attach a condition requiring the submission and written approval of such details should Members be minded to grant permission to ensure that these are appropriate to the heritage setting of the site.

Additionally, the revised site layout plan now shows the retention of trees annotated as T8 and T9 along the side boundary with the garden serving The White House as well as the additional trees to be planted on the southern boundary which would assist in softening the impact of the new development on the listed farm complex.

Taking the above into account overall I would concur with the Conservation officer that although the proposed development would be substantially different to the existing dwelling in terms of its modern design and materials it would have a neutral impact on the Conservation Area and heritage setting of the site and the wider area and as such would comply with Policies CP14 and DM9 of the Council's Development Plan, Policy FNP7 of the Farnsfield Neighbourhood Plan and the NPPF in this instance.

Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

I note the comments received with regards to overlooking and loss of privacy.

The single storey garage serving the proposed dwelling would be sited some 4m from the nearest shared rear boundary of the site with the raised garden serving White House (identified as The Cottage on the Site Location Plan) to the south.

The main windows (serving a dressing room and a bedroom) to the two storey element of the proposed building would be off set from this boundary and would be set circa 14m from the

nearest section of the rear boundary with this adjoining plot. The White House is an L shaped property is sited at a lower level than the proposed dwelling with ground and first floor windows to its rear elevation being between circa 42m and 48m distance from and which directly face the proposed dwelling.

There are existing mature trees and shrubs along this boundary and revised layout plans indicate that existing trees (T8 and 9) together with additional planting to the southern boundary is proposed to provide additional screening.

Taking this into account and being mindful of separation distances and that the dressing room window which would be the nearest directly overlooking window could be could reasonably be conditioned to be obscure glazed should Members be minded to grant permission, I am of the view that this relationship is acceptable.

Given the relationships and separation distances between the proposed dwelling and other adjoining plots to the south west (Hill Cottage and Launceston House) which are a minimum of 25m and maximum 50m together with existing landscape and boundary treatments I am satisfied that the proposed dwelling would not result in undue overlooking, overbearing or overshadowing impact.

Similarly, first floor windows to the rear elevation of the proposed dwelling would indirectly overlook the furthest rear area of garden of the immediate neighbouring property to the west (Waterstone View).

Although the proposed dwelling would present a full gable facing the side gable of Waterstone View which has first floor windows to the side, front and rear elevations which from planning records appear to serve an ensuite and study. There would also be a separation distance of circa 4m.

Given the nature of the window to this side gable together with the modest height of the proposed dwelling together with separation distances I am satisfied that the proposed development would not result in any undue overlooking, overbearing or overshadowing impact to justify refusal on these grounds.

Taking the above into account it is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

The applicant has been in discussions with the Highway authority with regards to access and the siting of the proposed gates. The Highway Authority has subsequently raised no objections to the proposed scheme as submitted subject to the recommended conditions outlined in the consultation section of this report which are considered reasonable.

It is therefore considered that the proposal would raise no parking or highway safety issues and as such would accord with policy SP7 and DM5 of the DPD.

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 application has been accompanied by a Tree Survey. The development would result in the loss of a number of trees within and along the boundaries of the site. However these are all category C2 in terms of their grading and replacement trees are proposed. It is considered that the loss of the trees proposed to be removed would not so unduly impact on the character of the site nor its Conservation Area setting to justify refusal on these grounds. Should Members be minded to grant permission landscape conditions would ensure that replacement trees would be of an appropriate species and maturity.

The application has also been accompanied by an ecological survey which has assessed the both the dwelling to be demolished and the garden area. This concludes that no evidence of roosting bats or nesting birds was found. On this basis there is no requirement for any further surveys. There is nevertheless an outlined procedure contained at Appendix 2 of the report which details the precautions to take if a bat is discovered during works.

The trees and scrub surrounding the dwelling were considered to offer potential for nesting birds and therefore the survey considered that any vegetation clearance should be constrained by the bird breeding season i.e. March to September. Should any bird clearance be required during this period the further survey works would be required.

Subject to conditions to this effect being attached to the permission should Members be minded to grant permission, I do not consider that the proposal would detrimentally affect the ecological value of the site.

Overall Balance and Conclusion

The existing dwelling by virtue of its modern 20th century design and appearance is considered to have a neutral impact on the character and appearance of the Conservation Area and nearby heritage assets. The proposed replacement dwelling, although of a contemporary flat roof design and appearance is not considered to have any greater impact than currently exists and is therefore also considered to have a neutral impact.

The proposed development is also not considered to have any significant detrimental impacts on visual or neighbouring amenity; the highways network; or the ecological value of the site. The proposal is therefore recommended for approval subject to the conditions outlined below.

RECOMMENDATION

Conditions

01

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

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

02

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

- Proposed Elevations Drg. No. 2209/5 Rev K received 26th October 2018
- Proposed Elevations Drg. No 2099/6 Rev G received 26th October 2018
- Proposed Floor Plans Drg. No. 2209/4 Rev K received 26th October 2018
- Proposed Sections Drg. No 2209/7 Rev A received 26th October 2018
- Existing and Proposed Elevations Drg. No. 2209/8 Rev B received 20th December 2018
- Proposed site Plan Drg. No. 2209/3 Rev L received 20th December 2018
- Proposed wall and Gates Drg. No. 2209/9 Rev A received 20th December 2018

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

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) 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.

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including details of glazing and any glazing bars and including doors and their immediate surroundings
- Rainwater goods
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

05

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

07

During the construction period 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 ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

08

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

09

No part of the development shall be brought into use until precise details of the proposed gates and fencing to the Chapel Lane boundary including types, height, design and materials, have been

submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

10

No part of the development hereby permitted shall be brought into use until the hardstanding area at each access point shown on dwg. No. 2209/3 Rev. K has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until the hardstanding areas are constructed/surfaced with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

12

The dressing room window opening on the rear elevation 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.

13

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.

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

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

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH – (tel: 01476 584800).

BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson 5840

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

Matt Lamb

Business Manager Growth and Regeneration

Committee Plan - 18/02018/FUL



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/02080/FUL		
Proposal:	Demolition of existing dwelling to create 4 new semi-detached dwellings.		
Location:	40 Winthorpe Road, Newark On Trent, Nottinghamshire, NG24 2AB		
Applicant:	JLK Architectural Design LLP		
Registered:	7 November 2018	Target Date:	2 January 2019
	Extension of Time Agreed until 16 January 2019		

This application is before Members for determination given the Committee have previously determined a scheme at this site in July 2018 and given that the Town Councils view differs from the professional officer recommendation.

The Site

The site lies within a suburban area of Newark. The site consists of a two-storey, detached residential dwelling and associated curtilage. This existing property is an attractive dwelling with central forward and rear projecting gables roof and chimney stack to its rear. The dwelling is white render with grey concrete roof tiles. Two flat roof garages adjoin the dwelling to the northern boundary whilst an open car port is attached to its south side which leads to its rear garden.

Boundary treatments to the front of the plot and southern side of the plot consists of a mature hedgerow with 2m high close boarded fencing to the rear. Along the northern side of the plot is a hedgerow, a 1.8 metre close boarded fence and the side wall of the neighbouring property.

Vehicular access into the site is from Winthorpe Road to the south-western corner of the site.

Neighbouring properties are residential. Properties on this side of Winthorpe Road are a mix of house styles and plot sizes but primarily are two storey in scale. Properties on the opposite side of Winthorpe Road are of a more uniform design predominantly comprising semi-detached dwellings. The rear of the site consists of a newer housing development (a cul-de-sac of 19 dwellings known as Spire Gardens) consisting of semi-detached and terraced properties at a higher density than the properties on Winthorpe Road. This was granted permission in August 2006 (06/00858/FULM) and has its access road between numbers 34 and 38 Winthorpe Road.

Relevant Planning History

18/00817/FUL – ‘Resubmission of 5 new dwellings on existing site’. Members considered this at the July 2018 Planning Committee and resolved to refuse contrary to officer recommendation. Decision issued 04/07/2018. Reason for refusal stated:

In the opinion of the Local Planning Authority (LPA) the proposal by virtue of the number of units
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and its siting and design constitutes an over intensive development for the site by dominating and filling the plot that would be harmful to both character and appearance of the area. This development would represent an over intensive level of development and use that would be inappropriate for its Arcadian context through the associated provision of a car dominated frontage to the detriment of the character and appearance of the area which cannot be fully mitigated. The proposal is therefore considered to be contrary to the Development Plan, specifically Policy Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and DM5 (Design) of the adopted Allocations and Development Management DPD as well as the NPPF a material planning consideration.

17/01396/FUL - Erection of 5 new dwellings. Refused 22nd September 2017 for the following reason:

In the opinion of the Local Planning Authority (LPA) the proposal by virtue of its siting and design constitutes over intensive development for the site by dominating the width of the plot with a solid wall of two storey development without visual relief that would be at odds with the character and appearance of the area. Additionally, the design is considered to be out of keeping with the area with the introduction of a building that has a vertical emphasis and the use of flat roof frontage projections in brick against the render are considered alien features resulting in a building that would deliver a poor design for its context. Furthermore, in order to make the scheme acceptable, ten parking spaces would need to be provided off street which would result in an over engineered and overly car dominated frontage to the detriment of the character and appearance of the area which cannot be fully mitigated. The proposal is therefore considered to be contrary to the Development Plan, specifically Policy Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and DM5 (Design) of the adopted Allocations and Development Management DPD as well as the NPPF a material planning consideration.

10/01216/FUL – Demolition of existing single storey dwelling and replacement with 2 no. 4 bedroom detached properties. Approved as recommended by the Planning Committee on 11th November 2010.

07/01127/FUL – Demolition of existing detached dwelling and erection of 2 no. detached dwellings. Approved under delegated powers on 24 October 2007.

The Proposal

Full planning permission is sought for the demolition of the existing dwelling and the erection of two pairs of semi-detached market dwellings.

For all dwellings at ground floor the accommodation would provide for an entrance hall with stairs off, cloakroom, open plan kitchen, lounge and dining area. At first floor are two double bedrooms with separate bathroom and all dwellings have a third bedroom with en-suite within the rear half of the roofspace served by a flat roof dormer window.

The proposed buildings are a mirror image of one another with the central two units sitting slightly further back in the plot than the dwellings at either end with the forward projecting element finished in a white render on the frontage. The remaining elements would be constructed in red brick with grey concrete roof tiles.

The two buildings would each measure c9.9m wide by c10.2m in depth whilst the height

is c5.06m to eaves and 7C.9m to pitched roof ridge-line.

The buildings are located c1.3m from the side elevation of no. 42 Winthorpe Road to the north-east and c1.28m to the boundary with no. 38 Winthorpe Road to the south-west.

Vehicular access would be taken off Winthorpe Road at two points and 2 parking spaces would be provided in front of each dwelling, totaling the provision of 8 spaces.

The plans have been amended during the course of the application in an attempt to address concerns raised by the case officer with regards to amenity. The application comprises the following plans, as amended, and it is on this basis that the application has been assessed:

- Existing block plan, drawing no. blpl Rev A
- Existing elevations, drawing no. exelev
- Proposed Block Plan, drawing no. blplanGF Rev E
- Proposed elevations, drawing no. propel Rev C
- Proposed street elevations, drawing no. str el Rev C
- Proposed ground floor, drawing no. propgfplan Rev E
- Proposed first floor plan, drawing no. propffplan Rev C
- Proposed second floor plan, drawing no. propffplan Rev C
- Site location plan, drawing no. locplan Rev A
- Design and Access Statement

Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter with a consultation expiry date of 29th November 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure
NAP1 – Newark Urban Area

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
DM3 - Developer Contributions
DM5 – Design
DM7 - Biodiversity and Green Infrastructure

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Publication Amended Core Strategy

Consultations

Newark Town Council – Newark Town Council's Planning Meeting - 28.11.18 – ‘Objection was raised to this application as follows:

- i) It is over intensive for the site;
- ii) It is not in keeping with the surrounding streetscape and the local character of houses nearby;
- iii) Members felt the proposed configuration for vehicle access and egress was dangerous given the traffic problems encountered on Winthorpe Road.
- iv) It was feared that if this application was to be permitted, it would set a precedent for other similar applications in the same area.’

NCC Highways Authority – 12/11/2018:

“This proposal is for the construction of 4 new dwellings, following demolition of the existing dwelling. There is an existing vehicular access in place to the south west of the application site, however, this will require widening as part of this application. A new vehicular access is proposed to the north of the site.

Two parking spaces are proposed per dwelling which is acceptable to the Highway Authority. There is a lighting column at the site frontage which may require relocation, and this will be at the expense of the applicant.

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 a dropped vehicular verge/footway crossing at the north of the site is 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 crossing at the south west of the site is widened and is available for use and constructed in accordance with the Highway Authority’s specification. **Reason:** In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan Rev. D. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. **Reason:** In the interests of highway safety.

Note to applicant

The development makes it necessary to construct a vehicular crossing and alter an existing vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact Via East Midlands, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

Should the lighting column at the site frontage require relocation as a result of this application, this will be at the expense of the applicant."

Trent Valley Internal Drainage Board – 'The site lies outside of the Trent Valley Internal Drainage 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 the site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.'

Two representation have been received from neighbours raising objections on the following summarised grounds:

- 4 dwellings is over-intensive and would look out of place;
- Loss of light and overshadowing to adjacent dwelling via velux windows, being so close to boundary and loss of evening sunlight, would increase tunnel effect.
- This would spoil the view which would now be a brick wall;
- Loss of privacy and garden of adjacent dwelling and that at the rear would be overlooked;
- Concern regarding the amount of cars (as most families have 2 cars) and parking/traffic issues if residents parked on the road or verge, as there is a bus stop outside number 44 and could put children at risk crossing the road. This will add even more traffic to the Lincoln Road which is heavily congested every evening;
- Out of keeping with the rest of the houses on the road, as all the houses are set well away from each other;
- Would affect the value of properties;
- If approved request that existing hedgerows are retained for security and privacy;
- Would not object to a two story development but three story deprives neighbours of privacy

Comments from the Business Manager

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

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This was confirmed by the Secretary of State in dismissing the appeals for the housing developments at Farnsfield (heard through a Public Inquiry which sat in November 2017) in April 2018. The policies of the Development Plan are therefore considered up to date for the purposes of decision making.

The Principle of Development

The site is located within the built up area of Newark which is defined as a 'Sub Regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

The proposal involves the demolition of the existing dwelling in order to facilitate the redevelopment of the site for 4 units. There is no objection to the principle of demolition. The house whilst attractive is of no special architectural interest and indeed I note the Local Planning Authority has previously agreed to the demolition by approving two schemes for redevelopment in the last 11 years.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties and parking/highway safety will all need to be taken into consideration and are discussed below.

Impact on the Character of the Area/Intensity of Development

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

Winthorpe Road is a residential road that has wide grass verges on both sides of the highway and front boundary treatments tend to be low brick walls or hedgerows with dwellings in spacious plots giving it a somewhat Arcadian, sub-urban character. Along the eastern side of the road the dwellings are generally two storey in a mix of styles and designs, some of which have been extended all in relatively generous plot sizes.

The existing dwelling sits centrally within the plot. Whilst in plan form this dwelling appears to span the width of the plot, in reality the single storey garages and car port provide visual relief to the two storey elements when viewing from the street. This is similar for many of the plots in the area.

The existing dwelling would be demolished and replaced with a two pairs of semi-detached dwellings with a gap between them of 1.35m. The gaps at either side of these dwellings would be similar spacing best appreciated from the street-scene plan submitted with the application.



The previous scheme refused at the Planning Committee in July this year (contrary to officer recommendation) was for 5 dwellings on the grounds that it was over-intensive. In my view the proposed development of 4 units is acceptable and whilst more intense than existing would not be unduly harmful to the street scene. The proposed materials palette being render, bricks and concrete grey roof tiles are acceptable and reflect the mixture of materials in the area. Overall I consider that the design is now acceptable.

There have previously been concerns (on the Member refused scheme) that the frontage would be car dominated which could not be fully mitigated; this was in respect of 5 dwellings whereby 8 parking spaces were to be provided. This application also proposes 8 spaces (2 per plot) so the key question is whether this reduction in the number of units and the design amendments persuades Members that this makes the scheme acceptable.

In order to facilitate the space for the parking spaces and associated maneuvering space, it is acknowledged that there would be little room left for additional soft landscaping. This would result in a frontage that is somewhat car dominated. However the frontage hedge would be retained apart from where the new access would be formed and the existing one widened. It remains my view that this would largely mitigate the visual harm from having 8 cars parked in the frontage. I also note that the adjacent property (at no. 42 Winthorpe Road) has its entire frontage block paved and this also retains a hedgerow to the frontage which successfully softens its appearance. Whilst more cars would be present in the case of this site, I remain of the view that on balance, providing the hedgerow was retained its harmful effect would be minimal. Conditions could ensure the frontage of the site was acceptable. However this matter that Members will need to carefully consider as it formed part of their reason for refusal in July this year.

Highway and Parking Impacts

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 reflects this, requiring developments to ensure that the safety, convenience and free flow of traffic are not adversely affected.

The proposed plans indicates that 8 parking spaces would be provided in front of the 4 dwellings, equating to 2 spaces per dwelling. Access would be via two vehicular access points off Winthorpe Road, an existing widened access and a newly created one to its north.

Whilst standing advice now applies, NCC Highways Authority have provided bespoke highways comments within which they raise no objection subject to conditions to ensure that a dropped curb is provided to the northern access, that a widened dropped curb is provided to the existing access to the south and that the parking and turning areas are available for use before the dwellings are occupied. I consider that all of these conditions are reasonable and can be imposed.

To conclude highway and parking matters are considered to be acceptable and in line with the relevant policies subject to the recommended conditions being imposed.

Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The

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

The plans have been amended during the course of the application in an attempt to address concerns raised with regards to amenity.

The windows proposed to be located along the front elevations of the properties will look onto the site frontage and will not directly overlook the properties on the opposite side of the road as they are located in excess of 37 metres from the proposed properties. Likewise the distance between the rear elevation of properties on Spire Gardens and the proposed rear elevation is in excess of 20m which is just sufficient to meet the needs of privacy.

The property to the north (no. 42) is an extended two storey dwelling with its blank gable facing the site and this is sited up to the boundary. One of the proposed dwellings would be sited adjacent to this shared boundary but would be set forward of this by c2.8m and doesn't project as far back into the plot as no. 42. The proposed dwelling would be against (an extended) part of the neighbouring dwelling that has a single storey garage projection with a bedroom window at first floor facing out over its driveway. There is another window (of an equal size) serving this bedroom facing to its rear giving it a dual aspect. Whilst the closest new dwelling would sit forward of the existing dwelling, I consider that the impact upon the amenity would be satisfactory in terms of it not being unduly dominating or oppressive. In coming to this view I have taking into account the distances involved, that it would meet the 45 degree test (which is a useful tool in assessing overbearing relationships as set out in the Council's householder extensions SPD) and the fact that this window is not the only source of light to the neighbours room. Therefore whilst noting the concerns received during the consultation process, taking all of these factors into account I do not consider there would be any unacceptable adverse impact in terms of overlooking, overshadowing or from being overbearing upon this dwelling.



No. 42 Winthorpe Road from public highway

No. 38 to the south is also two storey, sitting close to the shared boundary and again doesn't appear to have any windows facing the site. The proposed building that would be sited alongside this would be broadly in line with the frontage of no. 38, projecting back further back into the site than its rear main elevation by c1.9m at a distance between dwellings of c1.8m. In terms of its relation with no. 38 at the rear, this would be on the same building line as the existing dwelling to

be demolished at the point closest to the boundary such that I do not consider that the impact would be any greater than already exists and is acceptable.

The proposal would amount to the site serving an additional 3 dwelling units (i.e. 4 proposed units following demolition of 1). I have carefully considered whether the increased residential activity within the site would create harmful amenity impacts in terms of an increased activity and disturbance. However I am conscious that the site is situated within a relatively dense residential area and I do not consider that the additional units would be perceivable in respect to the existing movements and disturbance established by the residential characteristics of the area.

Other Matters

Drainage

The site lies within an area highlighted on the Environment Agency's mapping system as being within an area which is prone to surface water run-off in the form of superficial deposits. Given the scale of the development and the relatively low risk from flooding this is not a matter that the Lead Local Flood Risk Authority would offer comments upon. However I consider that a condition to provide details of surface water discharge disposal could be imposed if members are minded to approve the scheme.

Planning Balance and Conclusion

The principle of demolition and its redevelopment is considered to be acceptable. In terms of its intensity, it is acknowledged that the scheme would create 4 dwellings. I have concluded however that the spacing between the two pairs of semi-detached dwellings and their respective adjacent neighbours is acceptable and the spacing is adequate to retain the existing character and appearance of the area.

However previous Member concerns relating to the level of car parking would remain with 8 off-street parking spaces proposed for the 4 dwellings (whereas previously there were 8 spaces to serve 5 units). I remain of the view that whilst the frontage could be somewhat car dominated, this would be largely mitigated through the retention of the existing hedgerow which is important and can be controlled by condition. Impact on residential amenity is assessed as being acceptable and the level of car parking is considered sufficient.

It is now for Members to decide whether the reduction of 1 unit from the previous scheme negates their concerns regarding the intensity and impact upon the character of the area and whether this alone is enough to persuade them given that the parking position would remain as previously advanced. For the avoidance of doubt, my view is that this scheme is on balance acceptable. Whilst this proposal would result in some minor harm, overall it is not considered so harmful as to warrant a reason for refusal.

RECOMMENDATION

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

Conditions

01 (Time)

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 (Protection of fence during construction phase)

No development shall be commenced until the frontage (western) hedgerow shown to be retained on drawing reference 'proposed str el Rev C' has been protected by the erection of a chestnut pale or similar fence not less than 1.2 metres high at either the outer extremity of the hedgerow canopy or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority. The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the existing hedgerow to be retained is protected, in the interests of visual amenity and nature conservation.

03 (Continued retention of hedgerow at 2m in height)

The hedgerow along the frontage (western) boundary shall be retained at a minimum height of 2 metres for the lifetime of the development for its extent shown on approved drawing 'proposed str el Rev C) unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04 (Drainage)

No development, except for site clearance, shall 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.

05 (Materials)

No development above damp roof course shall be commenced until full details of the external facing materials (bricks, tiles and render finish including colour) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

06 (Boundary treatments)

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

07 (Provision of dropped curb)

No part of the development hereby permitted shall be brought into use until a dropped vehicular verge/footway crossing at the north of the site is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

08 (Dropped curb to be widened)

No part of the development hereby permitted shall be brought into use until the existing dropped kerb crossing at the south west of the site is widened and is 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.

09 (Provision of parking/turning areas)

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

Reason: In the interests of highway safety.

Note to Applicant

01

The development makes it necessary to construct a vehicular crossing and alter an existing vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact Via East Midlands, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

Should the lighting column at the site frontage require relocation as a result of this application, this will be at the expense of the applicant.

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

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

Background Papers

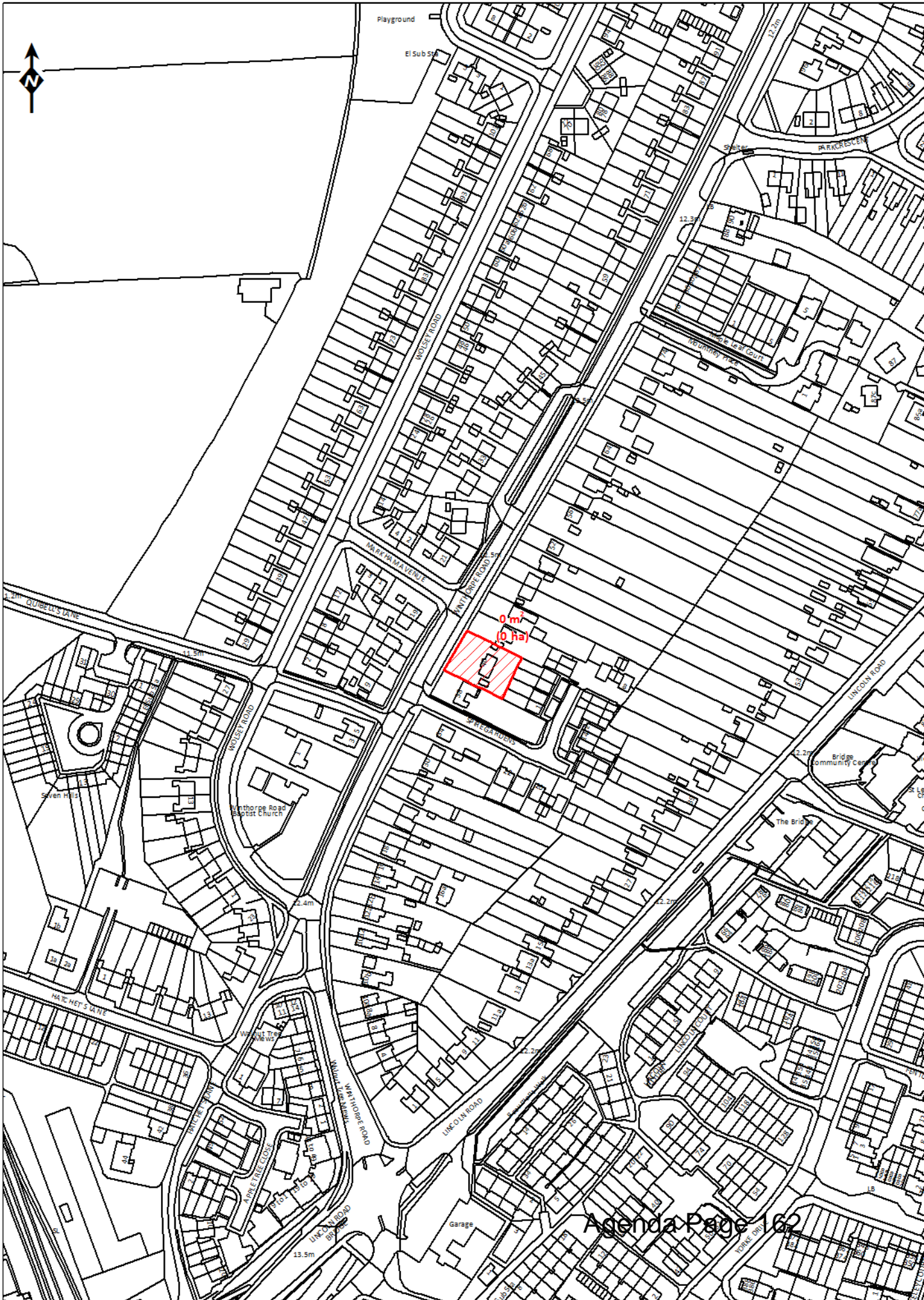
Application Case File

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

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

Matt Lamb
Business Manager Growth & Regeneration

Committee Plan - 18/02080/FUL



PLANNING COMMITTEE – 15 JANUARY 2019

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 application was on the agenda for the December meeting but was deferred (without being debated) for a site visit.

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 used 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 – 15 JANUARY 2019

Application No:	18/02125/FUL	
Proposal:	Application to remove Condition No.15 (Removal of Permitted Development Rights) from Planning Permission 18/00953/FUL.	
Location:	Balderton Hydro Pool, Gilbert Way, Fernwood, Notts, NG24 3FX	
Applicant:	Lowe Construct and Build Ltd – Mr Rob Lowe	
Registered:	15 November 2018	Target Date: 10 January 2019

This application is brought before Members as the Officer recommendation differs from that of the host Parish Council which under the Council's current Constitution should be brought to Committee for Members to determine.

The Site

The application site forms a housing site for 3 dwellings which are currently under construction in a parcel of land approximately 0.14hecatres within the Newark Urban Area as defined within the Newark and Sherwood Allocations and Development Management DPD.

The site is accessed from a cul-de-sac off Gilbert Way to the north of the site. The site is bounded by 1.8m high wooden fencing and gates to the entrance with Gilbert Way. The footpath which serves to open space to the west of the site runs along to northern boundary of the site.

To the north-east, east and south-east of the site are two storey residential properties. The south of the site is an existing area of trees, to the west of the site is an area of woodland beyond which is an area of open space and footpaths serving the residential development.

The site is relatively flat.

Relevant Planning History

18/00953/FUL - Proposed Erection of 3 Dwellings - Approved 27.07.2018

15/00846/OUT - Residential Development – Approved 08.01.2016 (this was for two detached two storey dwellings)

12/01273/OUT - Demolition of hydropool and residential development – Approved 13.11.2012 (this was for two detached two storey dwellings)

761059 - Hydrotherapy pool with changing facilities, shower and rest areas – Approved 19.11.1976

The Proposal

The applicant seeks planning approval for the removal of condition 15 from application

18/00953/FUL which relates to the removal of permitted development rights under the Town and Country Planning Order 2015 (as amended). The condition currently states:

“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.*

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 to safeguard protected trees.”

Documents/plans submitted in support of the application

Planning Statement Ref 19111 November 2018;
DRWG no. 342/2018 Site location plan

Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter and a notice has been displayed at the site.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan (adopted 2018)

NP1 – Design Principles for New Development
NP2 – Housing Type
NP3 – Residential Parking on New Development

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable Design

Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD (adopted July 2013)

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

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

Consultations

Fernwood Parish Council – Support proposal but states the Councillors were unclear why this was not tackled as part of the original application/decision and thought this should have been raised before the builds commenced.

Representations

Comments have been received from 3 neighbours/interested parties stating the following:

- Happy with the removal of the rights although some trees have been cut down to the rear of the site which I believe is contrary to the application conditions attached for protected trees;
- We object to any further extensions being allowed as the current proposal does and will impose on our property;
- Object to the removal of condition 15 as it would allow buildings closer to our property and to the felling of the trees which has been carried out by Mr Lowe.

Comments of the Business Manager

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

Following public consultation and independent examination, at its council meeting on 10 October 2017 Newark and Sherwood District Council adopted the Fernwood 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 Fernwood. 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.

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the previously approved development cannot be revisited as part of this application.

The application of conditions should pass the tests as set out in paragraph 55 the National Planning Policy Framework. This states that the Local Planning Authority (LPA) should keep conditions to a minimum and only impose where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable. The applicant is challenging that the condition is not necessary for the development.

Policy DM5 of the ADMDPD states the *“layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.”*

The main consideration of this application is the impact upon neighbour amenity should the bungalows be permitted to build out to their fullest under the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The Council has considered the implications of the permitted development legislation on the development under when considering the determination of 18/00953/FUL, and how this would impact the neighbouring properties should the new occupiers be allowed to build in such a way. It was deemed then that it would be harmful and that the Council should retain the ability to manage such impacts moving forward. It is this restriction that the applicant is seeking to remove.

For clarity the rights removed under 18/00953/FUL are for the following:

- *Class A: Enlargement, improvement or other alteration of a dwellinghouse.*
This includes:
 - *Erection of a rear extension up to 4m in depth from the rear elevation (8m through prior approval until 30th May 2019);*
 - *Up to 4m in height for any extension with an apex roof;*
 - *Side extensions up to half the width of the original dwelling;*
- *Class B: Additions etc. to the roof of a dwellinghouse.*
This includes:
 - *Increasing the volume of the roof by 50m³ regardless of the orientation to other properties;*
- *Class C: Any other alteration to the roof of a dwellinghouse.*
This includes:
 - *Additional roof windows on any orientation of the roofslope;*
- *Class D: Porches*
This includes;
 - *Provision of an extension over an existing doorway to 3m in maximum height and 3m² in floor area;*
- *Class E: Buildings etc. incidental to the enjoyment of a dwellinghouse.*
This includes;
 - *Erection of a detached building within the amenity space beyond 2m from a boundary to 4m in height (apex roof), 2.5m within 2m of a boundary and 3m in any other case;*
- *Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.*

This includes;

- *New hard surfaces i.e. raised decking above 300mm from external ground level under 5m² in area;*

The site is very contrived and bounded by residential dwellings of two and single storey. The development is for the construction of single storey dwellings, plot 1 to the front (north) of the site and plots 2 and 3 to the rear (south). Each unit has shallow gardens which in the case of plots 1 and 3 bound other residential properties.

To permit the ability for the occupiers to build to their uppermost extent is considered to severely impact upon the amenities of the neighbours on Rosefield Close to which I will explain in more detail. Having tried to be pragmatic and negotiate with the applicant on a variation to the condition instead of full removal, it was suggested to the applicant that the Council would be amenable to vary the condition to remove Class C, D and F. This however was not considered favourably by the applicant and therefore the application proceeds as submitted. Therefore I will take each plot individually and explain to Members the impact of the condition on each dwelling.

Plot 1

Plot 1 is a single storey dwelling located to the north of the site and to the west of no.9 Gilbert Way. It is orientated with its principal elevation facing north and its main amenity space and rear elevation to the south of the dwelling. Under the current Town and Country Planning (General Permitted Development) Order 2015 (as Amended) (subsequently referred to as the 'GPDO') this would not require planning permission for extensions to the rear providing it is not greater than 4m from the rear of the original property and up to 4m in maximum height for an apex roof. Under the amendments brought in by Central Government this depth can be increased to up to 8m under the Householder Prior Approval procedure which currently is due to cease on 31 May 2019. Given that the depth of the total garden (to the side of the garage) is 9m this would mean that if they built the extension to the maximum currently 'permitted' then there would be little or no amenity space remaining. In addition there is a neighbour amenity consideration which would result from the impact to no.9 Gilbert Way as this would fully enclose their western boundary and result in an oppressive outlook from their private amenity space.

The insertion of addition roof dormers within Plot 1 most notably to the rear roofslope would have the greatest impact upon the amenities of no.9 Gilbert Way from increased direct harmful overlooking upon their private amenity space. An extension to the roofspace by up to 50m³ could encompass the entire rear elevation which because it is on the rear elevation, there would be no restrictions on the glazing for windows. Therefore, should the condition be removed this could result in a dominating addition to the nearest neighbour if built to its extreme extent.

The provision of outbuildings under Class E would have similar issues to those already stated above. An outbuilding located close to the boundary with no.9 Gilbert Way and built to the maximum permitted (within 2m of the boundary) of 2.5m would result in an oppressive impact to no. 9 Gilbert Way. Beyond 2m from the boundary a 4m high apex roofed extension could be constructed, however due to the relatively small garden this would have little or no impact on neighbours but would drastically reduce the amount of useable amenity space for Plot 1.

In considering Class C, D and F I am satisfied that the impact would be minimal and I would not be opposed to their removal from the condition and the restrictions imposed within the GPDO would be acceptable to self-regulate the impact.

Plot 2

Plot 2 is a single storey dwelling located to the west of the extreme west of the site. It has its principal elevation to the north of the site and the amenity space and rear elevation to the south.

Due to the siting of this particular plot from existing neighbouring occupiers on Rosefield Close and Pine Close to the south, the only potentially harmful impacts would be upon the adjoining occupiers of Plot 3.

Again as with Plot 1 rear extensions would be up to 4m in depth and 8m under the prior approval process. This would result in an oppressive and harmful impact upon the living amenities of future occupiers of Plot 3.

The installation of roof dormers under Class B would be sited on the side of the dwelling due to the design of the roof. Under Class B any new windows in side roof dormers should be obscurely glazed and non-opening to 1.7m from internal floor level. Therefore given the juxtaposition of the two plots, I consider that the impact of the roof dormers would be self-regulating within the restrictions already in place within the GPDO.

Class E for outbuildings whilst this would have some impact upon Plot 3 I do not consider this would be so harmful if built out to the fullest extent due to the expanse of amenity space and depth of garden at Plot 3 which is larger in area than Plot 1.

Plot 3

Plot 3 is a single storey dwelling located to the east of the site sharing side and rear boundaries with no. 4, 6, and 8 Rosefield Close. It has its principal elevation facing north and the amenity space and rear elevation facing south towards no.8 Rosefield Close. Plot 3 has the largest amenity space of the 3 plots but is also heavily bounded by existing residential properties.

The main considerations for this plot are upon the amenities of no.6 and 8 Rosefield Close from Class A, B and E.

As with the previous plots rear extensions are up to 4m in depth and 8m under the prior approval process. Whilst also impacting negatively on the future occupiers of Plot 2 an extension of between 4 and 8m in depth would fully enclose the rear boundary of no.4 Rosefield Close, which has its rear elevation approximately 11m from Plot 3, with a harsh brick elevation. Whilst this arrangement is not unusual in residential circumstances the outlook from no.4 Rosefield Close would be oppressive, stark and heavily built up, thus resulting in a negative impact to their amenity.

To permit the insertion of roof dormers to the rear elevation would increase not only the ability to directly overlook the neighbouring occupiers at no.6 and 8 Rosefield Close but the perception of overlooking upon their private amenity space. The rear elevation of Plot 3 is approximately 6m from the boundary with no.6 and approximately 12m from no.8. Should a large roof dormer be sited in the rear roofslope I consider that due to the juxtaposition with neighbouring land users the result could be detrimental to the neighbours amenity from direct overlooking and the perception of overlooking which can be equally harmful.

Class E and the erection of detached outbuildings would potentially have a detrimental impact upon the amenities of no. 6 and 8 Rosefield Close depending on the siting of the outbuilding within the plot. If the outbuildings are sited to the southern boundary then due to the location of no.8 being approximately 5m from this shared boundary, a 4m high outbuilding within Plot 3 would have a considerably oppressive impact upon their amenity. Likewise at no.6, the distance from their boundary is 8m (approximately), nonetheless this is still considered to result in an oppressive outlook should an outbuilding be 'permitted' within the grounds of Plot 3.

On the basis of the above explanation, it is still considered that Condition 15 of 18/00953/FUL complies with the 6 tests of applying conditions as set out in the NPPF and is indeed necessary to the development to secure the long-term amenity of both the existing and future occupiers. The condition does not restrict any development to the properties, it purely means that development and the siting, scale and design of such should still be managed by the LPA through a separate planning application process to ensure the impact on neighbouring occupiers is fully considered and mitigated for where possible.

Conclusion

Taking the above into account and reflecting upon the condition it is considered that a variation would be acceptable to remove Class C, D and F however when approaching the applicant with this amendment they were not forthcoming and they requested for the application to proceed as submitted with the removal of the entire condition and Classes stated therein.

On that basis it is considered that for the reasons stated above the condition is still considered to pass the criteria as set out in paragraph 55 of the NPPF and is necessary to protect the amenity of nearby occupiers and any future development should be 'managed' through the planning system to ensure the development is appropriate. As such the condition should still be imposed and the application fails to accord with policy DM5 of the ADMDPD and paragraph 55 of the NPPF which is a material planning consideration.

RECOMMENDATION

That full planning permission is refused due to the following reasons:

01

In the opinion of the Local Planning Authority, the condition is considered to pass the tests of applying conditions as set out in paragraph 55 of the National Planning Policy Framework and is still considered necessary. The condition is required to appropriately manage future development at the plots and the resulting impact upon neighbouring occupiers. It is necessary that the scale, design and siting of future development is appropriately managed by the Local Planning Authority to consider such impact upon neighbour amenity. Therefore the proposal is considered to fail to accord with policy DM5 of the ADMDPD and paragraph 55 of the National Planning Policy Framework and Planning Practice Guidance which are material planning 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 Lynsey Tomlin on Ext 5329.

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

Matt Lamb
Business Manager Growth and Regeneration



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01925/FUL	
Proposal:	Proposed detached residential annex	
Location:	Marlock Chase, Station Road, Fiskerton, Nottinghamshire, NG25 0UD	
Applicant:	Mr & Mrs Rule	
Registered:	25th October 2018	Target Date: 20th December 2018

The application is reported to Committee as the Officer recommendation is contrary to that of the Parish Council.

The Site

The site is located to the NW of the village of Fiskerton, close to the village's train station. The site is relatively isolated and has no immediate neighbours, with Station Road to the NE and Station Lane to the NW. The wider site currently comprises a detached bungalow with detached garage to the west of the dwelling and an agricultural/stable building to the SW of the site. The land proposed as part of this application currently open with new tree planting and is joined with the residential front garden associated with Marlock Chase. However aerial imagery from 2016 shows that the site previously formed part of the paddock to the rear of the site but the fencing has been relocated since this image was taken; there is no planning history to suggest that the use of the land has been lawfully changed to residential curtilage.

There are two accesses to the site, one directly serving Marlock Chase which is the main access, with the other to the NE corner of the site, close to the proposal site. This latter access does not appear to be in regular use currently although is gated.

The proposed site lies within flood zone 2 with the wider Marlock Chase site also within Flood Zone 2 of the Environment Agency's Flood Maps.

Relevant Planning History

09/01012/FUL - Householder application for the erection of two-storey extension to east elevation (permitted 23.09.2009)

03/01341/FUL - Proposed extension (permitted 14.07.2003)

39910515 - Racecourse training centre including stable block, menage and bungalow (permitted 07.08.1991)

39900649 - Dwelling for trainer/assistant barn type stable unit with staff rest room and WC (refused 11.04.1991)

The Proposal

Full planning permission is sought for the erection of a detached single storey annexe located approximately 20m to the east of the main dwelling. The annexe would measure 14.1m in width, 5.9m in depth and 5.8m in ridge height. The annexe would provide 1no. bedroom, wet room, hall, living area and store with WC. Cooking facilities would be shared with the main dwelling.

Access to the annexe would be via a footpath leading from the driveway serving Marlock Chase.

No details on materials to be used in the construction of the building have been submitted with the application.

Submitted Documents

The following documents accompany the application:

- Site location plan
- Proposed ground floor plan - 372_2018_01
- Proposed elevations - 372_2018_02
- Existing site plan - 372_2018_03
- Proposed site plan - 372_2018_04
- Planning, Design and Access Statement dated October 2018
- Flood Risk Assessment dated October 2018

Public Advertisement Procedure

The occupiers of three nearby properties have been consulted on the application.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

*National Planning Policy Framework 2018
Planning Practice Guidance 2014
NSDC Landscape Character Assessment 2010*

Consultations

Fiskerton-cum-Morton Parish Council – Support the proposal but have included the following comment,

Concerns re setting a precedent of building 2 proposed on plot which was originally meant for 1.

NCC Highways – This proposal is for a single storey detached residential annexe within the curtilage of Marlock Chase. The site is of sufficient size to easily accommodate this proposal. The information and plans submitted demonstrate that the residents of the annexe will share the use of kitchen facilities with the main dwelling.

Therefore, the Highway Authority would not wish to raise objection to this proposal subject to the following condition being imposed:

The proposed annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Marlock Chase.

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

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

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.

Environment Agency – *We have reviewed the documents submitted with this application and on this occasion the Environment Agency has no formal comment to make. We note that the development is classed as 'More Vulnerable' and located within flood zone 2 and therefore the applicant should be made aware of our standing advice which can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>*

If any aspect of the proposal changes such that you feel it may pose significant environmental threat then please do not hesitate to contact us.

LCC Archaeologist – *This proposed development site lies within an area of known archaeology, there are known settlement remains in the immediate vicinity that could extend into this site. These remains have been tentatively interpreted as Roman but could also relate to medieval settlement, the potential for disturbing archaeology during this development is high.*

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

'Local planning authorities 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.

Ramblers Association – No comments received

No other letters of representation have been received.

Comments of the Business Manager

Principle of development

The application seeks to erect an annexe adjacent to Marlock Chase for the current owners of Marlock Chase to move into to prepare for later life. 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.'*

In accordance with the above, it is considered that Policy DM6 relating to householder development would not be the appropriate policy to assess the proposal in this particular instance. The scale and character of the proposed annex are more akin to a separate dwelling, having a footprint of 89m² (including porch) and a ridge height of 5.8m, which is 1.1m higher than the ridge height of the main dwelling, with the exception of the extension built c.2009. I therefore would not consider the annexe to sit as a subordinate building to the host dwelling.

I am mindful that the proposal seeks to rely upon the host dwelling for kitchen facilities. It is noted that internally there is sufficient space for a kitchen to be added at a later stage without requiring consent from the local planning authority. I must take the applicant's proposal in good faith that the intention is for the occupiers of the annexe to share facilities with the host dwelling. However,

the proposed annexe is some 20m from the host dwelling and thus is not well-related to the dwelling; this distance, in my view, would not be wholly practical for sharing facilities, particularly during times of bad weather or ill-health. The distance would also be impractical should the occupiers have limited mobility in later years.

Aside from the above, there is the issue that the land proposed to accommodate the annexe is not part of the residential curtilage associated with Marlock Chase as its most recent lawful use was a paddock. It is noted that the fence line for the paddock is now to the south of the proposed annexe location, however aerial imagery from 2016 shows the fence line of the paddock to be further north, close to the boundary with Station Road and thus encompassing the proposal site. The paddock is also shown in this location on the 2009 planning application detailed earlier in this report. The proposal would therefore also involve the change of use of the land from paddock to residential.

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.

In addition to the above, the change of use of the land is not explicitly supported by Policy DM8 of the DPD; the paddock usage is supported within the Open Countryside as it is accepted as a rural use. The change of the land to residential curtilage lends the site to further domestic development which would result in encroachment of the countryside. Policy DM8 seeks to avoid this and therefore I am of the view that the principal of the change of use is unacceptable; there has been no justification submitted with the application to support this change of use.

Whilst the proposal is presented as an annexe which would share facilities, the distance occupiers would have to travel is not considered to be practical. The layout of the site is also such that the site could easily be subdivided in future to create an independent dwelling and even without subdivision the size of the curtilage supports independent living. 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

In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In this regard I consider it is important to retain the character of the landscape and prevent development from encroaching upon its rural characteristics.

The proposed annexe would be located some 20m from the existing dwelling on the site and as such is not particularly well-related to the dwelling as ancillary accommodation. The proposed annexe would be highly visible from the public realm and given the separation distances between the two buildings, could indeed appear as a separate dwelling when viewed from the public realm. Indeed there is an existing access close to the proposed siting of the building which could be utilised without the consent of the LPA, thus limiting the number of facilities the annexe would rely upon from Marlock Chase. Given the open characteristic of the surrounding area, the addition of built form is likely to have a significant impact upon the character of the area through the addition of built form. The erection of a large building within the paddock would impact upon the views of

the site and detract from the open character, with the new building likely to be perceived as encroaching upon the countryside.

As alluded to above, the proposed annexe in my view provides a footprint over and above that necessary for an annexe and has a considerable footprint (89m²) which in plan form competes with the original footprint of Marlock Chase and is indeed greater in height than the majority of the principal dwelling. As such I do not consider this to be wholly subservient to the host dwelling.

In terms of its design, the annexe would be relatively simple in appearance, as is the host dwelling, however no details in the materials proposed have been submitted and thus should Members be minded to approve the application, these details would need to be conditioned. Assuming they reflect the rural character of the area, it is likely that they would be considered acceptable.

Given the location and scale of the proposed annexe, it is concluded that the proposal would be contrary to the aims of Policy DM5.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity. Given the distance from the nearest dwellings I am satisfied that the annexe would not have a significant detrimental impact upon neighbour amenity.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM5 seeks to ensure no detrimental impact upon highway safety.

I note the comments of the Highway Authority and consider that the proposal would not raise any highway safety issues subject to the suggested conditions. As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety in accordance with Spatial Policy 7 and Policies DM4 and DM5 of the DPD, however this does not outweigh the issues outlined above.

Flood Risk

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The NPPF states within paragraph 155 that inappropriate development in areas at risk of flooding

should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

The Application Site sits within Flood Zone 2 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that the wider site owned by the applicant is within Flood Zone 3, with much of the surrounding are within flood zones 2.

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 158 of the Framework confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built.

However, if the Sequential Test is considered locally, the proposed site is at a lower risk of flooding that other parts of the site. As the proposal is for an annexe that would be reliant upon Marlock Chase, it would not be appropriate for the annexe to be located away from the site and therefore I am of the view that the proposal for an annexe would pass the sequential test.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site is adequately protected and is not at significant flood risk, and would not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented. These strategies include raising the floor levels to 0.6m above ground level to 15.45m AOD with flood resilience to 15.75 AOD. However, no details on sustainable drainage have been submitted at this stage.

The Environment Agency have been consulted on the proposal and have raised no objection to the proposal, subject to a condition relating to mitigation measures. I am therefore satisfied that the proposal would meet local and national planning policies in respect of flood risk.

Conclusion and Planning balance

The proposal is for the erection of a residential annexe adjacent to Marlock Chase. The annexe would be located within an area that formally formed part of a paddock associated with Marlock Chase. I do not consider 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 of the core strategy, policies DM 5 & 8 of the ADMDPD and the NPPF which is a material consideration.

The proposed change of use of the land also needs to be considered. The site lies within the Open Countryside where development is strictly controlled through Policy DM8 of the DPD and the NPPF. The change of use of the land has not been justified.

The proposal is considered unlikely to have an adverse impact upon neighbour amenity, highway safety or flood risk, but these neutral aspects of the scheme do not overcome the issues with the principle of development in this instance.

In conclusion, it is recommended to Members that the application is refused as 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.

Recommendation

That full planning permission is refused for the following reason;

01

The Local Planning Authority does not consider the proposed 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 would result in a detrimental impact on the character and openness of the surrounding countryside. 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's lawful use is a paddock and therefore the development would comprise a change of use of the land to residential curtilage. In the opinion of the District Council, the proposal would result in encroachment of the countryside through the change of use of the land which is contrary to the aims of Policy DM8 of the Allocations and Development Management DPD. There is no justification which would outweigh this harm.

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.

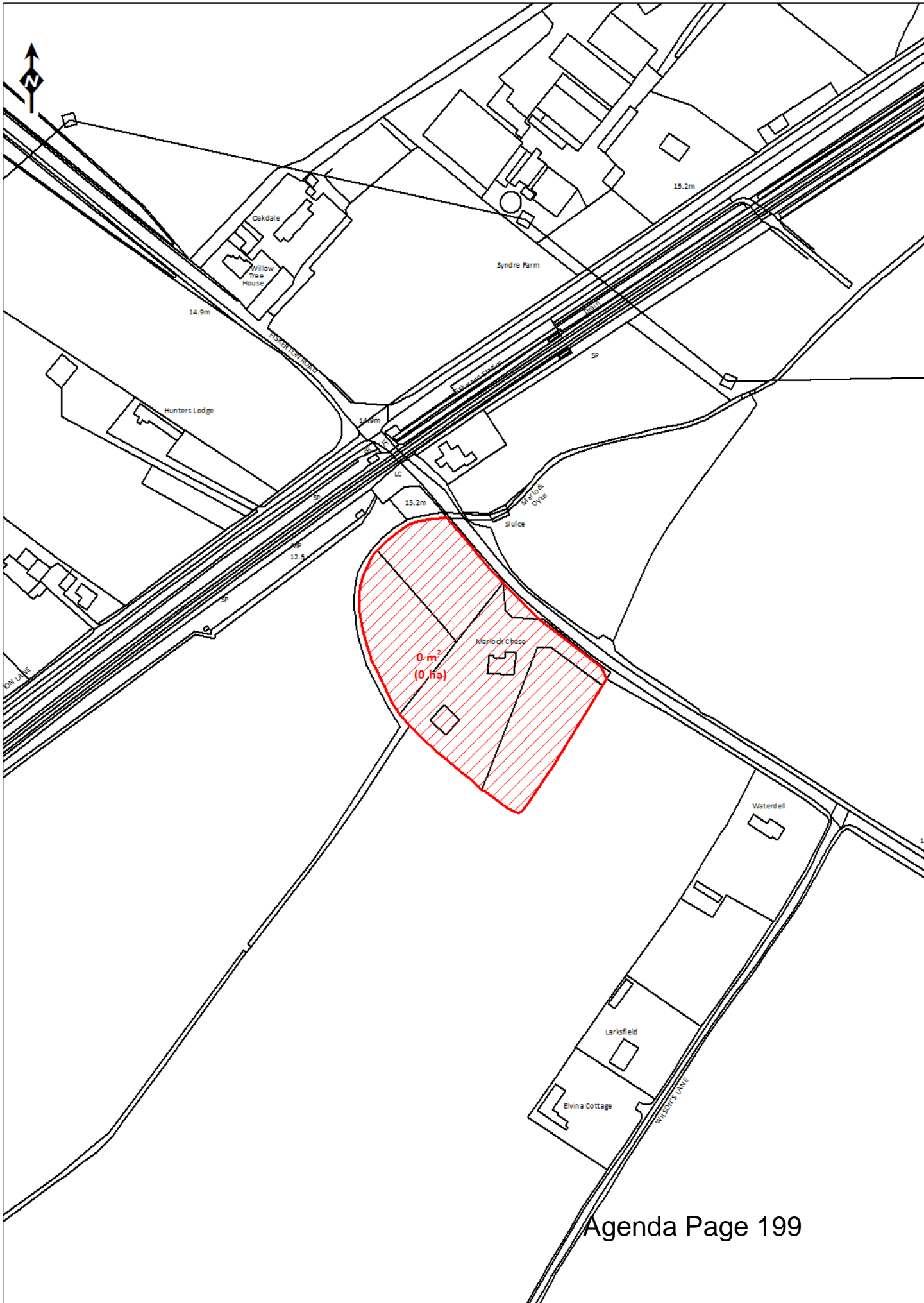
BACKGROUND PAPERS

Application case file.

For further information, please contact 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 – 15 JANUARY 2019

Application No:	18/02002/FUL	
Proposal:	Extension to the existing barn for hay storage	
Location:	Field Reference Number 8708, Gravelly Lane, Fiskerton, Nottinghamshire	
Applicant:	Mr Gary Davies	
Registered:	30th October 2018	Target Date: 25th December 2018

This application is before the Planning Committee as the officer recommendation differs from the views of the Parish Council.

The Site

The application site contains part of an agricultural field lying within the open countryside between the main built up areas of Fiskerton, to the east, and Morton, to the west. It contains a modern agricultural building clad in dark green which is sited side on to the highway. This building has a door plus roller shutter opening to the western end elevation. Beyond the building is a post and rail timber fencing which separates the building from a paddock where a horse was out to pasture at the time of the officer site visit.

The site lies to the south of Gravelly Lane which is a single carriageway road. The northern boundary of the site has a wooden post and rail fence with metal access gates where it adjoins Gravelly Lane. Beyond this, the boundary with Gravelly Lane to the east is lined with a mature hedgerow and trees. Access to the site is currently gained through two sets of farm gates.

To the north, south and west of the application site is agricultural land, to the east is a residential property. A touring caravan is stationed on the land to the south-west of the application site.

The site lies within Flood Zone 2 according to the Environment Agency flood risk maps.

Relevant Planning History

15/01673/FUL – Erection of agricultural storage barn (resubmission of 14/02165/FUL). Approved 15 January 2016. This has been built out on site.

14/02165/FUL – Agricultural Barn. Refused 24/04/2015.

“Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD seek to protect the open countryside from inappropriate development. Whilst both of these policies allow for agricultural development in the open countryside, the need for the development, as well as justification for its siting and scale must be demonstrated. Any such development should also reflect the character of the location and landscape setting. No

information has been provided which demonstrates that there is a need for the agricultural building or car parking spaces and there is already provision on the wider site for the storage of agricultural equipment in an existing caravan. As such, no need for the development has been justified. In addition, no justification for the design and materials to be used in the agricultural building has been provided and those proposed are not in keeping with the character of the surrounding open countryside. The development is inappropriate development in the open countryside and is contrary to Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD.”

14/01624/AGR - Prior notification for a proposed agricultural building – implement store – Notified that planning permission was required 06.10.2014

13/01590/LDC – Application for Lawful development certificate to station two static caravans on the land for ancillary to the land. Split decision approving lawful development certificate for stationing one caravan issued 13.03.2014.

11/00807/FUL – Erection of agricultural barn, polytunnels and underground water tank. Refused 08/09/2011.

11/00386/FUL – Erection of 1 barn for rabbit breeding, 3 polytunnels, mobile poultry houses and 1 septic tank. Withdrawn 03.05.2011.

39880942 – Residential Development – Refused 05.06.1989.

The Proposal

The application is for an extension to an existing agricultural building for an open fronted 3 bay hay store. The extension would be off the rear (south) elevation extending off the existing roof slope extending out by 4.57m for the full length of the building (18.28m) and would be in materials to match the existing.

The application is accompanied by the following:

- Drawing 2A – Proposed Extension to Agricultural Store (Elevations)
- Drawing 3A – Proposed Extension to Agricultural Store (Block Plan & SLP)
- Flood Risk Assessment
- Site location plan – Drawing no. 3

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas

Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance

Consultations

Fiskerton Parish Council – Support the scheme with 6 votes to 1 objection.

This Environment Agency – This planning application is for minor development in flood zone 2. Standing advice therefore applies.

NCC ROW – No response received.

Ramblers – No response received

No representations have been received.

Comments of Business Manager

Principle of Development

The site is within a rural area and falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This states that the countryside will be protected. It goes on to say that development will be assessed against 5 criteria, including ‘need’ and lists ‘Development which supports local agriculture and farm diversification’ as an appropriate form of development. It then signposts the reader to the Allocations and Development Management DPD. As the proposal is outside of the main built up area of the nearest settlement, the proposal represents development in the open countryside to be considered against Policy DM8. This states:

“In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of the village, in the open countryside, will be strictly controlled and limited to the following types of development;

1. *Agricultural and Forestry Development Requiring Planning Permission.*

Proposals will need to explain the need for the development, its siting and scale in relation to the use it is intended to serve...” (bolded text is my emphasis)

It is clear to me from reviewing the site history that the original building was applied for (and granted) on the basis of it being an agricultural building for the storage of machinery for the upkeep

of the land holding which amounts to three fields. This proposal seeks to extend an existing barn approved in 2016 that has been built out on site. The applicant has advised that the extension is related to the keeping of a maximum 4 horses on the land and is required to house dry hay and food stock, tools, small machinery and horse related tackle. This is in connection with the applicant's personal use and not related to a commercial activity as confirmed by their email of 18th November 2018.

The applicant has confirmed that *'just to confirm the barn is for agricultural use only also we graze sheep on there annually. It is an agricultural unit and has DEFRA registration.'*

It appears that planning permission was granted for an 'agricultural storage barn' on 15th January 2016 (under planning reference 15/01673/FUL) after previous applications were refused on lack of proven need. As part of the application for this extension of the barn, the case officer requested to view the barn internally to gain an understanding of the need to expand it. From what was seen on site of the contents of the building, some of the items did not appear to be in connection with the agricultural use (there were various items stored inside that are not necessarily agricultural based more perhaps more akin to those associated with a hobby) and there appears to be adequate space internally to store the hay necessary to serve the size of the land holding. The applicant has been invited to provide further justification for the proposal but to date this has not been forthcoming.

Development in the countryside is strictly controlled by policy and must be proven to be necessary in order to be permitted. I am not convinced that there is a need for a hay store on the site given the size of the existing building. I am of the view that the proposed extension represents an unsustainable form of development given the lack of apparent need for the additional space and is a proposal that should be resisted as a matter of principle.

Visual Impact

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 the scale, form, mass, layout, design materials and detailing of 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.

The site is identified within the Landscape Character Assessment as being within the Trent Valley Policy Zone 9 (Bleasby, Morton and Fiskerton Village Farmlands). The landscape condition is defined as moderate and is generally flat low lying landscape with a policy action of conserve.

The extension would be no higher than the existing building and is modest such that I consider there would be negligible impact upon the landscape. In terms of materials the existing barn is constructed of cement fibre roof and Juniper green sheeting for the walls. The proposed extension is to be built of materials to match. This is open sided on its longest elevation (south) and clad at each end elevation. It is discretely located such that it wouldn't be visible from the public highway albeit it would be visible from the public footpath to the west. However the extent of the building is modest such that I do not consider that this would have a harmful impact upon the surrounding countryside and in my view is acceptable in the context of the relevant policies in respect of its visual appearance.

Impact on Flood Risk

Core Policy 10: Climate Change of the Newark and Sherwood Core Strategy and Policy DM5: Design of the Newark and Sherwood Allocations and Development Management DPD seek to ensure that development is located in areas at lowest risk of flooding and does not increase flood risk either on or off site.

The application site lies within Flood Zone 2. The applicant has submitted a brief Flood Risk Assessment which states that the barn would be used for hay storage and that as such the building would be designed to permit flood water to enter so that no flood storage capacity is taken up. It also states that given the nature of flooding in this area, it would be possible to have advance notice of potential flooding and remove any vulnerable items. The Flood Risk Assessment states that the proposed use is a low risk one and can be acceptable within the floodplain.

The proposed development falls within the category of "less vulnerable" development in relation to flood risk. Environment Agency standing advice applies and it is not considered necessary to require any specific flood resilience measures to be incorporated into the proposed agricultural barn.

It is not considered that the proposed development would have a detrimental impact in relation to flood risk and would not increase flood risk elsewhere. As such, it does not conflict with Core Policy 10 or Policy DM5 in this regard.

Impact on Residential Amenity

Policy DM5 (Design) seeks to ensure that new development does not have any detrimental impacts on the amenities of neighbouring residential properties.

As stated above, the application site lies to the west of an existing residential property. The proposed extension to the existing barn would be sited over 20 metres away from the nearest part of the neighbouring dwelling, as permitted which constitutes a building housing a hydrotherapy pool. There are no windows on the western elevation of this proposed building which face towards the application site. The nearest window of the residential property which would directly face towards the application site is a first floor bedroom window with Juliet balcony which would be over 30 metres from the proposed agricultural building.

It is considered that given distance of separation between the new building and the neighbouring property (as permitted) would not be harmful to the residential amenities of the dwelling and would not result in a loss of privacy or overbearing impacts. No other property would be unduly

affected. Overall, it is therefore concluded that the proposed development would be in accordance with policy DM5 in this regard.

Highway Safety

The existing access would be used which leads to on-site parking. The proposal to incorporate an area for hay storage will not affect nor lead to any increase in traffic generation or highway safety issues in compliance with DM5 and SP7.

Conclusion

Development in the open countryside is strictly controlled and must be proven to be necessary in order to be supported. Having considered the applicant's justification, the size of the building, the amount of land that it supports I am not convinced that the extension is necessary. It appears to me that there is ample space within the existing building to store hay.

Whilst I am satisfied that the extension would have no significant adverse visual impact (albeit the proposal would have some impact insofar as the countryside would be less developed if it were not there at all), harm in terms of flood risk, highway safety or effect on the living conditions of the closest neighbours, I consider that the proposal amounts to an unsustainable form of unnecessary development in the open countryside as a matter of principle, contrary to SP3 and DM8 of the Development Plan. It is also contrary to the principles of sustainable development as set out in the NPPF, a material planning consideration.

RECOMMENDATION

That planning permission is refused for the reason shown below:

Reason for Refusal

01

Development in the countryside is strictly controlled by policies Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD and must be proven to be necessary in order to be permitted. In the opinion of the Local Planning Authority the extension of a hay store to a previously approved agricultural building has not been adequately justified as being necessary to the proper functioning of the agricultural land which it serves. The proposal represents an unsustainable form of development that should be resisted as a matter of principle and is contrary to SP3 and DM8 of the Development Plan. The proposal is also contrary to the principles of sustainable development as set out in the NPPF, a material planning consideration.

Note to Applicant

01

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant inviting the applicant to provide further justification for the proposal.

02

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

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

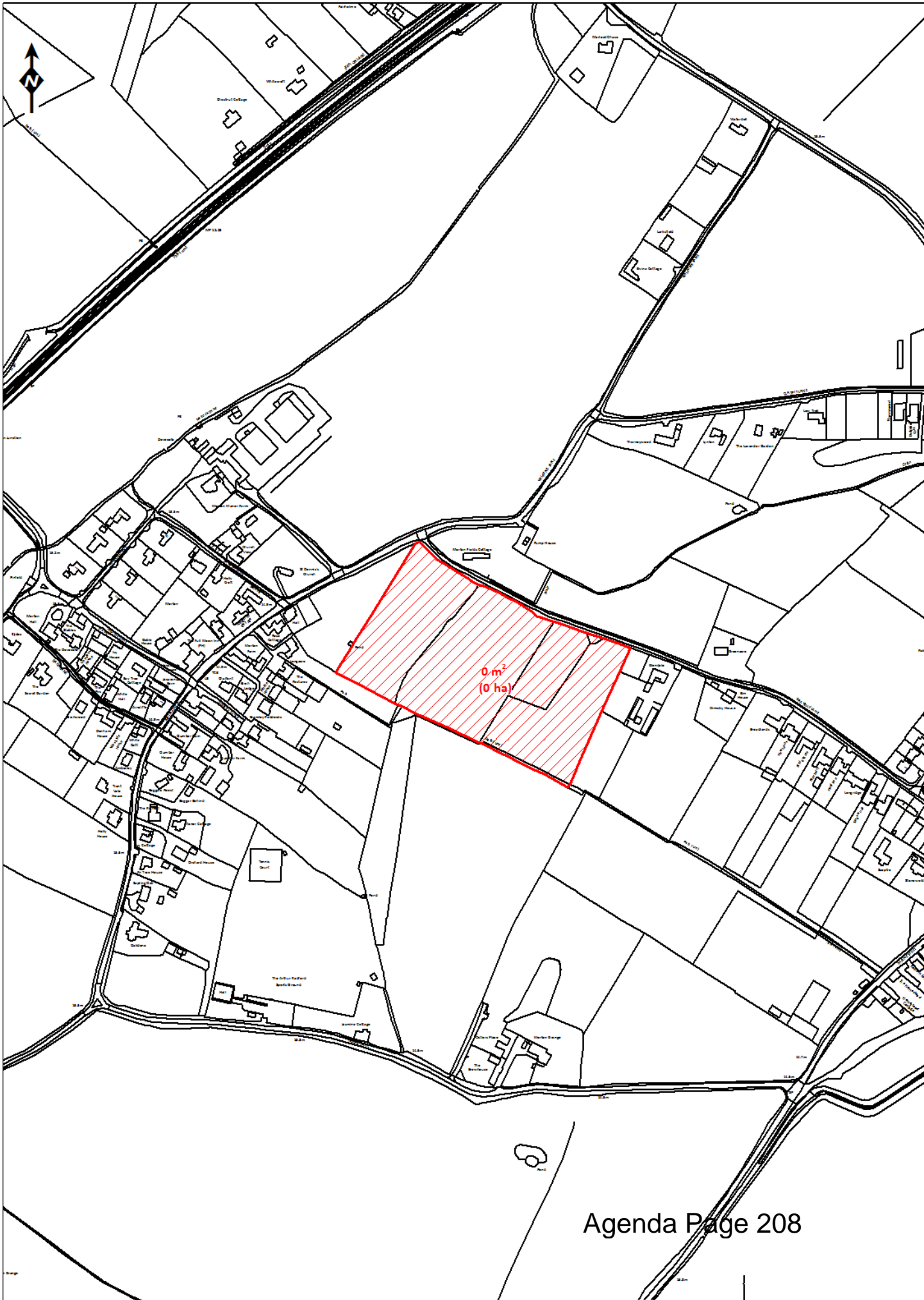
Background Papers

Application Case File

For further information, please contact Clare Walker on ext: 5834.

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

Matt Lamb
Business Manager Growth & Regeneration



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/02020/FULM	
Proposal:	Change of use of land for use as a construction industry and agricultural plant training centre and the construction of industrial and agricultural plant and lifting operations (retrospective)	
Location:	Land at Newark & Notts Showground, Fosse Road, Winthorpe	
Applicant:	Mr David Lidster, DL Training	
Registered:	14 November 2018	Target Date: 13 February 2019

This application is being referred to the Planning Committee for determination by the adjacent ward member (Cllr M Dobson) on the grounds of visual amenity.

The Site

The site lies within the parish of Coddington and forms an open area of land adjacent to the Newark Showground, to the north-east of (and outside of) Newark Urban Area and east of Winthorpe village. The site forms part of the old runway of the former airfield such that it is already laid with hardstanding. There are existing grassed bunds alongside its boundaries. Access to the site is taken from the east off Drove Lane, via an existing metal field gate and an existing vehicular track laid with hardcore. There is an area on site cordoned off for customer and staff parking close to the entrance.

The site is already in use as a training centre for construction, agricultural and industrial plant. On site are a number of portacabins for welfare and teaching purposes as well as training equipment and plant including a 9m high scaffolding and 4 cranes; the highest being 29m from ground level. The site is bound in places by metal herras fencing to define its boundaries.

Land to the north forms part of the Newark Showground which is an Agricultural Events Centre. Newark Air Museum lies to the east. Land to the south-east appears to be agricultural (albeit I note has previously been used for the storage of topsoil) and land to the west is in agricultural use.

The site lies within an area prone to surface water flooding. The lies within an area defined as the 'Newark Showground Policy Area' according to the Allocations and Development Management DPD.

Relevant Planning History

01/01395/FUL - Creation of a new farm access and road due to the existing access being closed (in Coddington parish) approved 5th October 2001.

08/01386/CMA – Storage of topsoil. Withdrawn 27 June 2008.

08/01925/CMA – Storage of topsoil for a period of 3 years. Comments offered to NCC as decision maker.

Land to the south-east

17/00107/CMA - Request for screening - Temporary use of land for the Proposed recycling of excavated material from Newark Sewer Scheme including processing, crushing and screening.

10/00523/FULM - Use of part of old runway to store and handle British Sugar topsoil and related products. Refused 15 June 2010. Allowed on appeal 25 January 2011, reference APP/B3030/A/10/2131553.

The Proposal

Full planning permission is sought for the retrospective change of use of the land for a training centre for the construction industry including commercial and agricultural plant and equipment. To facilitate this use, four cranes have been sited on the land. None of these cranes are fixed permanently to the ground albeit I understand that 3 of these are sited such that there is no intention of moving them. These are:

- A Somia crane that is 24m high;
- A Wolff crane that is 29m high;
- A pedestrian operative crane that is 17m high;
- A mobile crane that extends to no more than 19.5m high which can be moved around the site.

In addition to the cranes there is other mobile equipment including rollers/diggers etc., 3 shipping containers (1 containing a generator for the crane) and 4no. portacabins in use as a toilet block, an office/reception, a welfare cabin in use as a lunch area/breakout space and a classroom for theory learning.

It is understood that the use began on this site earlier this year (around May 2018) and will employ 5 persons when fully operational.

Departure/Public Advertisement Procedure

Occupiers of three properties/premises 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 expiring on 20 December 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 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
- Core Policy 14: Historic Environment

Allocations & Development Management DPD

- Policy NUA/SPA/1: Newark Urban Area – Newark Showground Policy Area
- 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 2018
- Planning Practice Guidance
- Guidance to crane operators on aviation lighting and notification, CAA, March 2014

Consultations

Coddington Parish Council (Host Parish) – Support the proposal

11/12/18: Clarification received that the vote was not unanimous as stated but was by a majority of 7:1.

10/12/18: “The Parish Council welcomed the provision of training facilities and the retrospective application was unanimously supported by Members.

However, the Parish Council is mindful that the proposed use of this area falls outside the DPD allocation for Policy NUA/SPA/1 - Newark Urban Area - Newark Showground Policy Area, which

does not cover mixed use (the area covered by Policy NUA/MU/1 does) such as the training centre, but is intended to be used for:

“new development which supports and complements the East Midlands Events Centre (Newark and Nottinghamshire Agricultural Society Showground) and other leisure uses on site”

and the Council would not wish to see a precedent set for future development outside the allocated area for industrial use.

Councillors noted that very little detail was provided on the application form and it was observed that contrary to information in the Design and Access Statement, cranes are visible from the A17.

Winthorpe Parish Council – Object to the proposal

20/12/2018: “The Parish Council objects to the proposals on the basis that the Training Centre is in open countryside and the large cranes are a blot on the landscape. The Council feels that this type of project would be better placed on an industrial site where such a vista is expected. The Council was unanimous in its objection to the proposal.”

Newark Town Council – No objection was raised at its meeting on 28th November 2018.

Balderton Parish Council – No comments received to date.

NCC Highways Authority – No objection, subject to condition

04/12/2018: “Whilst there are no objections to the principle of this proposal, the mouth of the access on to Drove Lane is in a poor state of repair and is not in a bound (tarmac) construction. Therefore loose stones can be dragged on to the public highway which can damage the carriageway, and potentially cause a hazard.

Therefore no objections are raised subject to the following condition:

Within 6 months of the date of this permission, the access to the site at Drove Lane shall be surfaced in a bound material between the carriageway and the highway boundary/hedge line in accordance with details to be agreed with the Highway Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), and; to protect the structural integrity of the highway.

Note to Applicant:

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway

Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

NATS – No response received

MOD – No response received

LNAACT Air Ambulance – No response received.

NEMA - No response received

DLRAA - No response received

CAA – No response received

Caunton Airfield - No response received

NSDC Access and Equalities – Makes general comments.

NSDC Environmental Health – ‘From the description and location of the facility I do not have any major concerns. Having said that it might be wise to condition the hours of use as set out in the application and to limit the Sunday working?’

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

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

The erection or alteration of any mill dam, weir, or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent within the channel of a riparian watercourse will require the Board's prior written consent. The Boards Planning and Byelaw Policy, Advice Notes and Application form is available on the website.

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

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and

emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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

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

Two representations (1 in support, the other in objection) have been received from neighbouring businesses/interested parties which can be summarised as follows:

- The training centre would appear to be an excellent 'fit' for other businesses in the area, and a good use of land that may not be easily let for other purposes. They have shown themselves to be a considerate and co-operative neighbour, with an appreciated eye on environment and security issues.
- Reiterate previous objections to the storage of top soil which was refused but allowed on appeal which remain relevant;
- Respectfully request that the recommendations of the Planning Inspectorate are enforced before any application is approved for this site. Without it, visitors to our important tourism site will be inconvenienced and distracted by the nuisance created;
- It is our intention to start using our Drove Lane access point on a more regular basis and we are concerned about significant traffic conflicts with vehicles entering and leaving via our approved access point and those travelling along the 'temporary non-approved' unmade-up track.
- When the non-approved access was created the dry drain was filled in and part of the kerbed access to our site damaged with the hard core. This has never been rectified by the users or the landowner;
- Motor vehicles now being stored on the southern end of this development and these are being transported along this access route on a fairly regular basis; do these form part of this application?
- Should for any reason the tower crane collapse we are concerned that it could fall onto neighbouring land;
- Application Section 20: there is no reference to training taking place on Sundays in the application, but it is referenced in the access statement.
- The cranes are visible from surrounding road networks (from the A46 bypass where it crosses the River Trent; the A46 dual carriage way between the A17 junction and the A1133 roundabout; and the A17 bypass) which is creating a significant visual impact which receive negative comments from our visitors.
- Flight safety - the area is a low flying zone and the museum is regularly used as a reference point by low flying aircraft and helicopter and Southfield Site is occasionally used by the Royal Air Force and Army for remote field landing training.

- The Civil aviation Authority makes special note of Tower Crane operation guidance in the following section of its website:
<https://publicapps.caa.co.uk/docs/33/CAP%201096%20In%20Focus%20-%20Crane%20Ops.pdf>
- This guidance suggests reference to Crane Related Aviation Issues in the Construction Plant-Hire Association (CPA) Technical Information Note, TIN 039. Having read through this reference document we can confirm that we have not been consulted on these particular crane installations.
- The location of the cranes will also have a negative impact on flypasts by the aircraft from the Battle of Britain Memorial Flight, for both museum events and events on the adjacent Newark Showground.

Comments of the Business Manager

The Principle of Development

The site lies within the 'Newark Showground Policy Area' as defined by the Allocations & Development Management DPD and is therefore excluded from being considered as open countryside. The proposal therefore falls to be assessed against Policy NUA/SPA1. This provides that within the policy area, development which supports and complements the East Midlands Events Centre (Newark and Sherwood Agricultural Showground) and other leisure uses on site will be supported provided that it meets the wider requirements of the Development Plan. It goes on to say that proposals must address the following (in summary);

- Access constraints relating to the A1/A46/A17 junctions (this will be considered in the Highway Impact section of this report)
- Adequately screen new development (considered in the visual amenity section of the report);
- Investigate the potential archaeology and mitigate (considered later in the report);
- Address any issues that may adversely affect nearby residents (considered in the Amenity section of this report).

It is fair to say that a construction and agricultural plant training centre is not a use that was necessarily envisaged by the policy at inception. However I believe that this type of use is one that would complement the existing events centre and showground. This is an employment use (I consider it to be a '*sui generis*' use as it does not neatly fall into any standard use class) but one where I consider that a rural location can be justified in the interests of visual amenity given the need for high cranes in a location where they would not impact or compete with local landmarks or heritage assets.

The training courses that the company offers range from a few days to 2 weeks in duration and the maximum capacity of the premises is 20 candidates at any one time who travel from all over the region. At the moment the business is not operating to full capacity having only recently

moved (and amalgamated with another business) to the site from Sheffield. I consider that the proposed scale of the business is appropriate for the location and context and that this business is likely to help support and grow the local economy. For example I understand that some of the candidates who train here stay overnight in the area which will inevitably mean them spending more money in the local economy. This accords with the aims of Core Policy 6 (Shaping our Employment Profile) both as adopted and as emerging, as well as the NPPF which is a material planning consideration. With this in mind, I note that the Council has recently published a tourism strategy, Destination Management Plan, published in 2018 which whilst focused on the need for tourist accommodation to serve the various attractions on offer for visitors, does quote a figure that overnight visitors to Newark spend on average 7 times more in the district than those visiting for the day. The proposed business could therefore encourage additional spend in the area.

Overall I consider that the principle of the use is acceptable taking into account the policy context subject to other considerations being found to be acceptable. These are discussed below.

Impact on the Visual Amenity of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. 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 the scale, form, mass, layout, design materials and detailing of 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 (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the Landscape Character Assessment as being within the East Sandlands Character Area, and in particular 'Winthorpe Village Farmlands' Policy Zone 4 (ES PZ 4). The landscape is flat and its condition and sensitivity to change is assessed as being moderate. The landscape actions for these areas are to conserve and conserve.

The site forms part of the former runway south of the Newark Showground. This flat site was already laid primarily in a bound hard surface such that the training centre business has been able to move onto the land and commence its business without any intervention through the laying of

further hard standing. The portacabin/modular buildings that have been positioned on the site are low lying and relatively discreetly located mainly along the north-eastern boundaries. The cranes however are tall, with the highest one being 29m to tip. These would have a degree of negative impact upon the landscape. Nevertheless they are slim and in my view are not viewed as being out of place in the landscape as when viewed from medium and long distances they do not dominate or detract from the landscape to such a degree that they are unacceptable. The limited number of high cranes assist with this and I consider that it would be reasonable to condition that the number of cranes on site is not increased beyond 5 (allowing for one additional crane over and above what is already in place to allow a modest level of business expansion) in the interests of retaining control of both the intensity of the business but more importantly its visual impact. I also consider it necessary to ensure that the cranes are no higher than the tallest crane which is 29m to tip in the interests of visual amenity.

I have considered whether landscaping should be sought to assist with screening the development. There are already some earth bunds around the periphery of the site, which I understand have been present for years. These would remain in place. Further landscaping around the sites boundaries would have a very limited effect as it would only screen the low level development such as the modular portacabins and smaller pieces of equipment which I do not consider are particularly visible from the public realm in any event. I do not consider that soft landscaping would be appropriate to plant around the runway as this would fragment it further and provide little screening for the cranes and in any case I do not find their presence detrimental. As such I conclude that this is not necessary. The existing boundary treatments comprise mainly temporary moveable metal fencing that is not fixed to the ground or wire mesh fencing where it already existed. This is appropriate, however any further or replacement with a permanent hard boundary treatment such as close boarded fencing would need to be controlled (as this would unlikely be appropriate) and as such I recommend a condition which removes their automatic permitted development right to do so, to ensure that the fencing remains appropriate.

Subject to these conditions, I consider that the proposal accords with CP9, CP13 and DM5.

Impact on Amenity and Other Land Uses

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Policy NUA/SPA1 requires that developments address any issues that may adversely affect nearby residents.

Surrounding land uses include the Newark Air Museum to the east and Newark Motor Auctions located north of the site. Newark and Notts Gliding Club which was located north-east of the site have vacated their site and moved elsewhere.

It should be noted that at the time of going to print, no residential neighbours had raised any objections or issues with the application. It is noted that the two commercial neighbours have commented with one supporting the scheme and that other raising objections. None of these objections appear to set out concerns regarding adverse issues that are already being experienced

(bearing in mind its retrospective nature) but are related to the principle of the use. It is noted that there are generators on site giving power to the portacabins and cranes etc. However the low noise hum that these emit are unlikely to adversely impact on the residential amenity of nearby dwellings or indeed upon the commercial land uses. Drove Farm Cottage is the nearest residential dwelling and this is over 300m from the site. Likewise this is also the case in terms of general disturbance from general comings and goings and loss of privacy etc. As such I am satisfied that the proposal would not amount to any adverse impacts such as noise or loss of privacy etc.

I note that our Environmental Health Officer has suggested that the hours of use are conditioned to correlate to the hours set out within the application form. These proposed hours of use are 08.00 until 17.00 Mondays to Fridays inclusive and 08.00 until 14.00 on Saturdays. I also note that the Design & Access Statement makes a reference to the business occasionally undertaking Sunday training but not on bank holidays. Given that I have already concluded that the impacts upon neighbours would unlikely be adverse, I consider these are reasonable and as such consider a condition is recommended.

Highway Impacts

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. Policy NUA/SPA1 requires that developments address access constraints relating to the A1/A46/A17 junctions.

Vehicular access to this site is via an existing farm access track from Drove Lane that was granted permission in 2001. The access is further south than the main access to the Showground/Events Centre. It is laid with chippings and is largely single width although is wide enough in places to allow for two vehicles to pass one another.

I note that one interested party has raised concerns regarding the access point and in relation to highway conflicts. NCC Highways Authority have raised no objections in principle to the development but have commented that the mouth of the access on to Drove Lane is in a poor state and that the loose gravel can be dragged on to the public highway which can damage the carriageway and potentially cause a hazard. They recommend that within 6 months of approval the mouth of the access is surfaced in a bound material to negate this impact. I consider that this is reasonable and necessary and recommend that the condition is imposed.

Parking within the site is confined to an area adjacent to the access and this is not laid out formally with white lines. However there is ample space for the expected number of vehicles associated with the number of persons present on site at any one time so as to avoid any parking on Drove Lane itself.

Subject to the highway requested condition, I consider that the proposal accords with SP7, DM5 and NUA/SPA1.

Aviation Impacts

The site is not located within the vicinity (6km) of an aerodrome. Away from aerodromes, structures usually only require lighting where they measure 150m or more from ground level unless there are specific reasons, such as being a navigational hazard due to their locations etc. The height of the cranes in this instance are considerably less than this and it is not considered reasonable or necessary for these to be fitted with aviation lighting.

Members will note from the consultation section of this report that various organisations have been consulted with regard to aviation safety. None of these have responded (despite having had ample opportunity and time to do so) to raise any safeguarding concerns. Given the lack of comments and taking into account that given the use has been ongoing for months without apparent issue, I therefore assume that there are no aviation safety issues that need to be addressed.

I note the concerns raised that no notification was undertaken direct by the applicant. I have read and noted the CAA issued guidance of cranes and it appears to me that given the limited heights of the cranes the applicant was not obliged to notify any agency of the presence of cranes.

Archaeology

Policy NUA/SPA1 requires development to investigate the potential archaeology and mitigate where necessary. In this instance, no groundworks have been undertaken nor are proposed such that any archaeological value of the site would remain unaffected. I consider therefore that there is no requirement for any archaeological investigations or conditions as part of this application.

Other Issues

It is noted that comments have been made regarding a previous permission (granted on appeal) for the storage of topsoil. For the avoidance of doubt it should be noted that this relates largely to land to the south-east of this site and is not within the same control as the application being considered.

Planning Balance and Conclusions

Whilst the use is not one that would have been envisaged by the relevant area policy at inception, I have nevertheless concluded that it is a use that is appropriate in this location having regard to context. I have concluded that there would be no unacceptable adverse impacts upon living conditions and that subject to a condition regarding bounding the mouth of the access, there would be no adverse impact on highway safety. No aviation impacts have been raised by any consultees and I have no reason to consider the cranes would cause unacceptable impacts.

The proposal would have a minor detrimental impact upon the landscape in terms of its visual appearance arising from the tall cranes. However the crane structures are slim and are not

dominating when viewed from receptors such as the surrounding road infrastructure. This negative needs to be balanced with the benefits of the scheme. In this case I have found that the limited visual harm of the equipment is outweighed by the positives which in this case is allowing a business to establish within our district that generates a modest level of employment opportunities but that also attracts visitors from across the region to the area for days at a time that would have a beneficial consequential impact on the local economy as some will stay overnight in the area. I consider that these positives outweigh the limited harm in this instance and recommend approval.

RECOMMENDATION

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

Conditions

01

Within 6 months of the date of this permission, the access to the site at Drove Lane shall be surfaced in a bound material between the carriageway and the highway boundary/hedge line in accordance with details to be agreed with the Highway Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), and; to protect the structural integrity of the highway.

02

The use hereby permitted shall only take place during the following hours:-

08.00 to 17.00 Mondays to Fridays inclusive

08.00 to 14.00 on Saturdays and Sundays

And not at all on Public or Bank Holidays

Reason: In the interests of residential amenity.

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 under Schedule 2, Part 2 Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any further enclosures do not adversely impact upon the openness of the site.

04

The site shall only be laid out in accordance with drawing no. 18-DLT-01 (Site Plan) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

05

There shall be no more than 5 cranes on site at any one time and the maximum height of any crane present on site from existing ground level shall not exceed 29m.

Reason: In the interests of residential and visual amenity and aviation safety.

Notes to Applicant

01

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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

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

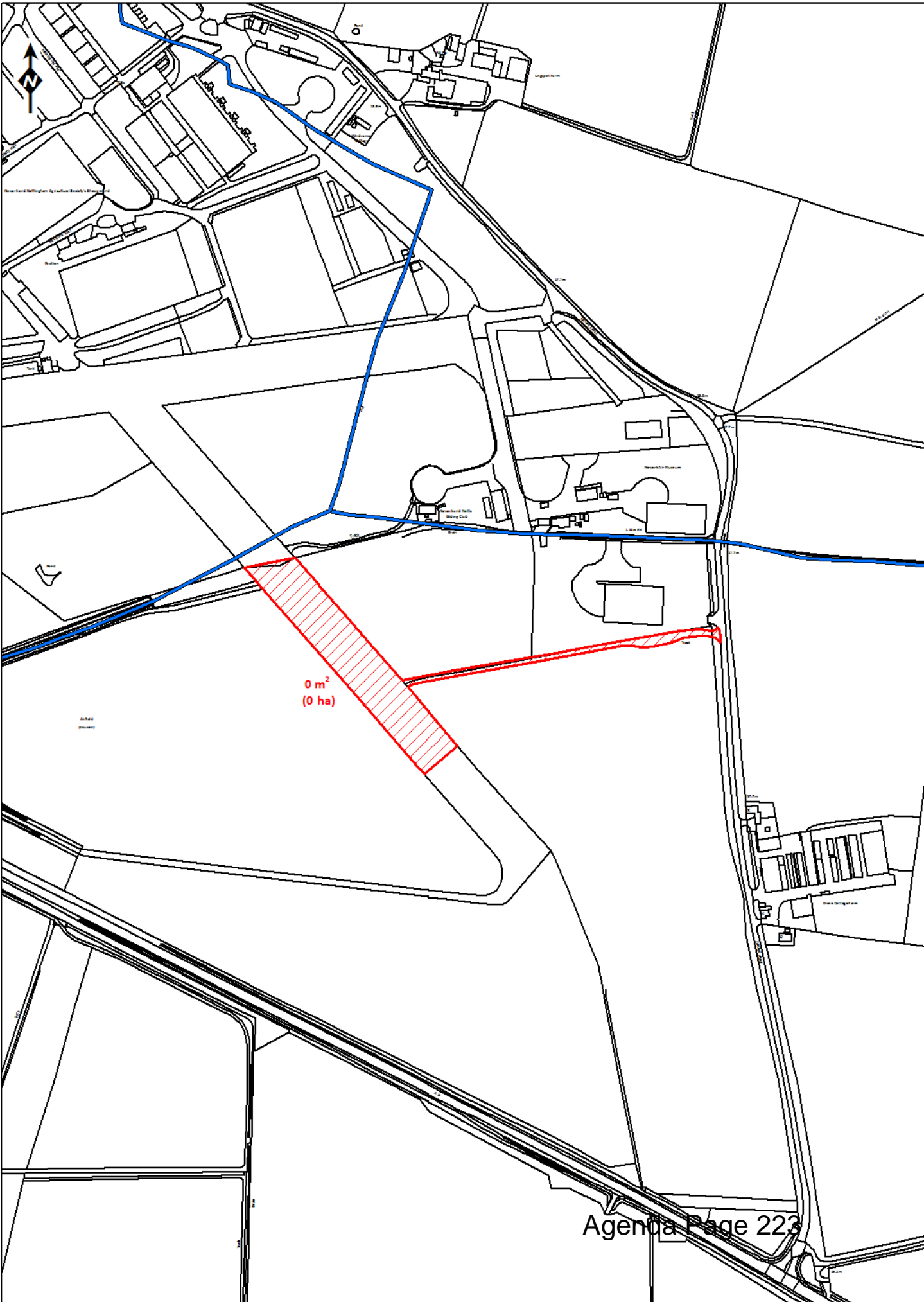
BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb
Business Manager Growth and Regeneration



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01671/FUL	
Proposal:	Erection of 1 no. Agricultural workers' dwelling	
Location:	Gibbet Wood, Brown Wood Lane, Thorney, Nottinghamshire	
Applicant:	P A Arden & Son – Miss I Arden	
Registered:	4 September 2018	Target Date: 30 October 2018
	Extension of time agreed in principle	

The application is reported to Committee at the request of the local Ward Member, Cllr David Clarke.

The Site

This application relates to circa 0.11 Hectares of land sited on the northern side of Brown Wood Lane which is associated with a poultry unit granted planning permission in 2014 and is now fully operational. The unit is accessed via a purpose-built driveway off Brown Wood Lane.

The site lies to the north east of the settlement of Thorney (approx.1.2km away) and is located on the north-eastern edge of the district. There are no immediate neighbours to the site, with the closest neighbour located approximately 175m to the NE of the site and is within the West Lindsey District.

The application site itself is a relatively open parcel of land approximately 85m to the east of the access road to the poultry unit and would utilise an existing access to the field. The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Maps.

Relevant Planning History

Members will recall that a similar application was presented to Planning Committee in July 2018. The reference for this application is **17/01127/FUL**. This was approved by Members in accordance with Officer recommendation for the erection of 1no. agricultural workers' dwelling at the entrance to the poultry unit.

The poultry unit was approved under **13/01873/FULM**, permitted 09.05.2014. This included the erection of a free range poultry unit, 4 No. Feed Silos and formation of access.

The Proposal

Full planning permission is sought for the erection of a rural workers dwelling in the form of a detached two-storey dwelling located approximately 115m to the SE of the poultry unit it is intended to serve.

The dwelling will have a footprint of approximately 100m² with a ridge height of 8.1m. The

dwelling would be laid out as an angled L-shape and access via a separate entrance from the poultry farm. A pedestrian access would link the dwelling to the unit's access track. It is proposed that the dwelling will be constructed with a timber-clad finish and slate effect tiles. Windows and doors are proposed to be timber framed.

The dwelling will benefit from an ample-sized garden to the north and south of the dwelling.

Submitted Documents

The following documents accompany the application:

- Proposed Sketch Proposals OPT 2 – 362A-001 Rev.F
- Site Location Plan – 362-A-004 Rev.B
- Proposed Sketch Site Plan OPT2 – 362-A-005 Rev.D
- Paddock Layout – 352-A-006
- Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Statement.

The applicant has also submitted accompanying letters with the application which are summarised below;

- Letter: NFU Mutual, 12/06/18
 - Concerns that the approved scheme would significantly increase both the risk of Avian Flu outbreak and create problems associated with the implementation of quarantine measures
 - It is good agricultural practice for the dwelling to have its own separate entrance from the poultry sites to reduce bio-security hazard and allow the house and office to continue to function normally
- Letter: Anglia Free Range Eggs, 12/07/18
 - Bio-secure area should be separate from public access area
 - Approved dwelling would take land from the range area, reducing paddock size, which could affect the 'free range' status the unit currently has
- Letter: Charlotte Fursdon (Anglia Free Range Eggs), 27/07/18
 - In the event of an outbreak, additional bio-security measures would need to be placed upon the dwelling if it were to be sited where approved
 - If there is opportunity to provide a new build with a separate access then this should be positively encouraged for the safety of the farmworker and their family
 - The industry is always under scrutiny to ensure that free range birds are given the best opportunity to range and hence protect the free-range marketing status. Where farms make ranging 'more difficult' by restricting the immediate range area requiring the birds to 'travel' further to access the range, this inhibits ranging behaviour. DEFRA Egg Inspectors that conduct unannounced inspections at farms will challenge farms if the range is designed in such a way that limits ranging activity.
- Letter: Mr T.C.Maddison, 10/8/18
 - A shared entrance with the poultry unit would be against disease prevention recommendations and unacceptable for occupant welfare.

- There are reports on poultry welfare and disease
- Poultry units require high level of management and therefore would be very aware of his own family's welfare
- Siting the dwelling next to the entrance would cause for issues:
 1. Standing heavy vehicles during in/out sanitation would be exhausting heavy fumes in close proximity to the garden area for the dwelling;
 2. Vehicle noise would impact dwelling;
 3. Weekly manure removal is not desirable close to the dwelling;
 4. Free vehicle movement close to the site entrance must not be in close proximity to the poultry unit entrance
- Letter: Mr & Mrs Whiteley, 10/08/18
 - Support the proposal to move the dwelling back to the original proposed location as it would be screened by the woodland
 - Current approved location stands out and draws attention to the poultry unit
- Letter: Mr G Parnham, 27/07/18
 - Support the relocation as it would have a separate access to prevent spread of any disease
- Letter: Slate Hall Veterinary Services Ltd, 14th September 2018
 - Support locating the dwelling to new proposed location that does not share the main access route to the farm.
 - Given the high biosecurity required to maintain optimal welfare and productivity of poultry flocks, there should be restricted movement of essential vehicles to the poultry unit in order to reduce the risk to the flock. Shared access with domestic dwellings does increase traffic and visitor movements to a poultry unit and can therefore increase the risk of disease transmission.
 - Current notifiable disease control legislation can also enforce restrictions of people on a residential dwelling deemed to be part of the poultry unit.
- Letter: Mr J Kirkpatrick, Tesco Agricultural Manager (Poultry, Eggs and Feed), 3rd January 2019
 - Proposed manger's dwelling creates biosecurity risks via non-essential vehicles entering the single access.
 - Keen to mitigate all reasonable risks of disease and enhance bio-security for one of Tesco's largest supplying farms.

Departure/Public Advertisement Procedure

Due to the isolated location, no properties have been individually notified by letter however a site notice has been displayed at the site.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy 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 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM8: Development in the Open Countryside
Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018
Planning Practice Guidance 2014
NSDC Landscape Character Assessment 2010

Consultations

Thorney Parish Council – *Thorney Parish Council met on September 19th 2018 to discuss this application.*

The following points were raised:

- *The property itself has full planning permission, being a modified version after the rejection of the first application. Therefore, any comments on this would be pointless.*
- *The meeting was not quorate as one councillor was unable to attend, although he did send some comments, & two others declared pecuniary interest. It was felt that, under these circumstances, no meaningful decision could be made.*

However, the following observations were raised & should be considered:

- *Councillors accepted some of the rationale for putting the property back on to the site of version 1. Some also accepted that it would be more aesthetically pleasing in that position. BUT, putting the property back on the original side of the main entrance to the poultry farm brings certain objections back into play:*
- *The additional access, close to the hump from the dyke poses a danger to traffic turning in & out, This view was corroborated by Nottinghamshire County Council Highways at the time of the original application & was addressed by the relocation of the dwelling in version 2.*
- *Concern was also expressed re the very large paddock layout & the reasoning behind it. There is also a disproportionate amount of car parking for the size of the proposed dwelling. This suggests a plan to extend the property at a later stage thus creating the original dwelling that was rejected.*

All this being said, councillors prefer, on this occasion, to leave the matter in the hands of Planning & Highways.

Agricultural Consultant – I refer to your consultation letter dated 15th October, 2018 together with enclosures and your request for a desktop agricultural appraisal of the above application. I now comment as follows:-

1. The application is for a permanent agricultural workers dwelling to be sited on a block of owned agricultural land to the North of Brown Wood Lane and to the South of Gibbett Wood. The land at the application site is part of a 222.6 hectare (550 acre) holding farmed by P.A. Arden & Son. The block of land which forms the application site is used as a free range poultry unit and is currently stocked with 32,000 laying hens.
2. Planning consent was granted by the Local Planning Authority for an agricultural workers dwelling (17/01127/FUL) on 4th July, 2018. The approved dwelling was to be sited close to Brown Wood Lane with a separate access situated before the access gate into the poultry unit. The comments in my letter of 31st May, 2018 stated that although the then proposed site, was closer than the originally proposed site – the site now proposed within this current application – I considered it was not well-related to the existing poultry building to which the essential/functional need relates.
3. The proposed site cannot be considered as well-related to the poultry unit, and in my opinion is so far away from the poultry unit as to be unable to fulfil the essential/functional needs of that poultry unit.
4. The applicants and their agents consider that siting the dwelling on the approved site would compromise the bio-security of the unit and affect the area available for the hens to range on.
5. I have advised on many applications for agricultural workers dwellings on poultry units such as this, and in all cases the dwellings approved have been sited in a position well-related to the existing poultry buildings, to enable the dwelling to fulfil the essential/functional needs of the units. These dwellings have not compromised the bio-security of the units or affected the ranging area for the birds.
6. I consider that the dwelling should be sited in a position well-related and close to the poultry unit with an access into the dwelling from the access road prior to any bio-security point for the poultry unit.
7. Any necessary adjustments to the ranging paddocks can easily be accomplished by moving the internal fencing to give the appropriate sized paddocks.
8. Under paragraph 3.3 – sub-heading Character, the agents state “One would typically expect to see a farmhouse situated in close proximity to an associated poultry farm.” – I agree with this statement and would not expect to see the dwelling situated away from the poultry unit in the far corner of the application site. To comply with the guidance it must be sited in a position well-related to the existing poultry unit. This is also beneficial in planning terms as the dwelling would then form part of a group of buildings rather than being an isolated dwelling/building in the open countryside. Paragraph 11 of Annex A to PPS7 states “Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.”

In conclusion, I ADVISE that there is no agricultural support for the proposed agricultural workers dwelling on the proposed site as this site is not sufficiently well-related to the existing poultry unit

and the site of the proposed dwelling would be unable to fulfil the essential/functional needs of the existing enterprise.

NSDC Access & Equalities Officer – *It is recommended that the developer make separate enquiry regarding Building Regulations matters.*

NCC Highways – *This proposal is for the construction of an agricultural workers dwelling. The dwelling is to be relocated further to the east from that originally approved under planning application 17/01127/FUL.*

The applicant/agent should take into account that visibility splays of 2.4m x 215m are required from the access point. Could a site plan be submitted demonstrating the required visibility and be submitted for further comment.

Trent Valley Internal Drainage Board – No objection to the proposal

Environment Agency - *I have no further comments to add to those provided by my colleagues in respect of planning application 17/01127/FUL.*

In addition to the above, 1 letter of support has been received during the public consultation period.

Comments of the Business Manager

Before discussing the merits of the scheme, I consider it helpful for Members to provide some commentary of this scheme and its previous planning history.

A planning application for an agricultural workers' dwelling was submitted in 2017 in the location proposed by this current application. Following advice from the Council's agricultural consultant regarding the siting, Officers negotiated with the applicant to locate the dwelling closer to the poultry unit so that it was better-related to the unit it would serve.

The reasons for its repositioning were to ensure that the dwelling would be well-related to the poultry unit given that its primary function would be to serve the unit in accordance with Policy DM8 of the DPD and also to assist in ensuring that the dwelling could not be easily separated from the unit and sold off as an independent dwelling at a later date; this latter reason is because the dwelling would not be considered appropriate development within the open countryside if it did not have the functional need requirement for the agricultural unit.

At this time, the applicant was concerned with regards to biosecurity measures but there was no reference to the size of the paddocks being an issue with regards to siting the dwelling in the proposed location. With regards to the biosecurity measures, Officers felt, and I remain minded to concur, that as the entrance to the new dwelling would be before the biosecurity gate, there was no greater risk of contamination as any vehicle could drive along the section of road the access to the dwelling would come from.

Although the Officer recommendation for the previous planning application was approval, the agricultural consultant remained of the view that the dwelling could be better-related to the poultry unit, however Officers attached weight to the biosecurity measures to prevent Avian flu.

In addition to siting, Officers also sought to reduce the scale of the proposed dwelling as agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. The applicant was amiable to some reductions which were approved by the previous application.

This current planning application reverts back to the original siting submitted in 2017, although the scale of the building remains similar to that approved in 2018. The reasons for the relocation, as stated by the applicant are to address biosecurity, operational and amenity concerns.

I will also highlight that should Members be minded to approve the application, a Section 106 agreement would be required to revoke the earlier planning permission to prevent both dwellings being constructed; the LPA would not wish to approve two dwellings to serve the poultry unit as there is no financial or business need for two agricultural workers' dwellings.

Principle of development

Spatial Policy 1 and 2 of the Adopted Core Strategy sets the development hierarchy for new residential development throughout the District with the Newark Urban Area being the main focus for residential development. Spatial Policy 3 of the Core strategy states that development away from the main built up area of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting.

Due to the location of the development outside of any settlement I consider the site to be within the open countryside and as such the proposal falls to be assessed against Policy DM8 within the adopted Allocations and Development Management DPD. This states that new rural workers dwellings will be required to demonstrate a functional and financial need in relation to the operation served and the scale of new development should be commensurate with the needs and ability of the operation they serve to fund them. Paragraph 7.42 of the above policy states that proposals will need to demonstrate a clearly established existing functional need for the dwelling and this could be related to the essential proper functioning of the enterprise. The unit and activity should be established for at least three years, and have been profitable for at least one of them, are clearly financially sound and have clear prospect of remaining so. The applicant should also demonstrate that in order for the business to function there are no other dwellings within the locale that could not fulfil this role.

Policy DM8 reflects the requirements national policy. Paragraph 79 of the NPPF states that planning policies and decisions should avoid new isolated homes in the countryside unless "there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside".

In the case of agricultural dwellings the NPPF is only supportive providing the enterprise is financially viable and capable of sustaining the cost of the proposed dwelling.

The need and financial viability for the dwelling was assessed under planning application 17/01227/FUL and to my knowledge there has been no change to the situation and I therefore refer to the previous assessment of the scheme, presented to Planning Committee in July 2018,

In assessing functional and financial need, although cancelled, Annex A of Planning Policy Statement 7 sets out a useful tried and tested methodology for assessing essential need for a rural

workers dwelling on an enterprise and that there is no reason to discount the Annex as a potentially useful tool, an approach taken in other planning and appeal decisions.

I am mindful that Paragraphs 3, 8 and 9 of Annex A to PPS 7 as a tried and tested methodology as set out above Paragraph 3 (i) and (ii) of Annex A to PPS7 state “New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is clearly established existing functional need and the need relates to a full time worker”.

Paragraph 3 (iii) also states “The unit and the agricultural activity concerned have to have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so’.

The proposed dwelling would be intended to serve a poultry unit which has been up and running since c.2015. In supporting documentation deposited with the application the agent has submitted information which includes three years’ worth of accounts which show a profit. I am mindful that Policy DM8 requires a minimum of 3 years’ worth of accounts and as such on this basis, the business is able to fit this criteria.

In addition to the above, paragraph 55 [now paragraph 79] of the NPPF states that ‘local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside’. In addition to this, the Agricultural Consultant in their comments dated 8th August 2017 states that ‘the Framework is only supportive of sustainable development, which in the case of agricultural dwellings is taken to mean that the farming enterprise is required to be financially viable and capable of sustaining the cost of the proposed dwelling after the deduction of all costs in the long-term’. It is considered by the agricultural consultant that there is an existing/functional need for one person to live at or near to the poultry unit as the labour requirement is in excess of one full-time person, and therefore satisfies the need element highlighted by paragraph 55 [now paragraph 79] of the NPPF.

I am mindful that at the time of writing this report there are various residential properties owned by the wider agricultural unit which could provide suitable accommodation for an agricultural worker, however these have been considered unsuitable or unavailable by the applicant. Additionally, a search on *Rightmove* suggests that there 3 properties for sale approximately 2.3 miles from the site (when driven) that is within a similar price range to the likely build cost of the proposed dwelling. However, the LPA have previously been advised by the applicant’s agent that a shorter distance of 1.2km would be too far from the site for the needs of the unit. I have no evidence before me that would contradict the reasons given by the applicant and therefore I would accept that there is a functional need for the dwelling.

In terms of viability, one reason for relocating the dwelling is due to the size of the paddocks afforded to units. In order to be a free-range business, there are minimum roaming areas per chicken. Each shed is divided into 4 ‘rooms’ with associated paddocks. The applicant has stated that they have located the dwelling within Paddock 2 as there is space to accommodate the dwelling without compromising the required area for the unit; according to the Design and Access Statement, siting the dwelling within Paddock 1 (where is approved) would result in the area afforded to this paddock would then be below the minimum roaming area for the number of chickens housed in this area and thus the number of chickens would need to be reduced, impacting upon the business’ income and profitability.

Having read the argument above, I do accept that as the site layout currently stands, the dwelling could impact upon the viability of the poultry unit, however having visited the site, I see no obvious reason why the paddock layout could not be altered through relocating fencing to afford paddock 1 the necessary land to accommodate the approved dwelling. The applicant has been asked to provide justification why this could not be carried out but to date I have received no response to this question. I therefore attach limited weight to this viability argument.

Taking the above into account I would concur with the agricultural consultant's comments from the previous planning application in so far that there is a functional need for the dwelling, and that there has been a financial case put forward for the dwelling which results in the application being fully in accordance with the need criteria of Policy DM8 of the DPD. On this basis, I consider the principle of a rural worker's dwelling associated with the poultry unit remains to be acceptable, however issues relating to visual impact, amenity and highway safety also need to be taken in to consideration and are discussed below.

Visual Impact

Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. The NPPF also states that good design is a key aspect of sustainable development.

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The application site is located within the East Nottinghamshire Sandlands 'Wigsley Village Farmlands with Plantations' area (ES PZ 02) which is defined as being of moderate condition with very low landscape sensitivity. It is acknowledged there are moderate distance views across the landscape area due the predominantly flat land surrounding villages but there are frequent shelterbelts and mixed plantations across the landscape. The policy displays an intention to create new hedgerows and recreate field patterns whilst containing new development within historic boundaries. Furthermore the policy seeks to restore arable land to pastoral land and/or introduce field margins to link habitats and increase biodiversity, which can in part be done through the enhancement of tree covering and landscape planting. In terms of built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements.

In addition to the above, Policy DM8 of the DPD also provides guidance on new rural workers dwellings. This policy states,

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.

Scale

As mentioned above, the proposed dwelling is proposed to be the same scale as that approved. For references, the assessment below is that presented to Members in July 2018,

Having regard to the above guidance, paragraph 9 of Annex A of PPS7 also reiterates that agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. Whilst no definitive size of dwelling is stated either locally or nationally, the LPA's agricultural consultant has advised that the external floor area of should be no more than 185m². In the case of this proposal, the floor area is 195m².

The proposal provides 3 double bedrooms, the master bedroom with en-suite along with a farm office at ground floor with a utility room and two areas for boot storage. I understand that the applicant wants to provide accommodation that would attract a manager in the future, however I do have concerns that this level of accommodation is over and above what is required for the agricultural worker needs in order to provide the functional/essential need identified and this has been raised on several occasions with the applicant.

Whilst I would feel more comfortable if the proposed floorspace were to be under 185m² in accordance with the agricultural consultant's advice, I am mindful that in reality, an additional 10m² (or 5%) is unlikely to have an adverse impact upon the character of the area and thus would be difficult to defend a refusal on this basis; however if the floorspace were to be any greater, it is likely that the LPA would resist this. I would therefore recommend that should Members be minded to approve the application, permitted development rights for extensions and outbuildings are removed from the dwelling to limit any further extension to the dwelling.

Access

The LPA seek for agricultural workers' dwellings to be located as close as possible to the unit they would serve. As detailed above, there are concerns with regards to the location of the proposed dwelling and the separate access afforded to the dwelling.

In order for the dwelling to be seen as well-related to the agricultural unit it would serve, the LPA usually seek for the access to be shared. In this instance, I accept that the access is somewhat constrained by the biosecurity measures in places within the site, however this does not prevent an access coming off the entire track leading to the poultry unit. I remain of the view that the access should be shared with the unit, which is the view of the agricultural unit and I have no evidence before that would suggest this could not be achieved on the site.

I am therefore of the view that the proposal, through the use of a separate access, does not relate well to the poultry unit. The impact upon highway safety is discussed later in this report.

Location

The previously approved scheme was as a result of almost a year of negotiations to reach an appropriate scheme. These amendments included the relocation of the scheme to the western side of the access track to the poultry unit, some 95-100m to the west of the now proposed location (as mentioned earlier in this report, the 2017 application originally proposed a dwelling in the location now proposed). This was to ensure that the dwelling would be well-related to the poultry unit in order to fulfil its functional role and ensure that it was used for its proposed purpose and is not easy to separate from the agricultural unit at a later date.

I appreciate the reasons behind the proposed location, being screened to the west by dense woodland, however the location has a very limited relationship with the poultry unit which is not supported by either Policy DM8 or the NPPF. Policy DM8 of the DPD states that the *siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into consideration*. I take the view that the proposed location would be less prominent within the surroundings as it would be screened from the east by dense woodland and vegetation. I am also mindful of the close proximity of the proposed dwelling to the electricity substation. However, given the isolated nature of the site, any new building would be to an extent prominent within the openness of the countryside and thus I am of the view that it would be more appropriate to have a dwelling that appears visually linked to the agricultural unit in this instance rather than one which is marginally less prominent.

The reasons given for the relocation now proposed include the availability of land within Paddock 2 that could accommodate the dwelling, although no justification as to why the paddocks could not be rearranged has been provided by the applicant. Other reasons include biosecurity which I remain unconvinced require the dwelling to be located further from the poultry unit and with a separate access. With this in mind, I refer back to the report presented to Members in 2018,

The revised location in my view is much better-related to the poultry unit and does allow for additional surveillance of comings and goings to the unit, which is one of the reasons the applicant states as a need for a rural workers dwelling. However, I note the agricultural consultant's comments regarding the location and concur that the dwelling could be better-related to the unit if sited closer to where the essential/functional need exists; it would still be several minutes' walk to the unit from the dwelling, being 90m from the unit. To this end, the agricultural consultant has suggested a more appropriate location to be to the north of the current site, closer to the unit so that it is better-related. I am minded to agree that the dwelling would be better located closer to the unit to bring built form closer together and thus limiting the encroachment upon the open countryside.

However, before seeking to amend the location further, it may be helpful for Members to understand the bio-security issues the poultry unit can face with regards to Avian (bird) Flu. Members may recall that a few years ago, many poultry farmers were faced with outbreaks of flu amongst their birds which results in them being kept indoors for a period of time. Since then, guidance has been issued to farmers to reduce the likelihood of another outbreak, which includes measures to prevent visitors to the site from being any contaminant into the site. In the case of this poultry unit, bio-security gates are installed close to the entrance to the unit from Brown Wood Lane which are monitored. Members will note that the entrance to the proposed dwelling is just before these gates so as to prevent visitors to the dwelling bringing potential contaminants on to the unit.

The applicant has also provided information from various professional bodies explaining the position with Avian Flu and the requirements for bio-security measures and I have no information before me that would counter-act their arguments for the separation requirement to prevent contaminates spreading.

With this in mind, I appreciate that a dwelling any closer to the unit could present bio-security issues for the unit and therefore a relocation in my view would be difficult to insist upon given the guidance following the Avian Flu outbreak without any sound evidence to the contrary that a dwelling closer to the poultry unit would not pose a threat to the chickens.

The agricultural consultant remains of the view that the dwelling should be located closer to the poultry unit than is currently approved, however as detailed above, some weight is given to allowing some separation between the unit and the dwelling. The applicant has provided additional commentary on the reasons behind a separate access however there is no clear reason to contradict the fact that any vehicle could drive along the section of access track that would serve the approved dwelling without needing to pass through the biosecurity gates; this would remain the case whether or not the dwelling is constructed and thus I do not consider relocating the dwelling to be of any greater benefit to the site. I also note that a reason for relocation is to prevent the dwelling being affected should a contamination issue arise; given that the proposed site would be surrounded on two sides by the paddock, with a pedestrian footpath running through the site, I would raise the question as to whether the relocation would in fact reduce disruption for the dwelling. In any event, the primary function of the dwelling is to provide accommodation for the unit manager and therefore any contamination outbreak would invariably directly affect the household regardless of the dwelling's location within the wider site.

On the basis of the above, I am of the view that the proposed location would not accord with Policy DM8 of the DPD nor the NPPF.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity. Given the distance from the nearest dwellings I am satisfied that the proposal would not have a significant detrimental impact upon neighbour amenity.

The applicant has however raised the issue of the impact upon amenity of the occupiers of the proposed dwelling. It is considered by the applicant, and those in support of the application in the letters submitted with the application, that relocating the dwelling would reduce the impact of farm activities upon the occupiers. Whilst this may be the case, Members must be mindful that the proposed dwelling is for the purpose of accommodation for farm workers and thus are likely to be involved in the associated farm noise. It is also worth pointing out that even in the approved location, occupiers would be some 95-100m from the units and therefore provides some buffer from farm noise. I therefore consider that limited weight could be attached to this argument.

It is therefore considered that the proposal accords with Policy DM5 of the DPD.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note the comments of the Highway Authority requesting visibility splays of 2.4mx215m to be shown on the proposed site plan. An amended plan showing visibility splays of 2.0x200m has been received by the LPA however at the time of writing, no formal comments from NCC Highways have been received. It is understood that comments will be received prior to the Committee meeting and will therefore be presented to Members at this time.

The proposed visibility splays are shorter than those requested by the Highway Authority, and indeed shorter than those approved as part of the poultry unit in 2014. I am however mindful that the proposed access is unlikely to serve a route for non-domestic vehicles and as such it may be considered that subject to conditions this slightly shorter visibility splay is acceptable. I would however suggest that Members defer to the professional view of the Highway Authority before reaching a conclusion on this matter.

Flood Risk

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The NPPF states within paragraph 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

The Application Site sits within Flood Zone 3 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that the wider site owned by the applicant is entirely within Flood Zone 3, with much of the surrounding are within flood zones 2 and 3.

If the Sequential Test is considered locally, the whole site owned by the applicant is within flood zone 3, with the wider area within Flood Zones 2 and 3. I consider that there is appropriate justification in this case to apply the Sequential Test locally in the context of the need for an agricultural workers dwelling.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site is adequately protected by fluvial flood defences that are maintained by the Environment Agency and Internal Drainage Board (Upper Witham and Trent Valley). The FRA also states that the dwelling would have the following resilient measures to protect it against flooding:

- The ground floor living accommodation for the two storey dwelling is to be raised 0.5m above the existing ground level and floor level to be set at 5.80mODN
- The ground floor to be constructed with a solid concrete floor with no voids beneath and no low-level wall vents.
- Fix plasterboard to the ground floor area horizontally, for ease of replacement
- Avoid the use of absorbent cavity insulation to the ground floor level.
- Fit anti flood valves to all external drainage pipes to prevent flood waters entering the dwelling.

- Arrange for all service circuits to be routed at first floor level where practical socket outlets, boilers etc. to be a minimum of 0.5m above the raised upper ground floor level.
- All external doorways to be fitted with “Stormguard” flood doors or other approved.

In addition to the above, the FRA recommends the applicant signs up to the Environment Agency Floodline Warning Direct system.

The Environment Agency have been consulted on the proposal and have no additional comments to those made as part of the previous planning application. For the avoidance of doubt their previous comments are detailed below,

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

Condition

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment for Gibbet Wood Brown Wood Lane Thorney Nottinghamshire with the following mitigation measures:

1. *The dwelling shall be a minimum of 2 storeys*
2. *Finished Floor Levels shall be set no lower than 5.80mAOD*
3. *Flood resilient and resistant construction techniques should be used. Please refer to the following document for information on flood resilience and resistance techniques to be included: ‘Improving Flood Performance of New Buildings - Flood Resilient Construction’ (DCLG 2007).*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Conditions were included as part of the permission for the previous application and it is recommended to Members that these are re-imposed should they be minded to approve the application.

Conclusion and Planning Balance

Taking the above into account it is considered that an essential/functional need has been sufficiently demonstrated for an agricultural workers' dwelling on the site, given the absence of any suitably located existing dwellings being available. The scale, impact upon residential amenity, highway safety and flood risk are also considered to be acceptable however the proposed location of and access to the dwelling are not considered appropriate for the nature and use of the development proposed. The reasons for this is that the proposed location of the dwelling, and its own separate access, would not be well-related to the agricultural unit it is intended to serve and there is no clear justification as to why the dwelling could not be located closer to the unit. It is therefore considered that the proposal is contrary to Policy DM8 of the DPD and the NPPF. It is therefore recommended to Members that the application is refused.

Recommendation

That full planning permission is refused for the following reason:

01

In the opinion of the District Council, the location of the dwelling is such that it would not be well-related to the poultry unit that it is intended to serve, being some 115m from the poultry unit and served by its own access that is separate from the access to the agricultural building. The proposal therefore does not meet its required functional role to the operation being served and as such is contrary to Policy DM8 of the Allocations and Development Management DPD (2013) and Paragraph 79 of the NPPF, presenting a harmful impact upon the character of the open countryside in which the site is located. There is no justification which would outweigh this harm.

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.

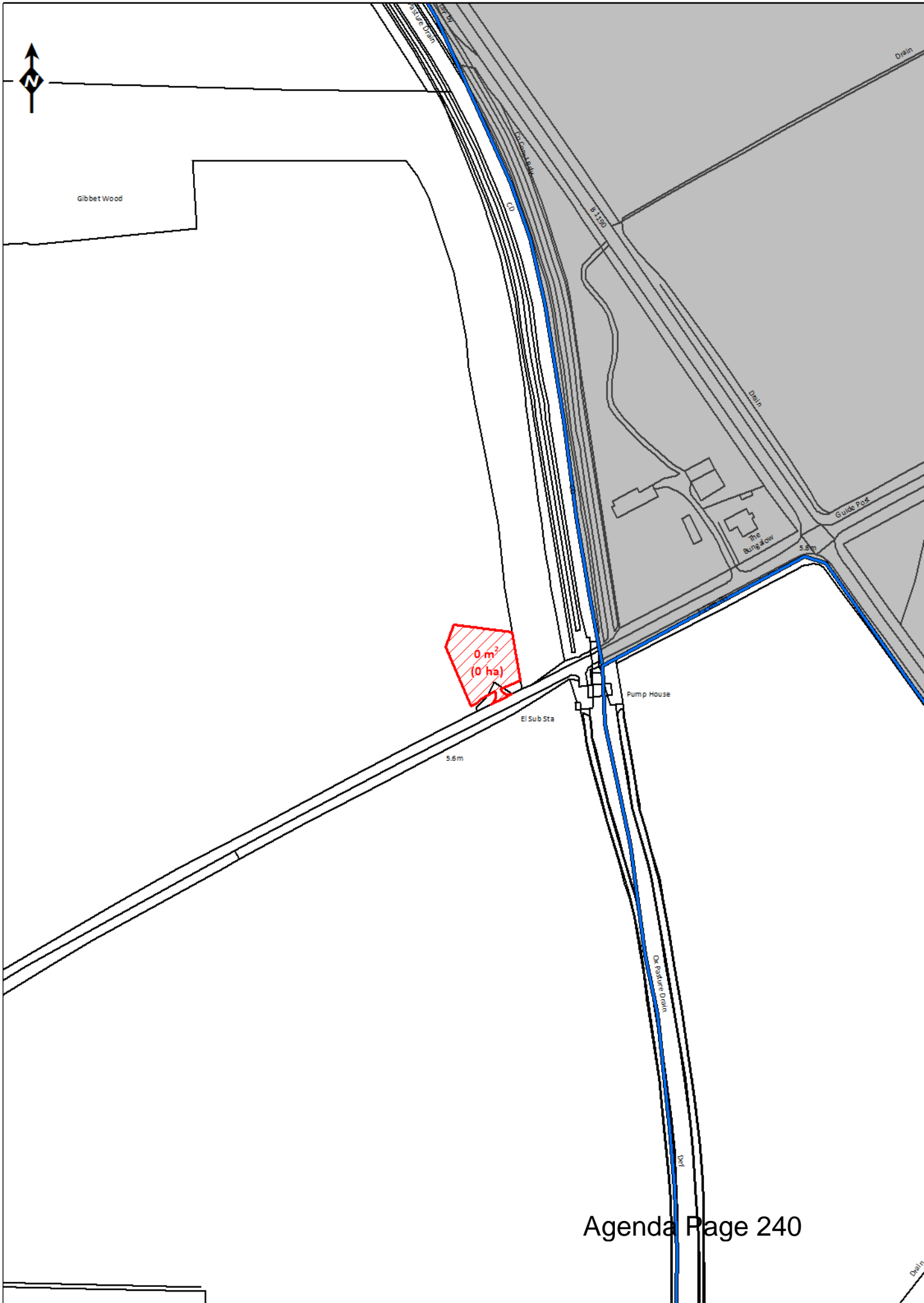
BACKGROUND PAPERS

Application case file.

For further information, please contact 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 –15 JANUARY 2019

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 18.01.2019

The application was presented and debated by Members at the 4th December 2018 meeting. The application was deferred for Officers to negotiate a potentially revised layout to better address the gateway location of the site.

The applicant has chosen to retain the previous layout but to submit further photomontages of the landscaping in both winter and summer months including with the additional landscaping once established in five years. A justification statement has also been received confirming that there would be a landscape screening width of between 5.66m and 7.86m. This planting buffer, along with the proposed planting along Halam Road will be fully transferred to a management company and not conveyed to individual plot purchasers.

Officers consider that the submitted details sufficiently illustrate the level of screening which the landscaping would secure. The Officer recommendation (and indeed the remainder of the report) is unchanged from the agenda papers before Members in December.

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 Page 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 a 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 Polices.

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 sites 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:

Dwelling Type	Proportion	Density
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.

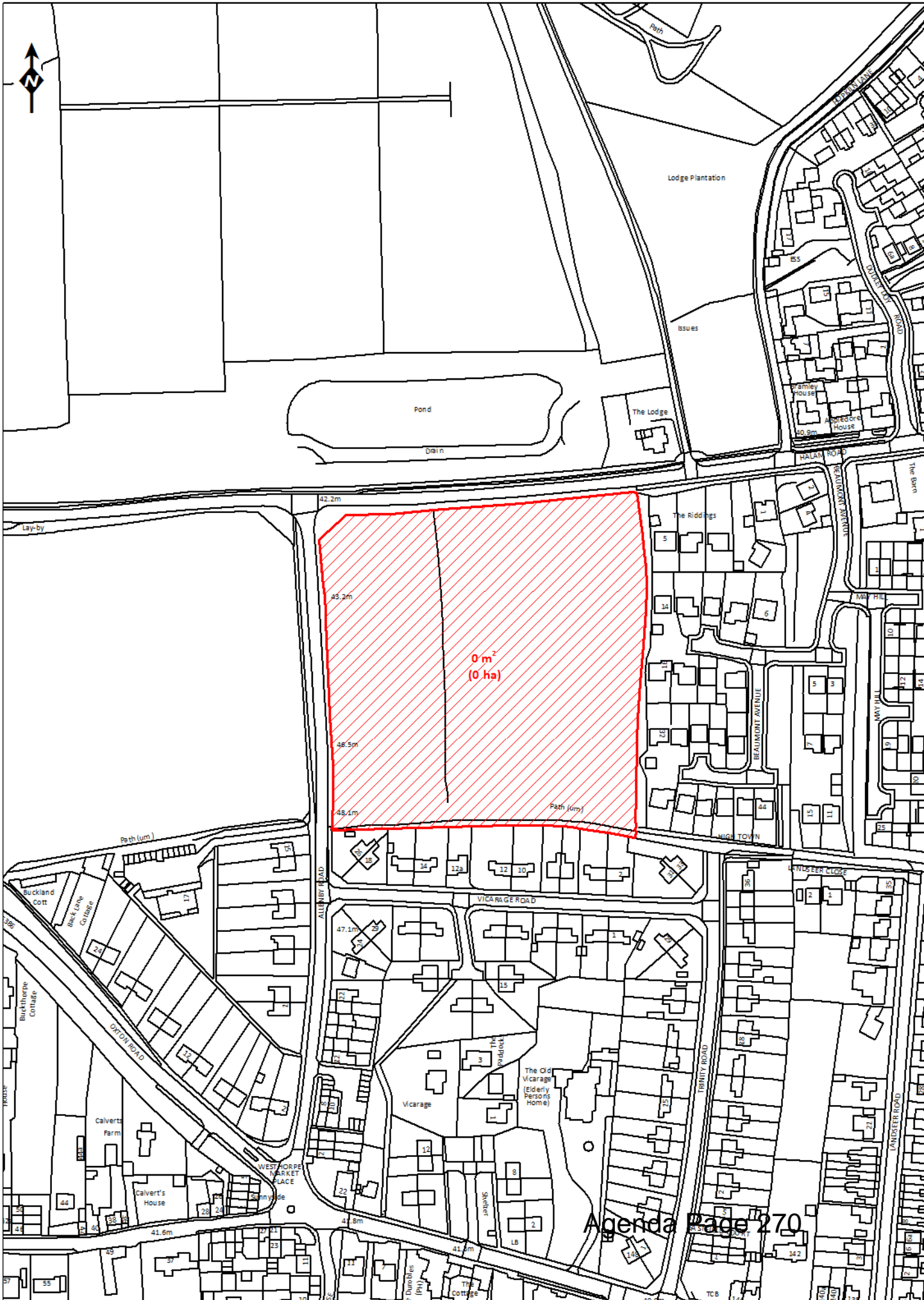
For further information, please contact Laura Gardner on ext. 5907.

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

Committee Plan - 18/01645/RMAM



PLANNING COMMITTEE - 15 JANUARY 2019

Application No:	18/02013/FUL	
Proposal:	Householder application for proposed front, rear and side extension with internal alterations, new alternative vehicular access with new drop kerb (re-submission of 18/00374/FUL)	
Location:	8 Paddock Close, Edwinstowe	
Applicant:	Mr & Mrs P Cheesmond	
Registered:	29 October 2018	Target Date: 24 December 2019
	Extension of time requested 18th January 2019	

The Site

The property is located on Paddock Close at Edwinstowe. Paddock Close is located to the northern edge of Edwinstowe with the Sherwood Forest National Nature Reserve to the north providing a woodland character to the wider area.

The street is made up of a variety of house types set within varying plot sizes. A mixed palate of materials have been used in the construction including render, red, multi and buff bricks, stone and wooden cladding. Clay and concrete roof tiles are also in evidence.

The property is located at number 8 Paddock Close and occupies a site to the north of the road. The garden plot to the rear runs toward the nature reserve and has a wooded rear boundary with fences running along the length of the side boundaries. The property is erected in a multi brick under a concrete tiled roof. The property has flat roof projections in the form of the front porch and side garage along with annex accommodation.

Relevant Planning History

18/00374/FUL – Householder application for proposed front, rear and side extension with internal alterations. New alternative vehicular access with new drop kerb – refused 24.04.18

Grounds for refusal:-

1. The proposal by virtue of its scale, massing and design in providing two large forward projecting gables results in a dwelling which fails to respect the character and form of the locality. Given the size, scale and massing of the proposal and the prominence of the gable projections the proposal is considered to result in an incongruous addition to the street scene and therefore detract from the character of the locality. As such, the appearance of the proposal is considered to detract from the locality contrary to policies DM5 and DM6 of the Development Plan and the guidance provided in the NPPF.

2. The proposal in extending approximately 8.8m from the rear elevation of the neighbouring property at number 6 Paddock Close would result in a significant experience of oppression. Given the difference in land levels between the properties and the height of the roof structure extending from 2.5m to 8m at its ridge it is considered that the result would be a stark and imposing structure resulting in a significant effect of oppression upon the occupiers of number 6 Paddock Close in respect of their most used of the rear garden amenity space and conservatory. The proposal is therefore considered to be contrary to the tests of policies DM5 and DM6 of the Development Plan and the guidance in the NPPF.

An appeal was dismissed insofar as it relates to the proposed front, rear and side extension with internal alterations but was allowed insofar as it relates to new alternative vehicular access with new drop kerb on 17.09.18. The Inspector dismissed the first reason for refusal but considered the proposal was harmful to the amenities of No 6 and therefore upheld the second reason for refusal.

The Proposal

It is proposed to increase the footprint of the existing dwelling and extend over the flat roofed garage and annexe. It is proposed to construct two feature gables to the front elevation with large areas of glazing. The rear of the dwelling would be extended with a roof slope down to single storey with the rear elevation featuring two gables and a dormer window. A single storey flat roofed rear/side extension is also proposed.

The resultant property would have 4 bedrooms to the first floor and a further bedroom on the ground floor. The first floor master bedroom would have his/hers dressing rooms along with an ensuite and enclosed balcony. The ground floor would be re-configured to form an open plan kitchen/dining/snug with extended lounge. The existing annex would be replaced/extended with a games/sunroom. The resultant dwelling would measure approximately 18.1m deep at its longest and approximately 22.8m in width. The roof would have varying eaves heights from 2.5m along the eastern flat roof to 5m elsewhere. The ridge of the roof would remain as existing at 8m height with the eastern flat roof with a height of 2.9m.

The Plans under consideration are;

Planning Statement, Received 26th October 2018

Location and Block Plan - as existing (VED538 01) – received 26th October 2018

Layouts & Roof Plan – as existing (VED538 02A) – received 26th October 2018

Elevations – as existing (VED538 03A) – received 26th October 2018

Ground Floor Plan – as proposed (VED538 10B) – received 26th October 2018

First Floor Plan – as proposed (VED538 12B) – received 26th October 2018

Block Plan & Roof Plan – as proposed (VED538 13C) – received 26th October 2018

Elevations – as proposed (VED538 20D) – received 26th October 2018

Publicity

Occupiers of 6 properties have been individually notified by letter.

Earliest Decision Date 04/12/2018

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design
Policy DM6 – Householder Development
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Supplementary Planning Document 'Householder Development' Adopted 2014

Consultations

Edwinstowe Parish Council – Proposals out of proportion and not in keeping with existing buildings nearby. Will over dominate the street scene.

Three letters of representations have been received from local residents or other interested parties objecting on the following grounds;

- Overbearing impact on the streetscene
- Affect the character of the area
- Materials not in keeping
- Front gable and glazing dominate the frontage
- Out of character with local area
- Surfacing the front garden for parking is out of keeping
- Not compatible with the "semi-sylvan" appearance or retention of existing deliberate spacing contributing to the character of Paddock Close
- Does not respect host dwelling/architectural inconsistent. Disproportionate in design, mass and layout
- The previous refusal was correct and revised proposal does not resolve the points of objection. The submission has not addressed the issues highlighted by the Inspector.
- Proposed extension is extensive and intrusive
- Full two storey height close to and along the front and eastern elevation of No. 6 Paddock Close
- The extension will loom over the neighbouring property, conservatory, patio and garden.
- Oppressive and overbearing

- The extension will appear much higher than a standard extension due to the height differences of the properties.
- It will extend 8.8m into the rear garden resulting in the complete loss of visual amenity of space and woodland trees along the side boundary.
- Detrimental impact on the visual amenity of neighbouring property
- Loss of privacy

Appraisal

Principle

The proposal relates to a householder development which is accepted in principle by Policy DM6 of the DPD subject to an assessment against a number of site specific criteria including the impact of the proposal on visual and residential amenity. Policy DM5 also relates to visual and residential amenity and highway safety.

Impact on Character of Area

National guidance contained within the revised NPPF states that Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy DM6 of the DPD states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials. Policy DM5 is also relevant and has similar criteria to DM6.

The proposal seeks permission for the extension of the dwelling through front, rear and side additions and the reordering of the internal layout. The proposal would result in an extension and complete redesign of the frontage of the property with two forward projecting gables and the infilling above the existing garage to two storey height.

The previous application 18/00374/FUL was refused planning permission on the grounds that the development would be an incongruous addition to the street scene and therefore detract from the character of the locality. The Inspector did not concur with this reason for refusal stating *'The resultant dwelling would depart significantly from the design of the surrounding dwellings, but that in itself does not render it harmful. Rather, as the existing building is somewhat featureless in appearance, the proposals would to my mind introduce welcome variety and interest into the street scene. The two forward facing gables would add articulation and interest to the front elevation, as would the varied materials palette and the latter could be controlled by condition.'*

It is acknowledged that the proposed extensions and alterations would not necessarily respect the design of the existing host dwelling but would result in a modernised dwelling of contemporary appearance. Paddock Close is characterised by a variety of different house types which appear to have been developed on an individual plot basis through the late 1970's and 1980's. Each plot generally reflects the architectural style of the period in which it was developed. The proposal is for a contemporary dwelling that would reflect current architectural styles and add to the distinctiveness of the streetscene and surrounding area. The host dwelling is a very simply designed detached dwelling, typical of the late 1970's, with prominent expanses of flat roofs. The dwelling is considered to have very little architectural merit whereas the dwelling as proposed would provide visual interest within the street and would be innovative and individual whilst having regard to architectural features such as large projecting gables that characterise the street

scene. The materials will comprise a mixture of brick, render and architectural stone to respect the surrounding area.

It is acknowledged that the extended dwelling would be of a substantial scale but it is considered that the property would not appear excessively large or disproportionate in terms of the overall size of the plot. The Inspector concluded that *'Whilst the dwelling would occupy much of the plot width, the retained space to the sides, coupled with that to the side of both adjoining properties would ensure that it would not appear cramped relative to its neighbours.'* Given the comments of the planning Inspectorate in the recent appeal decision it is not considered that the proposal can be refused planning permission in terms of the impact on the character and form of the locality.

Accordingly the proposal is in accordance with the aims of Policies DM5 and DM6 of the DPD and the Supplementary Planning guidance.

Residential Amenity

Policy DM6 of the ADMDPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, overshadowing or over-bearing impacts. Policy DM5 is also relevant. In this respect the key consideration for this proposal is whether the increase massing would result in any significant impacts and whether any effects would be of such impact to warrant resistance of the scheme.

The proposal would result in extensions to the front, side and rear. It is considered that the front extensions would not result in any appreciable impacts of increased overlooking, overshadowing or oppression to warrant refusal in this respect, however, the side extension and rear extensions have potential to result in impacts upon the adjacent properties at 10 and 6 Paddock Close.

No 10 Paddock Close lies to the west of the site. No windows are proposed in the west elevation and it is considered that the orientation and separation distance serve to ensure that there would not be any significant impacts of overlooking or oppression. Any increase in shadowing would be limited and only to the morning hours. As such it is not considered that there is any significant detrimental impacts to warrant refusal in this regard.

No 6 Paddock Close lies to the east of the site. A first floor extension is proposed to the eastern side of the host dwelling above the existing flat roof garage which would appear to the west of no. 6 Paddock Close. The relationship with number 6 has increased potential for impacts given the difference in land levels. The previous proposal was refused planning permission and upheld at appeal. The Inspector stated *'Its considerable massing would appear overbearing to the occupants of No 6 when using their conservatory and rear garden as it would loom large relative thereto. Whilst a significant part of the garden would remain unaffected by the proposals, that part closest to the house (which tends in my experience to be most intensively used for sitting out etc), would be rendered significantly less pleasant to use. The effect would be exacerbated as that property stands at a lower level relative to the appeal site.'*

The scale and massing of the rear projecting gable has been substantially reduced from the previously refused proposal to reduce the impact upon the occupiers of No. 6 Paddock Close. The proposed two storey extension on the eastern boundary would project 5.2 metres to the rear of No. 6. A single storey extension is now proposed to the side and rear to create additional ground floor accommodation whilst substantially reducing the massing so as not to have a detrimental

impact upon the amenity enjoyed by occupiers of No. 6. The two storey element of the proposal is now above the existing ground floor footprint and does not extend further to the rear. The single storey extension would be set in approximately 1.5m from the common side boundary with the neighbouring dwelling approximately 7m from the side boundary of the No. 6. The single storey element would project 10.2 metres to the rear of the adjoining property. The change in levels from the neighbouring property is noted but given the limited projection of the two storey extension and reduced height of the flat roof single storey extension the relationship is considered to be acceptable. Given the degree of separation the two storey extension complies with the 45 degree test set out within the Householder Development Supplementary Planning Document and it is therefore not considered to have an unacceptable impact upon the occupiers of this dwelling.

The window openings to east elevation serve a games room and WC on the ground floor and a small ensuite window at first floor which is proposed to be obscure glazed and can be conditioned as such. It is considered that these openings would not result in any significant increase in overlooking given the existing fencing along the boundary. Any further openings at first floor would be controlled by permitted development rights. The proposal has a sunroom window and bifold doors looking to the north along the garden at ground floor and a bedroom with Juliet balcony to the first floor of this rear projection. These openings are considered to not result in a significant impact of overlooking against the neighbouring properties due to the set back from the shared boundary and oblique line of sight. A recessed balcony is also proposed to the master bedroom. The balcony would have a solid section to both side elevations to full height. This feature serves to ensure that the outlook from the balcony would be down the garden area and therefore not result in unacceptable impacts upon the neighbouring properties through direct overlooking.

Overall, it is considered that the proposal as submitted would overcome the previous reason for refusal and concerns of the Inspector. The proposal would not result in any significant adverse impact upon the living conditions of neighbouring occupiers and is therefore in accordance with the amenity considerations contained within Policy DM6 of the ADMDPD.

Highway Safety

The existing dwelling has a large area for off street parking and an integral double garage which would not be affected by the proposal. The new dropped Kerb and driveway shown in the plans have already been carried out. The Planning Inspectorate had no issue with the parking and access arrangements and previously approved this element of the scheme. It is therefore considered that adequate off-street parking provision would remain at the site and as such the development would not impact upon highway safety.

Drainage

In this instance the scale of the development and the surrounding soft landscaped garden serve to ensure that there would be no significant impacts upon surface water drainage resulting from the proposal.

Conclusion

The principle of development is considered to be acceptable and the proposed design would not unduly impact on the character and local distinctiveness of the area in terms of design and materials. The development would not be detrimental to the amenity of neighbouring properties by reason of overlooking, overshadowing or overbearing impact, and is considered to overcome

the previous reason for refusal at appeal. As such it accords with the relevant local policies and core principles of the NPPF.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

01

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

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

02

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

Location and Block Plan - as existing (VED538 01) – received 26th October 2018

Layouts & Roof Plan – as existing (VED538 02A) – received 26th October 2018

Elevations – as existing (VED538 03A) – received 26th October 2018

Ground Floor Plan – as proposed (VED538 10B) – received 26th October 2018

First Floor Plan – as proposed (VED538 12B) – received 26th October 2018

Block Plan & Roof Plan – as proposed (VED538 13C) – received 26th October 2018

Elevations – as proposed (VED538 20D) – received 26th 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

The development hereby permitted shall be constructed in the materials as specified;

Brickwork – Funton Old Chelsea Yellow

Tiles – Marley Skate Edgemere Smooth Grey

unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The ensuite window opening on the east elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

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 gross internal area of new build is less 100 square metres.

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

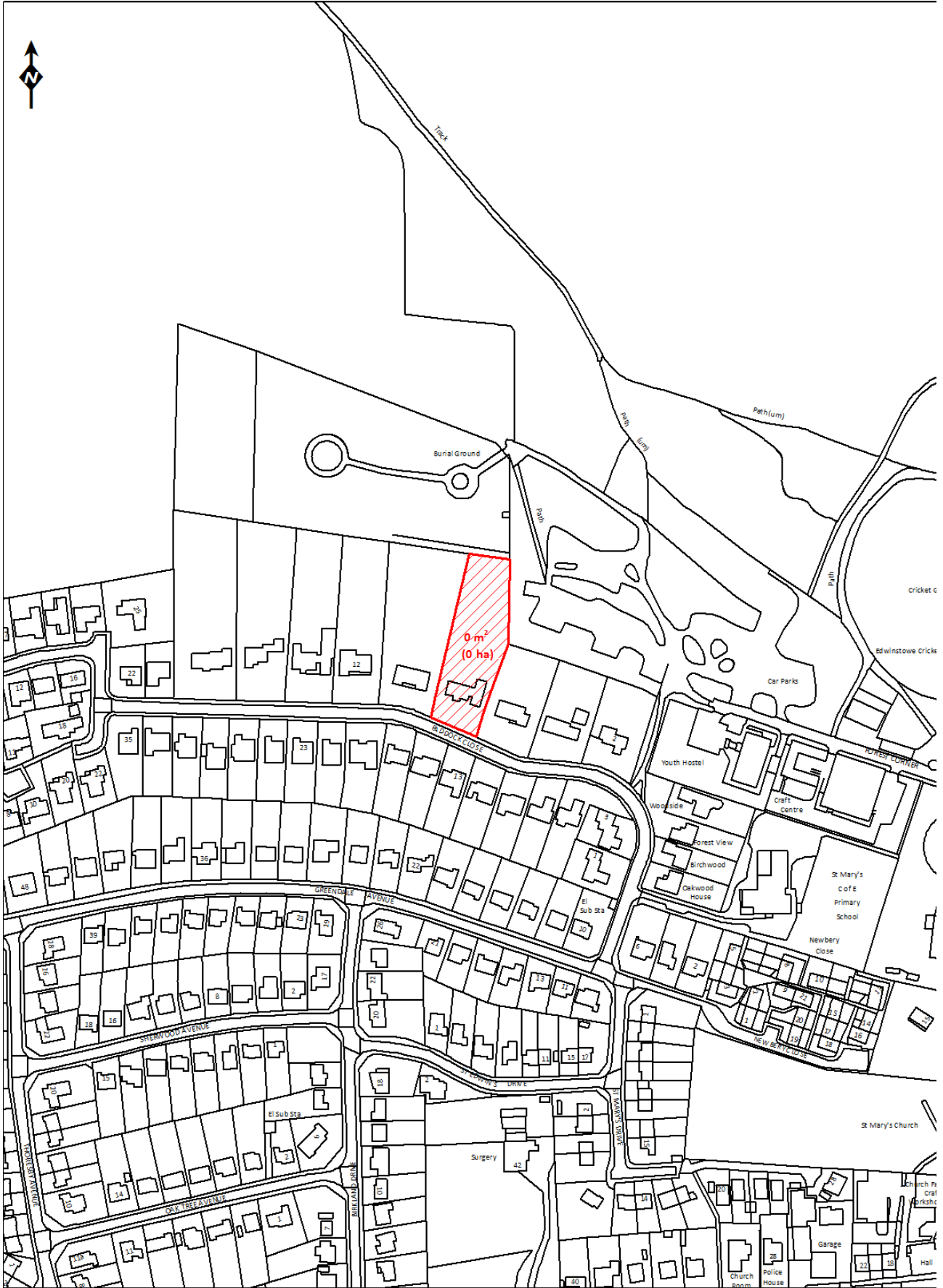
Application case file.

For further information, please contact Jennifer Wallis on ext 5419.

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



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PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/01699/FUL	
Proposal:	Householder application for erection of a single storey side extension and porch	
Location:	151 Kirklington Road, Rainworth, Nottinghamshire, NG21 0LA	
Applicant:	Mr Mark Ward	
Registered:	6 September 2018	Target Date: 1 November 2018

This application is referred to the Planning Committee for determination by the Local Ward Member (Cllr L Tift) in the interests of fairness and the planning issues raised being the impact on the neighbouring property and loss of privacy due to the differences in the levels.

The Site

The application site is a rectangular plot on the southern side of Kirklington Road within the Service Centre of Rainworth and is surrounded predominantly by other residential properties.

The site hosts a brick and tile semi-detached two storey property with a dual-pitched roof sloping away from the highway (to the north). The attached dwelling is located to the west side of the host property and is set with its gable end facing the highway. This neighbouring property is on the corner of Kirklington Road and Rufford Avenue.

The neighbouring dwelling to the east is a semi-detached chalet bungalow (6 Forest Close) with a steep roof pitch and similar ridge height to 151 Kirklington Road. This neighbouring property and the next two along are of the same design and are set forward of the host property by approx. 9m which results in the front elevation of the host dwelling being in line with the rear elevation of number 6 Forest Close. This neighbouring property is set between 0.2-0.5m lower than the application site due to a change in land levels.

The rear of the property is bound by the rear garden of an adjacent dwelling. The side boundary with 6 Forest Close is made up of a c.1m high wood panel fence; it is noted that several conifer trees have recently been removed along this boundary, opening up the visibility into the sit from the east. The front boundary with the highway is made up of fencing and gates at approx. 1.5m height.

The property benefits from a mostly hard surfaced frontage which provides off street car parking with amenity space to the eastern side of the property closed off with a fence and gate at C2m height. The area behind this gate (where the side extension is proposed) is hard surfaced.

Relevant Site History

No planning history.

The Proposal

The proposal is for a single storey side extension that would feature a small front projection and a fully hipped pitched roof as well as a porch.

The extension would measure a maximum of 3m in width and 6.9m in length (including 0.8m projection from main front elevation), with a height of 2.4m high to eaves level and 3.8m to the ridge of the proposed lean-to roof.

The proposed porch would measure 1.2m length and 2.2m in width with a height of 2.4m high to the eaves and 3m to ridge of the pitched roof.

It is proposed that the extensions would be constructed using materials to match the host dwelling.

The initial application was for a two storey side extension and porch. Following concerns raised by the Officer, the applicant has submitted a revised scheme which has reduced the proposal to a single storey addition. Consultations on this revised scheme have taken place. This report and recommendation relates to these amended plans which were submitted on 1st November 2018.

Submitted Documents

The following documents accompany the application:

- Site Location Plan
- Block Plan (received 1st November 2018)
- Levels Plan (received 10th December 2018)
- Existing and proposed elevations and existing floor plans - RRS251018 (received 1st November 2018)
- Proposed floor plans and sections - RRS261018 (received 1st November 2018)
- Photographs x2

Departure/Public Advertisement Procedure

Occupiers of 8 neighbouring properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Core Policy 9 – Sustainable Design

Allocations & Development Management DPD (adopted July 2013)

- Policy DM5 – Design
- Policy DM6 – Householder Development
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Householder Development SPD 2014

Consultations

Rainworth Parish Council – Support Proposal

Neighbours/interested parties - Two letters have been received from a third party objecting to the proposal in its original two storey form and the revised single storey proposal. These comments can be summarised as follows:

- The proposed extension would overshadow a neighbouring garden a rear ground floor windows reducing light;
- The extension would impact on neighbouring privacy due to the view created from the side facing door and;
- The application site is on higher land than a neighbouring property and the extension would overbear the neighbouring garden even more due to this extension.

Comments of the business manager

Principle of Development

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the character of the surrounding area, as well as protects the amenity of neighbouring

residents. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area.

Furthermore Policy DM6 also addresses amenity accepting development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy.

Impact on visual amenity

Core Policy 9 and Policy DM6 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. The NPPF states that good design is a key aspect of sustainable development.

The area consists of a mix of dwellings in terms of age and design and as such the principle of a side extension in this location is considered unlikely to have any detrimental impact on visual amenity. It is accepted that due to its location, the side extension would be visible from the public realm, however I considered the extensions to be subservient due to its single storey nature and the fully hipped lean to roof would further limit the mass of the extension. Additionally, proposed materials would match the existing dwelling. The proposal is therefore not considered to substantially alter the street scene due to its position the side of the dwelling and its small scale.

Turning to the proposed porch, this would be constructed of matching material and represent a modest front extension. I also consider the porch to provide some interest to the flat front elevation in a subservient way.

Overall I consider that the proposal would not have a significant detrimental impact upon visual amenity and therefore the proposal complies with Policy DM6 of the DPD and Policy DM9 in this regard.

Impact on Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light or over-bearing impacts.

I note the comments received regarding the amenity impact of the proposed extension but on balance I am of the view that the proposal would be acceptable and cause no significant undue impact with regard to amenity.

In considering neighbours to the rear, front and west I find that due to the separation distances that would exist and the relatively low height of the extension, the proposed extension would cause no undue impact with regard to the amenity of neighbours in these locations.

Given the proximity of the proposal to number 6 Forest Close and the change in land levels between the sites, I have considered this relationship carefully. I am mindful that the extension would sit at a higher level than the neighbouring property given the change in land levels; the eaves height to the lowest point of the neighbouring property would be 2.9m. Whilst this may present a slight overbearing impact, I do not consider this height to be so overbearing so as to warrant refusal of the application, particularly given that the roof slope would slope away from the eastern boundary of the site and the minimum separation distance from the shared boundary of 0.9m (increasing to 1.5m due to the shape and layout of the plots).

Furthermore, I do not consider this extension likely to have a significant impact in terms of overshadowing; although I note that the host property is adjacent to the rear garden of number 6 I find it noteworthy that this garden faces south and any loss of sunlight as the sun move westward is unlikely to be any greater than that already caused by the existing building within the application site (as the extension would not extend beyond the existing rear building line of the host dwelling).

In considering the comments received regarding privacy I note that a revised drawing has been submitted which indicates the side door containing privacy glass. This is considered acceptable to protect amenity and this can be controlled via a suitably worded condition for clarity should Members be minded to approve the application.

Turning to the proposed porch, this addition would be modest in scale and located to front of the property, allowing a substantial distance from any neighbour so as not to cause any undue amenity impact.

Overall I am satisfied that the proposed extension would be subservient in scale and would not unacceptably impact upon existing neighbouring amenity. The proposal would therefore accord with policy DM6 of the DPD.

Other matters

For the awareness, Members may wish to note that if the front 0.8m projection of the side extension were to be omitted from the scheme, the side extension would accord with permitted development for Householder Development. Furthermore a permitted development scheme could be built right up to the shared side boundary. On this basis I consider that there is a very reasonable fall-back position available to the applicant and that this is weighted in the planning balance. As discussed above I find that the proposal is acceptable in terms of amenity and consider that this fall-back position further strengthens the acceptability of the scheme.

Conclusion

The proposal is acceptable in principle, the design is appropriate for the location and the development would not be detrimental to the amenity of neighbouring properties. The proposal is therefore considered to be acceptable and complies with local and national planning policies.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

01

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

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

02

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

- Site Location Plan
- Block Plan (received 1st November 2018)
- Existing and proposed elevations and existing floor plans - RRS251018 (received 1st November 2018)
- Proposed floor plans and sections - RRS261018 (received 1st November 2018)

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

Any glazing within the east facing door of the hereby approved extension shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

Informatives

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 less than 100m² floorspace is proposed.

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 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 and Regeneration



PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/02194/FUL	
Proposal:	Erection of 4 bedroom detached house	
Location:	Land Adjacent Bramley House, Burnmoor Lane, Egmanton, Nottinghamshire	
Applicant:	Mr and Mrs Michael Wallace	
Registered:	27.11.2018	Target Date: 22.01.2019

This application is being presented to the Planning Committee as a previous planning application for the erection of a 4-bedroom dwelling within the application site was refused by Members in November 2018.

The Site

The site is situated to the north of Burnmoor Lane which itself is situated to the north of Weston Road, located at the eastern end of Egmanton. The site forms a rectangular shaped plot of land approximately 0.05 hectares in area. The site is somewhat overgrown with no structures present. There are several trees to the western and northern boundary of the site, none of which are protected by Tree Preservation Orders. The land within the plot is generally flat, although the prevailing topography of this area slopes gently down from north to south, towards Weston Road.

The front of the site is currently open onto Burnmoor Lane which is also an existing bridleway. Hedgerows and an established tree line enclose the other boundaries of the site.

To the west of the site lies Burnmoor Farm House, whilst to the north, east and south are modern dwellings comprising detached two-storey and single-storey buildings, all of which share access off Burnmoor Lane. Boundaries to the site comprise: N – c.2 m hedgerow to the NE side and trees to the NW, E – 1.8 m hedgerow to the SE and the wall of the neighbouring properties outbuilding to the NE, W – c.1.8 m hedgerow and trees, N – open.

The site originally comprised the farmyard to Burnmoor Farm, occupied by modern agricultural buildings but these were demolished some years ago. The site lies outside of the Egmanton Conservation Area but is close to its edge.

The proposed development site lies within flood zone 1, although part of the access to the site is situated in flood zones 2 and 3.

Relevant Planning History

18/00787/FUL - Erection of 4 bedroom detached house with double garage – Refused 27.11.18 for the following reason,

In the opinion of the Local Planning Authority, the scale and height of the proposed dwelling along with double garage to the front of the site which interrupts the character of the street scene, would result in over development of the site resulting in a cramped appearance with consequential adverse impact upon the visual amenity of the area. This would consequently impact on the

amenity of the occupiers of surrounding dwellings including Bramley House to the rear of the site in particular due to the resultant increased perception of overlooking. There are no material considerations which are sufficient to outweigh the harm identified in this case. The application is considered to be contrary to the aims of the National Planning Policy Framework and Planning Practice Guidance, and contrary to Spatial Policy 3 and Core Policy 9 of the Adopted Core Strategy and Policy DM5 of the Adopted Allocations and Development Management DPD.

16/00411/FUL - Erection of a dwelling- **Approved 15.08.2016 – This permission is still extant until 15.08.2019**

09/01674/FUL - Erection of dwelling (Removal of Condition 9 of planning permission Ref. 07/01070/FUL requiring the surface of the bridge deck adjacent to Weston Road to be surfaced in a bound material) approved in February 2010.

07/01070/FUL - Erection of dwelling approved in July 2007. This permission has not been implemented at the site and has now lapsed.

FUL/931186 - Full planning permission was granted to erect new house in December 1993 and work commenced in August 1994.

On adjacent land to the east (also included within the original outline permission granted in 1989):

OUT/920834 - Outline planning permission granted for residential development to erect one dwelling in November 1992.

38900693 - Reserved Matters were approved for a three-bed bungalow with integral garage in August 1990.

On adjacent land to the north (included within original outline permission granted in 1989):

38891559 - Full planning permission was granted for proposed private dwelling and garage in January 1990 and work commenced in March 1990.

38890292 - Outline planning permission was granted for the redevelopment of redundant farm buildings into three dwellings on land at Burnmoor Farm in August 1989.

The Proposal

The application seeks planning permission for the erection of a 4 bedroom dwelling. The dwelling would be served by a driveway which features a half hammerhead to facilitate turning within the site. The dwelling would benefit from a rear garden and also circulation space to both sides. A new access to Burnmoor Lane is proposed to serve the dwelling.

The dwelling would be positioned centrally within the plot and it would face south. The dwelling would be two storey in height with the first floor featuring front and rear dormers at eaves level with the eaves being midway through these first floor dormer windows. The dwelling would feature a single storey gable side projection to the west side and an external full height chimney breast to the east side of the main body of the dwelling which has a stepped ridge height. The rear of the dwelling would feature a rear single storey pitched roof projection and the front elevation

would include a two storey high centrally positioned gable projection. This element would feature first floor to gable height glazing to the front and an open porch to the front door at ground floor level.

The dwelling would measure approx.:

<i>Main body:</i>	7.8m deep x 12.2m wide, 4.5m eaves & 6.9m ridge (revised from 7.5m)
<i>Side projection (E):</i>	7.3m deep x 4.9m wide, 3.1m eaves & 6.3m
<i>Side projection (W):</i>	5m deep x 1.8m wide, 2.5m eaves & 4.5m
<i>Rear single storey projection:</i>	3m deep x 4.2m wide, 2.6m eaves & 4.2m to ridge
<i>Front gable:</i>	1.8m deep x 3.6m wide, 5.3m to eaves and 6.8m to the ridge (0.1m lower than the main roof ridge)
<i>Floor Space:</i>	250m ²

Materials: Facing bricks & Marley Cedral boarding, Natural clay pantiles, White upvc casements windows, Timber doors. Vehicle access and hard standing – gravel.

Boundary Treatments: No change to existing boundary treatments (mixture of hedges & fences) new wall to site frontage – (wall details to be agreed via condition)

Submitted Documents

The application has been submitted alongside the following plans and documents:

- Location Plan – 18.008.1 Rev A
- Site Plan – 18.008.2 Rev C
- House Type Planning Drawing – 18.008.3 Rev D (includes proposed elevations and plans)
- Foul Drainage Assessment Form
- Foul and Surface Water Drainage Strategy
- CIL Liability Form

Departure/Public Advertisement Procedure

Occupiers of eight neighbouring properties have been individually notified by letter and a site notice has been posted adjacent to the site and an advert has been posted in the local press.

Earliest decision date: 27th December 2018

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport

Core Policy 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

Policy DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Guidance Note to SP3 Supplementary Planning Document

Consultations

Egmonton Parish Council – No comments have been received in relation to this revised application.

Archaeological Consultant – *No archaeological input required.*

NSDC Conservation Team – *“We have been consulted on the above proposal. We responded to a materially similar proposal earlier in the year (ref 18/00787/FUL) and raised no specific historic environment concerns.*

The proposal site is adjacent to Egmonton Conservation Area (CA), but not within it. Burnmoor Farmhouse is identified as a Local Interest building (ref MNT22626). The properties in this part of the village otherwise comprise a mixture of modern architectural types of modest interest.

We do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, and section 16 of the NPPF (revised 2018). Fundamentally, if the scheme results in a neutral impact on the setting of the CA and other heritage assets, preservation is likely to be achieved.

If you have any specific concerns or queries, please do not hesitate to ask.”

NSDC Environmental Health Contaminated Land – *“This application includes the construction of a new residential dwelling on land that historic mapping and aerial photography shows was formerly part of Burnmoor Farm. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos.*

There is clearly the potential for the site to have been contaminated from this former use. As it

appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent."

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

It is recommended that disabled persons and wheelchair users' access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, 'step-free' access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout and on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

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

Nottinghamshire Ramblers Association – *"As long as Egmanton Bridleway 3 (Burnmoor Lane) remains safe and unobstructed for pedestrian use during and after the construction process we have no objection."*

The Environment Agency – *"The Agency has no objections to the proposed development but wishes to make the following comments:*

The site of the proposed dwelling is in Flood Zone 1, at low risk of flooding. The nearby watercourse is not a main river, it is therefore the responsibility of the Lead Local Flood Authority and we do not have hydraulic model data for the watercourse at the Environment Agency.

As the access to the proposed development is situated in flood zones 2 and 3, access to the wider road network maybe unavailable during flooding events. The LPA must therefore determine, in consultation with their emergency planners whether the arrangements of access and egress are acceptable."

Trent Valley Internal Drainage Board – *"We Refer to the above planning application and make the following observations:*

The site is within the Trent Valley Internal Drainage Board District. There are no Board maintained watercourses in close proximity to the site. However, the Board are aware of flooding issues in this area. Surface water run off rates to receiving water courses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the lead local flood risk authority and Local Planning Authority. If you require and further information please do not hesitate to contact the Board's Operation's Manager, Matt Everett."

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

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

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

NCC Highways Authority – *"This application site has been the subject of a number of previous applications in recent years. It is noted that a similar application for this site (16/00411/FUL) was approved on 15 August 2016.*

Therefore, it is considered the Highway Authority would not wish to raise objection in this instance."

NCC Rights of Way Officer – No comments received at the time of writing this report

Neighbour/Third party representation – No third party comments received in relation to this application.

Comments of the Business Manager

A similar application was considered by members at the November Planning Committee where the committee resolved to refuse the application for a new dwelling on the grounds that the scale and height of the dwelling, along with the double garage to the front of the site which interrupts the character of the street scene, would result in over development of the site resulting in a cramped appearance with consequential adverse impact upon the visual amenity of the area. Consequently this would impact the amenity of the occupiers of surrounding dwellings, including Bramley House to the rear of the site due to the resultant increased perception of overlooking.

In order to address Members' concerns the detached garage has been omitted from the proposal, the ridge height of the proposed dwelling has been reduced by 0.6 m, and following discussion regarding the width of the new dwelling and perceived scale the applicant has revised the

principal elevation by reducing the eastern bay to c.6.2 m to replicate the design of Rowan House to the east (which has a 6.5m gabled projection on its western elevation). In support of this new application the footprint of the dwelling approved under application reference 16/00411/FUL has been shown on the site plan along with the comparative ridge and eaves heights of Bramley House located to the rear of the site. Comparisons with Rowan House to the eastern side of the site have also been shown on the house type planning drawing.

Principle of development

The Council's position remains that it can demonstrate a 5 year housing supply. Therefore the Development Plan is up-to-date for the purpose of decision making.

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. The site is considered to be situated within the built up area of the village of Egmont, which in accordance with SP1 is defined as an "other village". Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy.

The assessment of the proposal against the criteria of SP3 is included below but I consider it pertinent to raise another issue regarding the principle of the development, which is the site history. As noted above in the site history section there is an extant permission for a single dwelling that could be implemented up until August 2019. This dwelling is very similar in scale to that proposed now with almost the same footprint as now proposed. The extant dwelling has a footprint of 165.3m² compared to the new dwelling which is 143.3m². The position of the comparative proposed dwellings is also similar. The one main difference would be the height of the dwelling as the current proposal in hand would represent a taller dwelling being approx. 1.3 m higher at both eaves and ridge height (reduced by c.0.6m from that considered and refused under 18/00787/FUL). Notwithstanding this difference I consider that this 2016 permission is a material consideration in assessing the current proposal and the extant permission represents a reasonable fall-back position.

Furthermore a further extant permission was identified in the officer report for 16/00411/FUL which highlighted:

"Within the committee report for the 2007 application Ref. 07/01070/FUL the comments of the Head of Planning Services included the following;

'Following a lengthy investigation and taking into account established case law, the District Council's solicitor is satisfied that this site does indeed have the benefit of an extant permission. This is based on the commencement of development by reason of the construction of two of three dwellings originally granted outline planning permission in 1989. The principle of residential development in this location is therefore established and the legally extant approval needs to be accorded due weight under planning law.'

In light of the above, while the 2007 application has now lapsed, due to the situation highlighted above in which the 1989 outline permission has been implemented through the construction of 2 out of 3 dwellings permitted by this application, I am of the opinion that a legally extant permission

still remains in place and constitutes a material planning consideration.”

On the basis of the above there is another extant permission for a dwelling on site which is again considered to be a material planning consideration in assessing this current proposal although I do not consider it to be as reasonable a fall back as the more up to date, comparable extant permission.

Location of the Development

Egmanton is a small rural settlement and according to the 2001 census has 254 inhabitants in 101 households. The amenities include an Anglican church, a village hall (formerly the old school) and a pub, 'The Old Plough'. The application site is located on the eastern side of the village, and while I am mindful that the denser built up area of the village is based around Weston Road and Kirton Road which run centrally through the village, I am also mindful that the application site is a rectangular shaped plot with dwellings on all sides and to the rear, and was included in the village envelope within the previous Local Plan. As such, I consider that the application site is located within the main built up area of Egmanton.

The location criterion of SP3 also requires consideration of local services and access to more sustainable settlements. While the amenities of Egmanton are limited in nature, there is a direct link to the larger settlement of Tuxford, which although outside of the Newark and Sherwood district is in close proximity at 1.7 miles to the north. The amenities within Tuxford include a primary and secondary school, a co-operative supermarket and 3 village pubs. The village of Egmanton and application is also well connected to the A1 at 1.1mile away from the junction with Weston Road which affords direct access to Newark.

In taking all of the above points into consideration I am of the opinion that the site is within the built up area of the village and Egmanton is a relatively sustainable location where a single new dwelling can be supported and also considered to be in line with paragraph 78 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community.

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 Egmanton does not have an up to date Local Needs Survey (prepared in conjunction with the Parish Council). The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. As the current application proposes 4 bedrooms, it does fulfil a need for family sized properties within the District as a whole.

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

I consider the proposed dwelling likely to support community services and facilities including those listed above. 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.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume.

Impact on Character

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 immediate locality contains dwellings that range in both size and design and the dwellings that share boundaries with the application site are two storey. There are also single storey and dormer bungalows on the opposite side of Burnmoor Lane and in close proximity to the site. I am therefore satisfied that the proposed dwelling would not be out of character with the immediate surrounding area. In also taking account of the proposed dwellings position within the site and level of private amenity space, I am satisfied that the proposed development would be similar in nature of the surrounding development.

With regards to siting, the dwelling has been positioned matching the build line of Rowan House to the East and whilst it would sit further south than Burnmoor Farm to the west, I do not consider this would unduly impact the character of the streetscene. In addition, the newly proposed dwelling has a smaller footprint than the extant permission for a dwelling on site, with a similar plan form to Rowan House, as shown in figure 2 below,



Fig 2 – Left: Plan showing new dwelling and positioning of

surrounding properties. Right: Aerial Image of the site.

Following the refusal of the application, the applicant has addressed Members concerns that the proposal would result in a cramped appearance and thus unduly impact upon the character of the streetscene. The applicant has omitted a proposed

detached garage and has reduced the height and width of the proposed dwelling. I am therefore satisfied that the proposed development would be similar in nature of the surrounding development and would not be significantly different to the extant permission on site which is a material consideration. The reduction in the bulk of the dwelling has attempted to address Members' concerns.

Officers have attempted to negotiate further with the applicant to reduce the width of the new dwelling. Whilst these amendments have not been forthcoming I am satisfied that on balance, the revisions that have been made have attempted to address the concerns regarding this new dwelling. Given the built form will replicate Rowan House to the east, which has a similar relationship with Bramley House to the rear, I am satisfied that the amendments made are sufficient to reflect existing surrounding development.

I also note that several trees exist on the site along the eastern boundary. Whilst a tree survey has not been submitted in support of the application, I am mindful that previous applications have accepted the proposed footprint now being considered. The proposed footprint would result in some loss of vegetation, however I am satisfied that this would not be unduly detrimental to the character area in this instance, particularly if some vegetation can be retained as part of the final landscape scheme and potentially some additional soft landscaping could also be provided including to the front boundary. A suitable condition requiring final details of boundary treatments and landscaping could be attached to any planning permission.

Heritage Issues

I note the Conservation section have not raised an objection to the proposed development and I consider that due to intervening properties between the boundary of the conservation area and the application site, as well as the neutral design of the proposed dwelling, that the proposal would have a limited impact on the setting of the Conservation Area and other nearby heritage assets.

I am therefore satisfied that the proposed development would be consistent with section 66 and 72 of the planning act as well as the aims of Core Policy 14 and DM9 of the Council's LDF DPD's.

Impact on Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

Policy DM5 of the DPD provides 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'. In addition a core planning principle of the NPPF is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

In taking account of the position of the proposed dwelling as well as the separation distances to the closest neighbouring dwellings, I remain satisfied that the proposed dwelling would be positioned so as to not result in any significant undue overbearing impact, overshadowing or loss of privacy. This is mainly due to the proposed dwelling being in line with the closet adjacent neighbour to the east (which is a two storey dwelling) and the proposed dwelling being forward of

the neighbour to the west which is approx. 15m away. The proposed dwelling would be approx. 25m from the dwelling to the south and I note that this is a bungalow. Being mindful of the previous extant permission for a dormer property which included first floor windows and a very similar position within the site I can see no significant material difference when compared with the current proposal when considering this relationship.

In considering the neighbouring property to the rear of the proposed dwelling, Bramley House, I note that there would remain to be a minimum of approx. 22.5 -23m between the rear elevation of the proposed dwelling and the front elevation of Bramley House. This level of separation is generally considered an acceptable separation distance between facing windows when considering residential development and it is important to note that the front of Bramley house is not likely to be an area of amenity space most used by occupiers. The proposed reductions to the dwelling would also go some way to ensuring that the amenity of this neighbour is protected.

The new dwelling would be c.1.3 m lower than the ridge height of Bramley House, and whilst I do acknowledge that the views between these facing elevations will be direct with no real angle present I consider that given the context set out here, the comparison between ridge heights and separation distance, and the clear willingness to reduce the bulk of the dwelling to address previous concerns, the resultant relationship between the two dwellings would not be so adverse to warrant the refusal of this application.

Overall I am satisfied that the application does not conflict with the amenity criteria under Policy DM5.

Impact on Highways

Spatial Policy 7 of the Core Strategy encourages development proposals to provide safe, convenient and attractive accesses for all and provide appropriate and effective parking provision for new development.

NCC Highways have commented that the application site has been the subject of a number of previous applications in recent years. In referring to the application 16/00411/FUL that was approved 15 August 2016 the Highways Officer advised they would not wish to raise objection in this instance.

Given there is adequate space within the site for off street parking and the above comments from the highways department the proposal is considered to be in accordance with Spatial Policy 7 of the Core Strategy DPD.

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.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 Environment Agency have not objected to the proposal noting that the built form proposed will lie in flood zone 1, however I note that the access to the proposed development is situated in flood zones 2 and 3, the EA have advised that as a result of this access to the wider road network maybe unavailable during flooding events. Furthermore I attach significant weight to the realistic fall-back position available that currently allows the construction of a dwelling on site. Given this and the fact that the built form of the dwelling would be located in Flood Zone 1, it is not considered reasonable to suggest that the dwelling could be located in a different location. In relation to the position of the access location within Flood Zones 2 and 3, it is noted that this access already serves domestic properties and it is considered appropriate to impose a condition requiring the submission and approval of a Flood Warning and Evacuation Plan to include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Subject to this condition, it is not considered that the proposal would result in any adverse impact on flood risk in accordance with Core Policy 10 and Policy DM5.

Drainage

Given the previous comments raised by third parties and the Parish Council (taken from the previous planning application) relating to surface water run-off and waste disposal the applicant has submitted a Foul Drainage Assessment and Strategy.

In considering the comments received regarding foul sewerage it is noted that the applicant has indicated (on the submitted application form) that a Package treatment plant is intended to be used and a foul drainage assessment form has been provided for information.

I note that the Environment Agency, LLFRA or internal drainage board have not raised objections to the proposed treatment plant as a means of drainage to serve the new dwelling.

I am aware that Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation).
3. Septic Tank
4. Cesspit

Foul drainage should be connected to the main sewer if possible. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

The proposed treatment plant is second in the hierarchy of drainage options set out in Government Guidance. Such a means of drainage will also require a permit issued by the Environment Agency which, based on the submitted Foul Drainage assessment is being pursued outside of the planning process with the EA. The granting of planning permission does not automatically mean that a Permit would be granted. This would be a matter for the Environment Agency.

Given that the Environment Agency have raised no objections to the proposed drainage scheme it is considered that, although not the optimum means of drainage, refusal on the proposed scheme would be unreasonable in this instance.

Notwithstanding the above, details of the proposed treatment have been not provided with the application. It is therefore considered reasonable to attach a condition requiring precise details of the means of foul drainage and surface water disposal should permission be granted. This also builds in the potential to submit alternative means of foul drainage and surface water disposal should the Environment Agency not permit the proposed treatment plant and the hierarchy of options can be explored further by the applicants.

Contaminated Land

The comments from the Environmental Health section made in regards to the potential for contamination at the site is noted and the recommended standard conditions are considered appropriate in this instance in order for any relevant remediation work to be carried out and prevent any risk to human health.

CIL

The site is located in the 'Housing High Zone 3' area which is charged at £70 per sq metre. The proposed dwelling is 250m² in total internal floor space and as such the charge on the development is £20,395.68.

Conclusion and Overall Planning Balance

The proposed development seeks permission for a single dwelling within a rural village. It is considered that the application meets the requirements of policy SP3 particularly taking into account the emerging SP3 which can be afforded weight. Furthermore I consider the fall-back position of constructing a dwelling in line with the 2016 permission for a dwelling (which will remain extant until August 2019) is a reasonable fall back position which could realistically be implemented if this permission were to be refused.

In order to address the previous concerns highlighted by Members the detached garage has been omitted from the proposal and the ridge height of the proposed dwelling has been reduced by 0.6m as well as reduction in the dwelling width. The proposed development has therefore been

assessed to not result in any material adverse impact on the amenity of neighbouring properties, on the character and appearance of the site or wider locality or flood risk.

As such it is considered that the proposed development would be consistent with the aims of The NPPF, Core Policies 9 and 10 and Policy DM5 and DM12 of the DPD. Accordingly it is recommended that planning permission be approved. There are not considered to be any other material considerations which would outweigh this benefit and therefore the proposal is recommended for approval subject to the conditions listed below.

RECOMMENDATION

That full planning permission is approved subject to the following conditions and reasons:

01

The development hereby permitted shall not begin later than one year 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 except in complete accordance with the following approved plans:

Location Plan – 18.008.1 Rev A

Site Plan – 18.008.2 Rev C

House Type Planning Drawing – 18.008.3 Rev D

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

Reason: So as to define this permission

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application, namely:

Walls: Facing bricks & Marley Cedral boarding

Roof: Natural clay pantiles

Windows: White upvc casements

Doors: Timber

unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In the interests of visual amenity.

04

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and

these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished and existing ground levels;
- means of enclosure;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

05

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

06

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

07

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

08

No development shall be commenced above damp proof course until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

09

A Flood Warning and Evacuation Plan shall be submitted to and agreed in writing with the Local Planning Authority, and implemented prior to first use of the dwelling hereby permitted. The development shall be carried out in accordance with this approved plan. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Reason: To safeguard against the risk of flooding in accordance with the aims of the NPPF and Core Policy 10 and Policy DM5 of the DPD.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

02

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

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

Community Infrastructure Levy

			A	B	C	
Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexatio n at date of permissi on	CIL Charge
Residentia l	250		250	70	324	£ 20,395.68
Totals						£ 20,395.68

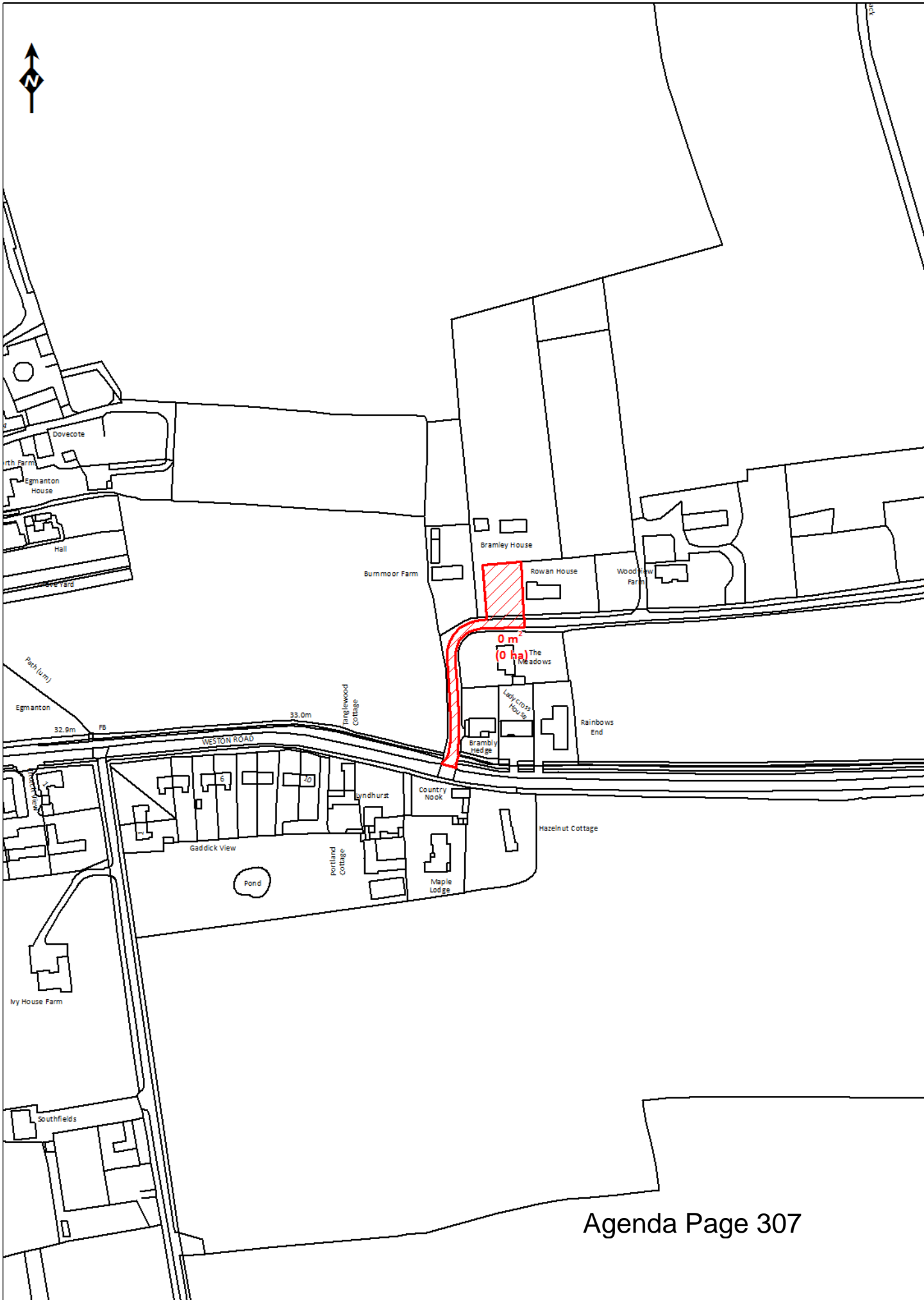
Background Papers

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 - 15 JANUARY 2019

Application No:	18/01966/FUL		
Proposal:	Variation of condition 4 attached to planning permission 17/00732/FUL to extend the time period from 25 years to 30 years		
Location:	Former Rufford Colliery, Rufford Colliery Lane, Rainworth Nottinghamshire		
Applicant:	Dr Marc Thomas		
Registered:	22 October 2018	Target Date:	17th December 2018
Extension of time agreed until 18th January 2019			

The Site

The site which forms the basis of this application relates to an approximate rectangle of hard standing land, used for coal stocking. The land was formally part of the deep mines colliery which ceased operation in 1993. Much of the wider site is sparsely vegetated or bare earth. To the immediate north of the site is a Bridleway (Rufford BW3) and to the south is further hard standing which is used for coal stocking. Further to the east is dense woodland which forms part of Clipstone Forest. The site as a whole forms part of the ongoing restoration programme pursuant to county planning application 3/CMW/99/0298.

The site is approximately 2km to the north of Rainworth; on the western boundary of the district. Given the previous use of the site as a location of coal extraction there is relatively little other development within the proximity. The nearest residential property is situated approximately 2km to the east with another collection of dwellings approximately 1.5km to the south west. To the west of the site is a brick electricity substation which is surrounded by palisade fencing.

The site is considered to be of avian interest given its location within the 5km buffer zone as identified in Natural England's indicative core area and RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA. The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping. The site is situated adjacent to two areas designated as Local Wildlife Sites notably; Rainworth Forest to the west designated for botanical & moth interest and Rufford Pit Top to the north designated for bird & butterfly interest. The site itself is however not the subject of any wildlife designation. Rainworth Heath SSSI is, at its nearest point, approximately 935m to the southwest. Birklands and Bilhaugh Special Area of Conservation (SAC) is located approximately 7.25km to the northeast of the site.

Site History

17/01299/DISCON - Request for confirmation to discharge condition 8 attached to planning permission 17/00732/FUL Creation of fast response embedded power plant comprising containerised battery storage and AC/DC inverter, generator, transformer and control and switchgear container, banded fuel tank, welfare unit and DND control building and all associated

external works including acoustic and security fences and CCTV cameras. Amendment to application 16/01237/FUL

17/00732/FUL - Creation of fast response embedded power plant comprising containerised battery storage and AC/DC inverter, generator, transformer and control and switchgear container, bunded fuel tank, welfare unit and DND control building and all associated external works including acoustic and security fences and CCTV cameras. Amendment to application 16/01237/FUL. Approved 12 July 2017

16/01237/FUL - Proposed energy storage facility consisting of shipping containers containing batteries, and associated infrastructure including a substation and perimeter fence to be located on an existing coal stocking area at the former Rufford Colliery near Rainworth. Access via the A617. Approved October 2016

15/01008/FULM - Proposed solar photovoltaic development to be located at former Rufford Colliery near Rainworth. Access via the A617. Application refused December 2015

15/01797/CMM - To vary conditions 4, 5 and 12 of planning permission 3/13/00495/CMM to regularise the coal fines recovery operations to increase the maximum tonnage of materials to enter and leave the site in any seven day period to 10,000 tonnes and to extend the timescale for completion of mineral recovery operations to 30/09/2018 with a further year to complete the restoration. No objection raised. October 2015

15/01798/CMM - Increase in the coal fines stocking and blending area of consent No 3/13/00495/CMM together with the use of an internal haul road. No objection raised. October 2015

15/01799/CMA - To vary conditions 4 and 5 of planning permission 3/14/01046/CMA to regularise the coal fines recovery operations and to extend the timescale for completion of mineral recovery operations to 30/09/2018 with a further year to complete the restoration. No objection raised. October 2015

14/SCR/00056 –The response concluded that the proposal would not be classed as EIA development.

The Proposal

The proposal seeks a variation to the approved plans condition attached to the original consent for extensions to the dwelling and erection of a carport approved in June 2017 (17/00686/FUL) under section 73 of the Town and Country Planning Act 1990

Planning permission was originally sought and granted under 17/00732/FUL for an energy storage facility comprising utility scale batteries plus backup generation including 8 silenced containers housing generating diesel engines.

Planning permission is now sought to vary condition 4 of planning permission 17/00732/FUL to extend the time period of the energy storage facility from 25 years from commissioning to 30 years. Following completion of the plant, and an assessment of the equipment installed, the applicant is confident that with suitable maintenance the plant has a useful service life of 30 years. They contend that if the plant is taken out of use sooner, its capacity will need to be replaced

within the UK grid earlier. Deferral of asset replacement reduces cost to the consumer, and reduces net environmental impact due to significant embodied carbon of such capital projects, and this provides a wider benefit to society to balance the limited harm of deferring the remediation of this section of the Colliery by 5 years.

The Plans under consideration are;

Site Location Plan RF1001AS, received 12th October 2018

Final Layout Plan RF1000KS, received 12th October 2018

Publicity

Occupiers of six properties have been individually notified by letter. A site notice has been posted and a notice published in the press.

Earliest Decision Date 28/11/2018

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Allocations and Development Management DPD Adopted July 2013

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2018

Consultations

Rainworth Parish Council – Objection. The Parish Council objected to the application in the first place. We find the reason to extend it is unbelievable.

NCC Highways Authority – No objection

The Coal Authority – The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Nottinghamshire County Council Ecologist – No objections are raised. Do not envisage that the proposal will give rise to any significant ecological impact.

Environment Agency – although the Environment Agency did not propose condition 4 there would be no objection to the proposed extended time period.

No letters of representation received from neighbours or interested parties.

Appraisal

Principle

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact.

If the application is acceptable a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission (unless as is the case here development has already commenced and therefore the need for a time condition falls).

The principle of the development has already been established through the granting of planning permission in July 2017.

Since determination of the previous application the NPPF has been revised. The revised NPPF ‘Supports the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.’ The NPPF policy on renewable and low carbon energy is set out in section 14 of the document. NPPF paragraph 148 indicates that planning should, ‘help to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and improving resilience; encourage the reuse of existing resources and support renewable and low carbon energy and associated infrastructure.” The revision to the NPPF represent a slight alteration in the wording on climate change but the principle remains the same.

I am therefore satisfied that the principle of the proposed amendments to the previously approved plans is acceptable subject to an assessment of site specific issues.

Impact upon Protected Species

The site as a whole is in the process of undergoing restoration after the closure of the colliery and there are a number of designated Local Wildlife Sites (LWS) within proximity of the proposed development site, notably Rainworth Forest to the west and Rufford Pit Top to the north. It was previously determined that the site would not result in harm to ecological interest of the site

subject to a condition (6) in relation to scrub clearance of an area of land approx. 250m to the east of the development to offset the proposed site not being restored for a further 25 years. The ecologists have confirmed that they do not envisage that the proposed extension of time to 30 years will give rise to any significant ecological impact.

Nottinghamshire Wildlife Trust (NWT) have confirmed that the scrub clearance was undertaken in winter 2017/18, but on inspection earlier this year it was clear that the stumps had not been treated as had been agreed. The developers have subsequently used ecoplugs, however, the stumps should have been treated immediately after cutting, so it is not guaranteed that the ecoplugs will be successful at this late stage. NWT suggest that the stumps should be assessed to see whether the ecoplugs have worked and recommend a site inspection next summer. If they have not worked then the stumps will need recutting and treated immediately with herbicide. A condition can be imposed to reflect this.

It is therefore not considered, subject to a suitably worded condition, that the proposed extension of the previously approved operational period would detrimentally impact upon the ecological interest of the site nor the wider colliery site and as such the proposal is considered to accord with policy DM7 of the NSDC DPD and the NPPF.

Impact on Visual Amenity and Landscape Character

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 and created.

In accordance with the NSDC Landscape Character Assessment 2013, the site is defined as being within landscape character area S PZ 8, Vicar Water and Rainworth Heath Wooded Estate lands. This area is identified as being in very poor condition with the targeted action amongst other things to create new heathland habitats with Oak/Birch woodlands and open acid grassland/heathland. The site is largely inaccessible and forms part of a degraded landscape that typifies the wider Rufford Colliery site. It is framed by deciduous woodland to the east and west, with the disused railway line within the woodland to the west. The northern, eastern and southern boundaries are currently open. The existing areas of woodland provide a physical framework to the site, ensuring that any changes are localised with visibility of the proposed development limited to the site and its immediate context. There is however a bridleway which runs along the northern boundary of the site (Rufford Bridleway 3).

The energy plant has been completed and it is not considered that extending the time period for de-commissioning by a further 5 years would significantly detract from the character of the surrounding area. Accordingly the proposal would accord with Core policies 9 & 15 and policy DM5 of the Core Strategy and DPD respectively.

Impact upon Amenity

The nearest dwelling is approximately 1.3km to the south of the site. Given the degree of separation from the proposed installation to other residential properties it is not considered that the proposal would result in a loss of neighbouring amenity through overlooking, overbearing or loss of light; the proposal therefore accords with Policy DM5.

Impact upon Highway Safety

The site has been constructed and is now maintained by occasional visits by a maintenance engineer in a van. No objection to the proposed development has been raised by NCC Highways Authority. As such it is not considered that the proposed development would impact on highway safety and would accord with Spatial Policy 7 of the Core Strategy.

Conclusion

The variation of condition 4 of planning permission 17/00732/FUL to extend the service life of the plant from 25 years to 30 years is considered to be acceptable and will provide a wider benefit to balance the limited harm of deferring the remediation of the site by a further 5 years. It is therefore in accordance with the Development Plan and there are no material considerations which would warrant refusal of the application.

Recommendation

Approve, subject to the following conditions;

Conditions

01

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

Site Location Plan RF1001AS, received 12th October 2018

Final Layout Plan RF1000KS, received 12th 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.

02

The planning permission hereby granted shall be for a temporary period only, to expire on the 12th of September 2047.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicants expressed intent.

03

Not later than six months after the date on which the planning permission hereby granted expires, the energy storage facility and ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with a scheme to be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity.

04

Within 6 months of the date of this permission, the area of land approximately 250m to the east of the proposed development, as highlighted in the plan received from the applicant on 12th June 2017, shall be inspected and confirmation of the successful scrub clearance submitted to and

agreed in writing by the Local Planning Authority. If the scrub clearance previously undertaken is found to not have been successful then each stump shall be recut and treated immediately with herbicide, as was originally agreed and confirmation of which will need to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to compensate for the 30 year delay in the restoration of important habitat and in order to accord with policies CP12, DM7 and the NPPF.

05

Notwithstanding the consent hereby granted, flood lighting on the site shall only be utilised in the event of an emergency.

Reason: in the interests of visual amenity

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

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

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

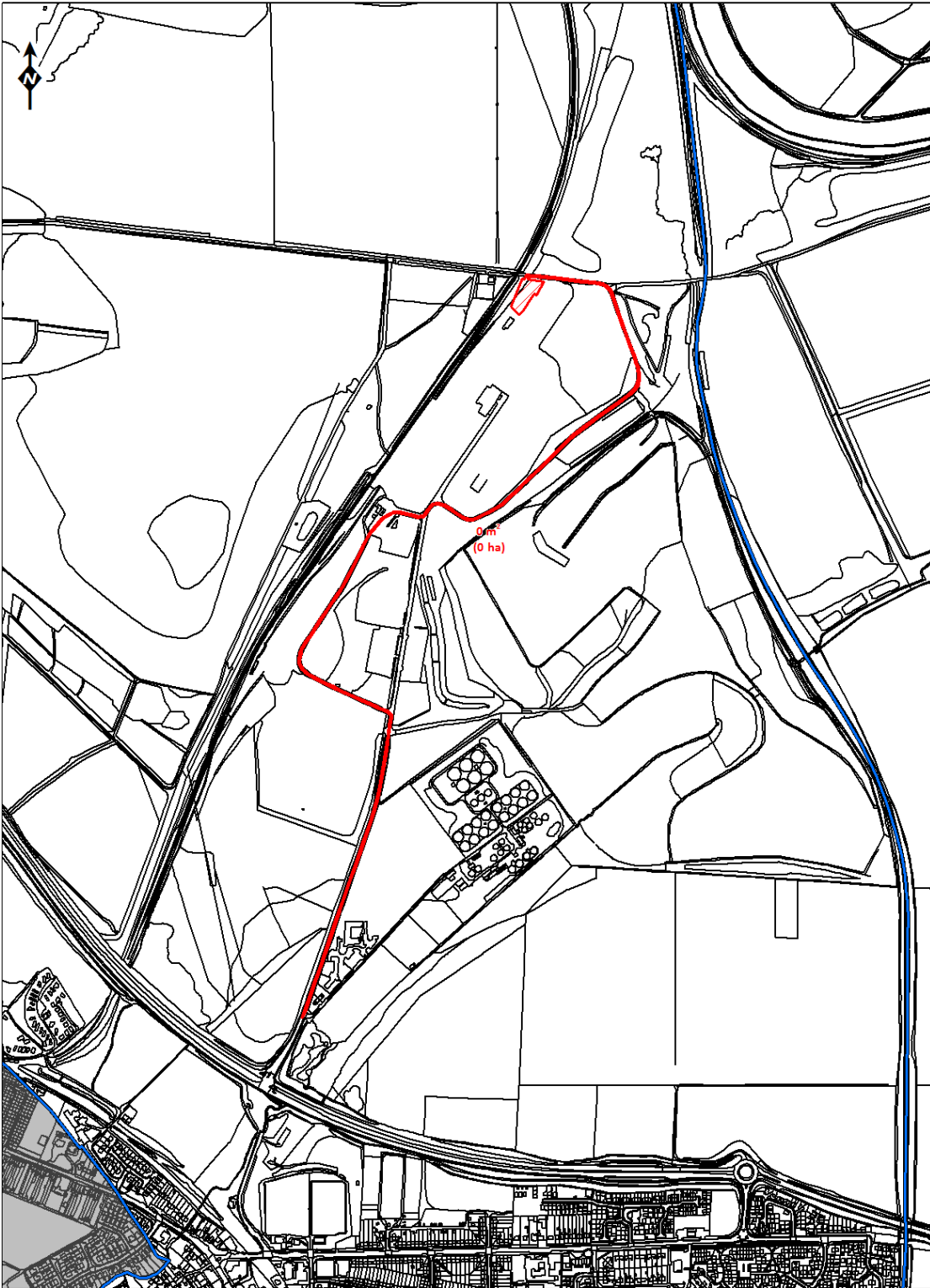
Application case file.

For further information, please contact Jennifer Wallis on ext **5419**.

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



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PLANNING COMMITTEE – 15 JANUARY 2019

APPEALS A

APPEALS LODGED (received between 23 November 2018 and 31 December 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/18/3214950	18/01241/FUL	Balderton Working Mens Club And Institute 69 Main Street Balderton Nottinghamshire	Retention of the north-western wing and the conversion to a dwelling including external alterations (Unit 4) (Retrospective)	Written Representation
APP/B3030/W/18/3215568	17/01451/FUL	Robin Hood View Caravan Park Middle Plantation House Belle Eau Park Bilsthorpe Nottinghamshire NG22 8TY	Application for removal/variation of condition 4 attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use.	Written Representation
APP/B3030/W/18/3215640	18/00517/FUL	Riverlyn House Main Street Fiskerton Nottinghamshire NG25 0UH	Erection of a new three bedroomed single storey dwelling in the grounds of Riverlyn House	Written Representation
APP/B3030/C18/3217010	18/00036/ENF	Land At Winthorpe Road Newark On Trent Nottinghamshire	Without planning permission, undertaking operational development consisting of the carrying out of works to the land including, but not limited to the laying of materials to create hardstanding, the erection of a building and associated concrete base (marked X on the attached Plan A) and the burying of utility cables, pipes, containers and associated infrastructure.	Hearing

PLANNING COMMITTEE – 15 JANUARY 2019

APPENDIX B: APPEALS DETERMINED (between 23 November 2018 and 31 December 2018)

App No.	Address	Proposal	Decision	Decision date
17/02135/FUL	Old Manor Farm Main Street Farnsfield Nottinghamshire NG22 8EA	Proposed residential development of four new dwellings for the over-55's market. This application also includes for the Change of Use of the Grade II listed Threshing Barn, (from an annex for the farmhouse to an independent dwelling). The rear barn, which is currently used for storage, is proposed to be converted into an annex to the Threshing Barn dwelling.	ALLOW	21.12.2018
18/00543/FUL	Primrose Cottage Mansfield Road Edingley Nottinghamshire NG22 8BE	Siting of 1 no. lodge (modular building) to form annexe to the main house	ALLOW	06.12.2018
17/02118/FUL	White Post Farm Garden Buildings And Greenhouses Mansfield Road Farnsfield NG22 8HL	Proposed cafe	DISMIS	18.12.2018
18/00383/FUL	Aldi Stores Ltd North Gate Newark On Trent Nottinghamshire NG24 1HD	Resurfacing, Re-landscaping and redesign of layout to car park. Full re roof and rendering of external walls to existing store.	DISMIS	05.12.2018

App No.	Address	Proposal	Decision	Decision date
18/00381/ADV	Aldi Stores Ltd North Gate Newark On Trent Nottinghamshire NG24 1HD	1No freestanding post mounted double sided sign	DISMIS	05.12.2018
18/00781/FUL	Bridleways Old Main Road Bulcote NG14 5GU	Householder application for proposed single storey rear and side extension	DISMIS	06.12.2018

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

PLANNING COMMITTEE – 15 JANUARY 2019

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report follows on from the report that was presented to Members on 6th November 2018 which highlighted planning enforcement performance during the second quarter of 2018. This report relates to the quarter from 1st October to 31st December and provides an update on cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report presents a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlines the enforcement activity during the quarter which captures the overall split to show of the cases investigated, how many are found to be a breach of planning or otherwise.
- Schedule B (separate attachment) sets this (on a pro-rata basis) against the activity over previous quarters). Please note that cases closed exceed, on occasion, cases received as a case received in an earlier quarter may have been closed.
- Schedule C details a summary of formal action taken since the last report was compiled which in this case is for the quarter.
- Schedule D – provides examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Schedule E – Notices complied with.

SCHEDULE A

Table 1

SCHEDULE A: ENFORCEMENT CASES	1 st to 31 st October	1 st to 30 th November	1 st to 31 st December
Cases Received	37	27	32
Case Closed*	27	20	34
Notice Issued	2	1	1
Notice Complied With	1	2	1
Appeal Lodged**	1	1	0
Prosecutions/Injunctions	0	1	0

** Appeals lodged during Quarter 4, 2018 are:

- **18/00046/ENFNOT** - 43A Great North Road, Sutton On Trent, Nottinghamshire, NG23 6PL against the service of a enforcement notice (**18/00204/ENF**) in relation to the material change of use of the land from agricultural land to residential curtilage and the erection of a tractor repair workshop. *Appeal lodged 24th October 2018.*
- **18/00049/ENFNOT** - Corner House Farm, Hawton Lane, Farndon against the service of an enforcement notice (**18/00051/ENF**) served on the 27th September 2018 in relation to the material change of use from open countryside to industrial storage. *Appeal lodged 2nd November 2018.*

*It should be noted that 'case closed' can include a number of outcomes, which are generally breach resolved (through planning application or removal), no breach identified (not development or permitted development), or that a breach exists but it is not expedient to pursue. Please note that 'Notice' for the purposes of these statistics does not include Planning Contravention Notices issued.

Of the cases closed, the reasons for these closures are detailed below in Table 2:

Table 2

Month/Year	Total Number of Cases Closed	No Breach (No Further Action required)	Breach Resolved (through negotiation, permission granted etc)	Breach – No Further Action (as not expedient)	Other (such as Duplicate Case)
October 2018	27	10 (37%)	10 (37%)	5 (18.5%)	2 (7.4%)
November 2018	20	7 (35%)	9 (45%)	3 (15%)	1 (5%)
December 2018	34	15 (44%)	15 (44%)	4 (12%)	0 (0%)
Totals	81	32	34	12	3
Average	27	11 (41%)	11 (41%)	4 (15%)	1 (4%)

SCHEDULE B – SEE SEPARATE SHEET AT END OF THIS REPORT

SCHEDULE C. FORMAL ACTION TAKEN (1ST OCTOBER TO 31ST DECEMBER 2018)

Schedule C provides a more detailed position statement on formal action (such as enforcement notices served) since the report performance report was brought before Members. This table does not detail Planning Contravention Notices served.

FORMAL ACTION TAKEN IN OCTOBER 2018

Enforcement Ref: 17/00070/ENF

Site Address: Bargain Booze, Unit 3, 2 Church Street, Edwinstowe, NG21 9QA

Alleged Breach: Development of land between shop and neighbouring hotel

Date Received: 22.03.2017

ACTION TO DATE: Notice Served 05.10.2018

Background

The local planning authority was made aware that a parcel of land atop a boundary wall had been hard surfaced, fenced and used for the display and sale of retail goods. A planning Enforcement Notice was first served in March 2018 and required the removal of the fencing, hard surfacing and the occupier to cease displaying retail goods on the land. On the advice of the Planning Inspectorate, this first Notice was withdrawn and a second Notice served on the 5th October 2018. This Notice clarified the steps for compliance, and requires the removal of

the hard surfacing and fencing, and the occupier to cease using the land as retail forecourt. No appeal has been lodged against this Notice and officers are in ongoing discussion with the owner/occupier regarding this matter.



Enforcement Ref: 17/00154/ENF

Site Address: Tresco, 5 Main Street, North Muskham, Newark On Trent, NG23 6EZ

Alleged Breach: Alleged construction of fence and summerhouse.

Date Received: 10.05.2017

ACTION TO DATE: Enforcement Notice Served 15.10.2018

Background

A revised Enforcement Notice was issued requiring the reduction in height of a length of fencing at Trent Close, North Muskham. The fences were erected without a grant of planning permission, with a retrospective planning application having been refused 17/01077/FUL on highway safety and visual impact grounds.

The Enforcement Notice was served to ensure the timely reduction in height of the fencing to 1 metre under the Town and Country Planning (General Permitted Development) Order 2015 allowances. An appeal has not been lodged against this Notice, with compliance being required by the 9th January 2019.



FORMAL ACTION TAKEN IN NOVEMBER 2018

Enforcement Ref: 18/00240/ENF

Site Address: 48 Mickledale Lane, Bilsthorpe, Nottinghamshire, NG22 8RB

Alleged Breach: Erection of structure to accomodate two vehicles

Date Received: 01.08.2018

ACTION TO DATE: Enforcement Notice Served 13.11.2018

Background

The breach relates to a building that has been erected within the garden of a dwellinghouse. As part of the investigation a retrospective planning application was submitted, ref 18/01752/FUL, which was refused due to the harmful impact of the building upon the character and appearance of the area by virtue of its design, large scale, massing and external materials and introduces a feature that is overly dominant and alien for its surroundings. Furthermore the height, scale and massing of the building is resulting in an overbearing and harmful impact on neighbouring amenity. The enforcement notice requires the height of the building to be reduced to no more than 2.5 metres. The deadline for compliance with the notice is 19th March 2019.



Enforcement Ref: 16/00356/ENF

Site Address: Barfield House, Greaves Lane, Edingley, Nottinghamshire, NG22 8BH

**Alleged Breach: Laying foundations and erection of dog kennel in field
and enclosure of land**

Date Received: 02.12.2016

ACTION TO DATE: Prosecution taken 13.11.2018

Background

The kennels was the subject of an enforcement notice in March 2017. The notice was issued after a retrospective planning application was refused. The enforcement notice requires the kennels to be removed from the site.

An appeal to the Planning Inspectorate by the defendants, Mr Harvey Sidney Sharpstone and Mrs Sharon Floretta Sharpstone, was later dismissed and the enforcement notice upheld in full. It was noted on August 20th 2018 that the kennels have not be removed as required by the enforcement notice and the case was therefore referred to Nottingham magistrates court.

The Sharpstones, who pleaded guilty to the offence of breaching planning control at Nottingham Magistrates, were fined £650 and ordered to pay costs of £1,200 and a victim surcharge of £65.

Enforcement Ref: 16/00108/ENF

Site Address: Land known as 'Boat Lane Caravan Site' Boat Lane Bleasby, Nottinghamshire NG14 7FT

Alleged Breach: Alleged unauthorised erection of chalet, and possible breach of planning condition regarding number of caravans stationed on site.

Date Received: 04.04.2016

ACTION TO DATE: Enforcement Notice Served 28.11.2018

Background

The site benefits from number of permissions for use as a caravan site for holiday occupation by touring caravans between April and October, whilst a certificate of lawfulness allows a small field to be occupied by 5 touring caravans between March and October. In addition there is a certificate of lawfulness that recognises that 3 static caravans may remain on site at all times for residential purposes. In 2015 planning consent was granted to amalgamate the various historic permissions and certificate of lawfulness to allow use of the two fields for a set number of touring caravans between March and October, plus the 3 static caravans all year round. An application was made on the same year to revise the permission to allow the site to be used for the stationing of caravans all year round. This application was refused as the site is located within the Functional Floodplain and is at significant risk of flooding from the River Trent, objections were therefore received from the Environment Agency.

Following investigations it was observed that the number of caravans on the site had been significantly exceeded as had the periods that the caravans were permitted to remain on site. A planning enforcement notice has therefore been served that requires all caravans, other than the 3 permitted to remain on site all year, to be removed between October 31st and March 31st.

FORMAL ACTION TAKEN IN DECEMBER 2018

Enforcement Ref: 18/00296/ENF

**Site Address: The Flat Upstairs
45 Kirk Gate
Newark On Trent
Nottinghamshire
NG24 1AD**

Alleged Breach: Unauthorised amendments to listed building

Date Received: 11.09.2018

ACTION TO DATE: Listed Building Enforcement Notice served 11.12.2018

Background

The building is Grade II listed and a number of alterations have been undertaken without listed building consent including:

- The display of a fascia sign;
- The display of window vinyl's/graphics
- The installation of metal step casings
- Amendments to the top-left window pane to accommodate an extraction flue



The listed building enforcement notice requires the removal / replacement of the unauthorised works with various periods for compliance taking effect on January 10th 2019.

SCHEDULE D: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Enforcement Ref: 18/00280/ENF

Site Address: The Poplars, Staythorpe Road, Averham, Newark On Trent, NG23 5RA

Alleged Breach: Alleged change of use of paddock to residential use

Date Received: 31.08.2018

Status: Case Closed – breach resolved.

Background

Officers were made aware that the paddock to the north of The Poplars was being used for residential purposes, including the siting of a domestic outbuilding and trampoline along the northern boundary (shown approximately in red in the below aerial photograph).



Officers wrote to the owners of the site confirming that the change of use was unlikely to receive a favourable recommendation if planning permission were applied for and therefore requested the removal of all domestic items and the use of the land for solely agricultural / grazing purposes.

A site visit on 22nd October 2018 confirmed that the request had been complied with:



Enforcement Ref: 17/00257/ENF

Site Address: Bentleys Bakery, Old Methodist Chapel, High Street, Edwinstowe, NG21

Alleged Breach: Removal of railings

Date Received: 26.07.2017

Status: Case Closed – breach resolved.

Background

Alleged breach was removal of railings from prominent building within Edwinstowe Conservation Area (CA). Case investigated alongside Conservation Officers and through negotiations led to an application being submitted to reinstate/ replace the original railings which had been lost (18/00366/FUL) with replicas. The permission was granted in July 2018. A site visit in November 2018 confirmed that the railings have been replaced with replicas of the originals and these have positively impacted upon the character of the CA.



Enforcement Ref: 18/00321/ENF

Site Address: Gothic House Farm, Langford Lane, Holme, NG23 7RY

Alleged Breach: Alleged untidy land

Date Received: 03.10.2018

Status: Case Closed – breach resolved.

Background

A site visit was undertaken on 1st October 2018 noting that an area of the farmyard was being used for the storage of building materials and debris.



This was determined as being visually harmful to both nearby heritage assets (the Grade I listed church) as well as neighbouring properties. Officers wrote to the owners on 3rd October requesting that the materials be removed from the land within a period of 28 days. The owner contacted Officers to negotiate a slightly longer timeframe but a site visit on 19th November 2018 has confirmed that the site has been cleared thereby negating the need to serve a Section 215 untidy land notice.



SCHEDULE E – NOTICES COMPLIED WITH DURING QUARTER (01.10.2018 – 31.12.2018)

Enforcement Ref: 18/00102/ENF

Site Address: Car Park to the north of 83-85 Appleton Gate, Newark, NG24 1LP

Alleged Breach: Change of use of car park associated with listed building to operate independently as a pay & display car park.

Date Received: 13.04.2018

ACTION TO DATE: Service of Listed Building Enforcement Notice 09.08.2018

Background

As reported to Members in the previous quarterly report, Officers had served a Listed Building Enforcement notice requiring the ceasion of the use of the land for a pay and display car park and the removal of associated signage.



A site visit on 24th October 2018 confirming that the notice had been complied with within the prescribed timescale.



Enforcement Ref: 18/00107/ENF

Site Address: Wesley House, Guildhall Street, Newark On Trent

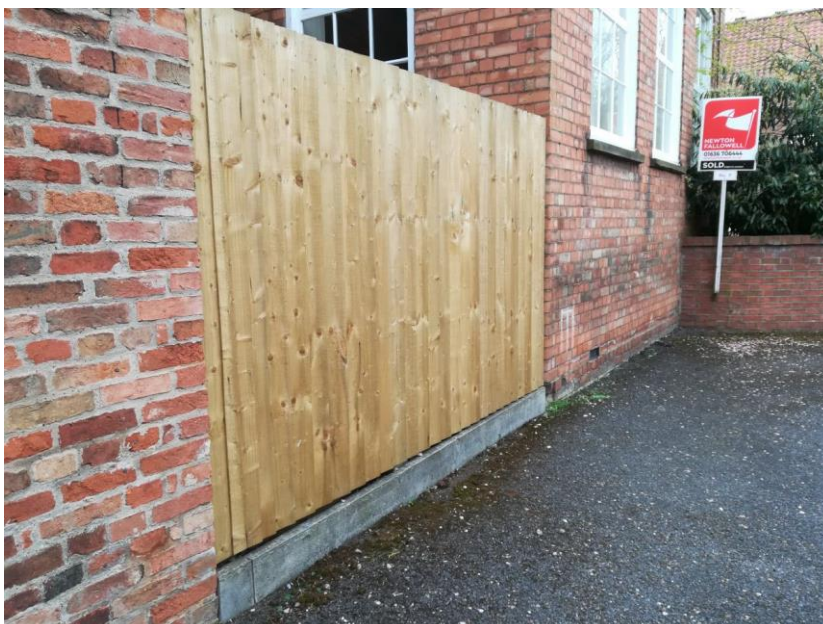
Alleged Breach: Boundary wall and fencing

Date Received: 14.04.2018

ACTION TO DATE: Listed building enforcement notice served.

Background

As reported to Members in the previous quarterly report, a site visit in April 2018 confirmed that a fence had been erected to enclose a courtyard area at the above property which is a Grade II Listed Building. A listed building enforcement notice was therefore served requiring compliance no later than 29th October 2018.



A site visit on 14th November confirmed that the fence has been removed in accordance with the notice:



Enforcement Ref: 17/00154/ENF

Site Address: Tresco, 5 Main Street, North Muskham, Newark On Trent, NG23 6EZ

Alleged Breach: Alleged construction of fence and summerhouse.

Date Received: 10.05.2017

ACTION TO DATE: Enforcement notice served.

Background

In May 2017 Officers were made aware that a length of hedgerow had been removed and 9, 2 metre high timber fence panels had been erected adjacent to the highway. This constituted a breach of the allowances granted under Schedule 2 Part 2 Class A of the GPDO 2015.



A retrospective application was refused (17/01077/FUL) and a corresponding enforcement notice served. The owner appealed the Notice, which was declared a nullity due to incorrect dates being given on the Notice.

A second enforcement notice was served in October 2018, which has now been complied with. All fence panels have been reduced to 1 metre in height, and therefore accord with the GPDO 2015 allowances.



Enforcement Ref: 17/00386/ENF

Site Address: Flat 1 And 2, 69 Main Street, Balderton, Newark On Trent, Nottinghamshire, NG24 3NN

Alleged Breach: Alleged 6 foot high fence erected adjacent highway

Date Received: 31.10.2017

ACTION TO DATE: Enforcement notice served.

Background

Permission was granted in 2014 and 2017 (14/01714/FUL & 17/01339/FUL) for the conversion of the former Balderton Working Men's Club to three residential units and the erection of 6 dwellings within the grounds.

Once the conversions were completed, a member of the public made the LPA aware that 1.8m high timber fencing had been erected, having had Schedule 2 Part 2 Class A (Means of Enclosure) PD rights removed under the 2014 permission.



A retrospective planning application was received and approved for one unit (18/00083/FUL), with the required screening planted a number of months ago.

Despite ongoing correspondence with the occupant of unit 1, a valid retrospective application never materialised. An enforcement notice was therefore served, requiring the removal of some of the fencing; the staining of the fence dark green; and mature hedgerow planted to screen the fencing from the public realm.

A site visit on 10th December 2018 confirmed that the enforcement notice has been complied with.



RECOMMENDATION

That Planning Committee considers the contents of the report and identifies any issues it wishes to examine further.

Background Papers

Enforcement Case Files

For further information please contact Laura Gardner on Extension 5907 or planning@nsdc.info

Matthew Lamb
Business Manager Growth & Regeneration

SCHEDULE B - ENFORCEMENT PERFORMANCE REPORT – PERFORMANCE BY QUARTER

	Q1 2016/17 1 April to 30 June	Q2 2016/17 1 July to 30 September	Q3 2016/17 1 October to 31 December	Q4 2016/17 1 January – 31 March	Q1 - 2017/18 1 April to 30 June	Q2 2017/18 1 July to 30 September	Q3 2017/18 1 October to 31 December	Q4 2017/18 1 January – 31 March	Q1 2018/19 1 April – 30 June	Q2 2018/19 1 July – 30 September	Q3 2018/19 1 October – 31 December
Cases Received	108	94	65	80	140	119	106	94	101	106	96
Cases Closed	74	64	59	55	106	127	80	130	101	74	81

