



*Castle House
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Monday, 2 September 2019

Chairman: Councillor R Blaney
Vice-Chairman: Councillor I Walker

Members of the Committee:

Councillor L Brazier
Councillor M Brock
Councillor M Brown
Councillor L Dales
Councillor Mrs M Dobson
Councillor L Goff
Councillor R Holloway

Councillor J Lee
Councillor Mrs P Rainbow
Councillor M Skinner
Councillor T Smith
Councillor K Walker
Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Tuesday, 10 September 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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1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of Meeting Held on 6 August 2019	5 - 14
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5. Land Opposite 26 to 44 Fosse Road, Farndon (18/02362/FULM) Site Visit: 12:00 – 12:10 hours	15 - 130
6. Land Off Lower Kirklington Road, Southwell (18/01363/FULM(MAJOR))	131 - 139
7. South Collingham Nursing Home Flat, Newark Road, Collingham (18/01639/FULM) Site Visit: 11:30 – 11:40 hours	140 - 160
8. Glebe Farm, Fosse Road, Brough (17/01859/FUL)	161 - 172
9. Land at Maltkiln Close, Ollerton (19/00892/FULM) Site Visit: 09:30 – 09:40 hours	173 - 204
10. Sherwood House, Dale Lane, Blidworth (15/01330/FUL)	205 - 226
11. 298 Southwell Road East, Rainworth (19/01243/FUL) Site Visit: 10:00 – 10:10 hours	227 - 237
12. Former Stables, Rolleston Mill, Rolleston (19/01022/FUL) Site Visit: 10:50 – 11:00 hours	238 - 256
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14. The Prince Rupert, 46 Stodman Street, Newark (19/00903/FUL)	262 - 271
15. Land at Norwell Road, Cauntton (19/01180/OUT)	272 - 284
16. Former Public Conveniences, Forest Corner, Edwinstowe (19/01356/FUL)	285 - 296
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Part 2 - Items for Information

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| 19. | Appeals Lodged | 306 - 308 |
| 20. | Appeals Determined | 309 - 323 |

Part 3 - Statistical and Performance Review Items

Part 4 - Exempt and Confidential Items

- | | | |
|-----|-----------------------------------|------|
| 21. | Exclusion of the Press and Public | None |
|-----|-----------------------------------|------|

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 6 August 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor M Brock, Councillor M Brown,
Councillor L Dales, Councillor L Goff, Councillor R Holloway, Councillor
J Lee, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor
K Walker and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor L Brailsford, Councillor R Jackson and Councillor R B Laughton

APOLOGIES FOR ABSENCE: Councillor Mrs M Dobson (Committee Member) and Councillor T Smith (Committee Member)

58 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L. Dales, J. Lee and I. Walker all declared personal interests as they were Council's appointed representatives on the Trent Valley Drainage Board.

Councillor R.V. Blaney declared a personal interest in Agenda Item No. 10 – Field OS 8200 Marriott Lane, Blidworth (19/00184/FULM) as an objector to the application was known to him and he had received a direct representation.

59 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

60 MINUTES OF THE MEETING HELD ON 23 JULY 2019

The Committee considered the Minutes of the Planning Committee meeting held on Tuesday, 23 July 2019.

Minute Nos. 46 & 47 – Springfield Bungalow, Nottingham Road, Southwell (19/00689/FUL) and (19/00779/FULM)

It was noted that during the verbal presentation of the reports for the above applications an error had occurred with how Condition 11 had been referred to but that all information contained within the written reports had been correct. It was noted that the condition should have been referred to as a "pre-commencement condition". The Chairman advised that a note would be added to the signed minutes of the meeting to clarify the matter.

AGREED (unanimously) that, subject to the above point of clarification, the minutes of the meeting held on 23 July 2019 be approved as a correct record and signed by the Chairman.

61 WHITE POST GARAGE, WHITE POST, FARNSFIELD 18/02151/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the demolition of an existing vehicle sales garage and 2 bedroom bungalow and the erection of a new vehicle sales garage, showroom and office accommodation with associated car parking.

The local ward Member spoke in support of the application, highlighting that Farnsfield Parish Council had raised no objection to the proposal and adding that it would be an improvement to the current state of the site.

In considering the application Members commented that they would welcome the increase in employment opportunities and that any development would be an improvement to the current site which was in a poor state of repair.

The Chairman raised the issue of whether the proposal was an expansion of the existing business or a relocation from another site and the implications thereof. He advised that clarity had been sought by Officers from the applicant and his agent but that this had not been provided.

AGREED (with 8 votes for and 5 votes against) that, contrary to Officer recommendations, planning permission be approved subject to additional conditions in relation to the blocking off of the Rufford Road access; the reinstatement of the verge; the use of Mansfield Road only; and office use ancillary to car sales/plant hire operating only from the site. Delegated authority was also granted to Officers to determine any further appropriate conditions.

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

Councillor	Vote
Roger Blaney	Against
Lee Brazier	For
Malcolm Brock	Against
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	For
Rhona Holloway	For
John Lee	Against
Penny Rainbow	For
Mathew Skinner	Against
Tom Smith	Absent
Ivor Walker	Against
Keith Walker	For
Yvonne Woodhead	For

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the change of use of the former Co-Op building (A1-retail use) to a Pizza Restaurant and Café/Bar (A3 & A4 – Food & Drink/Drinking Establishment use). As part of this change of use the applicant sought permission to carry out external and internal alterations and refurbishments including the installation of a new shop front and a new access door to the courtyard area.

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

In considering the application Members raised a number of issues in relation to the availability of parking for patrons of the proposed establishment, noting that NCC Highways had objected to the proposal; and also possible nuisance caused by noise and smells from the venue e.g. no provision of a designated smoking area for patrons.

A vote was taken for refusal and was lost by 3 votes for with 10 votes against.

In response to whether it was possible to attach conditions to the application that would restrict the use of the premises to A3 and A4 use only with no hot food takeaway provision and that a designated smoking area and hours of operation be provided, Officers confirmed that such conditions could be applied along with any other conditioned deemed appropriate by Environmental Health and Conservation.

AGREED (unanimously) that, contrary to Officer recommendation, planning permission be approved subject to additional conditions as noted above.

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

Councillor	Vote
Roger Blaney	For
Lee Brazier	For
Malcolm Brock	For
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	For
Rhona Holloway	For
Johnno Lee	For
Penny Rainbow	For
Mathew Skinner	For
Tom Smith	Absent
Ivor Walker	For
Keith Walker	For
Yvonne Woodhead	For

63 GRANGE BARN, NEWARK ROAD, CAUNTON 19/00848/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of a first floor extension over the existing dining room and garage with no increase in the footprint of the application dwelling.

Councillor Chris Jagger, Chairman of Caunton Parish Council, spoke in support of the application in accordance of the views of the Parish Council as contained within the report.

In considering the application Members debated the issue of whether the proposed first-floor extension was over bearing with Officers advising of the tolerances when considering such matters. Officers further advised that whislt separation distances are not set out in policy, there are best practice guidelines.

AGREED (by 11 votes for, with 2 votes against) that planning permission be refused for the reasons set out in the report.

64 THE ACADEMY, 62 GAINSBOROUGH ROAD, WINTHORPE, NEWARK ON TRENT 19/00503/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of a single detached dwelling in the southern portion of the garden of The Academy.

Members considered the application and raised issues in relation to the loss of some of the trees on site and whether the existing fencing and vegetation would be replaced by a brick wall at the boundary of the site.

AGREED (by 12 votes for, with 1 abstention) that planning permission be refused for the reasons set out the in the report.

65 2 GAINSBOROUGH ROAD, WINTHORPE, 19/01129/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of 2 no. semi-detached; 3 bedroom dwellings set across two storeys. The dwelling would be positioned to the rear of the existing dwelling sharing the same vehicular access with Plot 1 positioned northwards and staggered slightly forwards of Plot 2.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Officer to rectify a mistake in the report. Page 83 referred to the proposed dwellings as being semi-detached when this should have been detached dwellings.

In considering the application Members offered differing points of view as to whether they considered the proposal to be ‘backland’ development.

AGREED (by 7 votes for with 5 votes against) that planning permission be approved subject to the conditions and reasons as set out in the report.

Councillor Lee did not take part in the vote as he was absent for the discussion of the application.

66 FIELD OS 8200 MARRIOTT LANE, BLIDWORTH 19/00184/FULM

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for full planning permission for the change of use of the land for equestrian use and the erection of an additional stable and tack room attached to the existing stable block. It was noted that revised plans had been deposited which had reduced the scale of the proposed extension to the stable.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Planning Officers and the Applicant.

In considering the application Members raised issues in relation to whether use of the premises would be private or commercial and that clarity was needed as to whether the lane adjacent to the site was an official bridleway.

AGREED (by 10 votes for with 3 votes against) that planning permission be approved subject to the reasons and conditions as set out in the report.

67 BANKWOOD FARM, OXTON ROAD, THURGARTON 19/00746/FULM

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the demolition of the farm complex and the subsequent erection of five new dwellings (each containing 5 bedrooms) and one conversion of an existing barn to form a 4-bed dwelling.

Councillor R. Foster, representing Thurgarton Parish Council, spoke in support of the application in accordance with the views of the Parish Council as contained within the report.

The local ward Member also spoke in support of the application.

In considering the report Members commented that the current site was a derelict eyesore and that the proposed design was both unique and contemporary, commenting that it was in keeping with the area.

In noting the existing planning permission for 5 smaller units, Members queried whether further development would come forward should the application being considered be refused. Officers confirmed that a submission for prior approval would be required and that strict tests would need to be satisfied.

The Chairman commented that he was also in favour of the proposed design but noted that there were similar situations across the district where farm buildings had fallen into disrepair and whether the approval of this application may set a precedent for the future. Members, however, commented that they believed the design to be sufficiently unique to resist future applications.

Whilst Officers advised that they did not consider the proposal to meet the innovative tests set out in NPPF and DM8, Members took an alternative view in this instance. In addition, they disagreed that the proposal would result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed rather than through potential conversions. Members therefore considered the principle of development to be acceptable and development would therefore meet the 3 tests for an EPS in relation to bats.

AGREED (by 9 votes for with 3 votes against) that, contrary to Officer recommendation, planning permission be approved with conditions being included in relation to: repair works to the historic barn; design details including fenestration, materials, removal of permitted development for future extensions, fences; demolition of all buildings and removal of all element attached prior to occupation of the first self-build; and bat mitigation. The Chairman and Vice-Chairman of the Committee to be consulted with prior to any additional conditions being added.

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

Councillor	Vote
Roger Blaney	Against
Lee Brazier	Against
Malcolm Brock	For
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	For
Rhona Holloway	For
Johnno Lee	For
Penny Rainbow	For
Mathew Skinner	Did not vote
Tom Smith	Absent
Ivor Walker	For
Keith Walker	For
Yvonne Woodhead	For

Councillor Skinner did not take part in the vote as he was not present for the whole of the debate.

68 SAWMILLS FARM, RUFFORD LANE, OLLERTON 19/01230/FUL

The Committee considered the report of the Director – Growth & Regeneration which was a re-submission of a previous application in a direct attempt to overcome the harm identified as the reason for the previous refusal. The application continued to promote the complete demolition of the existing dwelling to be replaced with a detached residential unit. The scheme had been reduced in scale through the omission of first floor accommodation such that the three bed unit would be entirely delivered at ground floor with a footprint of approximately 336m². The proposed ridge height would be approximately 6.3m with an eaves height of 2.55m.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Ollerton & Boughton Town Council and a neighbour.

The local ward Member spoke against the proposal stating that the application was a significant increase in the footprint of the existing dwelling and would change the character of the surrounding area.

In considering the report some Members were supportive of the proposal noting that both Rufford Parish Council and Ollerton & Boughton Town Council had not raised any objections. However, some Members were concerned as to the size of the proposed dwelling stating that their previous reasons for refusal remained unchanged.

A vote was taken for approval and lost with 4 votes for and 9 votes against.

AGREED (by 9 votes for with 4 votes against) that, contrary to Officer recommendation, planning permission be refused on the grounds that the replacement dwelling was too large in terms of scale and size.

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

Councillor	Vote
Roger Blaney	For
Lee Brazier	Against
Malcolm Brock	For
Michael Brown	For
Linda Dales	For
Maureen Dobson	Absent
Laurence Goff	Against
Rhona Holloway	For
John Lee	For
Penny Rainbow	For
Mathew Skinner	For
Tom Smith	Absent
Ivor Walker	For
Keith Walker	Against
Yvonne Woodhead	Against

69 LAND OFF MAIN STREET, CODDINGTON 18/00799/FUL

The Committee considered the report of the Director – Growth & Regeneration which sought full planning permission for the erection of 7 no. dwellings. Two of the dwellings would have detached garages, three of the dwellings would have integral garages and two of the dwellings would have no garage. It was noted that the plans had been amended to overcome the concerns of the Case Officer and Conservation Officer in relation to both residential amenity and heritage impacts.

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

Councillor Lee, a local ward Member and a member of the Planning Committee commented that he would wish to see conditions attached to the application should it be approved to: restrict the hours of delivery; and ensure that boundary treatments were undertaken. Officers advised that restriction of delivery hours could alternatively be dealt with through the submission of a Construction Management Plan but this suggestion was declined.

In considering the application a Member commented that she would wish to see a condition attached in order to accommodate a right of way for hedgehogs as raised in the late communications.

AGREED (unanimously) that full planning permission be approved subject to the conditions as set out in the report and with additional conditions in relation to: no deliveries between the hours of 08:00 and 09:00 hours and 15:00 and 16:00 hours; landscaping (details to be discharged in consultation with the ward Members; and mitigation measures for hedgehogs to be included in and boundary treatments/landscape scheme.

Councillor Lee left the meeting at 6.49pm.

70 8 WILLOW DRIVE, NORTH MUSKHAM 19/01160/S73

The Committee considered the report of the Director – Growth & Regeneration in relation to the submission of a Section 73 application to vary conditions 2 and 7 of permission 16/00155/FUL to allow the floor level of the approved dwellings to be lowered by 270mm (set at 10.470 rather than 10.740 AOD).

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from North Muskhams Parish Council and the applicant's Agent.

Members considered the application acceptable.

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

71 LAND ADJACENT IVYDENE, MAIN STREET, WESTON 19/01294/PIP

The Committee considered the report of the Director – Growth & Regeneration which sought Permission in Principle (PIP) (the first of a 2 stage process) for the development of one or two dwellings on the site.

In considering the application, the Chairman commented that this was the first PIP received by the Council since its introduction by the Government in 2017. He added that it would ordinarily have been granted under Delegated Authority and that its inclusion in the Scheme of Delegation was to be considered at the next meeting of the Councillors' Commission.

AGREED (unanimously) that Permission in Principle be approved.

72 LAND OFF HUTCHINSON ROAD, NEWARK ON TRENT 19/00192/RMA

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought to vary Conditions 1 and 3 of Planning Permission 17/01573/RMA which was for reserved matters consent for the erection of 7 dwellings and associated public open space, landscaping and infrastructure.

Councillor Skinner, a local ward Member and a Member of the Planning Committee expressed concerns in relation to the removal of mature hedgerows by the developers and the erection of a post and rail fence. He commented that a further application to replace the existing fence with a solid fence may be submitted in the future. He added that it was his understanding that any works to rectify the removal of the mature hedgerows would now be the responsibility of the owners of the dwellings. In response, the Chairman noted that there had been some single line planting to the exterior of the fencing which would, in time, replace the removed hedgerow and that in some places there had been multiple planting to replace the hedgerow. The Planning Officer advised that the developer had stated that they would undertake a planting scheme if the Committee required that course of action.

In considering the application it was noted that Plot 1 remained unoccupied and therefore it would be the developer's responsibility to undertake any planting. However, Plot 7 had been purchased and was occupied and therefore planting would be the responsibility of the owners. The Chairman suggested that, with the owners' permission, the developers be required to undertake a Planting Scheme at Plot 7. With the Chairman's permission, the owner of the property addressed the Committee. He stated that he owned the land to the front of the dwelling and would not wish to see the removal of the fence. He added that it was his understanding that there was additional planting scheduled by the developer.

In response to whether the Landscaping Scheme had been finalised and agreed with the developer, the Planning Officer confirmed that it had not and that discussions to finalise the scheme could take into account the above comments.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and clarification on whether additional landscaping can be provided by the developer to the front of the site, subject to the agreement of the occupants of Plot 7, via Councillor Skinner. All conditions to be amended under delegated authority in response to this issue, as deemed appropriate.

73 TPO N367 - G1 GROUP OF TREES ON LAND TO THE REAR OF NO'S 38 TO 120 MIDDLETON ROAD, NEWARK 19/00002/TPO

The Committee considered the report of the Director – Growth & Regeneration which sought confirmation of a Tree Preservation Order on land to the rear of Nos. 38 to 120 Middleton Road, Newark.

Members considered that the confirmation of the Tree Preservation Order was appropriate. The Committee considered the report of the Director – Growth & Regeneration which sought confirmation of a Tree Preservation Order on land to the rear of Nos. 38 to 120 Middleton Road, Newark.

Members considered that the confirmation of the Tree Preservation Order was appropriate.

AGREED (unanimously) that the Tree Preservation Order be confirmed for the following reasons:

- (1) the trees on site appear to be in good health and structural condition and provide a mature setting for the locality;
- (2) they provide valuable screening of the site to neighbouring properties;
- (3) they form a prominent feature in the area and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints; and
- (4) it is considered that the trees could be at risk from future development.

74 APPEALS LODGED

AGREED that the report be noted.

75 APPEALS DETERMINED

AGREED that

- (a) the report be noted; and
- (b) the continued efforts of the Enforcement Team be welcomed.

76 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

AGREED that the report be noted.

77 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

Meeting closed at 7.35 pm.

Chairman

PLANNING COMMITTEE – 10th SEPTEMBER 2019

Application No:	18/02362/FULM
Proposal:	Erection of a Mixed-Use Development comprising petrol filling station and associated retail unit and drive through, 1 no. A3 Café/Restaurant with ancillary drive through , 1 no. electric car charging station, 2 no. offices and 103 bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations (including flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works.
Location:	Land Opposite 26 to 44 Fosse Road, Farndon
Applicant:	Mr Steve Hampson
Registered:	24.12.2018 Target Date: 25.03.2019
	Extension of Time Agreed Until 13.09.2019

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the planning application involves a commercial proposal which could potentially deliver significant employment opportunities.

The Site

The application site relates to two separate parcels of land adjacent to the village of Farndon. The combination of both areas amounts to approximately 4.58 hectares in total and is currently in agricultural use. The area of the site promoted as the main development area is situated immediately to the south west of the A46 roundabout and opposite 26 – 44 Fosse Road. This part of the site is roughly triangular in shape and extends to approximately 2.26 hectares. The other area is some 160m south forming an area of land of approximately 2.32 hectares between the residential curtilages of 81 – 105 Fosse Road and the dualled A46 road. The purpose of the inclusion of this part of the site is for flood attenuation. The application site has been reduced in area (it was originally 5.44 hectares) during the life of the application through the suite of revised documents discussed in further detail in the proposal section below.

The development portion of the site (i.e. the area adjacent to the roundabout) is within the area of Open Break as defined by the Newark South Proposals Map. The entire site is within Flood Zone 3 according to the Environment Agency mapping system with some areas of the site being within the functional flood plain Flood Zone 3b. The River Devon runs on the opposite side of the A46 to the east of the site. The river forms a site of interest in nature conservation for its variable riparian features and locally diverse aquatic flora. The majority of the site is deemed as being at very low risk of surface water flooding.

There are multiple rights of way near to the site, specifically Farndon Footpath 4 and 5 on Marsh Lane to the north west and Newark Bridleway 1 and 2 along the River Trent.

This proposed development site is on a nationally significant Late Upper Paleolithic site in archeological terms.

The entire site falls within the Parish boundary of Farndon albeit the administrative boundary of Newark is close by.

Relevant Planning History

There is no planning history of relevance to the current application.

The applicant has however submitted a screening request in relation to the current proposal (18/SCR/00017) in which Officers concluded that an Environmental Impact Assessment was not required (decision dated 27th November 2018).

The Proposal

The proposal seeks full planning permission for a mixed use development comprising numerous elements. The scheme has been revised during the lifetime of the application with a suite of revised documents received 18th July 2019. The description of the proposal below makes reference to the original submission where appropriate.

Unit 1 – Petrol Station / Shop / Hot Drink Franchise

This would be positioned at the northern tip of the site adjacent to the A46 roundabout. It is proposed that the petrol station has 8 pumps with the unit being approximately 446m² in floor space internally. This would be divided into a retail area of 176.7m²; back of house facilities and a drive through facility. There would be 45 car parking spaces (including 2 disabled spaces) serving the proposed use. It is also proposed that there would be two above ground fuel tanks along the eastern boundary of the site surrounded by an approximately 4m high fence.

The building would be divided into two elements with a narrower footprint at the northern corner of the site which would be served by a slightly lower monopitch roof adjoining the larger element of the building which would also have a monopitch roof with an approximate ridge height of 6.6m. Materials proposed include orange brickwork with grey composite cladding elements. The building would also feature large elements of glazing and an ATM machine on the south elevation which would be served by a ramp access.

The application submission states that 'Blakemore' are the confirmed operator of the fuel filling station.

Unit 2 – A3 Café / Restaurant with an ancillary drive through

Unit 2 has been revised from the original proposal from a drive through facility to an A3 Café / Restaurant with an ancillary drive through facility. It would be positioned broadly centrally within the developable site. Unit 2 would be close to the north western boundary adjoining Fosse Way and equally close to the main site access. It is proposed that the unit would be approximately 167m² in internal floor space and would be served by 38 car parking spaces (again including 2 disabled spaces).

The proposed building would follow a similar design and use of materials to the petrol station at unit 1 albeit the majority of the roof would be approximately 6.1m to ridge. There would be elements of projecting cladding at a slightly increased height which would incorporate associated signage on the south and east elevations.

The application submission states that 'Costa Corporate' are the confirmed operator for the Unit 2 drive through.

Unit 3 – Electric Car Charging Station

The original proposal demonstrated Unit 3 to be a drive through facility but this has been amended to an Electric Car Charging Station. The position of this unit would be towards the eastern boundary of the site with a floor space of approximately 115m² covered by a canopy approximately 6.3m in height.

Units 4 and 5 – Office Blocks

The proposed development includes two no. three storey office blocks set towards the north western boundary of the site with their principle elevations facing inwardly towards each other in the site. Each building would have an approximate internal floor space of 1,417m² with an overall pitch height of approximately 14m (reduced from the original proposal of 15.8m). Both the north and south elevations are designed with full height projecting gables. The overall design is modern in character again with predominantly brick material with elements of cladding. There would be windows at all three floors on all four elevations serving the offices internally.

It is intended that the two office blocks would share parking provision with 61 spaces between them (including 4 disabled spaces and 6 electric charging bays).

Unit 6 – 103 bed hotel

The final element of built form within the proposal would be the proposed 103 bed hotel set towards the south eastern corner of the developable site. The building is arranged in a broadly L-plan form with a total internal floor area of approximately 3,775m². The hotel would be 3 storeys in height and follow a similar design and palette of materials to the proposed office blocks. The maximum ridge height of the building would be approximately 16.8m. The hotel is intended to be served by 102 car parking spaces (including 4 disabled spaces and 6 electric charging bays).

The application submission states that 'Holiday Inn Express' are the confirmed operator of the hotel.

Other elements

The proposal also includes other ancillary elements including areas for cycle parking and picnic tables adjacent to the drive throughs. The site masterplan also demonstrates a linear lake area to the south western boundary of the developable site which incorporates a pathway around the perimeter of the lake and a small landscaping zone adjacent to Fosse Road. The plan annotates a 'potential café location' on the lake but for the avoidance of doubt this does not form part of the current planning submission. Despite Officers request, the applicant has confirmed via their agent that they will not remove reference to this from the submitted plans.

As is referred to in the description of the site above, there would be an area for flood compensation measures on land to the south of the developable area separated by agricultural land. This parcel of land is proposed to be re-profiled to compensate for the land raising proposed in order to elevate the proposed floor levels of the proposed buildings.

The proposal has been considered on the basis of the following documents and plans, received both through the original submission on 21st December 2018 and through the revised documents received 18th July 2019:

Supporting Documents

- Applicant Supporting Statement 'Background to the Proposals and Site Selection Process' by Harlaxton Estates Limited;
- Revised Economic and Market Benefits Statement by Regeneris dated 5th July 2019 (received 18th July 2019);
- Landscape and Visual Assessment (including associated figures and appendices) by Influence Environmental Ltd. Reference INF_N0474_R01 dated December 2018;
- LVIA Addendum by Influence Environmental Ltd. Reference INF_N0474_R02 dated 15th July 2019 (received 18th July 2019);
- Preliminary Ecological Appraisal by RammSanderson dated April 2018;
- Archaeology Assessment by Allen Archaeology dated December 2018;
- Revised Transport Assessment by BSP Consulting dated 1st July 2019 (received 18th July 2019);
- Revised Travel Plan by BSP Consulting dated 1st July 2019 (received 18th July 2019);
- Revised Flood Risk Sequential Assessment by GPS Planning and Design Ltd (received 18th July 2019);
- Revised Flood Risk Assessment (Parts 1 to 4) by BSP Consulting dated May 2019 (received 18th July 2019);
- Revised Supporting Planning Statement by GPS Planning and Design Ltd (received 18th July 2019);
- Heritage Impact Assessment: Addendum to Supporting Planning Statement by GPS Planning and Design Ltd (received 18th July 2019);
- Revised Design and Access Statement by GPS Planning and Design Ltd (received 18th July 2019);
- Statement of Community Consultation by GPS Planning and Design Ltd;
- Ground Investigation Farndon Plot by Discovery CE Limited dated December 2018;
- Phase 1 Desk Study and Ground Investigation Report by Discovery CE Limited dated January 2019;
- Sequential Assessment for Town Centre Uses by Peter Brett Associates dated November 2018;
- Supplementary Sequential Assessment for Town Centre Uses by Peter Brett Associates dated July 2019 (received 18th July 2019);
- Economic and Market Benefits Statement by Regeneris dated 5th July 2019 (received 18th July 2019);
- Commercial / Agents Case in Support of this Mixed Use Development dated April 2019 (received 18th July 2019);
- Archaeology Technical Note by Allenarchaeology received 15th August 2019;

Plans

- Revised Site Location Plan - NWK 170014-BED-ST-XX-DR-A-0100 REV P03 (received 18th July 2019);
- Revised Proposed Site Plan – Building Access - NWK 170014-BED-ST-XX-DR-A-0101 REV P04 (received 18th July 2019);
- Revised Proposed Drainage Layout - NWK 170014-BED-ST-XX-DR-A-0102 REV P03 (received 18th July 2019);
- Revised Proposed Site Masterplan - NWK 170014-BED-ST-XX-DR-A-0103 REV P06 (received 18th July 2019);
- Context Plan - NWK 170014-BED-ST-XX-DR-A-0104 REV P01;
- Constraints Plan - NWK 170014-BED-ST-XX-DR-A-0105 REV P01;
- Revised Delivery Vehicle Tracking Plan - NWK 170014-BED-ST-XX-DR-A-0106 REV P04 (received 18th July 2019);
- Revised Filling Station Tracking Plan - NWK 170014-BED-ST-XX-DR-A-0107 REV P04 (received 18th July 2019);
- Revised Site Vehicular Movement Plan - NWK 170014-BED-ST-XX-DR-A-0108 REV P04 (received 18th July 2019);
- Revised Unit 1 – Filling Station Ground Floor Plan - NWK 170014-BED-FS-XX-DR-A-0111 REV P02 (received 18th July 2019);
- Revised Unit 1 – Proposed Filling Station Elevations and Sections - NWK 170014-BED-FS-ZZ-DR-A-0112 REV P02 (received 18th July 2019);
- Unit 1 Filling Station Illustrative Views - (received 18th July 2019);
- Revised Unit 1 – Proposed Filling Station Tanker Fence - NWK 170014-BED-FS-XX-DR-A-0116 REV P02 (received 18th July 2019);
- Unit 2 – A3 Café / Restaurant Floor Plans - NWK 170014-BED-OF-ZZ-DR-A-0121 REV P03 (received 18th July 2019);
- Unit 2 – A3 Café / Restaurant Elevations - NWK 170014-BED-OF-ZZ-DR-A-0122 REV P02 (received 18th July 2019);
- Unit 2 – Drive Through Illustrative Views (received 18th July 2019);
- Unit 3 – Electric Car Charging - - NWK 170014-BED-OF-ZZ-DR-A-0131 REV P04 (received 18th July 2019);
- Revised Unit 4 – Proposed Office Floor Plans - NWK 170014-BED-OF-ZZ-DR-A-0141 REV P02 (received 18th July 2019);
- Revised Unit 4 – Proposed Office Elevations and Sections - NWK 170014-BED-OF-ZZ-DR-A-0142 REV P04 (received 18th July 2019);
- Unit 4 – Office Illustrative Views - (received 18th July 2019);
- Revised Unit 5 – Proposed Office Floor Plans - NWK 170014-BED-OF-ZZ-DR-A-0151 REV P02 (received 18th July 2019);
- Revised Unit 5 – Proposed Office Elevations and Sections - NWK 170014-BED-OF-ZZ-DR-A-0152 REV P04 (received 18th July 2019);
- Unit 5 – Fosse Road and Sections - NWK 170014-BED-OF-ZZ-SK-A-0030 REV P05 (received 18th July 2019);
- Revised Unit 6 – Proposed Hotel Floor Plans - NWK 170014-BED-HT-ZZ-DR-A-0161 REV P03 (received 18th July 2019);
- Revised Unit 6 – Proposed Hotel Elevations and Sections - NWK 170014-BED-HT-ZZ-DR-A-0162 REV P03 (received 18th July 2019);
- Unit 6 Hotel – Illustrative Views - (received 18th July 2019);
- Detailed FRA FCA Map - EMD68429.

Occupiers of 105 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. For the avoidance of doubt, the original neighbour consultation process included parties who had provided comment on the aforementioned Screening Request (subject to their agreement).

A revised period of consultation was undertaken following receipt of the revised documents received 18th July 2019. All original contributors and neighbours were re-consulted.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 5 – Delivering the Strategy
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
Core Policy 8 – Retail & Town Centres
Core Policy 9 - Sustainable Design
Core Policy 10 – Climate Change
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy NUA/OB/1 – Newark Urban Area – Open Breaks
DM3 – Developer Contributions and Planning Obligations
DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM11 – Retail and Town Centre Uses
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019;
- Planning Practice Guidance;
- Schedule Monuments & nationally important but non-scheduled monuments dated October 2013;

- Landscape Character Assessment Supplementary Planning Document 2013;
- Destination Management Plan for Newark March 2018.

Consultations

Farndon Parish Council – Letter submitted by SSA Planning on behalf of the Parish Council. Dated 25th March 2019:

We act for Farndon Parish Council and are instructed to make the following representation on its behalf in response to your consultation on the above-referenced planning application.

The proposed development is the erection of a petrol filling station and associated retail unit, 2 no. drive-throughs, 2 no. offices and 103-bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations and sustainable drainage system along with associated vehicular and cycle parking and access.

There are a number of discrepancies in the submitted application documents that, in our opinion, ought to have been remedied before the application was validated.

Firstly, neither the description of the proposal nor the non-residential floor space sections of the application form specify uses to which the drive-throughs will be put – these could be coffee shops, bakeries, cafés or restaurants with or without hot food takeaways, in Classes A1, A1/A3, A3 or A3/A5 – this information is important for town centre impact assessment.

Secondly, the application form provides no gross internal area (GIA) for the filling station or restaurants. The proposed site plan states that the two drive-throughs will each have a GIA of 167 sq m and the filling station shop a GIA of 446 sq m. With the hotel (3,775 sq m GIA) and offices (2,834 sq m GIA) this makes a total proposed GIA of 7,389 sq m.

Thirdly, the filling station has a drive-through lane and, despite being described only as a filling station in the description of development and application form, seems likely to be construed as including a use related to that (again, this could be any of a number of uses) under section 75(3) of the Town and Country Planning Act 1990.

Fourthly, the application form provides no opening hours for the filling station or restaurants – this information is important for assessing the likely impact on the living conditions of nearby residents and the wider landscape should lighting be kept on throughout the night. It could also be important for assessing town centre impact.

Site and Context

The site comprises previously undeveloped agricultural land in Flood Zones 3a and 3b on the edge of the village of Farndon between Fosse Road and the A46(T) dual carriageway.

Both meet at a five-arm roundabout at the north end of the site, where the B6166 Farndon Road, the A46(T) Newark Bypass and a private access road also meet.

The private access currently leads only to a farm, but was designed to serve an existing distribution centre, which there is a planning application 11/01300/OUTM to redevelop and

connect. Permission 14/01978/OUTM also exists for a strategic urban extension to Newark, including a southern bypass, which will connect to the A46(T) about 400 m south of the site.

This new bypass will both serve the urban extension, but also offer a shorter route for some A46(T) – A1(T) movements that currently use the existing bypass. In terms of pedestrian and cycle access, the subject site is 2.3 km from the Primary Shopping Area (PSA) of Newark Town Centre, the nearest centre in this case, via an underpass of the A46(T).

The nearest filling station is 650 m away on the B6166 Farndon Road. The nearest on the A46(T) are 6.3 km to the north at the A17 junction (where there is also a restaurant), 13.4 km to the south at the A6097 junction (albeit with poor access northbound) or 17.0 km to the south at the A52 junction (where this is also a coffee shop and convenience store).

The nearest restaurant is directly across the roundabout from the site and coffee shops and convenience stores are in both Farndon and Newark within a three-minute drive of the site.

Development Plan

The Development Plan for the area comprises the Newark & Sherwood Core Strategy (CS) adopted in March 2011, containing Spatial Policies, Core Policies and Area Policies, and the Allocations & Development Management (A & DM) Development Plan Document adopted in July 2013. A draft amended Core Strategy is in the latter stages of preparation.

The Policies Map shows the site in an Open Break, a Rural Area, and Open Countryside.

The following policies are relevant to the site or the proposed development:

- CS Spatial Policy 1 'Settlement Hierarchy'
- CS Spatial Policy 3 'Rural Areas'
- CS Spatial Policy 7 'Sustainable Transport'
- CS Core Policy 6 'Shaping our Employment Profile'
- CS Core Policy 7 'Tourism Development'
- CS Core Policy 8 'Retail Hierarchy'
- CS Core Policy 9 'Sustainable Design'
- CS Core Policy 10 'Climate Change'
- CS Core Policy 12 'Biodiversity and Green Infrastructure'
- CS Core Policy 13 'Landscape Character'
- DM Policy DM5 'Design'
- DM Policy DM8 'Development in the Open Countryside'
- DM Policy DM9 'Protecting and Enhancing the Historic Environment'
- DM Policy DM10 'Pollution and Hazardous Materials'
- DM Policy DM11 'Retail and Town Centre Uses'
- DM Policy NUA/OB/1 'Newark Urban Area - Open Breaks'

Material Considerations

The proposed development comprises Main Town Centre uses, as defined in Annex 2 to the National Planning Policy Framework (NPPF). The application site is not within a town centre or the edge of a town centre and is not allocated for retail uses, so that NPPF paragraph 86 requires local planning authorities to apply a sequential test to the proposed development.

NPPF paragraph 87 states that, when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre and that flexibility should be demonstrated on issues such as format and scale, so that suitable town centre or edge of centre sites are fully explored.

NPPF paragraph 89 requires the impact of unallocated out-of-centre proposals larger than a locally set floorspace threshold on (a) investment in centres in the catchment area and (b) vitality and viability, including local consumer choice and trade, in the wider retail catchment and its town centres to be assessed.

NPPF paragraph 91 seeks places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

NPPF paragraph 155 states: “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

NPPF paragraph 194 states: “... Substantial harm to or loss of: b) assets of the highest significance, notably scheduled monuments ... should be wholly exceptional.” The footnote to which requires heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, to be subject to policies for them.

The Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (LCA SPD) was adopted on 11th December 2013. It places the site in the Farndon Village Farmlands Policy Zone of the Trent Washlands Character Area, the condition and sensitivity of which are described as low, despite high visibility.

Analysis

On review of the proposed development, the site and its context, the Development Plan and other material considerations, the following are the main issues in this application:

- Settlement Coalescence
- Character and Amenity
- Accessibility and Parking
- Economic Impacts
- Natural Environment
- Historic Environment

Settlement Coalescence

The site is located in an Open Break and Open Countryside, where Policy NUA/OB/1, Spatial Policy 3 and Policy DM8 would not normally permit built development. There are no exceptions to Policy NUA/OB/1 and the exception to Policy DM8 for roadside services requires a justified need for a particular location, with scale limited to need.

Whilst the assertion is made in the Planning Statement that the roadside and hotel services are much needed, there is no evidence of this. The expressions of interest from operators merely

suggest that the location may be viable for them and the statements that staff, clients or visitors cannot find hotel rooms are anecdotal with no supporting analysis.

Consequently, it is not clear that the proposed development complies (or could comply in this location) with Policy NUA/OB/1, Spatial Policy 3 or Policy DM8.

Character and Amenity

The site and its surrounding landscape, comprising the floodplains of the Rivers Trent and Devon, are very flat. Whilst this causes vegetation to limit some short-range views, there is little planting to the boundary with Fosse Road and the A46(T) carriageway is higher-lying, coinciding locally with the wider LCA SPD assessment of high visibility.

The site remains the first significant parcel of open land beyond the edge of Newark and it provides a link from open land to the south-west and north-west of the town. For the same reasons it was identified as part of the Open Break, the application site is far more sensitive to development locally than the wider LCA SPD indicates.

This is also due to the contrasting character of the proposed commercial development and the existing low-density residential edge of Farndon village. This will be more apparent at night, as the A46(T) dual carriageway is not lit and the proposed development will introduce significant site lighting to a landscape that is dark to one side.

Almost all development traffic will use the section of Fosse Road from the roundabout to the proposed access. This is residential and the noise, disturbance, air quality and light impacts on the living conditions of its residents will be significant, but have not been assessed. In our view, the proposal is therefore contrary to Core Policies 7 and 13 and Policy DM5 (3-4).

Accessibility and Parking

There are several flaws in the submitted Transport Assessment, which does not provide sufficient evidence that the proposals are acceptable in highways terms, as follows:

- i. It is neither clear how pedestrians will be able to safely access the site, nor why such a large taper is provided on the exit. No assessment has been made of person trips forecast to be generated by the site to allow this to be examined in further detail.
- ii. Parking for the office element in particular appears sub-standard, which could result in an impact on local roads in the vicinity. Parking for the site as a whole will need reconsidering if indeed three drive-through units should be considered instead of the two at present.
- iii. The number of vehicle trips forecast to be generated for the office element appears to be underestimated, which could result in a greater impact on the local roads in the vicinity, and the need for further mitigation at the A46/Fosse Road roundabout. Again, trip generation for the site as a whole will need reconsidering if indeed three drive through units should be considered instead of the two at present.
- iv. A more detailed, up to date accident analysis should be undertaken to help consider the impact of the proposed development on all modes of transport in further detail.

The application does not provide transport information of sufficient adequacy, accuracy or robustness to confirm that the proposal complies with Spatial Policy 7 or Policy DM5 (1-2).

Economic Impacts

These impacts are on jobs, the town centre and tourism. The Economic and Market Benefits Statement estimate that 390 on-site jobs will be created, but the Homes and Communities Agency Employment Density Guide (3rd Edition) figures for a Professional Services office, Restaurants and Cafes and a Budget Hotel, suggest 300 full-time equivalents (FTEs).

Furthermore, there is no assessment of jobs or spend displaced from sites in Newark PSA, avoidance of which is an objective of CS Core Policies 7 and 8 and NPPF paragraph 89.

The proposed development comprises an unallocated out-of-centre proposal of more than 2,500 sq m, so should be assessed for impact on investment, vitality and viability.

The Sequential Assessment must begin with an identified need and area of search, ideally agreed with the local planning authority, but these are neither agreed nor justified. Potential for disaggregation is not fully explored and neither the link between offices and roadside facilities nor the need for so many drive-through facilities in one place is clear.

The key alternative site that clearly meets the requirements for the need in size and roadside location is the former Highways Depot on Great North Road in Newark. The Assessment dismisses this as too small, subject of a refusal for a supermarket, allocated for employment, in an out-of-centre location and of no interest to potential occupiers.

However, whilst the application site area is 5.44 hectare, only 2.26 hectare is required for the development, the rest being needed for flood compensation due to its location within Flood Zone 3. No flood compensation is required to develop the former Highways Depot and, at 2.03 hectare, it is well within the identified range for flexibility.

Furthermore, the fact that planning permission was refused for a supermarket simply means that suitable and viable sites were available for that use at that time in or on the edge of Newark PSA. It does not mean that the former Highways Depot might not now be the most accessible out-of-centre location to meet the need identified.

Indeed, it is clearly accessible to the Strategic Road Network and on foot to both Newark PSA and a range of other facilities, including council offices, a railway station, food store and leisure uses, to which the application site is quite clearly not accessible. It is also previously developed and at less flood risk than the application site.

The Assessment also suggests that there is a lack of interest in the site for the proposed use, but provides no evidence to support that assertion. The allocation, if anything, confirms that the site is suitable for the development of at least some of the proposed uses and the (limited) uncertainty as to land take for junction improvements applies to both sites.

Consequently, it is far from clear that the proposed development complies with CS Core Policies 6, 7, 8 and 9, with DM Policy DM11 or NPPF paragraph 89 with regard to the criteria for employment, tourism or retail development in those policies, or in regard to the locational acceptability of the proposed development type.

Natural Environment

These effects are on flood risk, pollution, accident risk and ecology. The submitted Flood Risk Assessment has the following key issues that would require addressing:

- i. The site is considered to be within in a high-risk flood zone, therefore inappropriate development in accordance with the NPPF and Planning Practice Guidance.
- ii. Climate change allowances have only been considered up to a 30% increase, contrary to advice for the river district published by the Environment Agency.
- iii. There is low confidence in the flood mitigation solution being effective with respect to ground levels and other issues and thus it is currently contrary to the NPPF.
- iv. Surface water drainage arrangements do not consider various scenarios, including quite likely events, and are not shown to be feasible in terms of gradients.

Appended to this letter is a more detailed analysis of these issues and why, in sum total, the site is unlikely to represent the most sustainable location for the proposal. This latter point is important for compliance with Core Policy 9, as other sites at lower risk of flooding and more capable of sustainable drainage exist that could accommodate the proposed uses.

Fuel tanks are proposed near residents and on land at high flood risk of flooding, but there appear to be analyses of neither the risk of an accident to residents nor of pollution in the event of a flood. Therefore, it remains possible that these risks could not be managed and the proposal is contrary to Core Policies 9 and 10, Policy DM5 (9) and DM10.

Furthermore, the Preliminary Ecological Appraisal is unclear as to whether further surveys are required for Great Crested Newt, a European Protected Species. Whilst it is noted that habitat suitability was found to be low, greater clarity is required to comply with the Habitats Regulations, and with Core Policy 12 and Policy DM5 (7).

It is also noted that a section of the Preliminary Ecological Appraisal is redacted and this should be disclosed to at least one other ecologist, ideally the local Wildlife Trust or Natural England, for an opinion before any decision is made in order to ensure that that decision is lawful and that appropriate weight has been attached.

Historic Environment

An Archaeological Impact Assessment (AIA) was submitted with the application, which indicates a potential for the proposed development to impact on Late Upper Palaeolithic (LUP) remains of potentially national significance. Further survey and assessment of the subsurface deposits are required for a full understanding of the implications.

Consequently, without a report of any such further survey and assessment, it would not be possible to assess whether the proposed development complies with Policy DM9 (4). In the interim, both the Historic Environment Officer serving the District and the Inspector of Ancient Monuments at Historic England has responded to your consultation.

You will be aware that both consider the archaeological characteristics of the site to be rare to the extent of national importance. Consequently, NPPF paragraph 194 requires the site to be subject to policies for a designated heritage asset. This allows substantial harm (which the Inspector considers inherent to the proposal) only in wholly exceptional circumstances.

Such circumstances clearly do not apply in this case. As the AIA itself notes, the route of the A46 dual carriageway was, in fact, realigned to avoid the site on that basis.

Other Matters

The proposal is intended to cater to passing traffic, but is in proximity to a settlement. This will mean an increase in people unknown to the area having legitimate business close to dwellings.

This makes it easier for perpetrators of crime, disorder or anti-social activity to go undetected, an issue that requires at least some form of mitigation.

Whilst the Design and Access Statement identifies the incorporation of measures to reduce crime and the fear of crime as a design objective, there is apparently no further analysis of this elsewhere within the Statement. Consequently, it is at best unclear whether the proposal complies with Policy DM5 (6) or with NPPF paragraph 91.

Conclusions

The proposal is located in an Open Break and in Open Countryside and there are no exceptional circumstances to warrant permission being granted for built development.

The site and its surrounding landscape is locally sensitive and both it and the amenity of nearby residents would be harmed by the proposed commercial development.

There are several flaws in the submitted Transport Assessment, which does not provide sufficient evidence that the proposals are acceptable in highways terms.

The economic benefits appear overstated and the impacts, in particular to Newark Town Centre and its PSA have not been appropriately or adequately assessed.

There are a number of issues with the Flood Risk Assessment and the proposed drainage strategy, which should be (and may not be capable of being) remedied.

The Historic Environment Officer and Inspector of Ancient Monuments consider the site equivalent to a Scheduled Ancient Monument, to which substantial harm will be caused.

There are other issues related to ecology and crime that have not yet been adequately assessed or for which adequate mitigation strategies are needed.

Overall, it is considered that the proposed development does not comply with the up-to-date Development Plan and there are no overriding reasons to grant permission.

CLlr Saddington – email received 21st January 2019:

I was able to look at the Plans, so I now feel sufficiently familiar with them to be able to make comment as the County Councillor who represents Farndon and other villages within the Farndon and Trent Division.

Over intensification and greed come to mind!

I think a hotel would have been acceptable, however, since so much has been included into the application, I have major concerns.

The Garage is at the end closest to Farndon Roundabout, the petrol tanks are adjacent to the A46, they are above ground owing to the fact the site is in Flood Zone 3, there is a shop planned within the garage.

To prevent motorists driving across the A46 towards the petrol tanks in the event of an accident, there is a 4m high fence. I can well remember not too long ago a lorry came off the road on the roundabout and fortunately just stopped short before it hit the Electric pylon.

Goodness knows what would have happened if it had driven into the Pylon!

The 17 metre high, 103 bed hotel which is planned, with Conference facilities, will be in competition for car parking space along with the 2 office blocks which, if granted, would employ 300 Employees with potentially in excess of 200 cars. I understand there are only 237 Car park spaces for the whole site which would be insufficient. This would mean that motorists would park on the Old Fosse Road, creating inconvenience and safety issues to residents both in Farndon and beyond.

In addition to the Hotel, Conference centre and Two office blocks, there are 2 planned drive through businesses, again cars and vans which will need to access the site and could even park adding more cars to the car park.

Since there is so much available land at Fernwood on the Business park and so many empty shops in town, I cannot see why there is any proven need for Offices at Farndon.

I understand McDonalds on Lincoln road in Newark serve 245 cars per hour between 8am and 9am and 4pm and 6pm.

This is a huge number, 4 cars a minute, if similar numbers visited the Farndon site, all would accessing from the Old Fosse road at a time when local residents were leaving for and arriving home from work.

All this traffic would add extra congestion on this road.

In the event Dave this application was unfortunately granted, I would request that solid yellow lines are painted along the Old Fosse Road to prevent parking outside the site.

As if all this development is not overkill, I noticed also on the plan there is Coach parking, since there is no overnight coach parking in Newark, I would ask NSDC if we are to assume this will be used by coaches not staying at the hotel?

The only positive thought about this application is there will be no HGVs on the site, other than those delivering to the businesses.

The applicant has stated there are no garages within 38 miles of Newark on the A46, this is not true.

A new garage and shop has been built at Saxon dale and at the A17/46/A1 Winthorpe island there is a garage on each side of the road, each with a shop, Waitrose or Londis.

This site is at an important entrance to Newark, it is included as one of the Open Breaks as quoted in policy NUA/OB/1.

This is to ensure that Farndon retains its separate identity and character providing an open break between Newark, particularly houses south of Newark and Farndon.

It is my understanding that land within open breaks is not normally granted for development.

Farndon Parish Council and residents, along with many of us, fought hard for the A46 bypass. Inevitably if this application is granted, traffic will increase on the Old Fosse Road, something Farndon residents= have so long wished to avoid.

In addition to this, if the A46 is blocked, then traffic is diverted down the Old Fosse Road in both directions making the road extremely busy.

Access within the site Dave appears complicated to say the least.

The access is on the West side of the A46, once in the site it appears that drivers have to drive around within the site to egress back on to the Old Fosse Road.

Finally, the congestion everyday at the Farndon roundabout is contributing towards gridlock in Newark.

I realise Highways England are working on the roundabouts over the coming weeks, however, it is my understanding that they are more health and safety measures rather than measures to ease traffic to help the motorist.

I firmly believe as a driver negotiating traffic in Newark everyday, the infrastructure should be improved before we impose more problems driving in and around Newark. In this I include the fact that the Farndon roundabout isn't even finished yet and I understand it will be sometime before it is.

To sum up, I have great concerns regarding this application, I request from both NCC and NSDC that the impact on residents in and around Farndon be considered.

I, personally, do not consider intensification of this site necessary, particularly the provision of the 2 Office blocks.

To try and appease the residents, I have noticed the provision of a path for dog walking and a café.

There is a Parish Council meeting to discuss this application next Monday January 28th.

Newark Town Council – Revised comments received 7th August 2019:

It was AGREED to sustain the original objections to this application.

Original comments received:

Objection was raised to this application on the grounds of concerns of the impact on the Town Centre Economy and the visibility of the Town from that gateway. The application ought not to be considered until such time as a full assessment of the economic impact on office and overnight accommodation in Newark Town were evidentially understood.

Hawton Parish Council – No comments received.

East Stoke with Thorpe Parish Council - The council were of the opinion that the proposals would create untold traffic problems around the area of the proposed development and the surrounding highways provision and introduce unsustainable vehicular traffic numbers through East Stoke, particularly at the time of an accident on the A46 road causing use of the Fosse Road through the parish and introducing unacceptable conditions for residents.

NSDC Planning Policy –Appended separately at Appendix 1.

Historic England – Additional comments received 16th August 2019:

The additional information and arguments submitted are noted but they do not lead Historic England to revisit our advice as set out to you in previous correspondence, I therefore refer you to our previous recommendation of refusal of consent for the reasons previously expressed.

Additional comments received 25th July 2019:

Thank you for your letter of 18 July 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Our advice remains as set out in our letter dated 8th March 2019 to which we refer you.

Recommendation

Historic England maintains its objection to the application on heritage grounds as set out in our letter dated the 8th March 2019

Original comments received 8th March 2019:

Thank you for your letter of 11 February 2019 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The submitted scheme directly affects a nationally important ancient monument, the Farndon Fields Late Upper Palaeolithic site (dating to the period approximately 14700 BCE to 12700 BCE). This is a site which as required by the National Planning Policy Framework (NPPF 2019) should be treated on parity with a scheduled monument requiring the same levels of justification and weight for all harm and tests in respect of substantial harm. We advise that the only position consistent with the NPPF in the absence of a presented case of overwhelming, site specific and wholly necessary public benefit is refusal of consent since the scheme would if consented cause substantial harm to a nationally important archaeological site.

Historic England Advice

The submitted scheme directly affects a nationally important ancient monument, the Farndon Fields Late Upper Palaeolithic site (dating to the period approximately 14700 BCE to 12700 BCE). The ancient monument comprises scatters of worked flint incorporated into topsoil and localised areas where these artefacts survive in-situ (ie where they fell). We believe these sites to represent the remains of transient but repeated hunting expeditions and camps in an Ice Age environment where the seasonal movement of animals was central to the rhythm of peoples' lives. These sites were probably never dense in the landscape and their survival and identification are both rare, this is therefore a site of national importance. The context is a complex geological environment of former river channels and pools, gravel banks and sand dunes, an undulating landscape concealed by the modern terrain. In the absence (as yet) of structural features the site falls outside the scope of the 1979 Ancient Monuments and Archaeological Areas Act, it is as set out in Government Policy one of a class of sites which should be accorded equal weight in the planning system <https://www.gov.uk/government/publications/scheduled-monuments-policy-statement>. The National Planning Policy Framework 2019 footnote 63 explicitly states that sites of demonstrable equivalent importance to scheduled monuments shall be subject to the policies for designated heritage assets in the NPPF. As written up in the report for the A46 road scheme <https://www.wessexarch.co.uk/our-work/a46-nottinghamshire> the site clearly falls into this category.

In consideration of this application great weight must be given to the conservation of the asset as required by NPPF 2019 para.193 and all harm would require clear and convincing justification (para. 194) regardless of the degree of that harm. This application would cause substantial harm to the significance of the Farndon Field Late Upper Palaeolithic Site both through the loss of the 'Northern Cluster' as a result of the main development proposed and through the loss of the cover sand deposits and buried archaeological horizon in the area proposed for surface water management to the south. In-situ deposits may survive below the cover sands or in channel and pool sides and on and in alluvial fills.

The harm is inherent to the scheme as proposed and could not be designed out through detailing, we see no NPPF compliant way in which these matters could be treated by condition to consent. Whilst the significance of the site could be better understood through boreholes, test pits and trenches, specialist geophysical work and deposit modelling, we wish to be very clear that such work does not represent in our view a pathway to rendering the submitted or similar schemes sustainable or at all likely to be consentable by your authority in conformity with the requirements of the NPPF 2019.

No overriding public interest justification is presented further to NPPF para. 195 nor are the sequential tests for such harm met. As an asset of equivalent importance to a scheduled monument, substantial harm to the Farndon Fields site should be regarded as wholly exceptional. The curve of the A46 dual carriageway at this point purposely avoids the northern scatter, but simply if it was worth in public policy terms avoiding the 'Northern Cluster' with the trunk road it

cannot be reasonably justifiable to then lose this key part of the site to ancillary constructions. The site was identified through the A46 process as of national importance on the basis of the finds scatters in topsoil, the subsequent discovery of in-situ survivals only adds to the site's importance. As set out in NPPF para.199 ... ' , the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.' The submission on behalf of the applicant suggests the site is suffering loss from cultivation (outside of the planning process) this has certainly been the case in the past but the degree of additional damage to the significance of the site which would be caused by the proposed development (even with archaeological mitigation) would far exceed the attritional effects of responsible farming practice. Securing the site under grass would clearly be a benefit and on-going cultivation can be associated with a degree of harm but removing key areas of the ancient monument to make way for a hotel, office and filling station as associated works would comprise substantial harm to its significance. It is the submitted scheme which must be the subject of determination as presented to your authority, we advise that the only position consistent with the NPPF in the absence of a presented case of overwhelming, site specific and wholly necessary public benefit is refusal of consent.

Recommendation

Historic England objects to the application on heritage grounds.

We consider that the application fails to meet the requirements of the NPPF, in particular paragraph numbers 193, 194, 195 and 199.

In determining this application you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

NSDC Archaeological Advisor – Additional comments received 2nd August 2019:

The additional information supplied does not alter our recommendations which is that this site is not suitable for development on archaeological grounds.

Additional comments received 12th March 2019:

My initial recommendation made on 28/1/2019 was for further information to be supplied; I have since received a copy of a geophysical survey and field walking report for this site.

This PDA is a rare example of a Late Upper Palaeolithic site, this site appears to have had two separate phases of use, and comprises of significant lithic scatters contained within the topsoil. This practice is consistent with this site being by our hunter-gather ancestors. This site would have been one that was visited many times over an extended period of time possibly on a seasonal basis. These sites are rare and sites with this level of artefactual remains even rarer. Although this site has been mostly identified by the presence of flints within the topsoil it is possible that there may be deeply buried structural remains. Structural remains of this age are notoriously difficult to identify through non-intrusive survey which is why, if they are present, they have not been identified by the geophysical survey.

This proposed development site is on an a nationally significant Late Upper Palaeolithic site, one which was identified as being so significant that the proposed route of A46 was amended so that this area could be preserved in situ. This essentially means that this site has been found to be 'demonstrably of equivalent significance to scheduled monuments' (NPPF 2018) and as such this site should be treated as if it was a scheduled site.

The proposed application would, during development, essentially destroy this monument, although it has been stated that the sites agricultural use is damaging to the site it will not be as damaging as the proposed development.

There needs to be clear justification, as per the NPPF, that the loss of this archaeological site has public benefits that outweigh the harm that the proposed development will do. The re-routing of the A46 demonstrates that the construction of the road failed this test.

There has been no appropriate surveys showing the visual impacts on any of the surrounding heritage assets.

I recommend that this application is refused on archaeological grounds, that it will cause loss of an archaeological site which has be found to demonstrably equivalent to a scheduled monument and therefore of national significance.

If this application is shown to have public benefits that outweigh the destruction of this archaeological site then it is paramount that we are re-consulted.

Original comments received 28th January 2019:

This proposed development site is in an area of known significant prehistoric archaeology.

I did previously recommend that further information be provided in advance of the determination of any forthcoming planning application. A desk based assessment/ Heritage Impact Assessment has been supplied which further identifies the significance of the potential archaeology on this site.

Ideally an evaluation stage should take place in order to inform an archaeological mitigation strategy.

However if the planning department is minded to approve this application I recommend that an appropriate archaeological condition should be applied to any consent.

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. The scheme of works should of a detailed mitigation strategy using a number of different techniques, including but not exclusively a strip map and sample and the creation of a robust and effective sampling strategy for areas containing lithics. This mitigation strategy should be written closely adhering to the research frameworks set out in the Research Agendas for the East Midlands.

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

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

NSDC Conservation – The application is a major development site south of Newark, 1.5 miles from the Town Centre, located at a roundabout the junction of the new A46 and old A46, the latter being the old Fosse Road. This junction bypass Newark by carrying on north up the A46 or enter Newark along the old A46 from the west into the town centre. The site is located to the north end of Farndon and also close to an outlying part of Newark developed along Farndon Road up to the barrier created by the Trent.

The site is located on the outskirts to Farndon and Newark. Both have a conservation area designations and a number of listed buildings and scheduled ancient monuments close in proximity.

Significance of heritage asset(s)

There are no built heritage assets within the application site. However there are many designated and non-designated heritage assets within close proximity to the site. These include the following;

- Newark Conservation Area originally designated in 1968. The designation has been reviewed in 1974, 1979, 1987, 1992 and 1995. The boundary includes the historic core of Newark. As a historic Market town there is a high concentration of listed buildings around the Market Place. Listed buildings of note include Church of St Mary Magdalene and Newark Castle. Church of St Mary Magdalene is Grade I listed (LEN 1279450), designated in September 1950. Newark Castle has multiple designations including Grade I listed (LEN 1196278) designated in September 1950, the site is a Scheduled Monument (LEN 1003474) designated in February 1915 and a Registered Park and Garden Grade II (LEN 1001318) designated in November 1994.
- Farndon Conservation Area was designated in 1992. The southwestern end of the village, its nearest point to the application site is 1km away. The conservation area boundary includes the historic core of the village, containing many vernacular farming buildings. This architectural significance and rural landscape setting contribute to the historic and architectural interest of the conservation area. Building of note located within the conservation area include Church of St Peter which is grade I listed (LEN 1178470) designated in January 1967.
- Farndon Windmill is grade II listed (LEN 1196287) designated in August 1992. The building is located approximately 350m north of the application site. The listing description advises;
'Windmill, now disused. Dated 1823 on datestone over west door, with mid C19 and C20 alterations. Plinth, dentillated curb. Openings have segmental heads. Windows are cast iron casements, unglazed. Those to east replaced by smaller C20 casements. Battered round

tower, 5 stages. Doors to east and west, and irregularly staggered windows on each floor. Interior has floors but no machinery’.

- The Firs, is grade II listed (LEN 1297725) designated in August 1992. The building is located approximately 450 metres northeast of the application site. The listing description advises;
‘House. c1800, with mid and late C20 alterations. Painted brick with stone dressings and hipped concrete tile roof, with 2 side wall stacks. 2 storeys; 3 window range of 12 pane sashes. Central stone doorcase with flat hood on scroll brackets, half-glazed door and overlight. On either side, single 12 pane sashes. Georgian house off Farndon Road’.
- Church of All Saints, Hawton is grade I listed (LEN 1046031) designated in January 1967. The listing description advises;
- Scheduled Ancient Monuments within the area include; Hawton moated site, fishpond, Civil War redoubt and ridge and furrow, Civil War earthwork know as Queen's Sconce

A heritage impact assessment has now been submitted, however it is considered that the stages set out in Historic England Good Practice Advice Note 3 has not been followed correctly. As identified in the guidance document the first step is to identifying the heritage assets and their setting that are affected. This should be done through a ‘zone of theoretical influence’, which defines the area where the development has the potential to be visible. This has been submitted ZTV & Photo viewpoint locations drawing (PL)01.

The heritage statement does not mention the heritage assets identified in the 5km ZTV & Photo viewpoint locations plan and only considers heritage assets within the smaller 2km radius in the Landscape Designations & Local Policy Plan ((PL)05). The ZTV & Photo viewpoint location plan demonstrates that there are heritage assets past the 2km radius mark that could potentially have inter-visibility between themselves and the development site. The heritage impact assessment does not outline why these have been disregarded and why heritage assets within the 2km are only considered. Taller buildings such as the Church of St Mary Magdalene and Newark Castle, located outside of the 2km radius due to their designation status, potential prominence within the skyline and elevated public viewing opportunities should be considered as part of the heritage impact assessment.

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). Section 16 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. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Assessment of proposal

As the heritage impact assessment does not reflect the quality of work expected additional assessment of the heritage assets outside of the 2km radius has been carried out to assist with commenting on this application.

While assessing the heritage assets outside the 2km, but with the 5km ZTV the following conclusions have been made. Travelling north along the A46 there are clear views of St Mary Magdalene's spire, however Newark Castle isn't visible. St Mary Magdalene's spire sits proud above Newark's built landscape signalling the arrival to the historic market town. The long ranging viewpoint no.12 of the site shows the development will sit below the skyline. However, just south of the development site St Mary Magdalene's spire is still visible and will be read with the bulk of the proposed buildings, dominating this view and detracting from St Mary Magdalene and its setting. It is considered that the scale and bulk of the development will cause harm to the setting and appreciation of Church of St Mary Magdalene.

Farndon Windmill being the closest heritage asset to the development site is not experienced with the development site. This is largely due to the existing vegetation and development around the site. Although the application cannot control the tree cover around the windmill significant tree loss will be needed to alter this.

Although there is inter-visibility between All Saints Church, Hawton due to the distance and flat landscape the height and bulk of the proposal is 'flattened' reducing any potential harm.

Although the site is not considered to be within the setting of the Newark Conservation Area and Farndon Conservation Area, the proposal will alter the character of the approach to these areas significantly. Newark town centre follows a traditional urban development with the denser development located to the core with the density and height reducing at the fringes adding to the rural character of the area. The creation of an urban hub on the outskirts will alter the approach and experience of Newark.

The landscape in the area allows for long ranging views towards and away from the development site. The proposal to substantially screen the site with trees will also significantly alter the experience of the approaches into and from Farndon and Newark.

The heritage impact assessment conclusion is vague with contradictory statements. For example, it concludes that there is some harm

‘that the scheme proposal would not bring any notable harm to any designated heritage assets’,

However, goes on to say the impact is *‘generally considered neutral’* therefore there is no harm. The assessment draws upon the ‘substantial public benefit’ suggesting that it is considered the proposal will have less than substantial harm. Clarification on the conclusion is necessary regarding if it is considered that the proposal will cause harm or not.

NSDC Environmental health (contaminated land) – I have now had the opportunity to review the Phase 1 Desk Study and Preliminary Risk Assessment report submitted by Discovery CE Limited in support of the above application. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

Following this initial work, an intrusive investigation was carried out by the same consultants and the findings submitted in a Ground Investigation report. Sampling has identified that there were no exceedances of screening criteria for any of the soil samples taken and that the risk to human health for the proposed use to be low.

I generally concur with this assessment but note the marginal exceedances of ground water screening criteria and would recommend that this is referred to the Environment Agency for their consideration.

NSDC Access and Equalities Officer - As part of the developer’s considerations of inclusive access and facilities for all, it is recommended that the developer be drawn to BS 8300: 2018– ‘Design of an accessible and inclusive built environment - Code of Practice’ as well Approved Documents M and K of the Building Regulations, which contain further useful information in this regard.

Access to, into and around the proposals, along with the provision of accessible features and facilities, should be considered together with access from the boundary of the site and from carefully laid out car parking provision for disabled motorists. Further details in this regard including design, layout and proportion of spaces is detailed with BS8300. Pedestrian pavement routes should be considered throughout that are traffic free with carefully designed road crossing points, tactile warnings and dropped kerbs as appropriate. A separate enquiry should be made regarding Building Regulations matters and it is further recommended that the developer be mindful of the provisions of the Equality Act.

NCC Highways Authority – Additional comments received 20th August 2019:

Our outstanding comments on this TP (from the previous review) are as follows:

- The TPCs period in post should be defined. The TPC should be in place for the lifespan of the TP (i.e. From first occupation to 5 years following 50% occupation. This is important since if the five year period triggers at the start, it may not cover the trip-intensive elements such as the office and hotel (if these are developed much later than, say, the petrol station). We don't want the TP monitoring to just cover the petrol station, in the worse case as is currently possible.
- Travel surveys still have a mix of 6 and 3 months. This should be easy to fix with a 'find and replace'.

Additional comments received 12th August 2019:

Further to comments dated 31 January 2019, a revised submission has been received that attempts to address earlier concerns.

Clearly the adjacent roundabout is the responsibility of Highways England and ultimately it is their response that offers most weight. However, here is our assessment of the modelling:

- Concerns remain over the geometry used in the Arcady modelling of the A46 roundabout. The entry widths of the A46 approaches have been slightly reduced. However, the figures in the TA Arcady input data still look too high compared with our measurements. We would have expected entry widths of around 8.0m (measured from the offside white line, perpendicular to the nearside kerb, not the 10m+ shown in the model).
- The geometry is common to all flow scenarios and so all will be affected. Our concern is that the baseline performance is lower than modelled so there is less headroom for additional flows to be added and they may take the roundabout over its practical capacity.
- Based on BSPs revised modelling the conclusion is drawn that the roundabout is still within its practical capacity with the development flows added in and so no mitigation is required. It is appreciated that the minor widening of Farndon Road has been dropped as an option as this will achieve nothing in practical terms. However, We would like to see the modelling re-run with A46 geometry reflecting the practical widths available to traffic between the offside lining and the nearside kerb.
- Remodelling will give a more realistic idea of the effects of the development on this junction. We are not sure what could practically be done to mitigate any effects but at least we will have more confidence in the results and what could be expected to happen at the junction.

In terms of the parking issues, whilst the provision has been amended there remains the possibility that insufficient is provided. A shortfall of 30 spaces is identified. Furthermore, the revised Transport Assessment suggests that there will be a sharing of spaces across the site. This assumes that the site will remain in the ownership/control of a single party and not divided up such that there would be a risk that areas of parking become allocated and protected for individual units. This should be confirmed and/or controlled by condition or legal agreement.

Notwithstanding this the major issue will be concerning the Office parking where the immediate provision of 61 spaces for an estimated 94 car-driving staff means that 33 staff will need to seek

spaces in other areas with the obvious inconvenience. This could lead to neighbour disputes and/or drivers finding it more convenient to park on the access ways and/or Fosse Road itself.

This is a location where on-street overflow parking could not be tolerated, so it is important that this is avoided by providing sufficient spaces on the site. In order to protect Fosse Road from indiscriminate parking, a Traffic Regulation Order to introduce waiting restrictions should be introduced at the expense of the developer.

In terms of the Travel Plan, this is still being assessed and a further response will be provided in due course. Should approval be offered prior to comments on this being received then it is suggested that a condition could be applied to agree the Travel Plan prior to operation/occupation.

As it currently stands, there remains doubts over the acceptability of the proposal in terms of highway capacity and parking issues. Unless these can be resolved then an objection is justified.

Should it be determined to refuse this application then the following reasons may be given:

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.

Insufficient/inadequate information has been provided to demonstrate that capacity issues will not arise at the A46 roundabout as a result of the proposed development.

Additional comments received 31st January 2019:

Further to comments dated 25 January 2019, the traffic modelling has now been assessed and the following comments need addressing:

1. At the A46 roundabout the geometry used in the Arcady model appears to have been taken from the old layout before the lining was modified; reducing the A46 approaches from 3 lanes to 2 lanes. As such the entry width on both these approaches is too wide in the models and consequently affects results.
2. Experience tells us that making a slight increase in entry width to produce a real life capacity improvement as proposed mitigation doesn't work. Therefore the mitigation suggested in the TA of strip widening the Farndon Road approach is not accepted. This aside, no drawing of the proposed widening has been submitted and we have concerns that this widening could mean that the roundabout no longer complies with DMRB guidance.

In respect of the above issues, it is concluded that the models be run again using the up to date geometric data taken from the white lining; not the kerbs. Also, it is unclear what practical measures could be implemented to mitigate the effects of the extra traffic generated by the development, but the current proposal is not expected to produce any real benefits. Alternative measures should be investigated.

Until these and previously raised matters are addressed, our 'holding objection' applies.

Original comments received 25th January 2019:

With regard to the above application the Traffic Modelling and Travel Plan are being assessed by colleagues, but we are likely to miss the consultation deadline with detailed comments on these aspects.

In the meantime I am concerned about the level of parking provision being proposed, and would want the applicant/agent to add further justification to statements like “considered acceptable” when referring to this (Paras 3.3.7 & 3.3.8 of the Transport Assessment). I am not sure I accept the concept of sharing spaces with this mix of uses and the reduction in spaces is dramatic e.g. 151 spaces to just 74 in one case, and; 94 to 61 spaces for the Offices.

This is a location where on-street overflow parking could not be tolerated, so it is important that this is avoided by providing sufficient spaces to allay fears. Amendment to the scheme may be necessary for this to occur.

I would also highlight the comments made in the NCC Policy response dated 23 January 2019, with regard to “Strategic Highways” and the importance of not compromising any improvements planned for the A46 corridor and roundabout.

In the meantime please accept this as a holding objection.

Comments in relation to the Travel Plan submission received 7th February 2019:

As a general comment, the development is split across two sites – one of which (petrol, drive thru etc) will have a high number of visitors and the latter (hotel and office) will be more staff focused. As such, we think that the some of the TP should be more clearly differentiated for these two areas. In particular, the trip generation / targets are presented for the entire development in a single row and this would be more useful (certainly with regards to eventual monitoring) if it was broken down into site component and then presented for the two areas of the site separately.

- The Travel Plan is in the form of a Framework TP. It is not however particularly clear how it will be developed amongst occupying organisations. Will each unit adopt and adapt the site-wide framework Travel Plan, or will each unit produce their own TP? Additionally, the TP states that each unit will employ a Unit TPC, however it would be beneficial to have an overarching Site TPC who could oversee the implementation of the TP across the full site. This is to ensure a synergy between the individual units and avoid duplication of measures. Some measures (such as the production of Travel Packs) could be produced on a site-wide scale, rather than each TPC producing a separate (duplicate) Travel Pack. We would note that for a framework TP it is normal to have a Site-Wide TPC, and Unit TPCs for the reasons set out here. (Indeed, the monitoring refers to a singular TPC, which we assume is the site-wide TPC, so more thought needs to be put into this).
- The NPPF (referenced in Paragraph 2.1.3) has since been updated (in July 2018). The text in the TP should be updated accordingly.
- Initial travel surveys should be conducted within 3 months of occupation of each unit, not 6 months. (This is inconsistent in the doc, with one reference to six months and another to 3 months).
- In addition to the duties identified in Paragraph 4.5, the TPC should be the first port of call for all matters relating to the Travel Plan, and should be available to anyone (staff or visitors) requiring travel advice.

- It would be beneficial to designate preferential car-sharing spaces within the car park (particularly the office spaces) to give priority to staff choosing to car share.
- The name and contact details of an interim Site Wide TPC should be identified now (who could be a representative of the developer or their agent). Details of the permanent TPC can be confirmed on appointment, and a commitment given to keeping NCC updated as to the contact details of the TPC(s) should these change (for whatever reason).
- The TPCs period in post should be defined. The TPC should be in place for the lifespan of the TP (i.e. From first occupation to 5 years following 50% occupation), unless the TP fails to meet its targets (see below).
- The TP should commit to a 3 year review and evaluation with NCC as part of the monitoring process.
- Should the Travel Plan fail to meet its targets the lifespan of the TP should be extended. The role of the TPC should also be extended to reflect this.
- Para 9.5 – targets should not be changed unilaterally, and targets should only be changed with the agreement of NCC.

Highways England – Additional comments 6th August 2019:

Referring to the planning application referenced above, and consultation dated 18 July 2019, for the erection of a mixed-use development comprising petrol filling station and associated retail unit, 2 no. drive throughs, 2 no. offices and 103 bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations (including flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works, located at land opposite 44 to 26 Fosse Road, Farndon, Nottinghamshire, notice is hereby given that Highways England's formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

Annex A Highways England recommended further assessment required

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 18/02362/FULM and has been prepared by Steve Freek.

Highways England previously reviewed this application and provided a holding recommendation in May 2019 advising that further information would be required relating to TEMPRO growth factors and the ARCADY assessment review as well as general comments on parking, modelling and drainage.

We have now received further information in the form of the updated Transport Assessment (TA) which we have reviewed.

Traffic impact

We have reviewed the changes made to the likely trip generation based on the revised development use detailed in the TA and presented in Tables 4-6, which we consider to be suitable.

It is now proposed as set out in Table 7 of the TA that the development traffic is made up of 60% primary trips, 10% internal, 5% pass by trips and 25% diverted trips, whilst the previous TA suggested that the assessment would consider all traffic as primary for robustness. We accept this approach however evidence to support the suitability of these proposed proportions should be provided. Also, clarity on how these diverted trips have been shared across the approaches to the A46 / Farndon Road roundabout as presented in the traffic flow diagrams, should be provided.

TEMPRO growth factors

We have reviewed the TEMPRO growth factors provided in Table 8 of the TA and can verify that they are suitable. We have checked that these have been suitably applied to the Traffic Flow Diagrams in Appendix E and find the traffic forecasts for future years of 2020 and 2028 to be appropriate.

ARCADY assessment review

We have reviewed the traffic flows used in the ARCADY modelling and compared these against the traffic flow diagrams provided in the appendices of the TA and they are consistent.

We have reviewed the geometric parameters used in the ARCADY models for the Farndon Roundabout using satellite imaging from OS Maps. Our checks show that the effective flare lengths used in the ARCADY model for A46 North, Farndon Road and Local Access approaches are 2-4 times longer than OS mapping indicates. The effective lengths should be amended to better represent the existing junction layout.

In the ARCADY modelling under 'Vehicle Mix', 10% has been used for all HGV movements in all scenarios though no justification is provided for this proportion. This HGV percentage should be based on the existing network demands and that forecast to be generated by the proposed development.

General Comments

Parking

We welcome the increase in parking spaces to 246, however the issue of HGVs and their drivers attempting to access the services has not been addressed. The traffic flow at the roundabout may soon be affected should HGVs park on Fosse Road to access the site.

We advise that the issue of HGV parking on site be addressed through parking restrictions outside of the site or by providing HGV parking within the site.

Only one coach space is proposed which is also shared with deliveries which seems low for a site with a hotel and which is also close to the visitor attractions of Newark and Lincoln. Evidence should be provided to demonstrate that a single coach space is sufficient.

Drainage

The applicant should be aware that in accordance with Department for Transport (DfT) Circular 02/2013 paragraphs 49 and 50, no water run-off that may arise from the development will be accepted into the highway drainage systems. As such no new connections into those systems from third party development and drainage systems shall be allowed. In addition, we advised that the applicant provide details of any earthworks, boundary treatment and noise avoidance strategy proposed along the shared boundary with the A46.

We previously provided comments regarding drainage details required, however through discussion with the Planning Authority it has been agreed that details of the proposed maintenance regime for the attenuation feature, flow control/pump and pollution control device can be provided following planning consent and prior to commencement of works. As such once the above comments have been addressed we will recommend the following condition be attached:

Condition: No part of the development hereby permitted shall commence until details of the proposed maintenance regime for the attenuation feature, flow control/pump and pollution control device have been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the A46 trunk road continue to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety.

Recommendation

Highways England therefore recommends that the application not be approved for a period of three months from the date of this notice, pending additional information being submitted.

Additional comments received 7th May 2019:

Please find attached the formal response from Highways England in relation to the above referenced planning application. I have included drainage requirements in the attached response which are in addition to our original response dated 7 February 2019, but as discussed recently.

We have received no further information to date regarding this application, since our previous response, and as such the holding recommendation, currently in place, should be extended for a further 3 months until 8 August 2019.

Additional comments received 12th March 2019:

I refer to the above referenced planning application which is currently on hold pending the receipt and subsequent approval, of additional information. Having consulted with colleagues **drainage details** as follows should be submitted by the applicant for approval (for note, the details were not included in the drainage information submitted as part of the application).

- Pollution Control details for the site.

- Proposed maintenance regime, for the attenuation feature, the flow control/pump and the pollution control devices. This information is required to ensure the system is adequately maintained and can continue to function as proposed.

Other information as detailed in my response dated 08/02/2019 is still to be submitted (modelling, changes to Farndon Roundabout etc).

Original comments 8th February 2019:

Referring to the planning application referenced above, and consultation dated 21 January 2019, for the erection of a mixed-use development comprising petrol filling station and associated retail unit, 2 no. drive throughs, 2 no. office blocks and a 103 bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations (including flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works, located at land opposite 26 to 44 Fosse Road, Farndon, Newark, Nottinghamshire, notice is hereby given that Highways England's formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Annex A Highways England recommended further assessment required.

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 18/02362/FULM and has been prepared by Steve Freek.

Highways England has previously been consulted on development proposals at this site in March 2018. We provided comments on the Transport Scoping Note in April outlining concerns related to the proposed site access design, the likely trip generation and distribution calculations, and advising on the need for capacity assessment.

In January 2019 Highways England was consulted on a full planning application for the development which we have reviewed and have the following comments:

Traffic impact

We note that the several types of mixed use elements making up the full development proposal at this site remain unchanged from the information provided during the March 2018 scoping stage. However, during our review of the TRICS trip generation figures in the Transport Assessment, we note that previous figures for the fast food elements have been replaced by those from a traffic survey count undertaken at a McDonald's restaurant located off Harvest Drive, Newark, adjacent to the A46 / A1 junction. This change has resulted in an increase in the total two-way trip generation of the overall site in each of the peak periods by around 200 trips.

Reducing the overall forecast traffic impact is justified for mixed use sites such as this site, by considering diverted, pass-by and linked trips, however the assessment does not apply any such reductions. We note that it is stated in the Transport Assessment that this is in order to provide a robust assessment. We would agree that the trip generation figures adopted for the impact assessment are therefore very robust.

TEMPRO growth factors

Paragraph 5.3.2 of the Transport Assessment states that TEMPRO growth factors have been applied to the 2018 base flow data, resulting in traffic forecasts for future years of 2020 and 2028. No information has been provided to allow us to verify the suitability of the TEMPRO growth factors applied.

We have calculated growth factors by comparing the Appendix E flow diagrams, however these appear to be lower than those suggested by TEMPRO for Newark and the Sherwood 012 area where the proposed site is located. *Additional information related to TEMPRO growth factors should be provided.*

ARCADY assessment review

We have reviewed the geometric parameters used in the ARCADY models for the Farndon Roundabout. Satellite imaging from OS Maps of the A46 Farndon Roundabout has been used to determine the suitability of the model geometry. Although there are some minor differences, we consider these to have no material affect on the modelling results.

Details of the proposed improvement detailed in paragraphs 5.6.9 to 5.6.10 suggests that this will provide an increase of 0.9m to the entry width at the Farndon Road approach to the roundabout. This is consistent with the geometry parameter changes shown in Appendix F (Existing Junction Layout) and Appendix G (Revised Junction Layout). *However, suitability of this proposal cannot be determined without a scheme drawing showing how this additional lane will affect lane markings and interact with the circulatory.*

We have reviewed the O-D matrices used in the ARCADY models which match the traffic flow diagrams and correspond with the survey data provided. However, there is no data in the 'Vehicle Mix' section to inform on the HGV proportions. This should be input in line with Junctions 9 User Guide Section 8.3 which states: *'Some parts of the model work with PCUs (Passenger car Units) and others with Vehicles, and although you only need to enter one or the other, a vehicle mix is required in order for the program to convert between PCUs and Vehicles'*.

The guidance also states: *'even if you are working with PCUs, you should still enter values for the Vehicle Mix grid. This is because some parts of the traffic model, such as the queue and delay calculations, always work in vehicles and so the program always needs to be able to convert*

internally between PCU and Vehicles. (However in practise this will only make a noticeable difference when the RFC of an arm is close to 1.0.)' and 'Whether you enter your demand data in units of Vehicles or PCU, you should always work out the HV% in terms of vehicles'.

It would assist in supporting an efficient review process if the junction drawing used to inform the model geometric parameters was provided.

General Comments

Parking

- Although the LPA generally determine the level of parking provision there is a concern from HE regarding the proposed level of parking for the fast food outlets; the comparison with the McDonalds on Harvest Drive is not accepted, as a significant portion of customers use on street parking. The level of parking proposed at this site will likely lead to overspill of parking onto the local road at least and could have safety implications for Farndon Roundabout, particularly if customers park in close proximity to the roundabout.
- There is no HGV parking proposed despite the site being clearly visible from the A46 (*note that without sufficient parking including an abnormal load bay, the location would not qualify for signing on the SRN*). However, as this site will be plainly visible to pass by traffic, and is the only such facility north of Leicester, there is a risk that HGVs will park on street around the site including the grass verge of the A46. While this may appear unlikely, we have very similar issues at existing sites on the A43 at Baynards Green Roundabout and on the A14 at Rothwell Services.
- Only one Coach space is proposed which is also shared with deliveries which seems low for a site with a hotel and which is also close to the visitor attractions of Newark and Lincoln. Evidence should be provided to demonstrate that a single coach space is sufficient.
- Only one Coach space is proposed which is also shared with deliveries which seems low for a site with a hotel and which is also close to the visitor attractions of Newark and Lincoln. Evidence should be provided to demonstrate that a single coach space is sufficient.

Modelling

- The proposed widening of 0.9m is not a suitable mitigation; ARCADY uses a linear regression model which is only an approximation of real world performance. Such a limited extent of widening would only provide a minor benefit and then only if there is driver caution due to narrow lanes; given that there is already a large hatched area to allow overrun this is unlikely to have any material impact.
- The modelling does not appear to make any allowances for lane starvation which has to be applied manually within ARCADY. Given the imbalance in some of the turning flows this should be checked for and adjustments made to the model as necessary (see http://jctconsultancy.co.uk/Home/docs/tec_arcadyHealthWarning.pdf)

In addition to the above, for completeness, I shall consult with the Road Safety Team and forward their comments for your consideration to include in any forthcoming response.

Recommendation

Highways England therefore recommends that the application not be approved for a period of three months from the date of this notice, pending additional information being submitted.

NCC Strategic Planning – Additional comments received 23rd July 2019:

Thank you for consulting the NCC for strategic policy comments on the amended and revised plans for this application. Considering the further documents submitted, the County Council at this time does not have any further comments to make then those provided in January 2019 (which are attached). However, if there is any specific issue you would like us to consider, please let me know as soon as possible and I will send the application to the relevant colleagues.

Original comments received:

Ref: 18/02362/FULM – Erection of mixed use development comprising PFS and associated retail unit, 2 no. drive throughs, 2 no. offices and 103 bedroomed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, engineering operations (including flood compensation measures) and SUDs along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works – Land opposite 44 to 26 Fosse Rd, Farndon

Thank you for your letter dated 7th January 2019 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 17 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 203 points out that *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'*

Paragraph 204 states that planning authorities should:

- 'safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);

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

In Nottinghamshire, minerals safeguarding and consultation areas are defined in the emerging Nottinghamshire Minerals Local Plan (Draft Plan Consultation 2018) and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 206 of the NPPF states that: *'Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working'.*

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

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

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

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

Transport

Section 9 of the NPPF addresses the issue of sustainable transport. The NPPF, in paragraph 111, requires all developments which will generate significant amounts of movement to provide a travel plan and the application for such a development to be *'supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed'*. It also states, in paragraph 108, that it should be ensured that *'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of location and its location'* and *'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'*.

Education provision

Paragraph 94 of the NPPF states that:

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

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

Healthy communities

Paragraph 91 of the NPPF points out that *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places whichenable and support healthy lifestyles, especially where this would address identified local health and well-being needs...'*

With regard to public rights of way, paragraph 98 states that they should be protected and enhanced, *'including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...'*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid

misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However, should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

Whilst the proposed site for development does not lie within close proximity to any existing or proposed mineral site, it does lie within the Mineral Safeguarding and Consultation Area for sand and gravel. As per National Planning Policy (para. 204), the draft Minerals Local Plan (Draft Plan Consultation, July 2018) contains a policy (SP8) concerning the safeguarding and consultation areas for minerals and associated infrastructure. Although the plan is not yet adopted, its provisions should be given weight as a material consideration. In the Draft Plan, policy SP8 requires developments within the minerals safeguarding area to demonstrate it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical.

In terms of this proposal, the applicant should address policy SP8, and National Policy, and consider prior extraction of sand and gravel as this will prevent sterilisation of the mineral and may also benefit the developer in terms of land preparation, if applicable. The applicant would be required to demonstrate that the feasibility of extracting sand and gravel prior to development has been considered and demonstrate, if found to be not practical nor viable, why this is the case.

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.

Strategic Highways

The planning application site is located between the A46 trunk road and Fosse Road and is immediately adjacent to the A46 Farndon roundabout. The vehicular access to the site is to be taken from Fosse Road and not the A46. In strategic transport terms the traffic impact of the proposed development is not likely to have a significant detrimental impact on the operation of the local highway network however the same cannot necessarily be said for the operation of the trunk road network which is operated by Highways England (HE).

The Government has announced in the national Roads Investment Strategy that it is investigating the feasibility of upgrading the A46 Newark Northern Relief Road from the A46 Farndon roundabout to the A46/A17 junction north of the town. A scheme of improvement is planned to commence construction in the period 2020-2025. It is understood that HE is currently looking at a number of options to upgrade this corridor and it is thought very likely that the foot print of any future trunk road improvement at Farndon will extend beyond the confines of the existing public highway and have a significant and direct impact on the 18/02362/FULM planning application site. In which case the local highway authority are concerned that if planning application number 18/02362/FULM is given planning consent as submitted that this could limit the opportunities to improve the A46 at Farndon and could prejudice (e.g. add to the costs of land acquisition / CPO / demolition of built development) the delivery of a much needed upgrade to the A46 Strategic Road Network. The district council are strongly recommended not to grant planning permission until the formal position of Highways England on this application has been received and has been fully considered.

Developer Contributions

Travel and Transport

General Observations

This planning application covers an area of land to the South East of Fosse Road in the village of Farndon, this application seeks permission for the development of a petrol station, shop, two drive throughs, 2 office buildings and a 103 bed hotel.

The proposed access point appears to be from a new access onto Fosse Road, the nearest current bus stops are approximately 350 metres from the centre of the site on Long Lane.

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network. This development lies adjacent to the old Fosse Road in Farndon which is currently served by Marshalls of Sutton on Trent. Their service 90, which is commercially operated runs hourly between Newark and Nottingham whilst their service 91, which receives funding from this Authority, operates to Bingham every 2 hours. Additional services operated by Nottinghamshire County Council Fleet numbered 354 operate at peak times between Bingham and Newark.

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

Current Infrastructure

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

NS0177 Long Lane –Bus Stop Pole and Raised Boarding Kerbs.

NS0191 Long Lane - Bus Stop Pole, Wooden Bus Shelter (replacing brick-built shelter shortly) and Raised Boarding Kerbs.

NS0205 Fosse Road - Bus Stop Pole in Layby.

It should be noted that buses serving the above stops pass the site along Fosse Road, therefore a pair of new stops in the vicinity of the development should be considered.

Transport & Travel Services request a contribution via a Section 106 agreement of £35,000 for Bus Stop Improvements/Installations. This will be used towards improvements to the above bus stops or the installation of new bus stops in the vicinity of the site to promote sustainable travel.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Public Transport Planning Obligations Funding Guidance For Prospective Developers. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate Bus Shelters, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops or at new bus stops adjacent to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

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

Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Conclusion

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

NCC Ecology – No comments received.

Natural England – *Additional comments received 30th July 2019:*

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our previous letter.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Original comments received:

No objection.

Thank you for your consultation on the above dated and received by Natural England on 7 January 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Natural England's advice on other natural environment issues is set out below.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Nottinghamshire Wildlife Trust - Thank you for sending over a copy of the non-redacted Preliminary Ecological Appraisal by RammSanderson (April 2018). We are generally pleased with this report, but overall feel that the scheme will not provide a net gain for biodiversity as all

developments should be aiming for, as stated within the latest revision of the NPPF (February 2019).

We therefore have the following comments and recommendations, which can also be implemented as suitability worded planning conditions:

Bats

We generally agree with the conclusions of the report and welcome the provision of a bat friendly lighting scheme as recommended in Section 6.3.3 of the report (RammSanderson, 2018). In addition to this we would also expect a number of bat boxes to be installed around the development to encourage bats and help provide a net gain for biodiversity.

Hedgehogs

Hedgehogs are a species of principle importance (Section 41 of the NERC act) and are often overlooked. We are concerned that although precautionary measures are suggested within the report, there are no specific details to these measure measures within the ecology report to protect hedgehogs during the clearance phase of the development, as suitable habitats are present within the application site. We therefore strongly recommend a suitability qualified and experienced ecologist is present on site during the site clearance works to check for hedgehogs and advice on vegetation clearance measures to avoid harming hedgehog, i.e. the ecologist should hand search and check any areas of vegetation (including the base of any scrub areas) immediately prior to the removal of this vegetation.

Nesting birds

We agree within the conclusions of the ecology report (RammSanderson, 2018) and welcome the guidance for timings of vegetation clearance outside the nesting bird season within Section 6.3.4 of the report. Additionally we would like to see different types bird boxes for a range of common and widespread bird species are incorporated into the development. These can be placed on retained and planted trees, but also the buildings around the development site which will benefit and encourage nesting birds within the area and also help provide a net gain for biodiversity.

Landscaping

There is no landscaping plan available to view on the planning page for the proposed development, but some of the plans do feature landscaped areas and a lake. We do not consider enough detail is provided within these plans and a landscaping scheme which provides a net gain for biodiversity is strongly encouraged for this application.

We recommend the following biodiversity enhancements are incorporated into any future landscaping scheme for the site;

1. Retain boundary features including trees, hedgerows and scrub, with native new hedgerow planting and enhancements. This will provide connectivity for wildlife and will help to *securing measurable **net gains for biodiversity*** (revised NPPF, February 2019).

2. We recommend the lake to feature native planting ideally sourced locally and form an area for wildlife, including wildflower meadow, log / brash piles and wildlife boxes for hedgehog and

invertebrates. This native planting would benefit a range of bird, reptile, amphibian, mammal and invertebrate species.

3. Any proposed amenity grassland areas are kept a minimum and as many wildflower meadow areas are incorporated across the development wherever possible such as along road verges or under trees.

Badgers

As badger evidence has been recorded on the site, and as from our experience badgers can build setts in unlikely places such on the edge of arable fields it is possible that badgers could move into the application site. We therefore strongly recommend an update badger survey is undertaken at least 6 months prior to the start of any development works by a suitability qualified ecologist. We also agree with the recommendations within the ecology report by RammSanderson (2018) in relation to construction precautions in Section 6.3.5.

NCC Flood – Revised comments received 7th August 2019:

Please refer to our comments dated 21 Jan 2019.

Original comments received:

No objections subject to the following:

Please note the area is shown as a flood zone and as such the EA must be consulted on the proposals.

1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).

1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.

1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

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

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

Environment Agency – *Additional comments received 13th August 2019:*

I refer to the above application and additional information on your website from the 18 July 2019.

Environment Agency position

1. Area of development site within Flood Zone 3b

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance. We recommend that planning permission is refused on this basis.

Reason

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. The hotel and attenuation pond lie within Flood Zone 3b functional floodplain, which is land defined by your Strategic Flood Risk Assessment as having a high probability of flooding. Hotels are classed as more vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Overcoming our objection

The design of the development should be reviewed and the hotel should be moved out of the functional floodplain. To ensure the efficacy of the attenuation pond in flood events this should also be relocated away from the functional floodplain.

2. Flood risk to others

We object to this application because it fails the second part of the flood risk exception test. We recommend that planning permission is refused on this basis.

Reason

This application lies within Flood Zones 3a and 3b which is land defined by the planning practice guidance (PPG) as having a high probability of flooding. As shown in the Flood Zones and flood risk tables of the PPG, development classified as more vulnerable is only appropriate in these areas if the exception test is passed alongside the sequential test.

The National Planning Policy Framework (paragraph 161) makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment, that the development will be

safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer's flood risk assessment fails to:

- demonstrate that flood risk will not be increased elsewhere

Table 3.1 in the flood risk assessment (FRA) (ref 17-0518/FRA/Rev B, BSP Consulting, May 2019) shows that at the 1% Annual Exceedance Probability (AEP) event plus 30% Climate change flood risk to others is increased.

There should be no loss of flood stage capacity for floods up to the 1% AEP event, and an appropriate allowance for climate change must also be considered, including any storage proposals. New development should seek to create a net flood risk benefit wherever possible.

To address the risk to others, the floodplain compensation provision should be reviewed to provide appropriate storage either by increasing the storage area, or by reducing the scale of the development.

We have previously requested additional information on the flood plain compensation, including volume calculations, flow routes and how the proposed area will interact with the existing functional floodplain.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Original Comments received 31st January 2019:

Environment Agency position

We object to this application because it fails the second part of the flood risk exception test. We recommend that planning permission is refused on this basis.

Reasons

This application lies within flood zones 3a and 3b, which is land defined by the planning practice guidance as having a high probability of flooding. As shown in the planning practice guidance's flood zones and flood risk tables (table 3), development classified as "more vulnerable" (the hotel) is only appropriate in flood zone 3a if the exception test is passed alongside the sequential test. In flood zone 3b, the functional floodplain, "more vulnerable" and "less vulnerable" development should not be permitted.

The National Planning Policy Framework (paragraph 161) makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment, that the development will be

safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer's flood risk assessment fails to demonstrate that flood risk in the surrounding area is appropriately mitigated.

Overcoming our objection

Farndon Modelling Technical Note Draft v3.0, compiled by JBA Consulting, November 2018 (FRA, Appendix F) reviews the River Trent and Tributaries SFRM model (Halcrow, July 2011) and takes into account the A46 bypass to the east of the site.

The results of the model show that all of the site is in flood zone 3. The surface water attenuation pond and part of the hotel are within flood zone 3b. Neither is appropriate development in flood zone 3b.

To address this it is proposed that the entire site is raised, with buildings set at a finished floor level of 13.28 metres above Ordnance Datum (m AOD). Two areas of floodplain compensation have been proposed to mitigate for the land raising.

Figure 3.9 of the FRA shows that, post-development, in a 1% annual exceedance probability (AEP) plus 30% climate change event there is an increase in water levels of between 0.03 and 0.1 metres at properties 77 to 101 Fosse Road.

There should be no loss of flood stage capacity for floods up to the 1% AEP event, and an appropriate allowance for climate change must also be considered, including any storage proposals. New development should seek to create a net flood risk benefit wherever possible. To address the risk to others, the floodplain compensation provision should be reviewed to provide appropriate storage either by increasing the storage area, or by reducing the scale of the developing.

We also require further details of the flood plain compensation scheme, including volume calculations, flow routes and how the proposed areas will interact with the existing functional floodplain.

To overcome our objection, please submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection. Please reconsult us with the FRA and we'll respond within 21 days of receiving it.

Trent Valley Internal Drainage Board – The Board OBJECT to the planning application as submitted for the following reasons.

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

The Board maintained Farndon Field, an open watercourse, exists through the development and is located to the south west of Field 1 of the site and to which BYELAWS and The LAND DRAINAGE ACT 1991 applies. A plan is enclosed for reference.

The applicant is advised that the Board's written Byelaw consent will be required prior to development commencing. Applicants should note that the Board's Byelaw consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's Byelaw consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse or the Board's machinery access to the watercourse which is required for maintenance, periodic improvement and emergency works.

The objection has been raised because the application does not comply with the Board's policy regarding new development in close proximity to Board maintained watercourse. In this instance the Board will require a minimum of 9 meters clearance between the watercourse back top and the edge of any new building or structure (including fences, walls, trees, hedges etc.)

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

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

The 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).

Any planting undertaken at the site must be carried out in such a way to ensure that the planting does not encroach within 9 meters of any Board maintained watercourse when fully matured.

Under the Land Drainage Act the Board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management Regulations may be required from the Environment Agency.

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-catchment to be maintained.
- Surface water run-off limited to the greenfield rate for other gravity systems.

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

A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9 meters wide, unless otherwise agreed in writing by the Board. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Severn Trent Water – No comments received.

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

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Newark Business Club – Support the proposal.

In respect to the original consultation period, representations were received from 199 local residents/interested parties, all of which represent objections except 1 letter of support. This includes representations from the group known as 'Farndon Residents Environment Group (FREG)' and comments from the governing body of St. Peter's Cross Keys Church of England Academy. It also includes a letter from Freeths on behalf of Newfield RBS, jointly with Nottinghamshire County Council (Estates Dept) owners of the Former Highways Depot, Great North Road/Kelham Road, Newark. All representations are summarised as follows:

Principle of Development

- There is no justification as to why development should be allowed in the open break;
- Policy NUA/OB/1 states that permission will not normally be granted for built development;
- The open break is part of a wider masterplan for supporting green infrastructure which the proposed development would threaten;
- Farndon would lose its identity as a village and become a suburb of Newark;
- The land acts as a natural lung for the benefit of the village;
- People live in the village because it reflects the quieter environment in which they want to reside;
- Allowing this development would set a precedent for other open breaks to be developed;
- The application is in direct contravention to the Core Strategy;

- The development is outside of the Newark Urban Boundary which makes the site subject to Policy DM8 and does not meet the exceptions;
- The application is not small scale employment as required by Policy DM8;
- There is no justification for the roadside services;
- The proposal would be contrary to the Council's ambitions to be cleaner, safer and greener;
- English villages need to be preserved;
- The combined effect of section 70 of the 1990 Act and section 38 of the 1994 Act is that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise;
- The Open Break policy was reviewed during the preparation of the ADMDPD particularly in the context of the growth points;
- An appeal in Derby emphasizes the importance of maintaining the different character and identity of the City's suburbs and can be considered relevant to this application in the context of the open break policy;
- The Open Break policy has been in place in some form since the 1960s and there is nothing to undermine its role;
- The application will assist the growth of the region;
- It should not be considered reasonable to assess only sites available now given the master plan for growth in Newark spans a 10+ year period;
- The Open Break is a comparatively narrow area to the south west of the main urban area;
- The application proposals would have a significant harmful impact on the Open Break between Newark and Farndon;

Principle of Site Uses

- The proposed development is not in an employment allocation;
- There are sufficient other areas around Newark to support the development including mixed use allocations in Newark;
- According to the Newark Advertiser (4th Jan 2019), 2 hotel developments are already supported in Newark;
- NCC have agreed to sell the former depot opposite the livestock market and a marketing campaign led to the County Council expressing preference for a hotel to be built;
- There is no justification for a hotel on the site;
- Sufficient sites have been identified for new office / business opportunities;
- Newark should be the focus for employment provision;
- The proposed development would threaten the retail offer of Newark;
- Newark should be the centre for retail;
- The proposal makes a speculative planning bid which is not part of the Council's coordinated plans for growth;
- The development would be better suited on the Middlebeck development;
- The creation of 400 jobs is a huge exaggeration – office jobs are likely to be relocated rather than created;
- A large proportion of the jobs will be filled by those seeking temporary work;
- It would be much better to use other sites such as the packing company site on the other side of the roundabout;
- People wanting a hotel would choose to be closer to Newark;
- There is already a petrol filling station on Bowbridge Road and a spar store and subway food outlet;

- The application has been submitted on the basis that it would satisfy the needs of Newark but the site is at least 2km away from Newark;
- Some of the criteria used by the applicant to discount the highways depot site is no longer relevant;
- The highways depot site is much closer to Newark with no residential properties opposite;
- The hotel brand does not offer dinner facilities so guests will have to leave the site which is good news for local restaurants although there are already extremely popular;
- There are empty office units to let in Fernwood;
- Footfall should be encouraged in the town;
- There are already empty offices on the site behind the Lord Ted;
- The convenience store would compete with the existing shop;
- The village does not need the drive throughs;
- There is little evidence that the employment would be sourced locally;
- There is no demonstrated need for another petrol station – it is not clear if the proposal would lead to the closure of the petrol station on Farndon Road;
- There is well over one million square ft of office space available in the area;
- The claim that there are no petrol stations on the A46 for 36 miles is untrue;
- Farndon does not need the proposed uses but needs housing and a cemetery;
- A hotel here would not be within walking distance of the town;
- Marks and Spencer have recently announced closure in Newark – new development should be directed to Town Centre;
- There are plenty of empty sites in Newark currently resembling rubbish tips which could be used for the development and enhance Newark;
- Newark has already lost so much of its Market Town appeal and this application would further reduce its appeal to visitors;
- The development would not support Newark but instead would be a budget commuter hotel service to the A46;
- Hotels in Newark are not used to capacity;
- The drive throughs will lead to an increase of litter;
- The letters from the hotel operators are not considered as contractual commitments;
- It is not clear why sites bigger than 3 ha have been discounted;
- The applicant refers to an older planning application for the former highways depot site which is out of date given recent press articles;
- The applicants sequential assessment is at odds with the rest of the application in that it refers to the need to be near the strategic road network whereas the rest of the application refers to supporting the town centre;
- It is wholly inappropriate to presume that the a development plan policy for retail has the effect of ‘turning off’ a national requirement for leisure uses (defined as town centre uses) to be subject to an impact assessment;
- The Sequential test omits several sites in Newark Urban Area which would be more edge of centre and better connected;
- The document does not include evidence of market testing for the former Highways Depot site;
- Discounting sites on the basis of their allocation is inappropriate as the LPA may take a pragmatic view;
- Some sites have been discounted for constraints that also affect the development site;
- The land at Brownhills is allocated for uses that include roadside services and a hotel but there is no reasoned discussion on the contribution this site could make;

- There is no evidence to support the figure arrived at for estimated job creation and no evidence provided to justify the way this is broken down by occupation;
- It is incorrect that no new office development have been proposed, implemented or completed in the last five years;
- At a total of 2,834m sq. the development is not small scale as required by Policy DM8;
- There is significant absence of any meaningful justification for why this site has been selected;
- No detailed analysis of existing facilities or gaps in the strategic provision of roadside services appears to have been made;
- The site's location outside but near the main urban area means that employment is likely to largely be derived from the urban area and so any rural employment opportunities seem limited;
- The former Highways Depot site is a suitable size at 1.98 ha and is better located in relation to the town centre – sequentially it is a far better site than the application site;
- Policy NUA/E/4 (Newark Urban Area – Employment Site 4) contains a number of tests which essentially permit non Class B uses, subject to suitable justification and so has flexibility;
- The statement that the former Highways Depot will be needed for junction improvements is vague and unsubstantiated and even if it was required would only require the northern tip of the site.

Impact on Heritage including Archeology

- The Farndon Archaeological Research Institute have identified that the site is one of National Significant Importance as it has clear evidence of Ice Age activity;
- The proposed area is possibly of international importance in archaeological terms;
- The archaeological work submitted with the application is inadequate;
- The buildings would detract from the quality of landscape and views across to Hawton Church;
- The site should be fully explored for archaeology before it is lost forever;
- The development would negatively impact upon the Conservation Area and nearby Listed Buildings;
- There has been extensive research conducted at the site in collaboration with Oxford University and the British Geological Survey – this shows that Farndon is particularly important as there are tools from successive occupations;
- It is not appropriate to deal with the archaeological potential by condition;
- There is no heritage assessment;
- The Executive Summary concludes that there is high potential for Palaeolithic remains to be present within subsurface deposits within the site;
- The conclusion of the archaeology assessment confirms the need for further works;
- The document acknowledges that the position of the A46 was chosen to avoid the 'north cluster' - the archaeology was considered of such potential that this nationally important project avoided the site;
- The response of LCC Archaeology fails to meet the requirements of the Framework in assessing the proposal;
- There is potential for substantial harm to archaeology.

Impact on Highways

- There is already congestion on the entrance to Newark;
- The Farndon roundabout suffers high level of congestion that would be made worse by the proposed development;
- The development would reverse the benefit of the A46 relief road;
- Traffic is bad at the roundabout daily – not just on Fridays;
- Residential developments proposed will inevitably already bring more traffic;
- At times it is already impossible to get in or out of the village due to congestion;
- At other similar sites staff park on the roads nearby due to parking restrictions which would disrupt residents;
- Queues for drive throughs block traffic;
- Farndon already has problems with inadequate parking for the existing village pubs;
- Queuing traffic would lead to greater air pollution;
- Any traffic entering the site from the North will have to cross the entry for the A546 South which is already a nightmare;
- The transport documents make no reference to the increased traffic flows;
- The uses will lead to 'boy races' using the A46 as a race track;
- There are already vehicles speeding;
- The southern relief road and full dualling of the A46 are some years away from completion;
- Residents campaigned for 30 years for the A46 diversion – a proposal of this size would reverse the benefit;
- There have been a significant number of accidents at the roundabout;
- The village will become congested as a rat run;
- The highways conclusions are based on a very limited data collection exercise (on one specific day in March) and a number of very biased extrapolations of numbers and data which supports the case of the developer;
- Traffic is already particularly busy at peak times;
- Whilst the pubs would benefit from the hotel residents, the parking is insufficient;
- There is no pedestrian access;
- The applicant has considerably understated the frequency of delays currently experienced – they do not only occur on a Friday afternoon;
- It was demonstrated that TRICS data can be unreliable;
- TRICS data has not been tested for the other services on the proposed site putting doubt to the validity of the data;
- Even on the basis of the figures given the trip generations would be one every 9 seconds at peak hours;
- There is a shown shortfall of 128 spaces;
- The site uses are by design for use by vehicles so it is difficult to conclude alternative modes of travel will have any significant effect;
- The applicant would not have any control over space sharing;
- Large and frequent farm machinery and wide loads must have clear access along Fosse Road;
- Guests of the hotel seeking to eat at the restaurants in Farndon would lead to an influx of on street parking – there is no mention of this consequence in the application submission;
- There are only 2 roads in and out of the village which both exit onto the Fosse – when that is blocked, residents are stuck;
- There is a single entrance / exit which will impact upon the ability of emergency services to access the site;
- The majority of users exiting the site will want to turn right creating an increased likelihood of accidents;

- The application should not be considered on the basis of possible road improvements as these are not guaranteed;
- Trips by walking and cycling would be minimal as the primary functions will be for car end uses;
- The 'old A46' would possibly become a busy A road once again;
- Getting into Newark is already difficult – it is sometimes easier to go to Bingham or Gamston;
- The Farndon roundabout is a pinch point;
- Traffic is worse when there are wider problems or issues with the train barriers at Newark Castle;
- Hotel conference facilities would increase the parking impact;
- Long Lane is already dangerous without the additional on street parking;
- The pedestrian crossing is not Newark side of the entrance and therefore it is doubtful that anyone will use the crossing;
- The Travel Plan shows 2km as the crow flies and not the actual distance people would have to walk;
- When the time comes to make the east / west bypass around Newark a dual carriageway, the design of the intersections around the proposed site may compromise the position;
- It should be infrastructure first, development second;
- At peak times for the roundabout it already takes approximately an extra hour to reach the A1 on a Friday;
- If staff aren't permitted to park on site then there will be an increase in on street parking;
- Newark has become a no go zone to people of Nottinghamshire because of the traffic;
- The proposal would negatively affect the bus service;
- Last year a HGV came off the roundabout and hit an electricity pylon;
- The site is a 35 minute walk from Castle Gate making the town inaccessible without a car;
- Vehicles speed along Fosse Road leading to risk of collisions;
- Drivers already leave the A46 at Flintham and use the old A46 as a rat run;
- What will happen during the Newark half marathon when there are runners on the road;
- There is the possibility that people will park in the village to consume the produce brought on site;
- The roundabout is still not finished;
- The petrol filling station has a third drive through which is not included in the description of development and is not included in the traffic modelling;
- No detailed access plan has been submitted showing visibility etc.;
- There is no details of traffic mitigation proposals;
- The Transport Assessment is unclear on a number of points including the modal share and the assumption of using sustainable transport methods;
- The highways capacity assessment does not take account of future traffic movements from the P.A Freight access;
- Traffic counts do not match the peak trip times;
- The construction of the southern relief road is not within the applicant's control and is unlikely to be constructed in the timescales of the report;
- Assumptions that 100% of the traffic will be from the roundabout is wrong;
- There is not engineered design solution for the improvement to the Farndon Road arm of the roundabout;
- Fosse Road is a main pedestrian route for many school children and increases in traffic will create safety risks;
- Submission of photographs showing traffic build up on Fosse Road;

- It is unclear if the proposals calculations are based on 3 drive throughs;
- Families walk along Fosse Road to and from the school;
- Traffic is increasingly higher already between April to October due to summer / weekend breaks.

Impact of Design

- The proposed development is completely out of scale;
- The design is utility and bulky and out of character with the area;
- The buildings do not fit the street scene along Fosse Road;
- There are no litter bins for the proposed uses;
- The design is considered off the peg rather than an appropriate bespoke design for the site;
- The offices and hotel are almost distinguishable from one another.

Impact on Landscape

- The claim to be creating measures to support green infrastructure is not credible given the planned scale of activity on the site;
- The site and the field behind the nursing home are highly valued by Farndon residents;
- The development is unattractive and oversized which will not enhance the approach to Newark;
- The character of the village will be compromised by the visual impact of unnecessarily large development;
- The proposal would make Farndon appear as a continuation of Newark rather than a separate village;
- No one will want to walk near an artificial pond next to a train station;
- The site is a valued greenfield site;
- The height of the buildings could not be adequately screened;
- The LVIA was modelled on heights from the existing ground level with maximum building height of 15.5m but finished floor levels would be between 1 and 2m higher so the LVIA methodology is flawed;
- The plans have no regard to the existing street scene on Fosse Road with landscaping shown in areas outside of the applicant's control;
- The LVIA de-values the role of the open break by suggesting that Farndon is physically and functionally connected to Newark;
- The statement in the LVIA that 'there will be a diminution in a sense of openness which will impinge on the semi-rural feel' does not make it to the Planning Statement;
- The viewpoints selected in the LVIA appear to have avoided locations in the vicinity of the site used by a large number of pedestrians and residents which skews the assessment;
- Major adverse significant affects identified in the LVIA are not referenced in the Planning Statement.

Impact on Amenity

- The submitted LVIA identified that the residents opposite the development will suffer a high degree of adverse effects;
- Franchises operating at 24hours are anti-social hours for local residents;

- Residents would be subject to extra noise, light pollution, extra traffic, reduced air quality and a reduction in property values;
- There will be a loss of privacy to residents on Fosse Road facing the site;
- Properties will be overlooked and suffer overbearing;
- The site would be raised and the 17.5m office blocks would be only 30m from the front windows of neighbouring houses;
- The office blocks would reduce sunlight until late morning to neighboring properties;
- The increase in land levels will exaggerate the height of the proposed buildings;
- After darkness, lights from the site will dominate the Fosse Road area and disturb adjacent properties as will headlights from vehicle movements;
- The development would impact upon the ability of all Farndon residents and businesses to go about their normal business of entering and leaving Farndon;
- The development will affect residents quality of sleep and healthy living;
- There will be pollution from vehicles using the drive throughs as they will not turn off the engine;
- The currently open views would vanish;
- The windows on the end of the offices would directly overlook the properties opposite;
- No details of opening hours or hours of delivery are given;
- There will be disruption to neighbours during building works;
- Delivery lorries will create more noise and traffic;
- The smell of the fast food outlets is not in keeping with village life;
- Low cloud based days have already increased pollution which are to some extent absorbed by green field sites;
- Illuminated signage would have an overbearing impact on residents;
- The application would potentially lead to 24 hr anti-social behavior – the village is only policed by one PCSO shared with other villages;
- There is a nursing home not far away from the development;
- There is no assessment of the impacts on the neighbouring properties aside from a brief reference in the LVIA;
- No mitigation measures are proposed to neighbouring residents;
- Light pollution would affect neighbouring enjoyment of gardens.

Impact on Drainage and Flooding

- Flooding is a huge problem on and around the site – at least three occasions in the last twenty years;
- Building the site up to the level of the road will cause problems for the properties opposite;
- The EA when the new A46 was being built claimed a 1 in 75 but the applicant quotes over 1 in 100 flood probability of flooding;
- There is no mention of where surplus water will go;
- Building a pond will not stop flood water affecting the area;
- There are other more sequentially appropriate sites including the highways depot;
- Adjacent properties are lower than the proposed minimum site ground level and considerably lower than the internal floor levels causing floodwater to flow off the site across Fosse Road;
- The height differences will put demand on groundworks to comply;
- There are no sustainable benefits to the community of Farndon contrary to the NPPF;
- The site forms the flood defense for neighbouring residents;
- The site is a functional flood plain and at very high risk of flooding;

- If the water table is high then a lot of capacity is already lost regardless of the proposals to create a lagoon;
- Residents on the opposite side of the road will have an increased risk of flooding by up to 30%;
- There is no strategic need for the proposed development on the site;
- The application has failed to satisfy the exception test;
- The plans show a sewage connection from a site pumping station to a new manhole in the garden on no. 26 Fosse Road (permission from the land owner has not been sought) then on to a free fall sewer – adding to the sewer will cause problems at peak times;
- The lake will essentially become an open sewer encouraging rats and vermin;
- Contaminated water will be pumped straight into the River Devon;
- It is unknown how the new A46 has affected the flood dynamics of the area;
- Planning Members will be held personally responsible when the inevitable floods hit neighbouring homes;
- Houses will become uninsurable due to flooding;
- The UK has had unprecedented storms and high winds resulting in severe flooding;
- Flood experts from the applicant have confirmed at meetings that flooding would continue;
- The proposals appear to be based on theoretical calculations rather than the real issues;
- Who has the responsibility for sustaining the drains;
- The proposed development would put pressure on the local sewers;
- The FRA does not include the 1 in 100 year plus 50% for climate change modelling of the site;
- There are no detailed plans of the flood compensation areas showing specific engineering works;
- No exception test has been submitted;
- The Sequential assessment is flawed as sites are discounted for reasons which are equally applicable to the development site;
- Despite the proposed mitigation, the evidence still shows the site at risk of flooding and that the proposal will result in increased flood levels on third party land;
- The justification for limiting the Sequential test to the Newark Urban Area is not clear and inconsistent;
- The former Highways Depot site is sequentially preferable benefiting from flood defenses and partially in flood zone 2;
- The application fails both parts of the Exception Test as the development would not bring wider sustainability benefits to the community.

Impact on Trees and Ecology

- Wildlife would be severely affected;
- There were screening trees planted for the A46 diversion which are beginning to provide a pleasant edge to the village – these are in danger of being felled;
- It would take many years for any trees planted to establish;
- Several deer have been spotted on the site;
- The application does not mention how the trees that the community planted would be protected;
- The site would be better suited to planting an assortment of trees;
- The land is home to birds; rabbits; foxes and badgers;

- Vehicle discharge and rubbish discarded from the site may go in to local waters and affect the wildlife;
- The ecology assessment requires further surveys for water vole and otter;
- Further work is required to fully understand the hydromorphology of the area and whether the proposals would affect the existing hydromorphology in the locality and consequent impact on the statutorily designated Devon Pasture LNR

Other Matters

- Drive through franchises, 24 hour garages, coffee shops and hotels have a history of leading to rubbish;
- The developers meeting in June was announced at short notice and was not good timing for those who work;
- Agricultural land is not sustainable to build on – it is needed to generate crops;
- The plastic generated from the end uses would not assist in reducing plastic usage;
- Newark is in danger of becoming characterized by chains and large consortiums and mass housing;
- The reference number has changed which appears underhand;
- Employment needs to be on the focus of quality of jobs not quantity;
- Village identity gives a sense of belonging to a village community;
- There is too much building going on in Farndon;
- The necessity for the above ground tanks is a hazard if there is an accident on the A46 and a vehicle hits the tanks;
- The development is not proportionate to the population of the village;
- Fast food outlets are linked to obesity – the Council has a duty to promote healthy living;
- Particle contamination travels from petrol station developments and they therefore should not be developed near residential properties;
- The majority of the village object to the development;
- There is no benefit to the village from the development;
- Money should be channeled into a functioning hospital with an A&E section;
- The petrol tanks would be targets for terrorism and vandalism;
- Farndon residents group already deal with litter and shouldn't have to deal with more from the development proposed;
- Car insurances have increased due to being close to an 'A46 accident hotspot';
- The village has been recognized in the best kept competition;
- The developers have tried to hoodwink villagers to get the development through by only inviting a minimum number of residents to the presentation;
- There is a local perception of money talks so this is a done deal;
- Homes were bought at a premium for their village location;
- The development will lead to a loss in home values;
- It is not clear where the escape routes are if there is a fire due to the fuel storage tanks;
- The Planning Statement omits essential wording from both local and national planning policy;
- There is no assessment of agricultural land quality;
- There are no noise / air / light pollution assessments despite the Statement of Community Involvement stating these form part of the application;
- Difficulties in accessing the village will drive parents to seek alternative schooling;
- The supporting documents appear to have cherry picked the results;
- Fast food does not accord with the healthy eating agenda.

The revised suite of documents received 18th July 2019 was subject to an additional round of re-consultation inviting comments specifically on the amended documents. 54 letters of representation all forming objections have been received through this process. This includes a letter from Freeths on behalf of Newfield RBS, jointly with Nottinghamshire County Council (Estates Dept) owners of the Former Highways Depot, Great North Road/Kelham Road, Newark. It also includes a letter from the group known as 'Farndon Residents Environment Group (FREG)'. All representations are summarised as follows:

Principle of Development

- The revised proposal has not satisfactorily addressed the Open Break constraint and therefore the scheme remains contrary to the development plan;
- The purpose of the NUA/OB/1 has never been more important as a strategic tool in the context of the sustainable urban extensions;
- Strategic allocation NAP 2A will significantly increase the urban area but will not erode the open space between Farndon and Newark;
- NAP 2A includes green infrastructure;
- Economic benefits are not sufficient to outweigh non-compliance with development plan policies;
- Farndon is a village and has no use for a mixed use development as proposed or indeed any other large scale commercial development;
- If Newark is in need of such a development then it should be in Newark;
- The design and access statement refers to policy wording but the development is contrary to this wording;
- The development will not encourage people to visit Newark;
- Once one office / retail park is built it would set a precedent for more;
- Newark tourism offer is not enough to sustain this development which will not be changed by the Buttermarket regeneration;
- The revised plans do not appear vastly different;
- The Developer has simply ignored some policies;
- It is not the case that the Open Break has not been reviewed since 2011, it was considered through Policy NUA/OB/1;
- Farndon has not merged with Newark;
- The proposal does not satisfy any of the criteria of Policy DM8;
- There is no attempt to justify why policies would support the development and would in fact contravene the cited policies;
- Residents do not wish to be a suburb of Newark;
- The development is unnecessary and would be disruptive to residents of Farndon;
- The Planning Statement omits essential wording from both local and national planning policy;
- Review of the Open Break should be taken through the planning policy process and the approval of this scheme would be premature;
- The conflict with the development plan is significant;
- The applicant appears to be relying on the economic benefits to outweigh the harm that would arise but the benefits are not sufficient to outweigh the overall harm;
- There are other brown field sites which would be more appropriate;

Principle of Site Uses

- The Supplementary Sequential Assessment Report for Town Centre Uses document makes additional observations to the Highways Depot site but there are ongoing pre-application discussions with the LPA in terms of the redevelopment of this site;
- Although the Depot Site is allocated for Class B uses the policy contains a sentence that proposals for other uses may be demonstrated as acceptable;
- The discount of the Depot Site remains flawed;
- The economic benefits could be secured at a policy compliant site;
- The hotel accommodation is now even more likely to be underused and unviable as the Robin Hood Hotel development is underway;
- There is now even more space for new office accommodation in the town centre due to increasing empty shops;
- The budget hotel chain is unlikely to appeal to families, business women or people with disabilities;
- The figures for job creation are completely made up;
- Harlaxton Estates are already advertising office space on their website;
- The hotel would be used as a business stop off;
- You would have to come off the A46 to access the petrol station;
- There are plenty of other fuel retailers along the A46;
- The office jobs would not be going to deprived members of the community;
- The letters of support are unfounded and do not set out all the circumstances;
- A hotel and offices on the south east side of the A46 with better access to the A1 via the southern relief road would be better and would take advantage of the new infrastructure for the growth point;
- Residents concerns have not been addressed in the revisions;
- Another petrol station is not necessary given the provision already in the area;
- There are already empty offices in Newark;
- There is no assessment of agricultural land quality;
- The most recent appeal decision confirms that disaggregation is not explicitly excluded from national policy;
- Additional office space is not required when there are existing unoccupied office spaces in and around Newark;
- The retail element would not be a benefit to the residents of Farndon;

Impact on Highways

- The revised Travel Plan is wholly unrealistic and ambitious – it quotes desirable statistics as if implying they are achievable and then admits it will not achieve them;
- It calculates journeys to the petrol filling station will be on foot or bike and public transport;
- The developer as the Travel Plan Coordinator is not suitable;
- The revised plans will still have an effect on the traffic into Farndon and on the adjacent roundabout;
- Journey times to Newark are underestimated;
- Most locals don't travel to Newark on a Friday;
- Hotel visitors wouldn't use the bus service;
- Farndon already has HGVs parking overnight;
- Farndon already has issues with parking for the 2 village pubs;
- Access to neighbouring driveways will be impacted;

- The increase in parking spaces will increase noise and air pollution;
- Disabled parking spaces should not be shared;
- New bus stops will compound congestion;
- The petrol tanks will be above ground and hazardous;
- There isn't enough parking so visitors will park on the main road;
- The development would encourage more traffic to bypass Newark;
- The traffic report uses 2011 census but traffic is much worse than then and incorrect information at peak times;
- Traffic at 7am is already difficult using the roundabout;
- No detailed access plan has been submitted;
- The Transport Assessment is not evidenced;
- The roads cannot handle any further traffic;
- Travel to Newark on a Friday is gridlocked;
- To alter the flood scheme at a time of global warning and increased flood risk seems bizarre and irresponsible;
- It should be shown that the development would not affect any future A46 design;

Impact of Design

- The design is out of keeping with the existing houses clad in grey colours found nowhere else in the village;
- The design is cheap and functional to build;
- The scale of the development is entirely unsympathetic to the existing homes in the Village;

Impact on Landscape

- No tree screening or foliage is going to hide the visual impact of the development;
- The suggestion that there would be negligible adverse effects is madness;
- The site is valued by Farndon residents;
- The screening proposed would be inadequate;
- One of the images in the LVIA refers to being taken from 'Long Lane' but is actually further south;
- There are no images of what the development will look like for the properties directly opposite;
- The addendum to the LVIA is based on inaccurate datum inputs;
- The images from the LVIA should not be presented to the Planning Committee as they are based on inaccurate methodologies and may result in any approval facing a legal challenge;

Impact on Amenity

- Neighbours right to light will be infringed by the office buildings at 18m high;
- Neighbouring properties have enjoyed uninterrupted light well in excess of the 20 year rule;
- The development would create a significant increase in noise;
- The office blocks will cause overshadowing –there seems to be no assessment of the impact this will have;

- The cross section shows a distance of 36.683m, this distance has been measured in Castle House car park to show what would be seen from the neighbouring window (image supplied);
- The revised windows on the offices does not stop staff on the ground floor having full view into bedrooms and living rooms or stop the light pollution;
- Young people have a tendency to park in car parks and causing noise nuisances;
- Privacy will be severely affected;
- There will be an increase in crime and disorder;
- There will be disruption from construction;
- The village fought for many years to redirect the A46 for a safe and quiet access road to the village;
- The reduction in height does not take into account that the site will be raised up by 2m or that the houses are 1m lower;
- The A3 use will still cause disruption through noise / pollution and waste;
- There is no confirmation of opening hours;
- There is no assessment of the impacts on the neighbouring properties aside from a brief reference in the LVIA;
- There is no assessment of noise/acoustic environment, air quality or illumination and light pollution;
- There does not appear to be consultation with Environmental Health to assess noise impacts and air quality and odour;
- There would be no control on the end users of the A3 users thereby not promoting healthy living;
- The reduction in height of the offices is hardly considerable and would still be significantly higher and overwhelming for the surrounding houses;
- The drive through would be totally unacceptable on the grounds of noise and congestion;

Impact on Heritage including Archeology

- Historic England maintain their objection to the application on heritage grounds;
- The level of public benefit does not outweigh the harm to the heritage asset;
- The realignment of the A46 to avoid the archeological value was not to allow this development;
- The site is repeatedly catalogued by F.A.R.I – the Farndon Archeological Research & Investigations Scheme;
- The site should be treated as a nationally important ancient monument;
- The Heritage Impact Assessment is incomplete and does not make a proper assessment of harm to heritage assets as required by the NPPF;
- The recent documents ignore the archeology issue;

Impact on Drainage and Flooding

- The restriction of the Sequential Test to the Newark Urban Area and the A46 remains unjustified;
- The site continues to fail the Sequential Test;
- Unless the Environment Agency remove their objection, the application would also fail the Exception Test;
- The application would not provide wider sustainability benefits and therefore would fail the Exception Test;

- The drainage for the whole scheme would go into one drain outlet built many years ago for domestic use of the surrounding houses only;
- Raising the land would force flood water to nearby properties;
- Whaley Bridge may focus minds on the importance of flood defense / flood plains;
- The countermeasures to mitigate the flood zone are cynical and will add further impact to surrounding houses;
- The flooding would affect the northern parts of the village as the Trent carries more substantial flood risks;
- The revised plans reduced the areas of flood defenses; there should be strong detail to justify this;
- The sewers are inadequate to take the extra burden of the development;
- The FRA does not include the 1 in 100 year plus +50% for climate change modelling for the site;
- There are no detailed plans for the flood compensation areas showing volume calculations as requested by the EA;
- There is a lack of detail to how the buildings would be built on stilts;
- The houses on the opposite side of the road are at a lower level which adds a significant risk to flooding;
- Taking away one of the proposed ponds but add risk to flooding;
- Stilts are still being considered but the finished designs are still not produced;

Other Matters

- Original objections / comments remain relevant;
- The revised plans have still not addressed the risks of fuel accidents and pollution;
- The revised plans have not addressed light pollution from advertising signs;
- The application is a cost to the taxpayers through backwards and forwards of correspondence;
- The council does not seem to be treating all objectors equally – letters were received nearly a week after email notifications;
- Many people who originally objected are yet to receive a letter;
- The revised consultation is in the summer holidays when people are away and includes 45 documents to review;
- The University of Mercia in Spain conducted studies into petrol station pollution and found that cancer causing chemicals and emissions travelled from petrol station sites travel up to 100 metres;
- Fast food outlets would be bad for health and wellbeing;
- The public consultation event was overwhelmingly negative;
- The development will affect neighbouring house prices;
- The developer has ignored the public consultation responses;
- People pay a premium to live in a village location;
- A proper understanding of the hydro morphology is necessary to determine impacts on Devon Pasture LNR;
- The documents are unprofessional and difficult to read;
- Comments have been asked at Christmas and then in peak summer holiday session;

Comments of the Business Manager

Principle of Development

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

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). 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 geographically defined village boundaries.

Farndon does not feature in the settlement hierarchy as either a Service Centre or a Principle Village and therefore development within the village would be assessed against Spatial Policy 3 (Rural Areas). However, it is more relevant to note that the application site subject to consideration here is not strictly within the village. As is demonstrated by the Newark South Proposals Map, the majority of the site (save for the area for flood compensation) is within the 'Open Break' allocation between Newark Urban Area and Farndon.

Policy NUA/OB/1 is clear that where land is allocated as an Open Break, *'planning permission will not normally be granted for built development'*. Given the significant constraint which this therefore potentially presents to the principle of any development on the site, Officers consider it beneficial to structure the appraisal firstly by debating the Open Break designation.

Farndon Open Break

Members will note that 'Open Break' is not a term referenced in the NPPF but instead forms a local policy designation included within the Allocations and Development DPD adopted 2013. This type of policy designation is routinely found in Development Plans nationwide – and has been consistently upheld at appeal. In this respect I would point to a relevant appeal decision at Spondon, Derby (Ref: APP/C1055/W/15/3132386) which concerned a 'green wedge', a designation which seeks to maintain the open and undeveloped character of a key location within and around the urban area. Even though this particular authority did not have an up to date plan due to inability to demonstrate a five year land supply, the Inspector dismissed the appeal on the basis that:

"this scheme would intrude into a cohesive area of open land forming part of a 'green wedge' between Chaddesden and Spondon, undermining the perceived separation between those different places as well as the effectiveness of the 'green wedge' here".

It was accepted that the 'green wedges' served an important planning function partly by imparting distinctiveness to the place, in line with elements of the Framework.

Of even greater relevance however are recent appeal decisions (combined planning and enforcement - APP/B3030/C/18/3196972 – 3196978 (inclusive)) (April 2019) in Newark and Sherwood District where the Inspector referred to the Open Break of Winthorpe in dismissing the development for the material change of use of land to residential occupation including the stationing of caravans and the erection of a structure. The Inspector specifically identified that the land in question for the appeal scheme plays a crucial role in maintaining the individual identity of both settlements (i.e. Newark and Winthorpe). Importantly he also considered that given the

limited distance between the two settlements the aims of the policy could easily be eroded by further development, and that the area was deemed to be highly sensitive in that sense.

The above decisions confirm that the planning process can form a role in the formal separation of settlements by specific policy designations separate to the designated Green Belts which form a specific focus of national policy. The Allocations and Development Management DPD confirms that the basis of the Open Break allocations is in order to ensure that existing settlements retain their separate identities and characteristics. The areas have been identified as being areas that are under pressure for development. As is referenced above, Policy NUA/OB/1 is clear that where land is allocated as an Open Break, *'planning permission will not normally be granted for built development'*. The use of 'not normally' necessarily carries with it a high threshold, which proposals will need to be able to pass.

The Open Break designations included within Policy NUA/OB/1 have contributed towards defining the structure and form of the Newark Urban Area, being formed by predominantly open land they separate different settlements and maintain distinctions between them. Consequently the designations help maintain the identity and distinctiveness of different areas, protecting the character of those smaller settlements in close proximity to the Newark Urban Area. The designations have been and remain integral to the promotion of a sustainable pattern of growth in the Newark Urban Area. The aim of the Open Break is not simply to sterilise large tracts of otherwise developable land. Rather it represents a key strategic policy intervention, which contributes towards the promotion of a sustainable pattern of development in and around the Newark Urban Area.

The applicant makes the case that the value of the Farndon Open Break has already been degraded both by the Strategic site allocation at Land South of Newark (now known as Middlebeck) and also the recent works to the A46 and the associated roundabout. Firstly, in reference to the development at Middlebeck, it is notable that the area adjoining the Open Break designation is identified for open space (informal and formal play) which would inevitably create a soft edge ensuring that the overall impact on the Open Break would be minimized.

In reference to the presence of the A46, I would again take reference from the aforementioned Winthorpe appeal decision. Despite the presence of the A1 creating a visual and physical break, the Inspector still concluded that the land in question undoubtedly played a crucial role in maintaining the individual identity of both settlements. Despite the introduction of the new road and roundabout into the designation, the area subject to the application is still formed by intact and legible units of land which are open and undeveloped in nature. They provide physical and visual separation in a key location, ensuring that the separate identities of the two settlements are maintained. This is all the more pertinent to the Farndon Open Break given that the gap between built form is even narrower than the Winthorpe Open Break and thus in Officers submission is even more vulnerable and worthy of protection.

As is referred to by the comments of policy colleagues at Appendix 1, the Open Break designations around Newark have existed in some form in each successive Statutory Development Plan from as early as 1964 (despite the suggestion in the revised Planning Statement that they were introduced in 1994). Of course simply following policies through from previous iterations of statutory documents is not a robust planning approach without appropriate evidence and the agent makes a reasonable point that the Open Break designations have not been formally reviewed for a number of years.

With this in mind, Members will be aware that the District Council is in the process of a Plan Review. Following the adoption of the Amended Core Strategy in March 2019, the review is now focused on the Allocations and Development Management DPD which includes the Open Break allocations. In some respect, the submission of the current application has expedited the need to review the Open Break allocations and with this in mind, a piece of work from Via as the Landscape Team of the County Council has already been commissioned to ascertain whether the existing Open Break allocations are indeed still fit for purpose in their current form.

This review is anticipated to be subject to public consultation in October / November but clearly the advice given through this commission is materially relevant to the current determination. Whilst it is appreciated that this cannot hold significant weight in the context of the adopted development plan, it is nevertheless considered to form a material consideration on the basis that the advice sets out the likely direction of travel for Policy NUA/OB/1.

The draft report submitted by VIA (dated July 2019) sets out a methodology of review to ultimately determine if the land of the Open Breaks still provides its original function of retaining the separate identities and characteristics of Newark and the neighbouring settlements. Prior to site assessment, each Open Break area was then divided into small units of land with a consistent pattern of features and character. Boundaries of these areas followed physical features on the ground such as field hedgerows and roads. These unit areas were checked on site along with an assessment of surrounding visual receptors and landscape value. Each area was then given a unit (high; medium; or low) based on physical separation; perceptual separation; and landscape value.

The application site was assessed within 'Unit 6: Land west of A46 and southeast of Farndon' and given a high physical separation and medium perceptual separation and landscape value. The draft report concludes the following in respect to the Farndon Open Break:

The land between Farndon and Newark, although accommodating road and electrical infrastructure, provides a clear separation between the built edges. All the units within the existing open break in this area provide a high level of physical separation. Whilst this swathe of land is narrow it is, for the most part, undeveloped creating a visual and physical break between the two settlements.

It then goes on to suggest amendments through areas of inclusion and exclusion (shown on the figure at Appendix 2) but importantly the review concludes that the site should continue to form part of a formal Open Break designation. In fact, the area of flood compensation forming part of the site but not currently within the Open Break, would too be included in the proposed boundary suggested by Via.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states planning decisions should be made in line with the Development Plan, unless material considerations indicate otherwise. Consequently in the view of the Council to depart from the Development Plan in allowing the development within the designated Open Break by definition would represent an exceptional circumstance and one where the benefit, or benefits, from granting consent would need to clearly and demonstrably outweigh the in-principle policy objection to development. The remainder of the appraisal below will therefore assess the development against all other material planning considerations in order to reach an informed and balanced judgement.

Impact on Economy

One of the three overarching objectives of the NPPF 2019 is an economic objective, *‘to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure’* (paragraph 8). Chapter 6 goes on to confirm that planning decisions should help create the conditions in which businesses can invest, expand and adapt (paragraph 80).

At a local policy level, it is necessary to reference Core Policy 6 (Shaping our Employment Profile). CP6 outlines an intention to strengthen and broaden the diverse range of employment opportunities in the District including through *‘supporting the economies of our rural communities.’*

Firstly, I would concur with the applicant that the A1 retail use of the proposal would not exceed the relevant thresholds outlined in local policy to require the submission of a retail impact assessment.

There is no dispute that the investment attributed to the proposal (stated as being in the region of £12.5million and the creation of 390 jobs) would provide significant economic benefits. It is noted that some of the comments received during the consultation process are of the view that the employment benefits have been overestimated and would not be of a benefit to the local community. With this in mind it is worthy of note that if Members were minded to approve the application it would be in their gift to do so on the basis of insisting the applicant enters into a legal agreement to ensure the employment base is sourced through a cascade system which focuses the local population firstly. It then follows that the benefits to the local economy can be afforded positive weight in the overall planning balance.

Tourism Offer

Given that the proposal also incorporates a hotel offer, it is necessary to assess the proposals against the requirements of other relevant Core Policies, notably Core Policy 7: Tourism Development.

It should be explicitly stated that the wording of CP7 has been fundamentally altered and essentially completely re-written through the March 2019 Amended Core Strategy. However, elements of the justification text remain identical to the original wording including the acknowledgment that a healthy tourism industry within the District can help sustainable economic growth, and contribute to prosperous communities and attractive environments.

Newark is recognised as a tourism destination and development which complements or enhances this, or that addresses shortfalls in provision would be beneficial and consistent with the broad aims of CP7. Increasing the proportion of visitors who stay overnight is identified as a priority for future tourism development. The Destination Management Plan for Newark (March 2018) identifies the lack of a hotel offer suitable to support overnight coach trips as a key weakness. Addressing the shortage of accommodation/bed stock is also given as a long-term action. This requires the active seeking of appropriate hotel brands to invest in the Town, with the intention of increasing overnight stays and improving visitor spend. In this respect the redevelopment of the Robin Hood hotel (approved through application reference 18/01020/FULM) – incorporating a Travelodge- will go some way towards meeting identified tourism needs.

Colleagues in planning policy have referenced that a 'Holiday Inn Express' (the confirmed end occupier) may not neatly fit with the most significant gap in provision as it would not meet the four star aspirations of the coach tour market. I have attached this view limited weight as in my view any hotel offer must be considered to go some way to meeting overnight needs. Clearly, if approval was given, there would be nothing to prevent a change in occupier in the future. I do however agree with policy colleagues that the benefit to Newark itself would be limited given that the site is outside of the Newark Urban Area.

The revised wording of CP7 is based on a hierarchy of assessment dependent on where sites are in the overall settlement hierarchy. There is notably no reference to Open Break designations given that, as outlined by Policy NUA/OB/1, the policy stance is against any form of built form within Open Breaks. Essentially therefore, the Open Break designation is stricter than the potential allowances given for the rest of the settlement hierarchy and it would take a site specific judgement to assess whether there is an overriding need for an employment / tourism use within this site. This is my view leads neatly into an assessment of the site selection process and availability of alternative land for the proposed development.

Site Selection Process

The original application submission was accompanied by a number of documents which are considered relevant to the assessment of this matter namely:

- 'Harlaxton Estates Property Group Statement – Background to the Proposals and Site Selection Process;'
- 'Harlaxton Park, Newark - Economic and Market Benefits Statement' by Regeneris;
- 'Harlaxton Estates Property Group – Sequential Assessment for Town Centre Uses' by Peter Brett Associates.

Moreover, the suite of revised documents submitted on July 18th included the following:

- Revised Economic and Market Benefits Statement by Regeneris dated 5th July 2019 (received 18th July 2019);
- Revised Supporting Planning Statement by GPS Planning and Design Ltd (received 18th July 2019);
- Economic and Market Benefits Statement by Regeneris dated 5th July 2019 (received 18th July 2019);
- Commercial / Agents Case in Support of this Mixed Use Development dated April 2019 (received 18th July 2019);
- Supplementary Sequential Assessment for Town Centre Uses by Peter Brett Associates dated July 2019 (received 18th July 2019);

The first document above begins by outlining the background to the applicant company which is considered to be of limited relevance in the context of the current application assessment given that the development would represent a stand-alone development (albeit with some secured occupiers) rather than an expansion of existing businesses.

The basis of the application submission is that the proposed development within the site would be well related to the strategic road network and would provide a range of services to primarily serve pass-by traffic using the A46.

The site selection process document states that:

'This site only works because of its 'mixed-use' and the 'complimentary nature' of the proposed businesses on the site. Whilst not wishing to over develop the site the chosen operators are all attracted by the mix and types on site and symbiotic trading opportunities. The site is considered to be an optimum size'.

It is notable that there is no financial evidence submitted to justify this statement. Unfortunately Officers consider this to be a fundamental flaw in the application submission. I have no doubt that it may provide convenience at the application site for some customers but this is not an overriding planning argument. Put simply, Officers have not been appropriately persuaded that the overall mixture of uses presented is so inter-dependant that they could only come forward in the location being applied for. In this respect, even the scheme itself through design effectively splits the scheme into three constituent parts:

- The petrol filling station, associated retail unit and drive through; A3 café restaurant with ancillary drive-through and electric charging point;
- The two office units; and
- The hotel.

Paragraph 85 of the NPPF 2019 states that *'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'* The NPPF goes on to confirm that LPA's should apply a sequential test to planning applications for main town centre uses which are not located in an existing centre. The overarching aim is to sustain and enhance the vitality and viability of existing centres. For the avoidance of doubt, the proposal incorporates town centre uses as defined by the glossary of the NPPF.

Core Policy 8 (Retail Hierarchy & Town Centres) is another policy which has been subjected to significant review through the Plan Review process (necessary in acknowledgment that the previous policy referred to the now replaced PPS4). The revised policy now better aligns with the national stance, and indeed the corresponding Allocations and Development Management DPD (specifically Policy DM11 'Retail and Town Centre Uses') outlines that there is clearly a necessity to assess the application on the basis of a sequential approach whereby proposals for town centre uses shall firstly be located within a centre, then edge-of-centre and only if no suitable sites are available will consideration be given to out-of-centre locations.

The originally submitted Sequential Assessment for Town Centre Uses provided an assessment of sequentially preferable sites. The report acknowledges that the application scheme would need to be disaggregated for any part of it to be delivered at a town centre site. The NPPG details at Paragraph: 010 Reference ID: 2b-010-20140306 how the sequential test should be used in decision taking. The second bullet point confirms that, *'it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.'*

The applicant has directed the LPA towards an appeal decision (ref: APP/C3105/W/16/3151655) in which the Inspector agreed that the development of roadside facilities are unlikely to be deliverable within a town centre. However, it is Officers view that this is materially different to the

current application submission insofar as the constituent parts of the development listed above do not all lend themselves to roadside services.

The original comments of policy colleagues (Appendix 1) are detailed on this matter and deemed worthy of direct repetition:

National policy requires applicants and the Local Planning Authority to demonstrate flexibility on issues such as format and scale. The recovered appeal decision (Planning Inspectorate ref: APP/A1530/W/16/3147039, Secretary of State's ref: 150239) at Tollgate Village, Stanway, Essex provides a clear steer on how this ought to relate to the matter of disaggregation. Here it was concluded that the extent of flexibility should not be constrained by policy or guidance, and that there is nothing in the Planning Practice Guidance which suggests that sub division should not be considered. Ultimately it may well be that in some circumstances disaggregation proves to be inappropriate – however this ought to be the result of objective consideration. As already stated I consider there to be scope to consider the proposal on a disaggregated basis, with a split based around its constituent parts, and different combinations thereof, representing a reasonable basis for doing so.

The revised documentation has attempted to address this point referring to various key judgements / appeal decisions on this matter (namely Dundee, Rushden Lakes, Scotch Corner, Tollgate and Aldergate). In reference to the Tollgate case referred to in policy colleagues comments above, the applicant states that the Secretary of State does not explicitly endorse disaggregation. The overall case being made is that the disaggregation or sub-division of a proposal is not part of the sequential test:

"We consider that the sequential approach test is rightly interpreted as to whether, given a reasonable degree of flexibility, an alternative site can accommodate the proposal and not some alternative scheme that is materially different in purpose or is in a disaggregated form." (para. 4.2.6)

Whilst Officers concur that the Secretary of State does not necessary endorse disaggregation in the Tollgate decision, neither does he plainly disagree with the Inspector's point on the matter. Nevertheless I am mindful that it remains a matter of fact that the extant NPPF does not mention disaggregation. Thus, whilst Officers remain of the view that the proposed end uses lend themselves to separation, the need for disaggregation is not considered fatal in the overall sequential assessment (provided flexibility can be demonstrated).

Moving then to assess the Sequential Test undertaken (in both its original and supplementary revised form), the applicant has considered various sites including Land at Northgate; the Former Highways Depot; Newark Showground; Brownhills Motor Home; and employment allocations.

In some cases the presence of planning policy constraints (e.g. the site being allocated for an alternative use) has contributed towards the discounting of a site. This seems to ignore the significant policy constraint to which the application site itself is subject to as an Open Break.

Of the aforementioned sites above, there are two in particular where Officers continue to be unconvinced would not be sequentially more appropriate than the site.

One of the sites is mentioned numerous times through the consultation process as a suitable alternative – the former Highways depot in Newark. This has been addressed by policy colleagues in their original comments (Appendix 1):

“Perhaps of greater concern is the discounting of the former Highways Depot on Great North Road, which at 1.98a exceeds the 1.7ha threshold identified by the applicant. The site is allocated for employment use- and so the office element of the proposal would be consistent. With respect to the other elements of the scheme the adoption of a pragmatic approach towards its development may prove appropriate, in-line with the approach towards non B1/B2/B8 uses detailed in the site allocation policy. As outlined earlier I would view this marginal policy constraint as less significant than that represented by the Open Break designation.

It is not clear how the applicant has drawn the conclusion that part of the site will be required to facilitate junction improvements as part of the Newark by-pass. No proposed line for the improvement exists and there are clearly numerous different scenarios which could be pursued...”

“Whilst located in an out-of-centre location the former Depot possesses superior connections to Newark Town Centre. Greater benefit to the vitality and viability of the Centre would result by virtue of this proximity, which is after all the objective which underpins the sequential test. The site has been recently acquired and it is assumed that there would be a natural interest in bringing the site forward for development. Accordingly I don’t consider that the site has been discounted on an objective basis, and as such it represents a sequentially preferable and available alternative to the application site.”

This site is particularly pertinent as it could accommodate the proposed development in its entirety (thereby discounting the need for disaggregation in any case). The applicant continues to maintain that market testing has shown a lack of interest in the site and that the allocation for B Class uses would form a constraint to development as proposed. Reference is also made to potential visibility / highways works issues.

However, as is outlined above, the LPA have received comment on the current application by Freeths on behalf of Newfield RBS as the preferred developer partner of Nottinghamshire County Council who are seeking to bring forward the site for development putting significant doubt to the applicant’s claims of lack of market interest. Whilst there may indeed be highways constraints and the need for land take through works to the A46, the exact quantum of these are unknown and it would therefore be premature to discount the site purely on this basis. Moreover, if this were a justification, then there is an argument to say it should also be applied to the application site given that the potential future dualling of the A46 may affect the development as proposed in any case.

The other site which Officers do not consider has been robustly discounted is Newark Showground. This is a site allocation which includes a hotel and employment uses positioned in close proximity to the strategic road network. The revised comments of policy colleagues are particularly relevant to this site:

The assessment identifies that the land is within multiple ownerships and so concludes this means that ‘...the site is not likely to be available within the same timeframe as the proposal, i.e. a reasonable period of time’. In doing so the assessment presupposes that the applicant’s timeframe and what would be a ‘reasonable period of time’ for the purposes of paragraph 86 of the NPPF are indivisible. However paragraph 11 (Reference ID: 2b-011-20190722) in the Town Centre and Retail Section of the Planning Practice Guidance details that it is the scale and complexity of the proposed

scheme and of alternative sites that should be taken account of in defining would be a reasonable period of time. I do not agree that the fact that land is potentially within multiple ownerships necessarily represents a level of complexity which inevitably leads to significant increases on timelines. The land is allocated and so needs to have been considered to be 'deliverable' as part of that process, i.e. that there is a landowner committed to development.

Notwithstanding the above, Officers have identified some significant flaws in the applicants justification of the need for mixed use road side users in principle. Namely, in respect to filling stations, it is claimed that, *'there is no direct major fuel retailer with food and amenities situated on the A46 from Newark until Leicester'*. This does not appear to be the case from an assessment of aerial mapping, (I have identified a Shell 10 miles north of Leicester and a Londis 15 miles south of Newark which would be clearly visible and accessible to drivers along the A46), the statement also fails to identify that there are two filling stations on opposite sides of the A46 just 4 miles (measured as travelling on the A46) north of the application site. On top of this, there are also numerous existing petrol filling stations within Newark itself (albeit I appreciate that these would be less convenient for those wishing to avoid the town centre traffic).

In the context of the above discussion, despite the submission of additional documentation, Officers remain to have severe reservations over the sequential exercise undertaken, and deem it insufficient to demonstrate the sequential test has been passed.

Impact on Landscape Character

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (SPD) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

The site lies within the Trent Washlands Policy Zone 12: Farndon Village Farmlands. The key characteristic visual features are a predominantly large scale, flat arable landscape with small woodland plantations. Suburban influences of housing on the edge of Newark and Farndon are acknowledged. Landscape condition is defined as being poor with the landscape sensitivity being low therefore resulting in an overall policy action of create. In terms of the landscape actions, it is sought to enhance the appearance and visual unity of urban fringes and settlement edges with new tree and woodland planting.

The original application submission was accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by Influence Environmental Ltd. Dated December 2018. The LVIA includes a detailed description of the site and numerous photographs of the surrounding area. Some of the key representative views identified include views towards the site from the properties on Fosse Road and views from public rights of way in close proximity to the site. For the avoidance of doubt, the LVIA has not assessed the activities in relation to the flood compensation measures forming part of the site in acknowledgement that once complete the field will appear as a grazed / agricultural field.

The LVIA details the landscape impacts during the construction phase but given this would be a relatively limited timescale (stating as being 2 years) it is considered more appropriate to focus assessment on the operational phase landscape impacts. These are assessed at both Year 1 and Year 15 when it is assumed that mitigation measures will have become fully established. The

greatest landscape impact is unsurprisingly identified at the application site itself with a Moderate-minor adverse impact at Year 15. All other landscape character impacts are considered minor or negligible adverse (summarized at Table 2 of the LVIA).

The LVIA moves on to assess the visual impacts of the development summarised for the operational phase detailing numerous residential receptors acknowledging that numerous residential receptors would be subject to a major adverse visual impact even at Year 15 (summarised by Table 4 of the LVIA). Impacts on other receptors at Year 15 (users of PROWs and public open space; road and rail receptors; commercial, business and institutional receptors) are all identified as being either minor or negligible adverse with the exception of users of Fosse Road north of Fosseway Farm where the impact is acknowledged as moderate adverse.

The submitted LVIA makes the following conclusion:

“The proposals will have some impact on landscape character and degree of openness in the immediate area. However, effects will be localised and will generally not impinge on the quality and character of the wider landscape. Following the establishment of mitigation measures it is likely that adverse landscape effects will be moderated further. In general, visual effects will also be contained with only a limited number of immediate close range residential and recreational receptors being subject to major or moderate adverse levels of effects. In general, the development will be perceived as part of the existing peri-urban, commercial and industrial land use. In addition, topography and the presence of built form and tree cover in the wider landscape will serve to limit views from receptors located at over 1km distance. Taking these factors into consideration it is concluded that the proposed development can be accommodated in the surrounding landscape without unacceptable landscape and visual impact.”

As is common with schemes of this scale and nature, Officers have sought external advice on the landscape impacts as described by the LVIA. This commission included a site visit to verify the conclusions of the submitted LVIA and associated documents.

The initial response from Via (Nottinghamshire County Council’s Landscape Team) was received on 11th February 2019 and has been appended in full at Appendix 3. The comments raise some fundamental concerns in respect to the methodology employed by the applicants LVIA. Notably, the LVIA document has relied on a model set some 2.5m below the eventual height of the proposed development. The response in any case goes on to assess the landscape impact and visual impacts of the development making the following summary statement:

Whilst the methodology adopted is appropriate to the development and largely in line with guidance, the following inconsistencies have been identified:

- *The decision to adopt a height 2.5m less than the actual proposed development height to model ZVT.*
- *Omission of A46 south- bound and north-bound users from selected view points*
- *Omission of consideration of pedestrian and cyclist users of footway linking Farndon Road, Crees Lane and Fosse Road as receptors. These appear to be included neither as Rights of Way receptors nor in road users, which appears to focus on vehicular traffic.*

The information submitted to describe the development relies heavily on illustrative birds eye views as well as masterplan and landscape strategy which give a good idea of the proposed built development appearance however they do not help provide context of the site or show how it

interacts with the immediate surrounding area. It is therefore suggested that the following are required to better address the magnitude of effect on both landscape character and visual amenity:

- Viewpoints to be amended to show vertical and well as horizontal extent proposed development*
- Selected viewpoints to include photo montage of proposed development, to indicate view from south from A46, north from A46 and from Fosse Road.*
- Cross sections and elevations east west and north south to be provided which include anticipated height and breadth of landscape at 1 and 15 years.*
- Detail to be provided of proposed illumination, ideally with photo montages showing night time impact.*
- Landscape proposals plan to show actual numbers and extent of new planting.*

On the basis of submitted information, Via is unable to agree with the key assertion that the development will be perceived as contiguous with existing development and that there is no current perception of break between the two settlements. It is accepted that the perception of break is constrained and impacted by the A46. There is also distinction between the low rise residential and agricultural built form of Farndon village south of the A46 roundabout with more urban built form of commercial and larger mass built form north off Farndon Road comprising business park, care home and commercial pub to the north.

Despite the height, mass and urban character of the proposed development the magnitude of impact on landscape character is assessed to be of low negligible impact beyond the site itself because the stated backdrop of existing adjacent development. We are not convinced of this argument, given that the apparent lack of substantial mitigation to the periphery of the site and the difference in character of the site to the adjacent built residential development. We therefore do not agree with the conclusions in respect landscape impact particularly in respect of the application site itself, LPZ TW12, Farndon Village Farmlands and the nearby LPZ TW 34Sconce and Devon Park River Meadowlands.

In so far as impact on open break, the argument is made that because of the proximity of commercial and business uses north of the A 46 roundabout, the development will not seem out of place south of the roundabout. This argument ignores the current function of the A46 roundabout and perimeter planting to PA freight premises as a delineating boundary beyond which currently built form is either agricultural or residential in character. We do not therefore agree that the proposals will be seen as uncommon or unexpected. This is particularly the case when viewed from the south and east where the urbanising impact will be out of character with adjacent land use. The open break policy NUA/OB/1 seeks to maintain a break between settlements in order to retain the distinctiveness of character. The proposed development, which is correctly identified as is being commercial in nature will therefore not only occupy the remaining break between Newark and Farndon, but will introduce a development of commercial nature and imposing form and mass which is out of character to the village of Farndon. Therefore it is at odds with the open break policy as currently expressed.

An addendum to the LVIA has been received with the suite of documents submitted during the life of the application. The content has been subject to discussion with Via directly and includes additional representative viewpoints and photomontages. The document maintains that this type of development would not be an uncommon feature and that receptors would not consider it unexpected in this location.

The addendum has been reviewed by Via and whilst acknowledging that the additional viewpoints; montages and planting plans have been provided, the applicant has still failed to illustrate night time visual impact. In respect of the proposed planting to screen the development, Via make the following comments to which I concur:

The planting plan and masterplan confirm the modest extent of the proposed landscape and limited opportunity this will provide to mitigate the built elements of the proposals, with sporadic for the most part small trees scattered along a single hedge line.

The applicant's assessment and illustration of the screening impact of the very slender landscape around the margin of the site is overly optimistic in my opinion. View Point 8 at 10 years for example shows illustrates the impressive impact of the proposed small corner planting of trees (14 No), shown to almost completely screen the 3 storey building behind. In the foreground of the photo is a more realistic illustration of screening impact of trees that were planted as part of the A46 dualling some 10 years ago, which give a more realistic indication of the nature of screening that could be expected.

Overall the comments conclude that the additional addendum has served to reinforce the original conclusions of the comments at Appendix 3 rather than allow them to be amended.

The landscape harm identified renders the development contrary to Core Policy 13 and the associated Landscape Character Assessment. Moreover, it further compounds the harm in developing within the Open Break in principle.

Neighbouring comments have made raised concern that the LVIA addendum is based on incorrect methodology. For clarity, Officers have asked Via for a view on this allegation. The response received is that the datum levels and photo montages methodology appear to have followed the correct methodology with the exception that they have not provided the view point height above ground level but referred to camera height instead (usually around 1.5m above ground level).

There is however uncertainty as to whether the cross section has taken into account the raised floor levels which are necessary for flood mitigation. The floor level for the hotel shown on the Proposed Site Plan Building Access – A -0101 and building elevations do correspond to minimum floor levels indicated in the flood report (13.28m AOD, 0.730m above proposed site level). Plan A0101 shows an access ramp on the north of the west elevation of the hotel to achieve this raised floor level height which does not appear to be indicated in the cross section, so it would appear that the cross section may have been based on the original levels. The section is titled as illustrative, with no scale given. The applicant has been asked to clarify the point and any response will be reported to Members as a late item. In the absence of clarity, Officers recommend that Members interpret the cross section submitted with caution.

Impact of Design and Layout

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Chapter 12 of the NPPF 2019 provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development,*

creates better places in which to live and work and helps make development acceptable to communities.'

This is no dispute that the scale of the proposed development is substantial with an overall floor space of over 7,300m² (albeit including the canopy area of the electric vehicular charging point) and maximum building heights of almost 17m. This has to be appreciated in the context that the proposal also includes raising of the land levels as part of the flood mitigation strategy. The proposed built form to serve the associated mixed uses is separated into 6 buildings (again counting the canopy structure as a building) of varying size and scale which are dispersed throughout the site with car parking in between. The largest scaled buildings (i.e. the proposed hotel and offices) are set towards the south of the site. There is a proposed water attenuation lake and some landscaped areas between the proposed buildings and the southern boundary of the site.

The submitted Design and Access Statement describes the development as a '*prominent mixed use scheme*' which '*will become a gateway development for Newark and has been designed to encompass high quality materials with simple building forms and carefully considered scales of structure.*'

Notwithstanding the already discussed policy position (i.e. this is an Open Break site which is not envisaged by the LPA as being a gateway site), Officers do consider that the applicant has in some way achieved their intentions of a gateway site particularly through the design of the hotel in the south east corner of the site which takes on a broadly L-plan form. This allows the development to exude an honest prominence to the users of the A46 travelling north towards Newark. There is no doubt that this would be a stark contrast from the existing scenario whereby the built form of the residential dwellings on the west of Fosse Road is discrete by both distance and scale. Equally the proposed petrol station with its varying roof designs (and associated filling station canopy) would add a degree of visual intrigue at the northern point of the site.

The design of the proposed buildings would be viewed as a comprehensive development through the use of similar materials. The use of varying materials (i.e. brick and render) is deemed appropriate in principle given that the dwellings in vicinity of the site also utilize various material palettes. Overall the proposed design is considered functional and modern in nature but with some positive elements such as projecting gables adding visual interest to the larger scaled buildings of the offices and the hotel. Nevertheless the design and layout proposed is not considered particularly innovative nor outstanding to a degree that it would have any more than a neutral impact on the overall acceptability of the scheme.

Impact on Neighbouring Amenity

Policy DM5 is clear that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Paragraph 127 of the NPPF confirms that decisions should ensure that developments create places with a high standard of amenity for existing and future uses.

Neighbouring amenity impacts have already been inferred to above in terms of the visual impacts of the proposal in the Landscape section. Clearly the proposed development would have significant visual impacts to the residents of Farndon, both in the context of as they travel along Fosse Road but also to the closer properties having a view of the development for its lifetime from

their properties. The proposed built form and its associated scale would represent a stark contrast from the existing agricultural use of the site void of built form. However, as is well established in planning assessments, being able to view development does not automatically amount to visual amenity harm. Whilst understandably not palatable, for the majority of residents within the village, the opportunity to visually appreciate the development would be fleetingly as they travel along either the A46 or Fosse Road.

My principle concern is in respect to the potential amenity impacts to those dwellings positioned immediately opposite the site on the north west side of Fosse Road. The amenity impacts experienced would vary with the properties most likely to experience a detrimental amenity impact being those immediately opposite the gable ends of the two proposed office building due to their scale (maximum building heights of around 14m as revised) and design (windows proposed in the west elevation orientated towards the dwellings).

The greatest factor in determining whether the proposal would have an overbearing impact is the distance between the gable ends of the offices and the principle elevations of the dwellings. Owing to relatively generous setbacks from the road (and indeed the road and its associated verges itself) this distance measures at around 37m. To put this into context of an ordinary amenity assessment between residential properties, distances of around 12m are usually sought between windows and gables to avoid overbearing impacts. Clearly, this is an entirely different assessment noting that the proposed development would be around double the height of the existing residential properties. In order to better understand this relationship, Officers have sought a cross section plan during the life of the development which has been received in the revised submissions. Whilst fundamentally changing the outlook from the principle elevation of the properties, overall the distance between the built form of the development and the existing dwellings is deemed adequate such that it would not be reasonable to resist the proposal on overbearing impacts alone.

Noting that the originally submitted plans showed that the office blocks would have windows within their gable end up to the full three storey height, Officers have also carefully assessed the application in respect to impacts of direct overlooking. Again the intervening distance of the road helps to reduce the potential for overlooking but it is still the view of Officers that the number of windows originally proposed was unnecessary and would have created at the very least a perception of being overlooked. This would especially be the case in the winter months when the offices will be internally lit. It is often the case that there is little need for curtains and blinds in offices and therefore the residential properties may feel imposed by the presence of the employees who at second and third floor level would have had a vantage towards the dwellings. On this basis, Officers have sought a re-design of the office blocks to remove the windows in the gable ends. This is considered to be a reasonable request given that there are no secured occupiers for the offices yet and therefore it would not infringe on any established functional requirements. The revised plans show that the west elevations of the offices would now have their second and third floors served solely by high level windows which would reduce the opportunity for direct overlooking.

I appreciate that the development would also impose upon the properties to the east of Fosse Road and to the south of the site particularly those closest namely 77 Fosse Road. However, the distance between the built form and the boundary of the residential curtilage would be over 240m. This is considered sufficient such that no overbearing impacts warranting refusal would occur even when taking account of the significant scale of the proposed buildings. The impacts of

the wider development proposed (i.e. the flood attenuation measures) on the properties to the east of Fosse Road will be discussed further in the flooding and drainage section below.

The amendments made during the life of the application no doubt lead to improvements to the potential amenity impacts of the scheme. However, it remains the case that a select number of existing residents would have their day to day outlook fundamentally changed. Moreover, even with the reduction in window size, in the winter months particularly, lighting from the development would impose a degree of nuisance to nearby residential occupiers.

A number of consultation comments have referred to the perceived impacts arising from the end users particularly the drive throughs. Officers have some sympathy in respect to the inevitable increase in general noise and disturbance which would occur from the development of the site. Whilst this is not considered sufficiently harmful to warrant a reason to resist the proposal alone, it must weigh negatively in the overall planning balance.

Impact on Highways Infrastructure

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 original application was accompanied by a Transport Assessment (TA) and Travel Plan (TP) undertaken by BSP consulting. It is stated that the scope of the TA has been agreed with Nottinghamshire County Council as the Highways Authority and Highways England noting the proximity of the site to the strategic road network.

The report acknowledges that the proposed end uses (e.g. drive through restaurants and petrol filling stations) will necessitate a number of trips to be made by car. The TA also details how sustainable modes of transport would be facilitated including through the extension of the existing footway along Fosse Road. It is also proposed that the existing central island be upgraded to a pedestrian crossing, to provide a pedestrian connection from the site access to the residential area of Farndon. It is proposed that vehicular and pedestrian access to the site will be via a single point of access from Fosse Road.

A total of 246 car parking spaces are proposed on the site to serve the variety of mixed uses (an increase from the original proposal of 237 spaces). This would represent 89% of the maximum allowable parking provision based on NCC standards. It is suggested the reason for the shortfall is that there would be some sharing of car parking spaces between the uses. The original comments of NCC Highways did raise some concern with the predicted sharing of spaces but the revised proposal, partially through the replacement of a drive through unit with an electrical charging point has reduced the overall number of required spaces in any case. The proposal would also include parking for one coach and numerous cycle stands.

The revised TA details trip generation predicting a total of 201 trips between the morning peak (8-9am) and 194 in the evening peak (5-6pm). However, in taking account the comments received on the original scheme, the trips have been calculated to accommodate the potential for McDonalds (or similar fast food outlet) to ultimately become an end occupier (noting that even if Costa are envisaged at this stage, there would be nothing in planning terms to prevent the occupier changing in the future). This has increased trip generation to an anticipated 326 in the am peak and 315 in the pm peak. This is notably still a reduction from the originally submitted TA which

estimated 418 and 409 trips in the am and pm peaks respectively. This difference is understood to be due to the removal of one of the drive through units although not explicitly discussed.

Given the location of the site, close to the A46 and Fosse Road, and the mix of uses on the site, it is stated that it would be expected that a high number of trips to the site would be non-primary, i.e. trips that were already on the highway network, or visit more than one use on the site. Nevertheless, the TA estimates that the proposed development would result in a % increase of between 5-6% at peak hours (based on a scenario where 100% of the development traffic will travel to and from the site via the A46 / Fosse Road roundabout).

The original proposal detailed that in order to mitigate these increases, the development would include a proposed widening of the entry width of the B6166 Farndon Road (achieved by alterations to the white lining without the need for physical alterations) and that following these works, the development was considered to achieve 'nil detriment' at the junction. However, reference to such works does not appear in the revised documents. This has been queried with the agent during the life of the application. It has been confirmed by email dated August 16th that the proposal for lane widening has been removed from the proposal. It is stated that due to alterations to the development proposals, the revised TA demonstrated the improvements would not be necessary (notwithstanding that they were not accepted by Highways England in any case).

Highways England original comments dated 8th February 2019 detail an agreement that the trip generation figures adopted in the impact assessment are considered very robust. However, they did request additional information related to TEMPRO growth factors and a scheme drawing showing how the additional lane proposed at the roundabout would affect lane markings and interact with the circulatory. The comments also make general comments on other matters including parking, which concur with a number of the consultation responses that the level of proposed parking is likely to lead to overspill of parking onto the local road.

The latest comments of Highways England (dated 6th August 2019) and NCC Highways (dated 12th August 2019) acknowledge the additional work which has been done but retain the stance that further evidence is required by the TA to understand the overall traffic impacts of the proposal. Comments have been received with minor areas of concern in relation to the latest Travel Plan but these are not considered fundamental and could be easily dealt with and amended if the development were otherwise acceptable.

In respect to Highways England comments the additional information sought includes in the context of HGVS accessing the services and the justification for the inclusion of just one coach space. NCC Highways have raised issues with the overall parking provision in particular the shortfall of parking provision and risk of the site ownership being divided which could affect the ability of shared parking. These comments have been passed to the agent for completeness but Officers have not specifically insisted on further documents given the objection to the development in principle. The agent has nevertheless responded to the latest concerns by email dated 28th August 2019 but the development plans have not been amended (i.e. no further parking provision is presented). Any formal responses received by the relevant consultees will be reported to Members as a late item but at the time of agenda print the position remains that the applicant has failed to adequately demonstrate that the development would be safe and appropriate in highways safety terms. The proposal as it stands is therefore contrary to Spatial Policy 7.

Sequential Test

The entirety of the site is within Flood Zone 3 according to the Environment Agency mapping system. The proposed hotel and attenuation pond lie within Flood Zone 3b functional floodplain with a high probability of flooding.

The River Devon, the River Trent, and a small open field drain are the closest watercourses to the site. The River Devon is located approx. 240m to the south-west and the River Trent is approx. 380m to the north at their closest points to the site. The River Devon and the River Trent are potential sources of flood risk to the site. The application has been accompanied by a Flood Risk Assessment (FRA) as well as a Flood Risk Sequential Test document both undertaken by BSP consulting.

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the sequential test and exception test where necessary.

Paragraph 158 of the NPPF 2019 confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. It goes on to state that development should not be permitted if there are reasonably available sites elsewhere at a lower risk of flooding.

The applicant has submitted a flood sequential test document (which has been revised during the life of the application). To some degree this follows the principle of the retail sequential test discussed above albeit it adopts a different site area. The study goes on to detail a number of operational and commercial considerations which dictate the survey area. These include the need to be adjacent to the A46 highway to maximise potential passing trade but also within easy reach of the Town Centre. Ultimately the test adopts the approach of considering potential sites within a 2km radius of the Newark Urban Area being between 2 and 3 ha. The following table summarises the sites selected and their subsequent reasoning for being discounted for the proposed development:

Site Name	Site Area	Flood Zone Classification	Commentary
Former Highway Depot, Great North Road	Circa 2ha	Part Flood Zone 2	<ul style="list-style-type: none">• Land ownership and availability;• Market testing revealed a lack of interest due to locational and physical characteristics and concerns over highways access and visibility;• Uncertainty over land take for proposed duelling of Newark by-pass;• High land cost.
Land north of Drove Lane	Circa 4.24ha	Flood Zone 1	<ul style="list-style-type: none">• Site in open countryside;• Detrimental noise impacts from neighbouring land uses;• Site considered too large with a

			lack of utility infrastructure.
Land north of A1133	Circa 9.64ha	Flood Zone 1	<ul style="list-style-type: none"> • Nearest bus stop 400m away; • Langford Hall Grade II* listed building nearby; • Site considered too large with a lack of utility infrastructure.
Land south of A1133	Circa 4.9ha	Flood Zone 1	<ul style="list-style-type: none"> • In designated Open Break; • Nearest bus stop 400m away; • Site considered too large with a lack of utility infrastructure.
Land north of A17	Circa 5.35ha	Flood Zone 1	<ul style="list-style-type: none"> • Site subject to extant planning permission for vehicle / plant service and repair workshop; • Forms part of NUA/MU/1 for hotel/conference facility etc. to support showground uses; • Site considered too large; • Land costs anticipated to be too high; • Close relationship to other fuel and franchise retailers.
Land south of A17	Circa 4.2ha	Flood Zone 1	<ul style="list-style-type: none"> • Employment site with planning permission; • Site considered too large; • Close relationship to other fuel and franchise retailers.
Land north and south of Southern Link Road	Not specified	Part Flood Zone 3	<ul style="list-style-type: none"> • Site in Flood Zone 3 and forms part of flood compensation for 'Newark Future' development.

For the above summarised reasons, all of the considered sites have been discounted in favour of the application site noting that the application site is deliverable, available now and actively being promoted for mixed use commercial development. However, as with the site selection process discussed above Officers have identified fundamental flaws with the approach taken in the document. Putting aside the debate as to whether the site uses should be disaggregated before even undertaking the site searches the document casts serious doubt in its robustness owing to some of the reasons for discounting other sites.

Site 4, 'Land south of A1133' has been identified as being within the Open Break designation. The commentary uses the language: *'Whilst in the designated Open Break this site has been discounted for the following reasons.'* However, Officers consider that the Open Break designation should be included within the reasons to discount the site as they equally should have been with the application site if it was a true Sequential Test.

The discussion on site 1, 'Former Highway Depot, Great North Road' refers to matters of land ownership which are not considered sufficient justification to discount the site. In this respect I would concur with comments of planning policy colleagues that,

“were such considerations taken to represent sufficient reason to determine the outcome of the sequential test then there would be little point in undertaking the exercise. It is meant to represent an objective assessment over whether there is reasonably available land at lesser flood risk.”

Doubt also arises from the discounting of site 5 ‘Land North of A17’ which is the Newark Showground site allocation. This is discounted for being too large. However, this is a site allocation for a number of uses and therefore it may be appropriate in planning terms for part of the site to come forward.

Given the identified areas of uncertainty, Officers do not consider that the applicant has adequately demonstrated that there are no other reasonably available sites at a lesser risk of flood risk capable of accommodating the proposal. On this basis the application would fail the sequential test.

Exception Test

Notwithstanding the above, paragraph 159 of the NPPF 2019 goes on to detail the requirements of the exception test if the sequential test is considered to be past. Although the above concludes that the applicant has failed to pass the sequential test, in the interest of completeness, Officers find it necessary to go on to address the exception test.

The requirements of the exception test are dependent on the level of vulnerability of the proposed development. To confirm, Table 2 of the Flood Guidance confirms that a hotel use is more vulnerable and therefore according to Table 3 should not be permitted in the functional flood plain. This is referred to in the latest comments of the Environment Agency with the explicit suggestion that the hotel and attenuation pond would need to be moved out of the functional floodplain in order to overcome their objection. Clearly this would result in a fundamental re-design of the proposal and not one that Officers are willing to advance into discussions towards given the overall objection to the site on other matters of principle.

Paragraph 3.3.2 of the applicants revised FRA ascertains that the site is *‘just outside of the functional floodplain’* but then goes on to comment at paragraph 4.3.2 that, *‘the site lies within the functional floodplain’*. Regardless of this contradiction, Officers are minded to attach weight to the comments of the Environment Agency as the relevant expertise and entirely concur that their objection to development in Flood Zone 3b is reasonable and justifiable in the context of national policy.

Notwithstanding the above, it is notable that part of the site is within Flood Zone 3a. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community which outweigh the flood risk and the development would be safe for its lifetime and not increase flood risk elsewhere.

In terms of the former requirement, the submitted sequential test document outlines what the applicant considers to be wider sustainability benefits as follows:

Economic and Social benefits:

- *Accessible job creation for existing and future residents of both Farndon and Newark on Trent as well as the wider area.*
- *£12.5 million investment in construction*

- *Around 150 construction jobs on average per annum supported over a 15 month build period.*
- *In the region of 390 on site jobs will be created in various positions across the development as well as up to 95 additional jobs within the supply chain and induced spending.*
- *Erection of a much needed purpose-built circa 100 bedroomed “Holiday Inn Express” hotel with parking including electric car changing facilities.*
- *Construction of a petrol filling service station with ancillary shop*
- *Erection of 2,800 sq m of new office floor space*
- *£480,000 increase in annual business rates to Newark and Sherwood DC.*
- *Improving and enhancing the continued future prosperity of Newark on Trent Sub Area as a focus for sustainable economic growth.*
- *Creating a high-quality, modern design mixed-use development that makes an efficient use of land at a convenient and sustainable location.*

Environmental benefits:

- *The creation of new wildlife and biodiversity habitats.*
- *The continued preservation and securing a greater understanding of archaeological heritage features.*
- *Creation of innovative and effective flood management, flood compensation and drainage strategies*
- *Promoting sustainable travel and encouraging opportunities for sustainable modal choices.*

Some of these benefits are considered more credible than others from Officers perspective. For example, whilst it is not disputed (as already considered in the section on the impact on the economy above) that the development would bring a significant investment to the area, some of the environmental benefits are not wider benefits, but are in fact necessary to directly mitigate the development, i.e. the flood management and compensation measures. This leads neatly to the second requirement of the exception test which requires consideration of how the development can be made safe in flood risk terms. As is already alluded to in the description of the development, the application site includes an area of land solely required for flood mitigation purposes.

The comments of neighbouring parties in terms of the concern that the flood mitigation measures could have on their properties is fully appreciated and noted. In this respect it is appropriate to defer to the comments of the relevant expertise including Nottinghamshire County Council as the Lead Local Flood Authority and the Environment Agency.

NCC Flood raise no objection to the proposals subject to the consideration of drainage methods which could be secured by condition if permission were to be forthcoming.

Despite attempts made through the revised suite of documents to deal with matters of flood risk, the Environment Agency has maintained their objection to the development in their latest comments (received 12th August 2019) concluding that the applicant has failed to demonstrate that the proposal will not result in an increase in flood risk elsewhere.

The revised submission notably reduces (rather than increasing as originally suggested by the Environment Agency) the land area proposed necessary for flood compensation measures (the original scheme also had an area immediately to the south of the developable area). Moreover, the applicant has failed to address the original request of the Environment Agency to provide additional information on the flood plain compensation including volume calculations, flow routes

and how the proposed area will interact with the existing functional floodplain.

The proposal therefore fails both the Sequential and Exception Tests required by the NPPF and should be resisted on this basis.

Members attention is also drawn to the comments of Trent Valley Internal Drainage Board detailed in full above. These raise an objection to the development on the basis of the proximity of the Board maintained 'Farndon Field.' The Board require a minimum 9m clearance from the watercourse which has not been demonstrated. Again, it is not deemed reasonable to seek a re-design of the development on this basis given the overall objections in principle. It is notable that the TVIDB are not a statutory consultee and would have their own means of watercourse protection but this in any case weighs negatively against the scheme.

Impact on Land use (including contamination)

Chapter 15 of the NPPF 2019 is based on the conservation and enhancement of the natural environment with paragraph 170 confirming that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land (land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC)).

Having assessed Natural England's "Agricultural Land Classification Map East Midlands Region (ALC005)" the site has been graded as Grade 2 'very good' land. The 1988 MAFF Document entitled 'Agricultural Land Classification of England and Wales' confirms that Grade 2 land usually allows for a wide range of agricultural and horticultural crops to be grown.

The submitted Planning Statement acknowledges the loss of agricultural land as a negative impact of the development but not in the context of acknowledging the specific ALC category. Neither is this acknowledged through the Ground Investigation Report.

It is notable that Natural England has a statutory role in advising local planning authorities about land quality issues. Their comments are listed in full in the above consultation section but in any case do not reference matters of ALC nor the loss of agricultural land. Whilst in the context of the Districts available agricultural land the land take of the proposal is modest, the majority of the District is classified as Grade 3 with only small pockets of Grade 2 Land and no Grade 1 'excellent' quality land. The loss of Grade 2 agricultural land must therefore weigh negatively in the overall planning balance despite a lack of formal objection from Natural England.

Nevertheless Officers are conscious that part of the justification for the protection of the best and most versatile land is in recognition of potential economic benefits. As is already acknowledged above, the proposed development would contribute to the local economy (albeit in a different way) and therefore it is my view that it would not be reasonable to resist the application solely on this basis.

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. Paragraph 178 of the NPPF 2019 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The application has been accompanied by a Phase 1 Desk Study and Preliminary Risk Assessment which includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this initial work, an intrusive investigation was carried out by the same consultants and the findings submitted in a Ground Investigation report. As is confirmed by the comments of Environmental Health colleagues listed above, there were generally no exceedances of screening criteria for any of the soil samples taken and therefore the risk to human health for the proposed use is considered to be low.

On the basis of the submitted documentation, I am satisfied that the site would be suitable for its proposed end uses in accordance with the requirements of the NPPF and Policy DM10 of the DPD.

Impact on Heritage (including Archeology)

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of recent court cases (in particular: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014); The Forge Field Society v Sevenoaks District Council (2014); and Mordue (2016).

The site is just under a kilometre away from the edges of both Farndon Conservation Area to the south west and Newark Conservation Area to the north east. Given the height of the proposed buildings, there remains the potential that the proposed development could affect the setting of the nearby designated heritage assets. The application includes the submission of a Heritage Impact Assessment on this basis. However, as is noted by the comments of the Conservation Officer there are elements of the Statement that are deemed flawed on the basis it does not follow fully the recommendations outlined by Historic England guidance.

Notwithstanding the above, paragraph 190 of the NPPF requires LPA's to identify and access the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. This has been undertaken through the assessment of the Conservation Officer detailed in full above. Travelling north along the A46 the development, due to its scale and bulk will cause harm to the setting and appreciation of the Grade I listed Church of St Mary Magdalene. The proposal (including any required tree planted screening) would also alter the character of the approach to the nearby designated Conservation Areas. Despite the contradictions of the applicants Statement, having discussed with the Conservation Officer the level of harm is considered to be at the lower end of less than substantial.

In addition to the nearby conservation areas and listed buildings, the proposed development site is in an area of known significant prehistoric archaeology. On this basis the application has been accompanied by an Archaeological Impact Assessment prepared by Allen Archaeology Limited. The report acknowledges the work which was done through the dualling of the A46 which established Late Upper Palaeolithic activity within and adjacent to the site. The works have established that there is a high potential for Palaeolithic remains to be present within subsurface deposits within the site. It is not clear if any of these remains may include *in-situ* deposits, which would be of considerable significance. Essentially it is concluded that there is a need for additional survey works and assessment prior to construction in order to establish the most appropriate means of preservation where necessary.

It is noted that the original comments of the Council's Archaeological Advisor suggested that the development may be acceptable subject to the imposition of a condition. However, since these comments, the Archaeological Advisor has reviewed a copy of a geophysical survey and field walking report for the site which has significantly changed this position to a degree that the revised comments recommend refusal. This is mirrored by the comprehensive response of Historic England (listed in full above) which ultimately strongly objects to the development as submitted.

The general thrust of the comments from relevant experts is that the site represents part of a nationally significant Late Upper Palaeolithic site dating to a period approximately 14700 BCE to 12700 BCE. Despite not being formally designated, the advice of Historic England is that the site should be considered on parity with a scheduled monument (Schedule Monuments & nationally important but non-scheduled monuments dated October 2013 and NPPF 2019 Footnote 63). The ancient monument comprises scatters of worked flint incorporated into topsoil and localised areas where these artefacts survive *in-situ* (i.e. where they fell). The development would cause substantial harm to the significance of the monument both through the loss of the 'Northern Cluster' as a result of the main development proposed and through the loss of the cover sand deposits and buried archaeological horizon in the area proposed for surface water management to the south.

The latest statement received by the applicant on 15th August does not provide Officers with any additional comfort to come to an alternative position. The attempt to use the previous archeological research works or the agricultural status for the land as justification for the development on the basis that these may have disrupted the archeological value should not be afforded any weight. Clearly agricultural practices are outside of the control of the planning application process but in any case would in no way have the same level of impact as the proposed development. The Statement itself acknowledges that:

The archaeological and geoarchaeological investigations that have been undertaken have shown that the site continues to hold significant evidence of activity, the palaeoenvironment and landscape of LUP date.

The suggestion that ground investigations may have had a damaging effect such that this development should now be allowed is completely flawed. Any investigations are with the intention of developing our understanding of the past. If this development were to be allowed then any further meaningful opportunity for understanding would be lost.

Paragraph 194 of the NPPF is clear that substantial harm to assets of the highest significance, notably scheduled monuments should be wholly exceptional. Consequently, paragraph 195 states that where a proposed development will lead to substantial harm, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm. The benefits of the scheme are already debated within the section on Flood Risk above but these are in no way considered substantial to a degree that they would outweigh the identified heritage harm.

Impact on 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 submission includes a Preliminary Ecological Appraisal undertaken by RammSanderson. The assessment is divided to two fields corresponding with the two separated areas of the original site location plan. Field 1 refers to where the proposed built form of the mixed uses would be positioned (as well as the previously promoted smaller area of flood compensation) and Field 2 is the field further south which would be solely developed for the purposes of flood compensation.

One of the key constraints identified by the ecological works is the presence of a wet drain forming the site boundary to the south / southwest of Field 1 and a wet drain adjacent to the southern boundary of Field 2. The report confirms that the site itself is not subject to any statutory or non-statutory ecological designations. The following summarized paragraphs outline the results and recommendations made in relation protected and notable species.

Great Crested Newts (GCN)

The wet drains have some, limited suitability for GCN however the connectivity of the drains to the River Devon increase the likelihood of fish and subsequently reduce the suitability for GCN. The site is considered to represent poor terrestrial habitat compounded by the lack of connectivity of the site given the surrounding road network. It is confirmed that the drains will be retained within the final development and should receive minimal levels of disturbance during construction. It is nevertheless recommended that a precautionary method of works document is provided for the site to reduce potential risks to individual newt. It is my Officer view that this could be conditioned if permission were to be otherwise forthcoming.

Reptiles

Two previous desk study records of grass snake were identified, the closest being 210m south of the site. The terrestrial habitats are considered sub-optimal for reptiles mainly comprising of arable land. It is nevertheless confirmed that the redirection of the drain adjacent to Field 1 will need to be preceded by an updated reptile survey prior to works commencing. Again, this could be subject to a suitable worded condition.

Birds

The small number of trees and small section of scrub are considered to be too immature to provide suitable nesting opportunities. Foraging opportunities are also considered to be limited. Works are recommended outside of bird breeding season as a precautionary measure. Nottinghamshire Wildlife Trust have also recommended the scheme incorporates different types of bird boxes.

Badgers

Some evidence of badgers were recorded including 4 previous records with 2km of the site and potential badger prints close to the site. The site is nevertheless considered to offer little in the way of sett digging opportunities. Precautionary measures are recommended to reduce the risk of impacting badgers, or any other mammals during the works. Nottinghamshire Wildlife Trust has also suggested that if permission were to be granted an updated survey be undertaken 6 months prior to works commencing.

Bats

The closest bat records apply 135m away from the site. Whilst the site may provide some very limited opportunity for foraging and commuting, the trees on site were all too immature to have developed features suitable for roosting. Given the existing lighting in the immediate site surroundings it is acknowledged that any new lighting is likely to have limited effect. It is however suggested that a dark corridor be retained to the south extent of Field 1 following standard guidelines.

Water Vole and Otter

The wet drains may provide some limited opportunities for these species although no evidence was identified during the survey. The drains were noted as being culverted at the western extent

and do join other drains to the east where it passes under the A46. The bridge did appear to have a mammal pass incorporated that would assist otters in particular in accessing the site and navigating the surrounding landscape. To ensure that the drains remain undisturbed it is recommended that a minimum exclusion buffer of 6m is installed ideally with fencing to prevent any works creep towards the drain. It is also recommended that further survey works are done prior to works commencing.

Whilst referencing other notable fauna species, the report states that due to a lack of suitable habitats, the site is not considered likely to support any other legally protected or notable species. On the basis of the above recommendations, all of which could be secured by condition without the need for further works prior to determination, I am satisfied that the proposal would not unduly affect the ecological value of the site.

I note the request from a neighbouring party that the hydro morphology of the River Devon should be explored to understand the full ecology impacts of the proposal. However, given the distance to the River (over 250m away) which is intervened by the A46; and in the context of the surveys already submitted with their associated mitigation measures, I do not consider that this would be necessary or proportionate to the development. Moreover, the nature of the proposed development which incorporates standing bodies of water and additional landscaping presents the opportunity for habitat enhancement in the long term. The proposal would therefore comply with Policies CP12 and Policy DM7 as well as the NPPF.

Other Matters

I am conscious that the proposal includes a retail offer in the form of the retail element of the petrol filling station. There is an argument to say that this could be classed as a community facility in the context of Spatial Policy 8 in that it would provide an additional shop which would be supported in principle. However, I would give this limited weight given that the retail element has clearly not been designed to specifically support the community. Indeed in order to access the retail element by foot, one would need to walk along the proposed highways access at the centre of the site and over the vehicular accesses and car parking provision to serve the units. The legibility of the petrol station therefore does not lend itself as a community benefit.

Comments during the consultation process make reference to the Statement of Community Involvement which references the submission of numerous supporting documents including a noise assessment; an air quality assessment; and a lighting assessment. These documents did not form part of the application submission and indeed the agent has confirmed that a decision was taken not to commission these documents. Officers would concur that these documents were not considered to be a validation requirement for the application but the matters are nevertheless discussed in the above appraisal sections where appropriate.

In addition to the above, comments have been received that the proposed end users would create unacceptable odours which would affect the amenity of neighbouring residents. The revised proposal now includes one A3 café use and two drive throughs (one associated with the A3 use, the other associated with the petrol station). If permission were to be otherwise forthcoming then a condition could be attached requiring details of any external plant to include odour abatement measures. It would also be reasonable to attach a condition requiring bin provision details noting the level of concern raised that the proposed end users would increase litter in the area.

Any advertisements intended for the proposed end users would need to be subject to separate

advertisement consent should development be forthcoming and it would be at this time that the impact of any proposed illumination would be assessed.

Neighbouring comments have made reference to the development affecting their right to light. For completeness this is a civil matter and is separate from daylight and sunlight as considered by the amenity assessment undertaken above.

A number of comments received have made reference to the positioning of the proposed above ground fuel tanks. The concern is that these would be a fire risk; vandalism risk or indeed could potentially lead to spillages if there is a traffic accident on the A46 which affects the site (a previous accident is referenced in the comments of Cllr Saddington). The tanks would be surrounded by a fence of over 4m in height. There are separate legislative requirements which the developer would have to comply with if the application were to be approved and therefore it is not considered justified to resist the application on the basis of the presence of above ground fuel tanks.

Overall Balance and Conclusion

The above assessment identifies that the site is heavily constrained by virtue of a number of factors, namely the Open Break designation; the flood risk classification; and its archeological value. Moreover, the site is within close proximity to the strategic road network with the A46 roundabout immediately to the north.

The proposal seeks for a mixed use scheme which, in the applicant's submission would lead to 'substantial' economic benefits including the creation of 390 on site jobs and 150 construction jobs on average. In their view, 'significant weight' should be attached to these benefits to render the scheme acceptable.

To the contrary, Officers have identified significant levels of harm amounting from the proposed development. The granting of consent would compromise the integrity of the Farndon Open Break designation affecting the landscape value of the area. It would introduce development into the functional flood plain with inadequate provisions to appropriately mitigate flood risk. It would erode archeological value of national significance. In addition, Officers remain dissatisfied that the applicant has robustly demonstrated that the proposal would be appropriate in highways safety terms or indeed that the proposed end uses are sequentially appropriate in this location noting the agenda to deliver Town Centre uses in the Town Centre. The scheme represents other notable compromises including the introduction of two office blocks totaling a height of 14m directly opposite residential properties and the loss of Grade 2 agricultural land.

Officers do not dispute that the proposal would lead to some economic benefits including the delivery of a hotel to assist in the Districts tourism needs. However, these benefits are in no way considered substantial enough to outweigh all the compounded areas of harm which force the balance firmly towards a recommendation of refusal for the several reasons outlined below.

RECOMMENDATION

That planning permission is refused for the following reasons:

Reasons

01

The developable area of the site (i.e. the site excluding the land proposed for flood mitigation to the south) falls within the Farndon Open Break designation. Policy NUA/OB/1 directs that planning permission will not normally be granted for built development within such designations. The Open Break contributes towards defining the structure and form of the Newark Urban Area giving the village of Farndon its own identity and distinctiveness. The designation therefore remains integral towards a sustainable pattern of development in and around the Newark Urban Area.

The applicant attempts to discredit the value of the Open Break partly by citing the presence of the A46 road network as severing the designation. The local planning authority wholly dispute this stance and indeed as part of the Plan Review process are currently considering the Open Break designations and their value. Whilst it is fully appreciated that the outcome of this review cannot be afforded full weight at this time, it nevertheless serves as the likely direction of travel for Policy NUA/OB/1.

Irrespective of the Plan Review process (which for the avoidance of doubt concludes the whole site should fall within the Open Break designation) the local planning authority has taken the opportunity to seek independent landscape advice on the proposal. It is confirmed that the development, as proposed, will introduce a commercial nature and imposing form and mass which is wholly out of character to the village of Farndon. The proposal would impose a major adverse visual impact even at Year 15 to numerous residential receptors.

The accepted economic benefits of the scheme are in no way considered sufficient enough to outweigh the aforementioned harm which renders the proposal contrary to Policy NUA/OB/1 (Newark Urban Area – Open Breaks) of the Allocations and Development Management DPD; Core Policy 13 (Landscape Character) of the Core Strategy DPD; the Landscape Character Assessment SPD (2013) as well as the overall Spatial Strategy for sustainable growth in the District as outlined by the Amended Core Strategy adopted 2019.

02

Both local and national planning policy are supportive of the role that town centres play requiring a sequential approach to proposals which represent town centre uses in out of centre locations. Whilst the application has been supported by a sequential test assessment, the local planning authority does not consider that this represents a robust and justifiable case for why the application site has been selected. The authority in undertaking their own assessment has identified other more sequentially preferable sites which the applicant has discounted by insufficiently evidenced reasoning. The proposal is therefore contrary to Core Policy 8 (Retail and Town Centres) of the Core Strategy DPD; Policy DM11 of the Allocations and Development Management DPD; and the NPPF (2019) and National Planning Practice Guidance, which are material considerations.

03

The site lies immediately south of Farndon roundabout serving the A46 strategic road network. The proposed end users would be served by a single access from the Fosse Road arm of this roundabout. Despite the submission of Transport Assessments and Travel Plans to accompany the application submission, the relevant highways expertise, namely Highways England and Nottinghamshire County Council as the Highways Authority remain dissatisfied that the

development could be delivered without compromising highway safety. Specifically the potential overall traffic impacts of the proposal have not been robustly evidenced and there remains cause for concern in respect to the internal parking provision and layout. The shortfall of required parking provision notably so for HGV's and coaches, could lead to an increase in on street parking detrimentally affecting the safe flow of traffic along Fosse Road which in turn is likely to impact on the operation of the A46 roundabout.

On this basis the proposal is contrary to Spatial Policy 7 (Sustainable Transport) of the Core Strategy DPD; Policy DM5 (Design) and the Allocations and Development Management DPD; and the NPPF (2019) and National Planning Practice Guidance, which are material considerations.

04

The entirety of the site is within Flood Zone 3 according to the Environment Agency mapping system. The proposed hotel and attenuation pond lie within Flood Zone 3b functional floodplain with a high probability of flooding.

The River Devon, the River Trent, and a small open field drain are the closest watercourses to the site. The River Devon is located approx. 240m to the south-west and the River Trent is approx. 380m to the north at their closest points to the site. The River Devon and the River Trent are potential sources of flood risk to the site.

The sequential test document submitted to accompany the application is fundamentally flawed in its assessment discounting sites at a lesser risk of flooding based on insufficiently evidenced reasoning.

As such the proposal fails the Sequential Test and is contrary to Core Policy 9 (Sustainable Design) and Core Policy 10 (Climate Change) of the Core Strategy DPD, Policy DM5 (Design) of the Allocations and Development Management DPD as well as the National Planning Policy Framework 2019 and National Planning Practice Guidance, which are material considerations.

05

Notwithstanding the above reason for refusal, the local planning authority has also applied the exception test as required by paragraph 159 of the NPPF (2019).

The entirety of the site is within Flood Zone 3 according to the Environment Agency mapping system. The proposed hotel and attenuation pond lie within Flood Zone 3b functional floodplain with a high probability of flooding. Table 2 of the Flood Guidance confirms that a hotel use is more vulnerable and therefore according to Table 3 should not be permitted in the functional flood plain.

In respect to the remainder of the site within Flood Zone 3a, the applicant has failed to address the original request of the Environment Agency to provide additional information on the flood plain compensation including volume calculations, flow routes and how the proposed area will interact with the existing functional floodplain.

On this basis, the applicant has failed the exception test by not appropriately demonstrating that the proposal would be safe in flood terms for its lifetime and would not increase flood risk elsewhere.

The accepted wider sustainability benefits of the scheme are in no way considered sufficient enough to outweigh the aforementioned harm which would render the proposal contrary to Core Policy 9 (Sustainable Design) and Core Policy 10 (Climate Change) of the Core Strategy DPD, Policy DM5 (Design) of the Allocations and Development Management DPD as well as the National Planning Policy Framework 2019 and National Planning Practice Guidance, which are material considerations.

06

The proposed development site is in an area of known significant prehistoric archaeological remains demonstrably of equivalent importance to a Scheduled Monument (on the basis of the advice of the LPA's own expert archaeological advisor and Historic England). The site represents part of a nationally important Late Upper Palaeolithic site dating to a period approximately 14700 BCE to 12700 BCE. Despite not being formally designated, the site should be considered on parity with a scheduled monument as defined by Footnote 63 of the NPPF 2019 and hence is subject to the policies for designated heritage assets in the NPPF.

The development would cause substantial harm to the significance of the monument both through the loss of the 'Northern Cluster' as a result of the main development proposed and through the loss of the cover sand deposits and buried archaeological horizon in the area proposed for surface water management to the south. The development would also cause less than substantial harm to the setting and appreciation of the Grade I listed Church of St Mary Magdalene and the designated Farndon Conservation Area.

Paragraph 194 of the NPPF is clear that substantial harm to assets of the highest significance, notably scheduled monuments should be wholly exceptional. Consequently, paragraph 195 states that where a proposed development will lead to substantial harm, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

The accepted wider sustainability benefits of the scheme are in no way considered sufficient enough to outweigh the aforementioned harm which would render the proposal contrary to Core Policy 14 (Historic Environment) of the Core Strategy DPD; Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD as well as the NPPF (2019) and National Planning Practice Guidance, which are material considerations.

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants beyond the allowance for the submission of additional documentation 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.

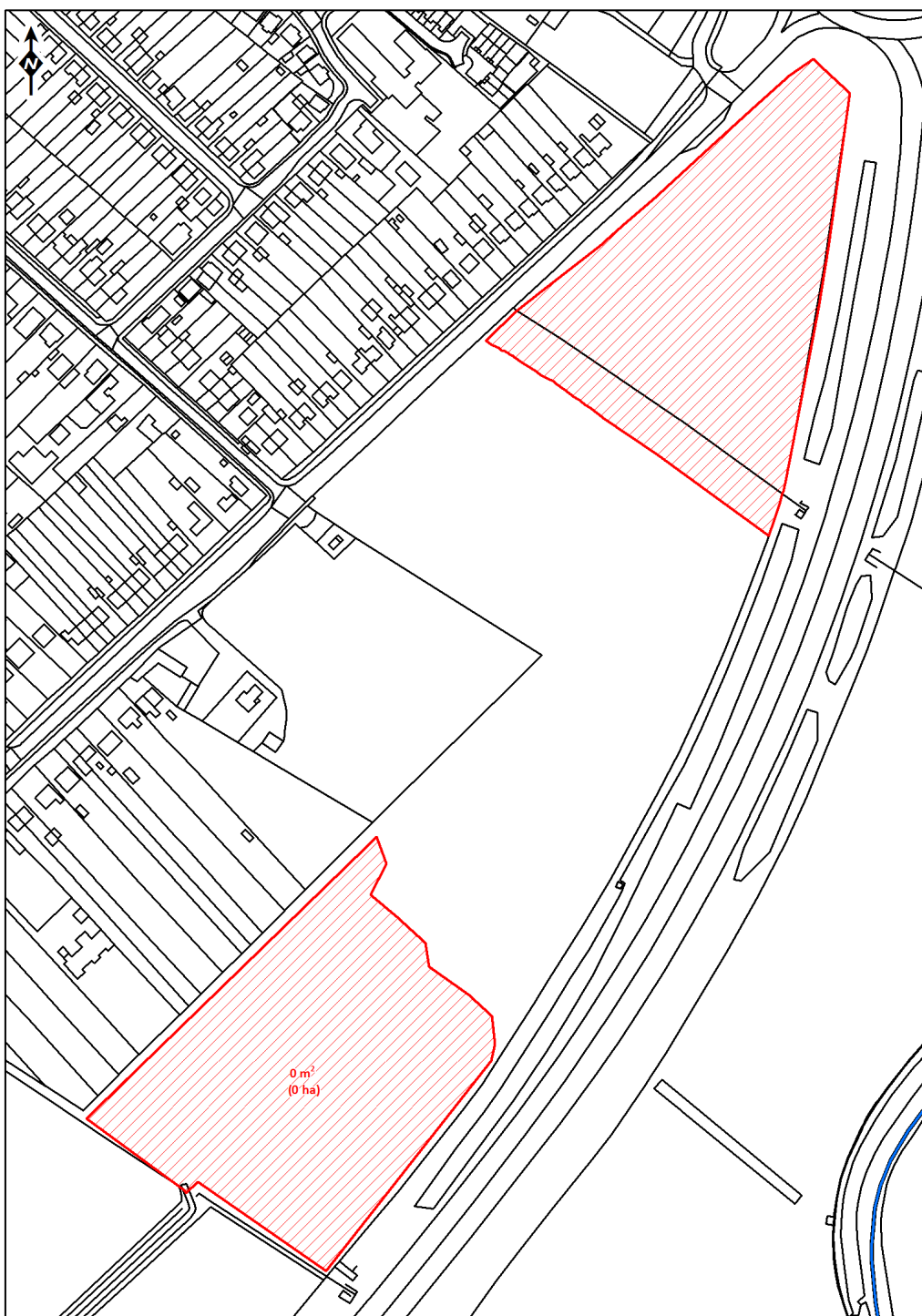
BACKGROUND PAPERS

Application case file.

For further information, please contact 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.

Lisa Hughes
Business Manager – Growth and Regeneration



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Consultation Date: 7 January 2019

Proposal:	Erection of a Mixed-Use Development comprising petrol filling station and associated retail unit, 2 no. drive throughs, 2 no. offices and 103 bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations (including flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works
Site Address:	Land Opposite 44 To 26 Fosse Road Farndon Nottinghamshire
Planning Application Ref:	18/02362/FULM
Target Date for Decision:	25 March 2019
Case Officer:	Jo Brown

You are invited to make comment on the above planning application. Please indicate below whether you support or object to the proposal. Your comments need to be with us by **28 January 2019**.

Details of the case officer will be confirmed on our website within 48 hours.

Application details, including plans, site boundary (using 'Map' facility) and supporting information are available to view on our website at www.newark-sherwooddc.gov.uk/planningapplications. If this consultation relates to the renewal of an extant planning permission, please refer to documents associated with the previous application also available online (the previous planning application number is mentioned in the proposal).

Your comments can be submitted either online using the above website (if you are a registered user), by email to planning@nsdc.info or by post to the above address.

Please be aware, all information including signatures and contact details you provide will be publicly available.

In the event of an appeal against a refusal of planning permission, if the application refers to a 'householder application', any representations made this application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.

A copy of the decision notice and officer/committee report will be available on our website after the application has been decided.

Data protection and privacy:

We are committed to protecting your personal data and privacy. The personal information you provide will only be used by the Council, in accordance with General Data Protection Regulation (GDPR) 2016 and used for the purposes of determining the application.

Please see our website for further information regarding our privacy notice.

Support Proposal ☐ Object to Proposal ☐

Comments:

Planning Policy Context

National Planning Policy

Maintains the plan-led system, with the statutory status of the development plan remaining as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless material considerations indicate otherwise. The presumption in favour of sustainable development, means approving development proposals which accord with an up-to-date Plan without delay. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Emphasises the need for decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Also recognising and addressing the specific locational requirements of different sectors.

A sequential approach to development and flood risk should be followed, with the objective of steering new development to areas with the lowest probability 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 probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, then the Exception Test can be applied if appropriate.

Continues the sequential approach to the local of Main Town Centre Uses, only if suitable in-centre and then edge-of-centre sites are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered – and then preference should be given to accessible sites which are well connected to the Town Centre. Flexibility should be demonstrated on issues such as format and scale, so that opportunities to utilise sequentially preferable sites can be fully explored. Where an application fails the sequential test it should be refused.

Development Plan

Adopted Core Strategy DPD (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 7 'Tourism Development'
Core Policy 8 'Retail Hierarchy'
Core Policy 9 'Sustainable Development'
Core Policy 13 'Landscape Character'
NAP1 'Newark Urban Area'

Amended Core Strategy DPD

The main modifications to the Amended Core Strategy were placed on deposit for public consultation on the 8th August. These are the changes which are felt necessary to make the Plan 'sound', and have occurred either as a result of representations made on the draft Amended Core Strategy or from the discussion at the hearings in early February. The Inspector is now considering the responses received and working towards the issuing of his report. Emerging policy can be afforded weight, subject to the tests outlined at para 48 of the revised NPPF.

Allocations & Development Management DPD (July 2013)

NUA/OB/1 'Newark Urban Area - Open Breaks'
Policy DM5 'Design'
Policy DM8 'Development in the Open Countryside'

Policy DM11 'Retail and Town Centre Uses'
Policy DM12 'Presumption in Favour of Sustainable Development'

Assessment

I've limited my comments to what I consider to be the main strategic issues.

Principle of Development

The application site is located within an Open Break and so the ability to satisfy the requirements of this designation will determine whether the development is acceptable in principle or not.

Farndon Open Break

The purpose of the Open Break designation is to ensure that existing settlements retain their separate identities and characteristics. They are formed by predominantly open land and occupy key strategic locations where there is an acute pressure for development (as reflected in this proposal). There are currently 3 such designations – at Farndon, Winthorpe and Coddington and as outlined through policy NUA/OB/1 permission will not normally be granted for built development within them. The use of 'not normally' necessarily carries with it a high threshold, which proposals will need to be able to pass. Where this proves to be the case then they should by definition represent exceptional circumstances - where the benefit, or benefits, from granting consent demonstrably outweigh the in-principle policy objection.

Having read the applicants planning statement I think it would be helpful to provide some context around the designation. It is longstanding in nature and has been present, in some form or other, within each successive Statutory Development Plan covering the Newark Area – from the Newark Town Map (amendment to the County Development Plan) in 1964 onwards. The aim of the open break is not simply to sterilise large tracts of otherwise developable land. Rather it forms part of a strategic policy intervention, shaping and controlling growth within and around the Newark Urban Area. This approach has made a significant contribution towards defining the structure and form of the Newark Urban Area, and has assisted in maintaining the distinctiveness of different areas, protecting the character of smaller settlements. The designations have been, and remain, integral to the promotion of a sustainable pattern of growth in the Newark Urban Area.

Importantly the extent of the current designations, and associated policy wording, was subject to examination as part of the Allocations & Development Management DPD in December 2012. The Plan, in its modified form, was found sound and so by implication the Inspector was satisfied with the approach. Whilst the previous Open Break at the Balderton Hospital was deleted this was a strategic decision, taken in order to support the meeting of the District's housing requirements. In this respect it should be noted that the Open Break at Fernwood was a more recent designation than those at Farndon, Winthorpe and Coddington, having been introduced in 1999 in response to the original Balderton Hospital redevelopment. It should not be forgotten that in finding the Core Strategy and Allocations & Development Management DPDs sound both documents met the 'justified' test of soundness, applicable at the time of their examination. Consequently the approach toward the Open Breaks represented the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence. It is therefore important that any decisions which affect the integrity of the designation, or its continued relevance, are made in a coherent and strategic manner – and in my view the Development Plan process represents a more appropriate means of doing so rather than via individual planning applications.

This type of policy designation is routinely found in Development Plans nationwide – and has been consistently upheld at appeal. In this respect I would point to a relevant appeal decision at Spondon, Derby (Ref: APP/C1055/W/15/3132386) which concerned a 'green wedge', a designation which seeks to maintain the open and undeveloped character of a key location within and around the urban area. Even within the context provided by that Authority's inability to demonstrate a five year land supply the Inspector still deemed this consideration insufficient to outweigh the significant and irreparable undermining of a long standing designation.

The granting of consent would compromise the integrity of the Farndon designation – risking its comprehensive undermining in the future, and also set a precedent for the two remaining Open Breaks at Winthorpe and Coddington. Consequently there will need to be sufficiently compelling grounds to justify a departure from the policy of restraint.

Availability of Alternative Land

The likely availability of land elsewhere which is situated beyond the Open Break and able to accommodate the proposal will contribute towards determining whether those grounds exist. There is also an overlap here with the need to apply the sequential test from a main town centre use perspective. Whether there is any scope for disaggregation and having reasonable regard to the locational requirements of the proposal will be key considerations.

Whilst consisting of a mixture of uses, I'm not convinced that in this case the proposed format is necessary or fundamental to the proposal – i.e. that the overall mixture of uses is so inter-dependent that they could only come forward in the form and location being applied for. It is not uncommon to see these uses elsewhere independent of one another, or in different combinations. Indeed the proposed design and layout has effectively split the scheme into three constituent parts (outlined below).

- The petrol filling station, associated retail unit and two drive-throughs;
- The two office units; and
- The hotel.

Sequential Assessment

I note that a sequential assessment has been provided by the applicant, and this is welcomed. Though as a starting point it needs to be clarified that the application site occupies an 'out-of-town' location (as per Annex 2 of the NPPF). Whilst this is a sub-category of the wider 'out-of-centre' definition there are implications for how the test should be applied, specifically the need to give preference to edge- and out-of-centre sites which are well connected to the town centre. This opens up the potential for other out-of-town sites meeting that test to be deemed sequentially preferable to the application site.

National policy requires applicants and the Local Planning Authority to demonstrate flexibility on issues such as format and scale. The recovered appeal decision (Planning Inspectorate ref: APP/A1530/W/16/3147039, Secretary of State's ref: 150239) at Tollgate Village, Stanway, Essex provides a clear steer on how this ought to relate to the matter of disaggregation. Here it was concluded that the extent of flexibility should not be constrained by policy or guidance, and that there is nothing in the Planning Practice Guidance which suggests that sub division should not be considered. Ultimately it may well be that in some circumstances disaggregation proves to be inappropriate – however this ought to be the result of objective consideration. As already stated I consider there to be scope to consider the proposal on a disaggregated basis, with a split based around its constituent parts, and different combinations thereof, representing a reasonable basis for doing so.

The applicant's sequential assessment has ruled out any form of disaggregation, and suggests that the minimum scale of site suitable for the proposal would be 1.7ha or one capable of providing a minimum of 5,500 sqm floorspace (i.e. a site area reduction of 25%). Consequently I do not consider that sufficient flexibility has been shown. Consideration should be given to whether there are sequentially preferable sites capable of accommodating elements of the proposal. I would also advise that the assessment should consider sites where development would be in line with the Development Plan, regardless of their sequential location. This would include site allocations for instance.

Whilst I would concur that it is reasonable to have regard to locational requirements of the proposed uses –those identified (being highly accessible and well related to the strategic road network) are primarily related to the petrol filling station (and associated uses). Whilst no definition over what this constitutes is provided I'm not convinced that they hold for the hotel. 'Holiday Inn Express' has been confirmed as the intended operator, and their Lincoln City Centre, Leicester City or Tamworth hotels wouldn't meet the suggested requirements. This indicates that there may be other site characteristics which the operator will take into account in selecting a site, and a central location may be one of them.

I note that in some circumstances the presence of planning policy constraints (e.g. the site being allocated for an alternative use) has contributed towards the discounting of a site. However this is very much a relative concept and must acknowledge the significant policy constraint which the application site is itself subject to, in the form of the Open Break. In my view the pragmatic release of land currently allocated for an alternative employment

generating use (e.g. B1 use) would be preferable to the loss of land from the Open Break. Particularly when considered in the context of paragraph 120 of the NPPF, and the need to reflect changes in the demand for land. In terms of the 'other sites' considered in the applicants assessment, I would accept the discounting of the NSK site allocation – particularly given its anticipated timeline for delivery. But do not agree with how Land at Northgate or the former Highways Depot have been considered. Whilst Land at Northgate is subject to extant retail consent (13/00997/OUTM) the applicant is currently seeking an amendment to Condition 25 of their consent, in order to accommodate a Marks & Spencer Food Hall. The land also continues to have extant consent for residential development. This indicates a willingness on the part of the site owner to consider alternative uses for the land, and so consideration should be given as to whether inclusion of a hotel could feasibly form part of a revised mix.

Perhaps of greater concern is the discounting of the former Highways Depot on Great North Road, which at 1.98a exceeds the 1.7ha threshold identified by the applicant. The site is allocated for employment use- and so the office element of the proposal would be consistent. With respect to the other elements of the scheme the adoption of a pragmatic approach towards its development may prove appropriate, in-line with the approach towards non B1/B2/B8 uses detailed in the site allocation policy. As outlined earlier I would view this marginal policy constraint as less significant than that represented by the Open Break designation.

It is not clear how the applicant has drawn the conclusion that part of the site will be required to facilitate junction improvements as part of the Newark by-pass. No proposed line for the improvement exists and there are clearly numerous different scenarios which could be pursued. It is not clear how much and where surrounding land will necessary to facilitate the improvements, this will be largely dependent on the type of junction pursued. In any event it is only the northernmost tip of the site which is in close proximity to the existing roundabout, and even this does not directly abut either the highway or junction. I'm also not convinced over the applicant's conclusion that the site's locational characteristics, access and visibility are such that they render it unsuitable for the proposed development. It should not be forgotten that the site met the requirements of Sainsbury's, with the refused scheme also including a petrol filling station.

Whilst located in an out-of-centre location the former Depot possesses superior connections to Newark Town Centre. Greater benefit to the vitality and viability of the Centre would result by virtue of this proximity, which is after all the objective which underpins the sequential test. The site has been recently acquired and it is assumed that there would be a natural interest in bringing the site forward for development. Accordingly I don't consider that the site has been discounted on an objective basis, and as such it represents a sequentially preferable and available alternative to the application site.

There are also a number of sites which the assessment has overlooked. This includes the Newark Showground Allocation (NUA/MU/1), where the range of uses identified includes a hotel. Indeed I note that the Peterborough Holiday Inn Express is located adjacent to the East of England Showground, and so Newark Showground may also prove attractive to that operator. Whilst the allocation sits within the wider Newark Showground Policy Area (NUA/SPA/1), and so would require access constraints relating to the A1/A46/A17 junction to be overcome this requires a proper level of investigation. The Wirtgen development (16/01796/FULM) has had the effect of opening the site up, and notably the taking of its access from the A17 was deemed acceptable in highways terms. In addition there is also NUA/MU/2 at the Brownhills Motor Homes site which is allocated for, amongst other uses, roadside services and a hotel. Again no consideration has been given to this site.

Finally there are numerous employment allocations around the Newark Urban Area which would appear suitable for the office use- none of which aside from NUA/E/4 have been considered. In respect of the roadside services I would accept that there are specific locational requirements and that there would be little benefit, in line with the Baynards Green appeal, in applying the sequential test to this element of the scheme (were it to be considered on a disaggregated basis). Nevertheless this does not mean that there should be no consideration given as to whether there is land available beyond the Open Break able to accommodate the proposal. Indeed I have pointed to a number of possible sites as part of my comments above. In addition Policy DM8 provides the basis for considering such uses in the open countryside and as such would facilitate this element of the scheme, were the applicant able to present justification.

Taking the above into account I have severe reservations over the sequential exercise undertaken, and deem it insufficient to demonstrate the sequential test as passed. Moreover I'm of the firm view that there is potentially

available land beyond the Open Break which is suitable and able to accommodate the proposal, particularly when disaggregated.

Tourism Development

Notwithstanding the issues around the Open Break and sequential test, the hotel use would fall to be considered against Core Policy 7. Applying paragraph 48 of the NPPF I'm of the view that the version of CP7 emerging through the Amended Core Strategy is now capable of having meaningful weight applied to it. The policy recognises the economic benefits of sustainable tourism and visitor based development (including tourist accommodation), with proposals that help realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or that address shortfalls in existing provision being viewed positively. It then sets out specific requirements relating to different geographic locations. None of which would cover an Open Break, as built development is not anticipated.

Newark is recognised as a tourism destination and development which complements or enhances this, or that addresses shortfalls in provision would be beneficial and consistent with the broad aims of CP7. The Destination Management Plan for Newark (March 2018) identifies the lack of a hotel offer suitable to support overnight coach trips as a key weakness. Addressing the shortage of accommodation/bed stock is also given as a long-term action. This requires the active seeking of appropriate hotel brands to invest in the Town, with the intention of increasing overnight stays and improving visitor spend. In this respect the redevelopment of the Robin Hood hotel (18/01020/FULM) –incorporating a Travelodge- which is now subject to a resolution to grant consent subject to completion of the Section 106 agreement will go some way towards meeting identified tourism needs.

To be suitable for the coach tour market and meet operator requirements any accommodation would need to fall within the four star category of quality. Holiday Inn Express is the chain attached to the proposal, and their offer appears to be three star. Furthermore I'm led to believe that the chain predominantly caters for the business market – a fact presumably reflected in the choice of location and design (incorporation of meeting rooms etc.). Consequently the proposed hotel would not fit neatly with the most significant gap in provision.

Notwithstanding the above the development and subsequent operation of the proposed hotel would yield economic gains and support job creation. However in my view the full extent of such gains would be constrained by the proposal largely catering towards the business market. The development has the potential to operate as a largely self-contained destination for meetings/functions, or to act purely as a stopover on journeys elsewhere. Whilst there would be a physical connection between the application site and Newark, via an underpass, the distance from the Town Centre is likely to act as a barrier to journeys being made by foot, meaning there would be a reliance on private motor vehicles or taxis. When taken alongside the nature of the predominant clientele the effect may be that guests will be discouraged from making linked trips, limiting the ongoing economic benefit to the Town. These are of course relevant considerations in coming to a view over whether there are benefits which demonstrably outweigh the in-principle policy objection around the Open Break.

Office Use

As defined through the Spatial Strategy, the Newark Urban Area has the function of acting as the focus for employment growth in the District. Core Policy 6 sets out the approach the Council will follow in seeking to shape its employment profile, and in my view the policy emerging through the Amended Core Strategy can now be afforded weight. CP6 seeks to maintain and enhance the employment base of our towns and settlements and rural economies, and underlines that most growth, including employment development, will be provided at the Sub-Regional Centre of Newark with a lesser scale directed to Service Centres and Principal Villages.

The application site is located beyond the Newark Urban Area, but given its scale I'm comfortable that the proposal wouldn't move the balance of provision away from a focus on the Sub-Regional Centre. Indeed it sits within the wider Newark Area, which has its own employment land requirement of 51.9ha across the period 2013-2033. The table below sets out the most up-to-date employment land supply picture.

	Newark Area	District-wide
Employment Land Commitments (31st March 2018)	56.41 ha	63.35 ha
Employment Land Completions (1st April 2013 – 31st March 2018)	10.68 ha	24 ha
Remaining Employment Land Allocations (yet to be developed or subject to extant outline consent – 31st March 2018)	34.72 ha	63.28 ha
Totals	101.81 ha	150.63 ha
Requirement	51.9 ha	83.1 ha

While the overall requirements do not represent an upper limit on development the supply of employment land significantly outstrips them. There is a considerable amount of land which is either committed or allocated and yet to be brought forward through the planning system, able to meet the needs generated by the expansion, relocation or creation of new businesses. This ranges from large scale provision as part of the strategic sites, medium sized sites such as the former Highways Depot and smaller plots within existing industrial estates. The Authority has gone to significant lengths to ensure sufficient provision of suitable, deliverable land has been made in sustainable locations. This in line with CP6 will enable employment levels to be maintained and increased, by meeting the needs of traditional and emerging business sectors and types. The take-up of this land ought to be prioritised over development in inherently less suitable locations, and I would expect robust justification to be provided as to why that cannot occur.

The applicant has identified economic benefits to the proposal, including job creation, and I would not seek to dispute these (although you may wish to seek professional advice for their scrutiny). This analysis has also pointed to an apparent lack of office development in the District over the past 5 years, which is factually incorrect - various B1 completions have been recorded over this time period. Whilst it would be fair to describe the overall levels of take-up as low I would expect this to reflect a general hesitance around investment in the wider economic climate, rather than any fundamental issue with the scale and type of employment land provided through the Plan. The Assessment has also made reference to a need to improve the quality of the stock of employment floorspace throughout the District, and in response I would refer back to the scale of committed development and employment land provided through the Plan.

Accordingly as it stands whilst there would be undoubted economic benefits associated with the proposal I'm not content that the application has adequately demonstrated why those benefits would not be able to be realised through development taking place elsewhere. I remain unconvinced that there is a necessity for development to take place within an Open Break ahead of committed and allocated employment land in more suitable locations.

Roadside Services

Policy DM8 provides the basis for considering roadside service proposals, although this concerns locations in the Open Countryside and so would not apply within an Open Break – where the policy approach is more restrictive. Nevertheless as a matter of principle I would take the ability to demonstrate the need for the particular location and to avoid adverse landscape impact to be reasonable considerations.

Having reviewed the application I'm unsure as to where any real justification around need has been provided, although I may be mistaken. The Economic and Market Benefits Statement makes reference to an absence of 'direct access' fuel retailers between Newark and Leicester. I'm unsure what this constitutes and so clarification could be sought. The presence of other fuel retailers nearby is mentioned, which is correct and underlines why further justification over the necessity of this location is required. Without this justification it is not possible to properly weigh the benefits of this aspect of the scheme. Whilst not located within one site there are a range of roadside services around the 'Brownhills' (A1/A46) roundabout – including a drive-thru McDonalds, Beefeater and Premier Inn hotel. Whilst on the stretch of the A46 between the A1/A46/A17 and A46/A1133 roundabouts there is an Esso garage, eastbound and the Shell garage (incorporating Waitrose) at the Friendly Farmer westbound. In terms of the Farndon roundabout there is the Spar petrol filling station and supermarket

(incorporating a Subway) a short distance into Newark from the A46 Farndon roundabout. Further westwards there is a Shell garage (including Waitrose) and shop at Saxondale on the A46. In terms of North –South movements on the A1 the ‘Muskham Services’ hosts a BP garage, and there is an Esso garage at Foston – northbound near Grantham

In terms of the associated retail unit– Core Policy 8 within the Amended Core Strategy contains impact thresholds, which have been afforded significant weight at appeal. This would require proposals exceeding 350 sqm (gross) beyond the Newark Urban Area to undertake an impact assessment proportionate to the scale and type of retail floorspace proposed. At 446 sqm (gross) the proposed retail unit falls exceeds this. Nevertheless I would recognise its role as being largely ancillary to the petrol filling station, and as such fulfilling a particular function which is unlikely to represent a destination in itself. Consequently in the interests of being proportionate I would not expect the applicant to be required to submit an impact assessment. Were you minded to recommend approval this retail floorspace would however need to be tightly controlled.

Whilst I would accept that the extent of roadside services proposed would in all likelihood exceed that on offer at the locations mentioned above – the key question is whether this really represents a deficit in provision, and if so whether this is sufficient contribute towards the issue around the Open Break being overcome. Whilst I would welcome more information from the applicant, I am sceptical whether this is likely to be the case. Particularly given the possible availability of land elsewhere able to accommodate this element of the scheme, and when considered within the context provided by Policy DM8. I would defer to the expertise of colleagues on landscape considerations.

Flood Risk

According to the Environment Agency mapping the site is entirely located within Flood Zones 2 and 3, and in the interests of addressing the sequential approach the applicant has submitted a Sequential Assessment. The first observation I would make is that a different site area threshold has been drawn on to that used in the Sequential Assessment for Town Centre Uses, and I would query why this is the case. Furthermore as already outlined I believe there to be plenty of scope for the scheme to be considered on a disaggregated basis, considering the constituent parts and different combinations thereof. I would therefore expect the flood risk sequential exercise to also be conducted on the same basis.

Whilst it is right to have reasonable regard to the locational requirements of the proposed uses, I would not accept that those listed need to apply to all the constituent parts of the proposal. I would also query why the flood risk sequential assessment limits the catchment area to ‘the immediate locality of Newark’ when the primary catchment area defined through the Sequential Assessment for Town Centre Uses took this to be the administrative boundary of Newark & Sherwood. This requires clarification on the part of the applicant.

Turning to the sites assessed by the applicant – interestingly location within an Open Break designation appears to contribute towards the discounting of Site 4 ‘Land South of A1133’, which raises obvious questions over the application site. Notwithstanding this the remainder of my comments are focussed on the discounted sites I have greatest concern over.

The former Highways Depot on Great North Road appears to have been discounted in part due to reasons of land ownership. I would emphasise that were such considerations taken to represent sufficient reason to determine the outcome of the sequential test then there would be little point in undertaking the exercise. It is meant to represent an objective assessment over whether there is reasonably available land at lesser flood risk. The remaining reasons for its discounting are the same as those given from a Main Town Centre use perspective – and as stated earlier I find them unconvincing. As a site capable of accommodating the proposal in its entirety and being at lesser flood risk (with considerably less of the site falling within Flood Zone 3) I would consider it a sequentially preferable alternative.

Site 5 ‘Land North of A17’, or the Newark Showground site allocation (NUA/MU/1), is discounted for being too large – in my view however this does not reflect robust judgement. Consideration should be given to the possibility of development coming forward on part of the site. Given that the site is allocated for a number of the uses being sought and is at lesser flood risk it needs to be given serious consideration. There is also the matter of the scope for disaggregation which may address the concerns around existing petrol station provision in the

area. The concerns over congestion require proper investigation – in line with my earlier comments on this site, and would not appear that different to the issues around the A46 Farndon Roundabout at peak times.

Site 6 'Land South of A17' which concerns land to the north of the Mastercare facility. The land is subject to extant outline consent for employment development but Reserved Matters don't appear to have been approved on this portion of the site. I do not consider that the planning status necessarily represents a constraint on availability given the period of time which has lapsed from the granting of consent. It may be the case that the site owner would be amenable towards an alternative mix of uses, and part of the application proposal concerns an employment use in any case. I would refer back to my previous views over site area and the presence of other petrol filling stations in close proximity.

As it stands I do not consider that the applicant has adequately demonstrated there to be no reasonably available land at lesser flood risk capable of accommodating the proposal either together or in a disaggregated form.

There is also the matter of the Exceptions Test- on which I would defer to technical consultees for guidance. But the holding objection from the Environment Agency is noted.

Highways

The proposal will need to be able to be considered acceptable in highways terms and I do have some concerns here given its location in close proximity to the A46 Farndon Roundabout. In this respect I note the holding objection from the Highways Authority.

Conclusion

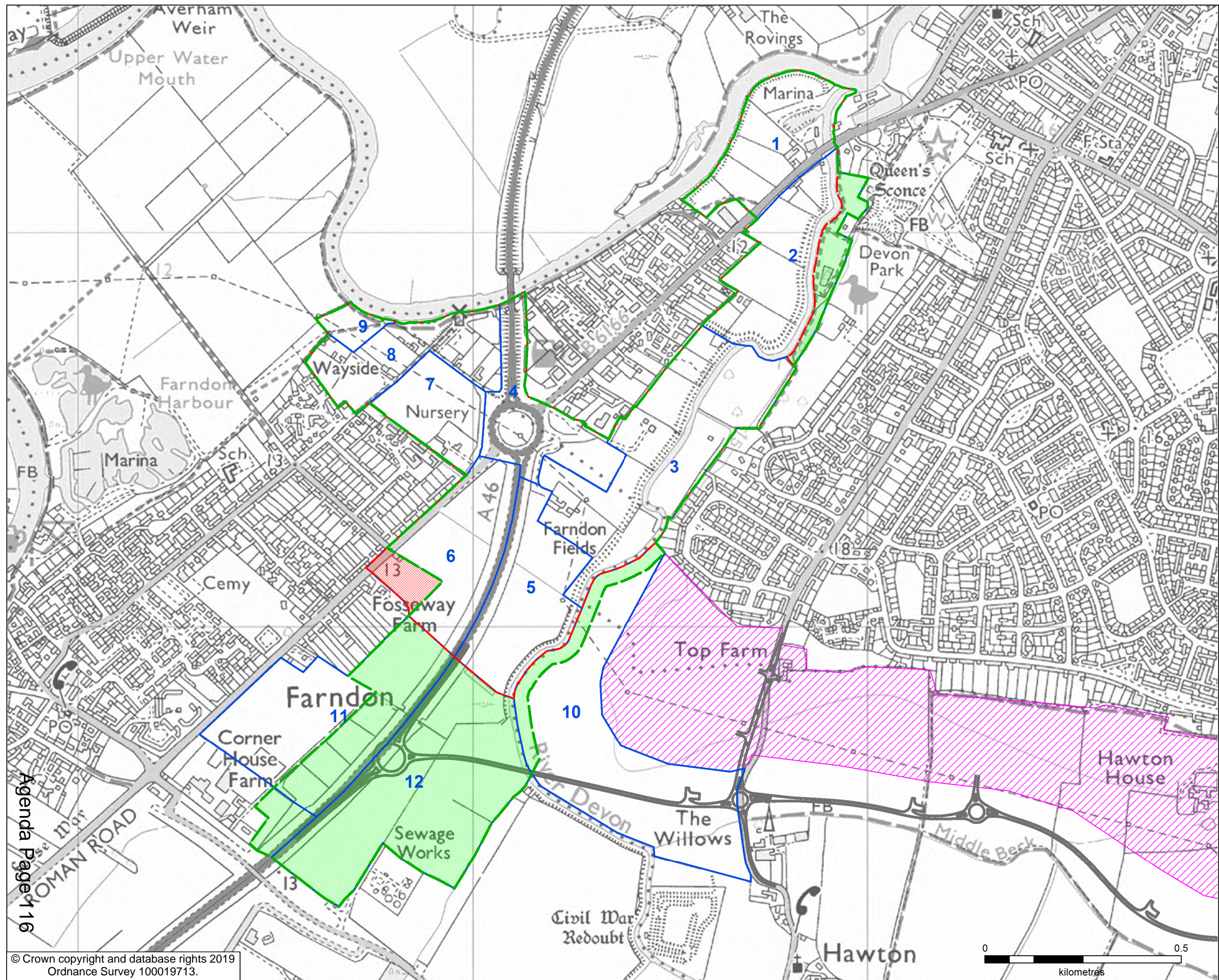
Considered through the lens of the presumption in favour of sustainable development the scheme would achieve economic and social aims – notably through the support provided to economic growth and job creation. Although I'm not convinced those economic gains would be as significant as first appears given the format of the hotel. Nevertheless there would be a serious undermining of the environmental objective as a result of development occurring within the Open Break, and the proposal has been unable to demonstrate its acceptability in sequential Main Town Centre or flood risk terms.

The applicant has fallen short of being able to demonstrate a sufficiently compelling level of benefit to meet the threshold necessary to support development within an Open Break. Furthermore were consent to be granted then there is the strong possibility that the proposal would prejudice the designation at Farndon and set a precedent for those at Winthorpe and Coddington. I'm of the firm view that there exists land beyond the Open Break designation which is capable of accommodating the development (whether considered in its entirety or in a disaggregated form), and that the benefits from the proposal could be realised elsewhere in more suitable locations. Ultimately the harmful effects associated with the proposal must, in my view, render it unsustainable and so I am unable to provide support for its positive determination.

Signature: Matthew Tubb


Date: 20th February 2019

Designation: Senior Planner (Policy)




- Key
- Farndon Open Break boundary
 - Proposed boundary
 - Boundary of units
 - Recommended area for inclusion in open break
 - Recommended area for exclusion from open break
 - Middlebeck SHA
 - Proposed road alignment

Rev Status	Description			Drawn	Ck'd	Auth Date
Project						
Newark Open Break Review						
Property No.		Project No.				
Title						
Newark - Farndon Open Break Proposed Boundary						
Scale		Drawn BC			Date 16/04/19	
As shown		Ck'd AS			Date 24/04/19	
		Auth CG		Traced		
Drawing No.		Rev				
HW21033/07						



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Laura Gardner
Senior Planner
Development
Newark and Sherwood District Council
Castle House
Great North Road
Newark
Nottinghamshire
NG24 1BY

Your ref: 18/02362/FULM
My ref: 20980 Fosse Rd
Date: 11th February 2019

Dear Laura,

Planning application reference: 18/02362/FULM

Proposal: Erection of a Mixed use Development comprising petrol filling station, drive throughs, offices and hotel, landscaping, flood attenuation lagoon, associated engineering operations(including flood compensation measures) and Sustainable Drainage System (SUDs) along with associated vehicular and cycle parking and access from Fosse Road and all ancillary works at land opposite 26-44 Fosse Road, Farndon , Newark, Nottinghamshire

Applicant: Harlaxton Estates Limited

1.Introduction

The following comments have been prepared by Helen Jones and Cathy Gillespie of Via East Midlands Limited, acting as a Landscape and Visual Impact consultants to Newark and Sherwood District Council (NSDC). These comments have been formulated on the basis of the submitted information detailed below, as well as a site visit by Cathy Gillespie on 10th February 2019

Via East Midlands (Via) have examined the following information, to make these comments (only information relevant to Landscape and Visual Impact is listed below)

- Landscape and Visual impact Assessment (LVIA)
- LVIA Appendices
- LVAI Appendices
- LVIA photo viewpoints
- LVIA photo viewpoints
- LVIA Figures
- Design and Access Statement
- Planning Support Statement
- Statement of Community Consultation

Proposed site masterplan

- Drawings illustrative view Unit 1
- Drawings illustrative view Unit 2
- Drawings illustrative view Unit 3
- Drawings illustrative view Unit 4



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Drawings illustrative view Unit 5
Drawings illustrative view Unit 6

Via have also revisited the local plan, in particular the Allocations and Development DPD adopted 2013 and the Landscape Character assessment SPD, adopted 2013.

Via have reviewed consented development approved the proximity to the site including the outline approval for development of Land South of Newark, urban extension because of its scale and proximity to the development site. In particular, we have reviewed the proposals for this development near to the A46 and river Devon which are nearest to the proposed development site.

The purpose of the comments

The purpose of these comments is to provide an independent assessment by qualified landscape architects of the applicant's submitted information concerning the landscape and visual impacts of the proposed development and proposed mitigation.

2. Methodology

The following approach has been adopted for this assessment process:

- familiarisation with the site and context in terms landscape, landscape character and visual amenity
- familiarisation with the development proposals
- review of methodology content and scope of LVIA assessment undertaken by the applicant
- consideration of the conclusions reached through the LVIA
- consideration of the acceptability of the proposals in light of the above so far as they impact on landscape and visual amenity.

3. The existing site and the study area

The existing site

The proposed site is located to the south of Newark town centre, on land both adjacent and between the smaller settlement of Farndon and the south western edge of Newark on Trent as it extends along Farndon Road.

The proposed 10.09 site is located on agricultural land. The main development area of the site comprises an agricultural field which fronts and is situated directly opposite residential properties, 26 - 44 Fosse Road, Farndon. The field is triangular in shape and 2.26 hectares in area. Fosse Road forms the north western boundary of the site. The newly dualled A46 forms the eastern site boundary, and directly to the north is the newly created A46 roundabout at the southern edge of the built area of Newark on Trent. To the south are agricultural fields.

To the north-west is an agricultural field and beyond the River Trent with tow path walk and small cluster of cottages on Cree Lane and former windmill. The land comprising the application site and field immediately to the north comprise a narrow undeveloped separation between Newark to the north and Farndon to the South and west.



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The existing site boundaries comprise mixed hedgerow with establishing broad leaved trees along the Fosse Road and mixed hedgerow with small stand of establishing shrub and tree growth on the A46 verge. The boundary with agricultural field to the south is an open ditch.

The study area

Study area determined from a computer modelled ZTV by applicant. An initial study area of up to 5km chosen, and following a site visit the study area was reduced to 2km.

Surrounding properties

The site is directly overlooked by residential properties on Fosse Road immediately adjacent to the site, which except for The Nursery, have little screening tree growth to filter views. Removed by 1 field to the south west Fosseway Farm also directly overlooks the site. There are views from some properties on Crees Lane to the north.

Residential properties on Farndon Road do not have direct views of the site, due either to their orientation or intervening vegetation. However, users of the Lord Ted beer garden immediately to the north of the A46 roundabout do have clear views to the site across the roundabout. The view from Farndon Fields farm to the east, is screened by intermediate vegetation. However, beyond on rising ground there are likely to be clear views of the development from properties on the existing southern edge of Newark on Riverside Road, Peebles Road and Fairway, which have uninterrupted prospect views across the site from some 500m away.

There are more distant views from the village of Hawton of about 1km to 1.5km including from the listed Hawton Church. There are also longer distance views from users of Hawton Lane, particularly where it crosses the A46 on an elevated overbridge and from public rights of way in the Hawton area. The site is visible across open fields from a significant proportion of Hawton Lane to the south due to the open nature of the landscape, although this is a little greater than 1km.

Public Rights of Way and footways

There are multiple rights of way near to the site Farndon Footpath 4 and 5 on Marsh Lane to the north west. Newark Bridleway 1 and 2 along the River Trent.

To the north, the site is visible in part from the footpath No 5 which extends north east from Marsh Lane, although this view is screened in part by dense hedge growth and tree growth around the Nursery. Pedestrian and cyclist users of the promoted segregated cycleway/footway which circumvents the roundabout and connects Fosse Road, Cree Lane and Farndon Road have close and in some part uninterrupted views of the site.

To the east, views from Newark Footpath 22 along the River Devon are screened by intervening vegetation, Averham Footpath 8, Hawton Bridleway 3 and footpath No 2 have distant views of the site. Footpaths to the west and north of the site within Farndon are largely screened by the intervening village with the exception of Farndon footpath 5. Footpath 17 and 11 to the southwest are screened by the A46 overbridge embankment.



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Road users

The site is adjacent and highly visible to road users of the A46 north bound. It lies to the fore of the current extent of perceived boundary of built development to Newark, currently contained by the line of the A46 embankment and urban edge of residential areas to the east. The residential edge of Farndon village is of a lower elevation and more residential in character

The site is highly visible to users of the A46 as they travel south from the elevated crossing of the Trent. There is no intervening tree or shrub growth on the roundabout unlike the depiction in the submitted illustrative views, nor is this likely to be achievable due to the presence of the overhead power line.

There are also longer distance views from users of Hawton Lane, particularly where it crosses the A46 on an elevated overbridge and from public rights of way in the Hawton area. The site is visible across open fields from a significant proportion of Hawton Lane to the south due to the open nature of the landscape, although this is over a distance of greater than 1km.

Heritage considerations

Farndon conservation area lies to the south west of the application site, the nearest point being 1km away. There are several Grade II listed buildings in the conservation area. Averham conservation area is just over 2 km north west of the site. Newark conservation area lies to the north east of the site but is screened by intervening built development.

Farndon Windmill 350m to the northwest is Grade II listed. The Firs 450m to the north is Grade II listed The Grade 1 listed Church of St Mary Magdalene - 2.4 km to the northeast

There are 15 scheduled ancient monuments within a 5km radius of the application area. The nearest to the site is Queens Sconce, 1.2 km to the northeast, Civil War redoubt – 1km to the southeast, Sandhills Sconce, 1.6 km to the north.

Ecological considerations

There are 3 LNRs within 1km of the site; Devon Park Pastures 1 km to the northeast, Farndon Ponds LNR, 1 km to the west, Farndon Willow Holt – 1.3 km to the west. Due to intervening built development, none of these have visual or ecological continuity with the development site

4. The proposed development

The proposed development is illustrated on Drawing No. NWK 17000-BED-SK-A-004 Proposed Site Plan – option 3 dated January 2018. Proposals for the site include areas of commercial,



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leisure and business development together with associated car parking and areas of landscape treatment including boundary screening, natural areas and intervening green space.

The development is described in detail in LVIA p22. Built elements will include a petrol station, 2 separate drive through units, 2 proposed office units up to a maximum height of 18 metres. A three-storey hotel building up to a maximum height of 16.77 metres. Access via a 5.5 metre road.

The majority of the development site area will be either built or consist of hardstanding. Planting is largely around the edge of the site, comprising (existing?) boundary hedgerow with a few scattered trees and woodland edge shrub planting. The boundary between hotel and office block and open field to the south of the development site is largely occupied by open water supplemented by a hedge and some new tree planting. The soft landscape elements within the site are modest in extent comprising small ornamental trees through the areas of car parking and some ornamental shrub planting and small picnic area adjacent to the main vehicular site access.

The built form of the 2 office blocks and hotel is massive in form and in contrast to the scale and style of the adjacent residential development. The design which includes use of full height glazed focal area in the hotel are urban and modern in character, offering little synergy with the immediate surroundings. Although not detailed, it is assumed the hotel, drive-throughs and petrol station will be illuminated, so as to be visible to potential users.

Due to need to raise development above flooding levels, the site level will be approximately 1.5m above existing ground level on the south eastern part of the site, which is where the tallest building will be located, resulting in a ridgeline approximately 18m above existing site level.

5. Landscape Assessment

Methodology

The methodology adopted for the landscape assessment is defined in the LVIA and Appendix B and is appropriate for the development proposed.

Study area defined as using modelled ZVT. **The model was set at 15.5m above existing ground level however, some 2.5 m below eventual height of the higher built elements.** The reduction of study area from 5km to 2km, was introduced following site visit.

Landscape Baseline

The LVIA correctly identifies the National Landscape character described for Trent and Belvoir Vales – NCA 48 and Regional Landscape character described for 'Trent Washlands' regional character area

Local Landscape Character in which the development site lies is described, LPZ TW PZ 12 Farndon Village Farmlands. This is assessed as having low sensitivity

The site lies in close proximity to TW PZ 53 Averham Weir River Meadowlands, sensitivity low - medium, TW PZ 34 Sconce and Devon Park River Meadowlands, medium- high sensitivity and a conserve strategy, ES PZ 06 Bowbridge Lane village Farmlands, and SN PZ 07 Elston Village Farmlands for which sensitivity is not defined.

Physical appraisal of the application site and study area is described in section 4.14 – 4.22. The baseline includes note of the open nature of the site and wider landscape character, with long extensive views. The impact of the A46 on tranquillity and remoteness is noted.

The effective coalesce in perceptual terms of the 2 settlements of Farndon and Newark is noted, in section 4.29 with particular reference to the view afforded from Hawton Lane- A46 overbridge to the south. Whilst this may be the case from this particular view point, **reference is not made to the perception of a break which is experienced by users of the A46, nearer to the site. Here, the separation although tight is still apparent. The distinction between the low rise residential and agricultural built form of Farndon village south of the A46 roundabout contrasts with more urban built form of commercial and larger mass built form comprising business park, care home and commercial pub to the north off Farndon road.**

The view of Newark town church spire, visible from some distance along transport routes along with the impact of the sugar beet factory and power station are noted. The impact of the approved South Urban Extension is noted in terms of the effect of extending the edge of the urban extent southwards from that existing. **It is not noted however that the approved layout proposes a substantial zone of green infrastructure along the Devon, providing a buffer between the residential development on rising ground and agricultural land and A46 to the west.**

Landscape effects.

These are identified in section 6. The development would involve removal some landscape features lengths of hedge line, drainage ditches and immature tree growth. The adverse impact on LPZ TWPZ12 Farndon Village Farmlands is also described. Although this is said to be moderated by the existing impact of adjacent built development particularly to the north and urbanising influence of the dual carriageway.

Mitigating impacts identified in section 7 Mitigation and Landscape Strategy include; function of site as a gateway feature into Newark, retention of some existing peripheral hedges and some buffer planting particularly to the south where associated with open space, retention some visual permeability east –west through the site. It is stated that the development will be read against the backdrop of the main built up area of Newark and Farndon when viewed from the south and east.

The proposals show relatively narrow and insubstantial landscape buffer comprising largely hedge and shrub planting, watercourse and with some intermittent native trees around the site relative to the height and horizontal extent of the built forms. This is particularly the case for the hotel and office blocks, which will be significantly higher, more substantial and urban in character than the residential development immediately adjacent. The maintenance of a skyline just below 18m is still tall relative to the open countryside immediately to the east and to residential properties in Farndon. Even the business development to the north off Farndon Road is significantly lower (c11m) and that is screened by adjacent road bridge embankment and associated tree planting. The impact of internal and external lighting and signage once operational is not identified, although given the amount of glazing in the hotel this would introduce an urbanising influence at night. Apart from the roundabout, the A46 is not lit by street lighting.

Landscape Impact Assessment

Methodology employed in determining significance is outlined in Appendix B, which appears to follow the guidance provided by Guidance for Landscape and Visual Impact Assessment 3rd edition, 2013.

Construction phase impacts identified by the applicant are explored in section 8 and summarised in table 1.

LPZ TW12 Farndon Village Farmlands – low sensitivity, medium magnitude effects considered to be of a minor adverse level of significance i.e. not significant.

LPZ TW 34Sconce and Devon Park River Meadowlands – high sensitivity, effects considered to be of a negligible level of significance due to short term nature and negligible magnitude i.e. not significant

LPZ TW53 – Averham Weir River Meadowlands low sensitivity, effects considered to be of a negligible level of significance i.e. not significant

LPZ SN07 and LPZ ES06 – low/medium sensitivity – effects considered to be of a negligible level of significance i.e. not significant

Application site – low sensitivity - effects considered to be of a moderate adverse level of significance i.e. not significant

Assessment of Operational phase landscape impacts are from 8.9 onwards and summarised in Table 2. All are judged to suffer an adverse long term effect, ranging from moderate adverse for the site, minor adverse for the wider policy zone area, falling to negligible adverse impact for adjacent policy zone areas.

LPZ TW12 Farndon Village Farmlands – low sensitivity, medium falling to low magnitude effects after 15 years considered to be of a minor adverse level of significance i.e. not significant.

LPZ TW 34Sconce and Devon park River Meadowlands – high sensitivity negligible magnitude of impact resulting in a negligible level of significance

LPZ TW53 – Averham Weir River Meadowlands low sensitivity, negligible magnitude of impact resulting in negligible level of significance

LPZ SN07 and LPZ ES06 – low/medium sensitivity, effects considered to be of a negligible level of significance

Application site – low sensitivity, high falling to medium to high magnitude of impact, resulting in a moderate adverse level of significance not significant

'In general, adverse effects, both during the construction and operational phase, will be localise din extent and generally limited to the site itself and to five surrounding LPZs, of which only the Farndon Village farmlands LPZ will be materially affected by the proposals.'

Despite the height, mass and urban character of the proposed development the magnitude of impact on landscape character is assessed to be of low negligible impact beyond the site itself because the stated backdrop of existing adjacent development. Due to the low sensitivity of the existing site and the assertion that over time magnitude of impact of the application site itself will fall to medium to high level of impact, assessment of landscape effect is judged to be only moderate adverse as screening develops. **We are not convinced of this argument, given that the lack of substantial mitigation to the periphery of the site and the difference in character of the site to the adjacent built development and therefore do not agree with the conclusions in respect landscape impact particularly in respect of the application site itself, LPZ TW12, Farndon Village Farmlands and the nearby LPZ TW 34Sconce and Devon park River Meadowlands.**

The impact of the proposed development on Farndon and the Open break between Newark and Farndon is reviewed in section 8.14 onwards. The argument is made that because of the proximity of commercial and business uses north of the A 46 roundabout, the development will not seem out of place south of the roundabout. This argument ignores the current function of the A46 roundabout and perimeter planting to PA freight premises as a delineating boundary beyond which currently built form is either agricultural or residential in character. We do not therefore agree that the proposals will be seen as uncommon or unexpected. This is particularly the case when viewed from the south and east where the urbanising impact will be out of character with adjacent land use. The open break policy NUA/OB/1 seeks to maintain a break between settlements in order to retain the distinctiveness of character. **The proposed development, which is correctly identified as is being commercial in nature will therefore not only occupy the remaining break between Newark and Farndon, but will introduce a development of commercial nature of imposing form and mass which is out of character to the village of Farndon.**

6. Visual Assessment

Baseline situation

The Landscape and Visual Impact Assessment (LVIA) includes an assessment from 14 viewpoints

Viewpoint 1 - View from Fosse Road looking eastwards towards the application site.

Viewpoint 2 - View from the junction of Fosse Road and Long Lane looking north eastwards towards the application site

Viewpoint 3 - View from A46 dual carriageway (Hawton Lane Bridge) looking north towards the application site

Viewpoint 4 – View from Hawton Lane at the junction with Honeys Lane looking north west towards the application site



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Viewpoint 5 - View from Newark (Hawton) Road outside of All Saints Church looking north westwards towards the application site

Viewpoint 6 - View from Public Right of Way (Hawton Bridleway 3) looking north westwards towards the application area

Viewpoint 7 – View from the layby on Fosse Road approximately 400m north east of the Ad Pontem Roman Fort SAM looking north eastwards to the application site

Viewpoint 8 – View from beside the Trent Valley Way (Averham Footpath 8) south of Averham Church looking south eastwards towards the application site.

Viewpoint 9 – View from the A617 east of Kelham Bridge looking south eastwards towards the application site

Viewpoint 10 – View from Bowbridge Lane looking north west towards the application site

Viewpoint 11 – View from Peebles Road over Riverside Road looking westwards towards the application site

Viewpoint 12 – View from PRoW FP 5 (Farndon Footpath 5) looking eastwards towards the application site

Viewpoint 13 – View from Queens Sconce in Sconce and Devon Park looking south-westwards towards the application site.

Viewpoint 14 – View from Public Open Space and PRoW (Newark Footpath 22) in Sconce and Devon Park looking south-westwards towards the application site.

The viewpoints selected have failed to represent the prominent and unfiltered views from the A46 north or south of the site. Viewpoints also fail to represent views from pedestrian and cyclist users of the footway circumventing the A 46 roundabout, which is a key sustainable transport route into Newark from Farndon.

Also it is not clear how visible the site will be once developed from Farndon Road, where the site forms the visual backstop to extensive tree lined boulevard extending in a straight line along the line of the Foss Way from Newark's historic centre, interrupted only by the unvegetated A46 roundabout.

Generally, the viewpoints also just indicate horizontal extent of development with no indication of height of development relative to the vertical elements in the wider landscape. No photo montages have been submitted.

Visual receptors

The proximity of residential receptors on Fosse Road are correctly identified, along with less direct views from properties on Crees Lane. Residential receptors are identified as having a high sensitivity to the proposed development. Rights of way users are assessed as having medium to high sensitivity. Road users are assessed as having low sensitivity. Given the criteria used in

deriving sensitivity it is suggested that pedestrian and cyclist users of the road network should be equated to those of Rights of Way, rather than vehicular road users. The identification of pedestrian users of Farndon Rd, Crees Lane and Fosseway as visual receptors has been omitted.

Business Commercial and Institutional receptors are identified as having low sensitivity, due to focus on other activity and intervening vegetation, buildings. Whilst this is agreed for business users such as PA freight, this is not agreed for the Lord Ted. Here the beer garden is separated from the development site by the A46 which is somewhat elevated but unvegetated apart for low shrub planting.

Visual assessment summary

Construction phase

Visual impact during construction phase outlined in section 9.4 onwards and is summarised in Table 3 – *Summary of residual landscape effects on visual receptors during the construction phase*

The assessment is divided into residential receptors, users of PRoWs and Public Open Space, Road and Rail receptors, business commercial and institutional receptors. **The pedestrian users of footways adjacent to the road network as discussed above have not been identified as receptors or assessed.**

Major adverse, significant, significance of effect identified for residential receptors in properties on Fosse Road directly opposite the site, south of the site, on and around Crees Lane

Moderate adverse, not significant, significance of effect identified for residential receptors in properties on perimeter of Farndon and southern fringe of Newark.

Moderate adverse, not significant, significance of effect identified for users of PRoWs and POS TVW South of Averham, users of PRoWs in Sconce and Devon Park, and PRoW 19. **However, if pedestrian users of the footway linking Fosse road with Farndon Road had been assessed, it is anticipated the significance of effect would be major adverse for these users.**

Moderate adverse, not significant, significance of effect identified for road users of the A46 between Hawton Road and Fosse Road roundabout, users of Fosse Road north of Fosseway Farm.

All other impacts minor adverse, negligible

Operational phase

Visual impact in operational phase outlined in section 9.24 onwards and is summarised in Table 4
 – *Summary of residual landscape effects on visual receptors during Operation*

The assessment is divided into residential receptors, users of PRowS and Public Open Space, Road and Rail receptors, business commercial and institutional receptors. **Again, the pedestrian users of footways adjacent to the road network as discussed above have not been identified as receptors or assessed.**

Major adverse, significant, significance of effect is identified for residential receptors in properties on Fosse Road directly opposite the site at year 1 and remaining at Year 15 and on and around Crees Lane at year 1 and remaining at Year 15.

Moderate adverse, not significant, significance of effect are identified for residential receptors in properties on perimeter of Farndon and southern fringe of Newark at year 1 and remaining at year 15.

Moderate adverse, not significant, significance of effect is identified for users of PRowS and POS TVW South of Averham, moderate adverse year 1 declining to negligible at year 15, users of PRowS in Sconce and Devon Park, and PRow 19, moderate adverse year 1 declining to minor at year 15. **However if pedestrian users of the footway linking Fosse road with Farndon Road had been assessed, it is anticipated the significant would be major adverse to moderate adverse for these users.**

Moderate adverse, not significant, significance of effect are identified for road users of the A46 between Hawton Road and Fosse Road roundabout, moderate adverse at year 1 declining to minor adverse at Year 15, users of Fosse Road north of Fosseway Farm, moderate adverse at Year 1 and remaining at Year 15

All other impacts minor adverse, negligible

Generally, it is felt that the filtering and screening effect of proposed peripheral landscape mitigation may have been overestimated in the above assessment resulting in an under estimation of magnitude of impact. To help determine if this view is indeed correct, it would be useful if the applicant could provide more detail of the landscape proposals showing actual numbers and density of new planting and clearly identifying what new planting will be undertaken as part of the development and what will be assumed to be maintained as part of the trunk road infrastructure by a 3rd party. It would also be useful to have a series of cross sections and elevations in addition to the illustrative views, which clearly show development site level, height of new buildings, height of actual proposed and retained landscape elements relative to adjacent road infrastructure.

Finally it would be helpful to have some photo montages which would help illustrate the built scale and form of the development from key viewpoints. For other viewpoints it would be useful for the maximum vertical extent of development to be indicated as well as horizontal extent.

7. LVIA Summary and Conclusions

Via agree that the Landscape and Visual impact assessment has been completed in accordance with the accepted guidance.

The assertion is that the although larger in scale, form and mass than adjacent built development, the proposals will be perceived as an extension of the surrounding development and gateway feature at the southern entrance to Newark. Whilst we agree that the site lies immediately adjacent to built development and that the landscape character of the site and immediate area is already impacted by the A46, **the proposed development will occupy the remaining narrow break between the two settlements. The scale and nature of development is substantially different to that of the adjacent residential village of Farndon.**

In paragraph 10.6 it is stated that the restriction of hotel and business units to below three storeys will reduce impact on the surrounding character areas. **However the illustrations and masterplan proposals show these to 3 storeys high, this is presumably a drafting error.**

Our view is that the development will create an extension of an urban commercial character into the landscape south of Newark, which is designed to be visible and prominent to from the A46. This is contradictory to the view expressed in 10.7:

‘The visual effects of the proposed development would be very limited in the context of the entire LVIA study area. This is due to low lying flat landform and the extent of intervening vegetation and built form surrounding the proposed development.’

We are in agreement with the statement that

‘Several residential receptors located on Fosse Road will be subject to high levels of visual disturbance during the construction phase and operational period’

8. Proposed mitigation

The negative impact of the development of the site could be effectively mitigated by inclusion of substantial landscaped buffer areas, reduction on height of the proposed buildings and adoption of a less overtly commercial style of architecture.

9. Cumulative and sequential impact

Cumulative impact has not been considered in this assessment. In particular the cumulative and sequential impact in relation to the consented southern urban extension and associated link road should be addressed.

10. Summary

Whilst the methodology adopted is appropriate to the development and largely in line with guidance, the following inconsistencies have been identified:

- The decision to adopt a height 2.5m less than the actual proposed development height to model ZVT.
- Omission of A46 south- bound and north-bound users from selected view points
- Omission of consideration of pedestrian and cyclist users of footway linking Farndon Road, Crees Lane and Fosse Road as receptors. These appear to be included neither as Rights of Way receptors nor in road users, which appears to focus on vehicular traffic.

The information submitted to describe the development relies heavily on illustrative birds eye views as well as masterplan and landscape strategy which give a good idea of the proposed built development appearance however they do not help provide context of the site or show how it interacts with the immediate surrounding area. It is therefore suggested that the following are required to better address the magnitude of effect on both landscape character and visual amenity:

- Viewpoints to be amended to show vertical and well as horizontal extent proposed development
- Selected viewpoints to include photo montage of proposed development, to indicate view from south from A46, north from A46 and from Fosse Road.
- Cross sections and elevations east west and north south to be provided which include anticipated height and breadth of landscape at 1 and 15 years.
- Detail to be provided of proposed illumination, ideally with photo montages showing night time impact.
- Landscape proposals plan to show actual numbers and extent of new planting.

On the basis of submitted information, Via is unable to agree with the key assertion that the development will be perceived as contiguous with existing development and that there is no current perception of break between the two settlements. It is accepted that the perception of break is constrained and impacted by the A46. There is also distinction between the low rise residential and agricultural built form of Farndon village south of the A46 roundabout with more urban built form of commercial and larger mass built form north off Farndon Road comprising business park, care home and commercial pub to the.

Despite the height, mass and urban character of the proposed development the magnitude of impact on landscape character is assessed to be of low negligible impact beyond the site itself because the stated backdrop of existing adjacent development. We are not convinced of this argument, given that the apparent lack of substantial mitigation to the periphery of the site and the difference in character of the site to the adjacent built residential development. We therefore do not agree with the conclusions in respect landscape impact particularly in respect of the application site itself, LPZ TW12, Farndon Village Farmlands and the nearby LPZ TW 34Sconce and Devon Park River Meadowlands.

In so far as impact on open break, the argument is made that because of the proximity of commercial and business uses north of the A 46 roundabout, the development will not seem out of



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place south of the roundabout. This argument ignores the current function of the A46 roundabout and perimeter planting to PA freight premises as a delineating boundary beyond which currently built form is either agricultural or residential in character. **We do not therefore agree that the proposals will be seen as uncommon or unexpected.** This is particularly the case when viewed from the south and east where the urbanising impact will be out of character with adjacent land use. The open break policy NUA/OB/1 seeks to maintain a break between settlements in order to retain the distinctiveness of character. The proposed development, which is correctly identified as is being commercial in nature will therefore not only occupy the remaining break between Newark and Farndon, but will introduce a development of commercial nature and imposing form and mass which is out of character to the village of Farndon. Therefore it is at odds with the open break policy as currently expressed.

11. Conclusion

Because of the points identified above Via is unable to support the proposal at this stage, due to the impact on landscape and visual amenity and the departure from the current open break policy.

Yours sincerely

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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	18/01363/FULM (MAJOR)
Proposal:	Proposed residential development for 80 dwellings
Location:	Land Off Lower Kirklington Road, Southwell
Applicant:	CAPLA Developments Ltd

UPDATE – STATUS – APPEAL SUBMITTED

1.0 Background

- 1.1 Members will recall that an application for the above residential development was presented to the Planning Committee on 4th June 2019 for consideration. Members resolved to refuse the application contrary to officer recommendation for the following 4 reasons:

01

In the opinion of the Local Planning Authority, the proposed traffic light junction design comprises an urbanising feature which, together with its associated highway paraphernalia, represents an intrusive and incongruous form of development that would be harmful to the rural character and visual amenities of the area. As such, the proposal is considered detrimental to the site's gateway location and fails to appropriately manage the transition from open countryside into the built-up area of Southwell.

The proposal is therefore contrary to Core Policy 9 (Sustainable Design) of the adopted Amended Core Strategy 2019, Policy So/Ho/5 (Southwell Housing Site 5) of the Newark and Sherwood Allocations and Development Management DPD (2013), Policies DH1 (Sense of Place, DH2 (Public Realm) and Policy SS5 (Lower Kirklington Road, So/Ho/5) of the adopted Southwell Neighbourhood Plan which together form the relevant parts of the Development Plan. The proposal is also contrary to the National Planning Policy Framework and Practice Guidance which are material planning considerations.

02

Policy HE1 (Housing Type and Density) of the adopted Southwell Neighbourhood Plan states that on greenfield sites, all schemes of 11 or more dwellings will be required to deliver 20% of 1 or 2 bedroomed bungalows. This policy identifies a clear, unambiguous local need. There is a complete absence of any bungalows within the proposed development. As such, the proposal is therefore contrary to this policy of the up to date Development Plan.

03

The Newark and Sherwood Local Development Framework comprises an Affordable Housing Supplementary Planning Document (July 2013). At paragraph 3.14 this SPD states that the overall design of development should seek to integrate the affordable housing as part of the overall mix of dwellings and the affordable housing must be of the same style and materials so as to appear visually consistent and indistinguishable from the private housing (tenure neutral). The SPD also states that the Council requires that affordable housing should be 'pepper potted' throughout the proposed development to fully integrate the affordable housing with market housing or if completed in groups, they should be in small clusters.

The proposed layout of the development locates all the affordable houses in one area on the site, separated by hedgerow planting which noticeably and harmfully divorces the affordable homes from the market dwellings. In addition, the proposed design and layout of the affordable units themselves are materially different in appearance to the market housing which makes them readily identifiable. As such, the proposal is harmful to social cohesion and fails to promote social interaction and a sense of community contrary to the principles of sustainable development and contrary to Newark and Sherwood Affordable Housing Supplementary Planning Document (July 2013) which forms part of the adopted Development Plan and is contrary to the National Planning Policy Framework and Practice Guidance which are material planning considerations.

04

In the opinion of the Local Planning Authority the proposal represents a poor design and layout. This has led to a number of compromises including car parking layouts for a number of dwellings that are served by triple length perpendicular parking to the highway which is likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements, an over-concentration of affordable housing in one area of the site and an inappropriate location of the children's play space which in the opinion of the Local Planning Authority should be located more centrally as required by the site specific policy. Together these compromises represent an unacceptable level of cumulative harm and unsustainable development that is contrary to the Development Plan, including Policies Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) from the adopted Amended Core Strategy (2019) as well as policies SD1 (Delivering Sustainable Development), E6 (Climate Change and Carbon Emissions) DH1 (Sense of Place), DH2 (Public Realm) and SS5 (Lower Kirklington Road, So/Ho/5) of the adopted Southwell Neighbourhood Plan as well as the NPPF, a material planning consideration.

- 1.2 These reasons are set out on the decision notice dated 10 June 2019.
- 1.3 The applicant has since submitted an appeal to the Planning Inspectorate which the appellant have requested be heard by way of a Public Inquiry. This appeal has not yet been given a start date albeit the Inspectorate have advised that the appeal will progress by way of a Hearing. Given it is yet to be allocated an Inspector and formally commenced by the Inspectorate, the appeal is not yet in the public domain. As part of the appeal process, the appellant (or the applicant) intends to submit an amended Proposed Layout Plan (Drawing No: 618-2-001 Rev H) for consideration by the Inspector in an attempt to address Reasons for Refusal 2, 3 and 4 listed above in order to narrow the scope as part of the forth-coming appeal procedure.
- 1.4 The applicant/appellant seeks the views of the Planning Committee, who were the initial decision makers, on the proposed amendments to inform the appeal.

2.0 The Revised Proposals

- 2.1 Following the refusal, in July 2019, the applicant submitted to this Council a covering letter dated 4th and up-dated e-mail sent 16th to accompany the submission of:-
 - (i) a revised Proposed Layout Plan (Drawing No: 618-2-001 Rev H);

- (ii) a schedule showing the dwelling mix for the amended scheme compared to the determined scheme; and
- (iii) a copy of the Building Regulations, Part M, to which attention is drawn to the specification therein for 'Category 2: Accessible and Adaptable Dwellings.'

2.2 The applicant/appellant has summarized the amendments incorporated within the revised plan as follows:

- **Re-distribution/dispersal of affordable houses on site. This does not alter the layout or design of the site since the house types remain as previously submitted;**
- **Provision of 16 dwellings for occupation by householders with at least one member over the age of 55 years only (50 % of which would be DDA – Building Regulations Part M compliant – Category 2: 'Accessible and Adaptable Dwellings' as set out within the documents submitted 16 July 2019), in lieu of the explicit provision of bungalows;**
- **Amendments to the dwelling mix (set out within the submitted table received 16 July 2019);**
- **Amendments to the relevant plots eliminating any triple vehicle tandem parking provision; and**
- **Amendment to the existing Public Right of Way shown to the north-east of the application site which accurately presents the direction of travel of the PRoW towards the Southwell Trail.**

2.3 To clarify, there is no change to the layout, design, external appearance, house types, content or description of the development.

2.4 Full details of the revisions can be provided upon request and indeed are available to view on the Council's public access website.

3.0 Departure/Public Advertisement Procedure

3.1 Occupiers of 35 properties have been individually notified by a bespoke letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

3.2 A full re-consultation exercise has been carried out with all relevant consultees and all previous third/interested parties who have been invited to provide further comments on these latest submissions. The responses received are set out below.

4.0 Re-Consultation Responses Received

4.1 **NCC, Highway Authority** - "I refer to revised drawing 618-2-001-H which has been submitted (in part) to address reason for refusal 4: *"In the opinion of the Local Planning Authority the proposal represents a poor design and layout. This has led to a number of compromises including car parking layouts for a number of dwellings that are served by triple length perpendicular parking to the highway which is likely to result in vehicles being parked on the highway due to the inconvenience of such parking arrangements"*.

It is considered that in terms of the 4 & 5 bed properties at plots 14, 15, 18, 19, 30, 31, 32, 43, 44 there is either insufficient parking provided i.e. 2 car spaces instead of the 3 required, or the 3 spaces remain in a tandem arrangement. This does not, therefore, address the parking issue raised in the reason for refusal.”

4.2 NCC, Lead Local Flood Authority – “No objections subject to the following requirements:

- 1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Q_{bar}) from the area.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.”

4.3 NSDC, Planning Policy – “The re-distribution of the affordable units on site is to be welcomed. However by amending which plots are given over to affordable housing the total number of bedrooms available has been reduced from 99 to 44 with the number of 1 bed units being increased from 2 to 8, the 2 beds are reduced from 17 to 12 and the 3 bed units have been reduced by 1. I would defer to the views of Strategic Housing on this matter but this would not appear on face value to be a positive move.

The provision of over 55's dwellings does not directly comply with the need to provide bungalows as set out in the Southwell Neighbourhood Plan although it would go some way to addressing the requirements of the ageing population profile of the district.”

4.4 NSDC, Strategic Housing – “I refer to the decision by the planning authority to refuse the above mentioned planning application on the 10th June and the subsequent application to the Planning Inspectorate to appeal the decision.

I address the Reasons for Refusal and comments made in the Statement of Case (undated but received 29/7/19) and amendments by the appellant pertaining to the affordable housing provision. I also address the lack of discussion around the affordable housing types and subsequent changes:-

Item 2 – Lack of Bungalows

- a) The applicant has chosen not to submit an application with the provision of bungalows. The Council's Strategic Housing Section has requested that two of the affordable dwellings are bungalows, contributing towards meeting the evidenced high level of need for supported housing (which generally includes bungalows) in Southwell. There are 131 applicants on the Council's housing register for this type of accommodation ((July 19).
- b) The offer by the appellant to reserve 20% of the development for the elderly (over 55s) in houses does not address the lack of bungalow or ground floor accommodation in the affordable contribution.
- c) The appellant suggests that a Registered Provider is of the opinion that the site is not well suited to bungalows. Given that the Council will have 100% nomination rights on the affordable housing on this site and that the Council receives on average 22 bids for two bedroom bungalows (July 19).
- d) I conclude that the proposed size of development should include bungalow accommodation to create mixed communities where older people are not excluded. It is important to provide accessible accommodation for our ageing population and the application as it stands does not meet the needs of those in retirement or with accessibility issues.

Item 3 – Affordable Housing Distribution

- a) The proposed distribution of the affordable housing is acceptable in 'pepper-potting' terms and aligns with the guidance contained within the Council's Supplementary Affordable Housing Guidance Note (2013).

Affordable Housing – Proposed Type

The original submitted plan for the affordable housing did not fully address the evidenced affordable housing needs in the area and requirements of the Southwell Neighbourhood Plan the due to the nonprovision of bungalows. The revised plan increases the number of one bedroom units and reduces the two and three bedroom provision and it would have been helpful if the Council's Strategic Housing Team was part of the wider discussion around this proposal. A revised scheme that will be acceptable is offered:-

Table 1 – original proposal and amended plan provided by the applicant

House Type	Bedrooms	Area (Sq Ft)	Originally Submitted Plan			Amended Plan		
			Affordable Rent Only	Affordable Shared Ownership	Total Affordable Housing	Affordable Rent Only	Affordable Shared Ownership	Total Affordable Housing
D	1	495	2	0	2	4	4	8
F	2	775	11	6	17	9	3	12
H	3	1128	2	3	5	2	2	4
TOTAL			15	9	24	15	9	24

Final Proposed Scheme by the Strategic Housing – Table 2

House Type	Bedrooms	Affordable Rent	Shared Ownership	Total
D	1	4	0	4
F	2	8	5	13
F Bung	2	0	2	2
H	3	3	2	5
Total	-	15	9	24

Location of plots – Table 3

House Type	Rent	Shared Ownership	Total
D - 1 Bed quarter house	Plots 24 – 27	0	4
F – 2 bed house	Plots 54, 55, 64, 65, 66, 74, 75, 76	73, 77, 78, 10, 11	13
F – Bungalow (converted from 2 bed houses subject to planner approval)		Plots 2 & 3	2
H – 3 bed house	16, 17, 46	20, 21	5
	15	9	24

4.5 **NSDC, Environmental Health** – No comments to make.

4.6 One further letter of representation has been received from a third party raising concerns that the revised scheme still does not show the vehicle access which currently exists to maintain the dyke system which is on their side of the development and onto their land. The plans are also not showing the existing post and rail fence of the access gate which currently exists and separates their land from the new development. Their main cold water feed runs through the development which will need to be moved at the expense of the developer as they believe it is illegal to leave a household with no water.

5.0 **Comments of the Business Manager**

5.1 Each reason for refusal will be addressed in turn below.

5.2 Reason 1 (traffic lights) - The revised scheme has retained a traffic light junction design along Lower Kirklington Road. This reason for refusal has not been addressed and is therefore still relevant. It is my view that Members previous concerns have not been overcome.

- 5.3 Reason 2 (no provision of bungalows) – The revised scheme seeks to address this issue through the designation of 16 no. (20%) of the two storey dwellings on the site to be occupied by householders with at least one member over the age of 55 years and 8 no. (50%) of which would be compliant with DDA – Building Regulations Part M – Category 2: ‘Accessible and Adaptable Dwellings.’ Consideration has been given as to whether the new proposal represents an appropriate replacement in lieu of the bungalows required by the Neighbourhood Plan. Taking into account the comments of the Council’s Strategic Housing Officer, and notwithstanding and without prejudice to the previous officer recommendation for approval, this does not overcome the concerns raised and it is recommended that Members continue to object on these grounds with no proposed changes to the wording of Reason for Refusal 2.
- 5.4 Reason 3 (disposition of affordable housing units) – The revised scheme seeks to address this issue through the re-designation of housing between affordable and market units, so that there is a greater dispersal of both types of housing through-out the scheme. It is considered that the amended layout presented represents a significant improvement and does address the previous concerns raised in this regard. However, as identified by the Strategic Housing Officer, there has been a resultant adverse impact on the mix of the affordable housing offer, with an increase of 6 no. 1-bed units and a reduction of 2 bed units (by 5 no.) and three bed units (by 1). In addressing the harm identified regarding the over-concentration of affordable units in one area of the site, it has resulted in a change in the affordable mix provision, and which therefore represents an additional further compromise to the previously considered scheme. Taking into account the comments of the Council’s Strategic Housing Officer, the reason for refusal 3 has been adequately addressed but has resulted in additional, alternative harm. It is recommended that Members consider withdrawing their objection to Reason for Refusal 3, but it should be made clear to the Planning Inspector that deals with the appeal, that should they accept that the revised scheme can form part of the appeal consideration that the Council would object to this scheme on the grounds of inappropriate affordable housing mix instead.
- 5.5 Reason 4 (poor design and layout) – The revised scheme seeks to address this through the stated elimination of any triple vehicle tandem parking provision. However, it is clear from the comments of the Highway Authority that these concerns have not been addressed. The revised plan shows the children’s play space in exactly the same position on the site and so this concern has not been addressed. Whilst the overconcentration of affordable housing element has been addressed, all other elements remain as outstanding concerns.

6.0 Conclusion

- 6.1 Notwithstanding the previous officer recommendation to the Committee, having assessed the changes advanced I would suggest that only one issue that Members previously raised has been successfully addressed (the dispersal of affordable housing) but in amending this element, additional harm (in the form of a less appropriate housing mix) has been identified by officers.
- 6.2 The views of the Planning Committee are therefore sought as to whether their previous concerns set out in Reasons 2, 3 and 4 on the previous refusal notice have been addressed in any way through the submitted amendment.

7.0 RECOMMENDATIONS that:

- (a) in light of the above, notwithstanding and without prejudice to the previous officer recommendation for approval, the recommendation put before Members is that the Council should defend all of the existing Reasons for Refusal, with the exception of Reason 3 and this should be reflected in the narrowing of the scope of Reason 4.**
- (b) however, it is also recommended that should the Planning Inspector dealing with the appeal allow the consideration of these revisions as part of the appeal proposals, then it should be made clear as part of the appeal process, that the view of Members is that this scheme results in additional harm on the grounds of the resultant inappropriate affordable housing mix.**

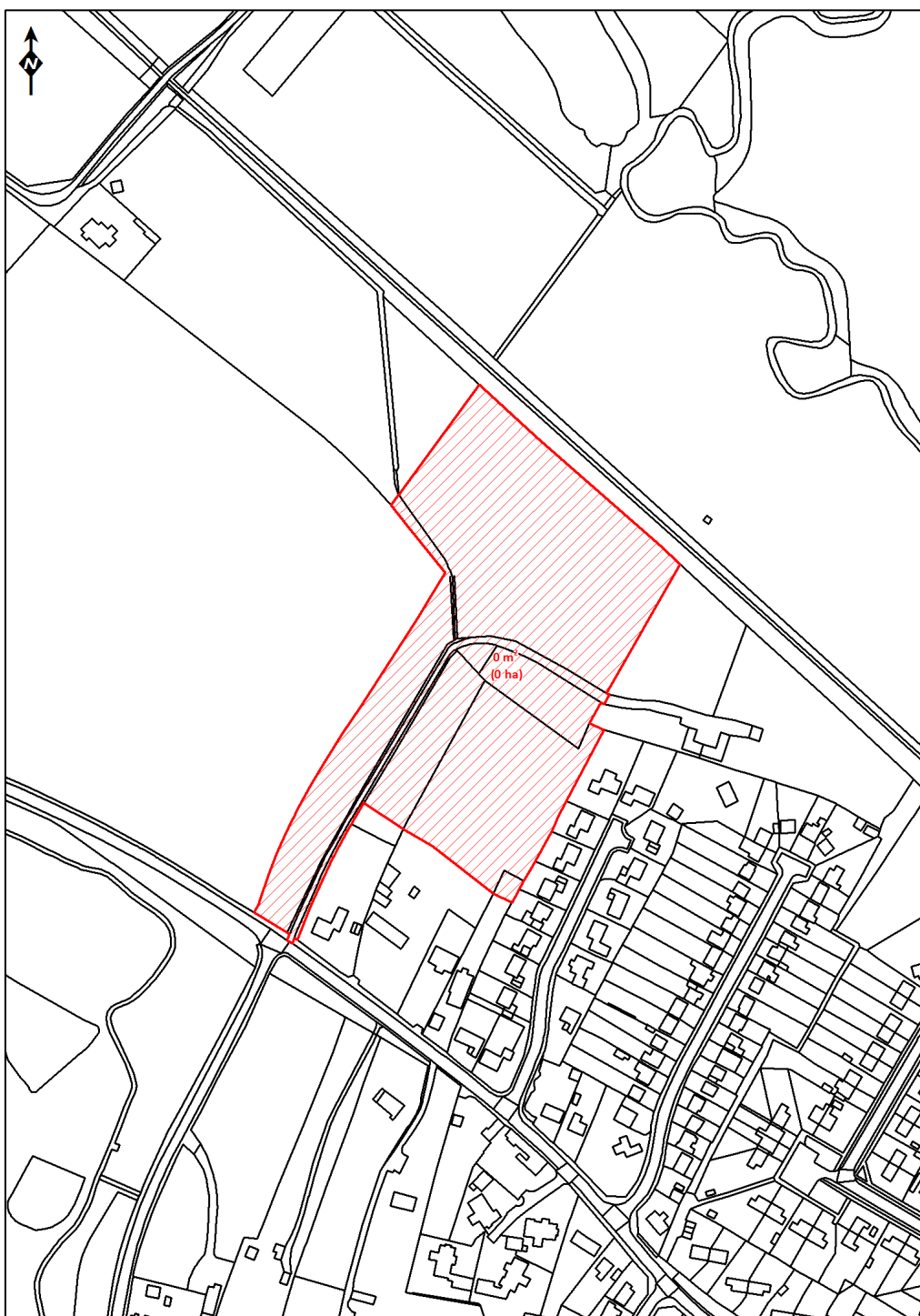
Background Papers

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	18/01639/FULM		
Proposal:	Extensions to South Collingham Nursing home to create 24no. extra care apartments (19no. two-bed., 5no. one-bed), conservatory and relevant ancillary spaces following the demolition of existing detached building to the east and demolition of existing single storey extension to the north and courtyard.		
Location:	South Collingham Nursing Home, Newark Road, Collingham, Nottinghamshire, NG23 7RD		
Applicant:	Mr Bill Nunn		
Registered:	17 September 2018	Target Date: 17 December 2018 Extension of time agreed in principle	

The application is reported to Committee as the recommendation of the Parish Council is contrary to the Officer recommendation.

The Site

The site is situated at the southern end of the village of Collingham, just within the village envelope and Conservation Area for the village. The site comprises a large villa type building, built as part of the architectural phases that came after Arts and Craft in the 30s-50s where a Georgian Revival style became popular. The building is typified by hipped roofs, hipped dormers, overhanging eaves, large external chimney stacks and small paned vertical sliding sashes. There have been various low level, flat roofed additions constructed over time to the rear of the building.

The building is set within large grounds and can be accessed from Newark Road and Dykes End with open views south across the fields which lie beyond the site's southern boundary. Neighbouring properties lie approximately 40m to the north of the main building and 50m to the east which are screened by vegetation. The Lodge, a Grade II Listed Building situated on Dykes End, lies to the west.

The building is currently a privately owned care home facility, providing accommodation for elderly residents, many of whom have physical or mental disabilities. The home currently provides 35 rooms for residents.

Relevant Planning History

01/01772/FUL - Erection of 2 detached dwellings (permitted 23.09.2002) within the grounds of the hall; this permission has not been implemented and has now time expired.

The Proposal

Full planning permission is sought for the demolition of buildings to the rear of the principal unit and the erection of extensions to the principal building to create 24no. extra care apartments – 19no.2-bedroom and 5no.1-bedroom. The building would also provide facilities for residents, including:

- Hairdressers
- Dining area
- Shop
- Lounge
- Bar
- Sun lounge.

Additionally a kitchen/laundry and office/staff room would be provided.

The demolition proposed relates to modern flat roof additions to the rear that are of no architectural merit. A single storey flat roof addition to the northern elevation is also proposed to be demolished. The footprint of the building to be demolished equates to 190m².

The extensions proposed equate to an increase in footprint of 610m² and proposed floorspace of 1523.4m². The extensions are proposed mainly to the rear (east) of the existing building and would incorporate a glazed atrium in the centre of the addition. The extensions have been designed to retain the existing chimney stacks on the building.

Along the southern elevation the extension would step down from 2.5 storey to 1.5 storey, reflecting the design of the host building in terms of roof pitch and window design. The extension here would measure 25.6m in length and between 10.2m and 7.8m in ridge height. Here a single storey conservatory is proposed to be attached to the original building measuring 5.5m in depth, 15.7m in width and 4.6m in height to the apex of roof lantern. The conservation would have a flat roof with roof lantern.

To the eastern elevation it would be 1.5 storey in height with 7no. Conservation-type rooflights positioned in the roof. This extension would measure 26m in length and 7.8m in ridge height.

The proposed northern elevation would be stepped in from the side elevation of the original building and measure 25.6m in length and 7.8m in ridge height. 2no. Conservation-type rooflights would be located over the proposed library facing northwards with 3no. rooflights proposed on the western roofslope of the extension serving an apartment.

A 1.5 storey extension is also proposed to replace an existing flat roof extension along the principal elevation of the building. This extension would measure 11.4m in length, 7m on width and 7.7m in ridge height. The extension would include 2no. pitched roof dormers to the principal elevation, matching the roof and window design of the principal building.

Access to the site would remain as existing with 23no. parking spaces proposed to the front and side of the building. No parking is proposed along the entrance from Dykes End.

The application has been amended since submission to address concerns from the Officer, internal Conservation team and NCC Highways. The amended scheme is reflected in plans received on 21 February 2019 and 9th August 2019 (second floor plan only) and this report and recommendation to Members relates to these amendments.

Submitted Documents

The following documents accompany the application:

- Site location plan - 18030-A-0001 Rev.P02
- Site Survey Plan - 18030-A-0002 Rev.P01
- Existing floor plans (ground and first floor) - 31287_02_P Rev.0
- Existing floor plans (second floor and roof plan - 31287_03_P Rev.0
- Existing Elevations - 31287_04_E Rev.0
- Existing Outbuilding Elevations - 31287_05_E Rev.0
- Proposed Site Plan – 18030-A-2001 Rev.P08
- Proposed Visuals – 18030(50)5001-8 Rev.P08
- Proposed ground floor plan - 18030-A-3001 Rev.P06
- Proposed first floor plan - 18030-A-3002 Rev.P07
- Proposed second floor plan - 18030-A-3003 Rev.P07
- Proposed roof plan - 18030-A-3004 Rev.P05
- Proposed elevations – 18030-A-4001 Rev.07
- Design and Access Statement (received 20th March 2019)
- Heritage Statement (dated September 2018)
- Transport Statement (dated 28.09.2018)
- Protected Species Survey (dated October 2018)
- Bat mitigation and compensation roost location and details 18030-A-2005-P02
- Bat activity surveys (dated 17.07.2019)

Departure/Public Advertisement Procedure

Occupiers of 19 properties have been consulted on the application. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Amended Newark and Sherwood Core Strategy Adopted March 2019

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

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 DM10: Pollution and Hazardous Materials
 Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework (NPPF) 2019

National Planning Practice Guidance (PPG) 2014

Collingham Conservation Area Appraisal 2006

Nottingham Outer Housing Market Area Strategic Housing Market Assessment (2015)

Consultations

Collingham Parish Council – (Comments 2 November 2018) - Object to the proposal for the following reasons, having previously objected for similar reasons:

The Parish Council considered the application 18/01639/FULM to extend the existing South Collingham Nursing Home to erect three storey east extension, which is composed of 25 No. two bed and 6 No. one bed extra care apartments, conservatory and relevant ancillary spaces. The overall created floor space is approximately 2850m² over three floors and the building will be built in red brick and grey roof tiles to match existing. The proposal also includes demolition of existing detached building to the east; and demolition of existing single storey extension to the north and courtyard at the meeting of 25 October 2018

The Parish Council is aware of a residents concerns which have been conveyed to the District Councillor and the Planning Department.

The Parish Council resolved unanimously to Object to this Proposal on the following Material Planning grounds:

- Access & Traffic
 - The entrance onto Dykes End is very narrow and the visibility splays at the junction of Dykes End and High Street (along with every other junction onto the High Street) is insufficient for the volume of traffic along the High Street
 - The location of the entrance on Newark Road is adjacent to the bus stop with limited visibility to the bend, which is further restricted when a bus is stopped
 - The end of the village 30mph limit is very close to the Newark Road entrance and vehicles are speeding up as a result – additional vehicles at this entrance are therefore likely to encounter vehicles travelling at speeds in excess of the speed limit. This could be addressed with the extension of the 30mph limit in a southerly direction
- Design and visual impact – there is insufficient supporting information with the application about the internal design and facilities being provided
- privacy/daylight/sunlight – there is insufficient carparking on site for the size of the development, if the carparking is not provided on site, this is likely to move to the highway, which will increase parking close to/around substandard junctions and lead to an increase in accidents

In conclusion, the Parish Council feel that as the LDF is currently being reviewed and does not include this area of land for development, this application is not in line with that policy and therefore planning should not be granted for that reason.

NSDC Conservation Officer – Updated comments from 1 March 2019, having previously raised objections in October 2018.

“Further to the submission of revised plans received 21 Feb 2019, these seem to be a final iteration of our extensive negotiations and so I now submit my formal Conservation comments.

While I accept the building has not been marked as such in the Conservation Area Appraisal, I would consider that this is an attractive and positive building within the Conservation Area of Collingham and that this is an omission that would be rectified at next review. It is not always possible to view all buildings from the public realm so inevitably some get missed but can be identified at pre-app or application stage.

The building is a large villa type building, built as part of the architectural phases that came after Arts and Craft in the 30s-50s where a Georgian Revival style became popular. The building is typified by hipped roofs, hipped dormers, overhanging eaves, large external chimney stacks and small paned vertical sliding sashes. There have been various low level, flat roofed additions which do not complement the building and are of no architectural or historic interest. The building is set within large grounds. The building is quite visible from the south looking back north and it is important to be sensitive to the impact of the proposal in this view.

The proposal is for a large extension to the existing care home, which I understand is in response to a growing demand for more units of independent type flats, within a larger complex. I am sympathetic to the desire to extend this facility and accept there is a public benefit to the use which could weigh in the balance of this application.

The size of the additions are undeniably large, and larger than would normally be considered were this a private house for example. However, we have worked on trying to gain a balance with providing a proven need for more care home accommodation and minimising impact to the host building and the conservation area.

The resulting form carefully reflects the best design qualities of the host building, while stepping down in size and volume to preserve the form and primacy of the main house and make the additions as subservient as possible. I also accept that modern unattractive elements will be lost and the resulting form has more cohesion than the site currently does.

While the additions are more extensive than is ideal and as such do rival the main house in footprint, the overall impact and harm in other respects has been minimised through careful design. I find this harm to be at the lower end of less than substantial harm to both the host building and the wider Conservation Area. In relation to Conservation Areas, the decision maker should be mindful of Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 which states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'. Case law has shown that in this context 'preserve' means causing no harm and that the statutory duty here is a high test, and not simply a material planning consideration like any other. The decision maker should give special attention to this statutory test in consideration of the overall planning balance."

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

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

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

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

NSDC Environmental Health (Contaminated Land) – *No observations in relation to land contamination.*

NSDC Environmental Health – *No comments to make*

LCC Archaeology – *No archaeological input required.*

NSDC Planning Policy – after setting the policy context the following comments were made in respect of the original proposal; the thrust of which remains relevant for the revised scheme

'...The proposed extension appears to be within the Village Envelope so would be acceptable in terms of location unless other material considerations indicate otherwise. The granting of permission for 31 new dwellings would make a beneficial contribution to the overall supply of housing. A development of this scale would have a significant impact upon the Conservation Area in which the property is set, and I defer to colleagues in Conservation for an assessment of this.

As my colleague pointed out in response to consultation on PREAPP/00105/18, which concerned a smaller addition to the same property, there is an identified need for the type of dwellings proposed here. The Nottingham Outer Housing Market Area Strategic Housing Market Assessment 2015 sets out details of projected future housing need. Table 75 on page 210 of this document indicates that by 2033 there are likely to be significant increases in the numbers of people in Newark & Sherwood District with dementia, and those with mobility problems. Table 93 on page 242 estimates that there is a need for 74 additional specialist units of housing for older people in the District per annum, including sheltered and extra care homes.

While the contribution to housing supply that this proposal represents is welcome, this must be balanced against other impacts, particularly on the Conservation Area.'

NCC Ecology – No comments received

NCC Highways – Most recent comments received 19 March 2019

Drawing 18030-A-2001-P08 is acceptable.

In line with previous comments the following condition is sought:

No part of the development hereby permitted shall be brought into use until the access off the A1133 has been designed and thereafter improved to a standard that provides a minimum width of 5 metres for the first 7 metres from the rear of the carriageway edge in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway in the interests of highway safety.

Note to Applicant:

The development makes it necessary to improve 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 the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

Previously commented on 5 March 2019

Further to comments dated 7 November 2018, further submissions have been received and I refer to drawing 18030-A-23001-P07.

This new plan has significantly less car parking provision (12 spaces) than that previously seen on drawing revision P04 (23 spaces). Either this should be justified or provision restored to 23 spaces. It should also be noted that the car parking for staff and visitors previously appeared to be at the correct level of provision, but this assumed that residents of the extra care apartments will not own their own cars. If this is incorrect then perhaps further provision should be made.

If neither the newly submitted parking provision can be satisfactorily justified, nor extra provision made, then the application should be refused since it is likely to generate on-street parking to the detriment of the safety and amenity of other road users.

If the application is to be approved however I would refer you to the previously suggested condition

Comments 7 November 2018 -

Further to comments dated 2 October 2018, further submissions have been received to include the access to the A1133 and a Transport Statement.

Shift patterns are such that peak traffic hours should remain unaffected by the development.

Car parking for staff and visitors appears to be at the correct level of provision, but this assumes that residents of the extra care apartments do not own their own cars. If this is incorrect then perhaps further provision should be made.

Notwithstanding the above, additional use of the access off the A1133 will occur. On this basis, the access should be improved to ensure that one car can pass another in the mouth of the junction without impeding flows on the A1133. Currently the access narrows quickly down from about 5m at the main road carriageway edge to 3.25m at the gateway. Minor widening should be made to increase the length of driveway with a 5m width, towards the gates from the A1133.

No objections are raised subject to the following condition (previously suggested condition and notes as previously set out are then repeated)

Comments from 2 October 2018 requested for more information including details of access widths, details of traffic generation including existing traffic movements and staffing levels and proposed levels of parking provision.

NCC Quality Market Management – No comments received

NCC Rights of Way – No comments received

NHS Greater Nottingham Clinical Care Commissioning Partnership – No comments received

Ramblers Association – *Collingham Footpath 6B runs well to the south of the proposed development and we have no objection.*

Environment Agency - No comments received

Trent Valley Internal Drainage Board – No objection to the proposal

Nottingham City Council Care and Support - No comments received

Clinical Care Commissioning Group – No response received

NSDC Access & Equalities Officer – *It is recommended that the developer be advised to give consideration of inclusive access to and use of the proposals, with particular reference to access and facilities for disabled people. In addition to Approved Document M of the Building Regulations, BS8300:2018 - Design of an accessible and inclusive built environment. Buildings and external environment - Codes of practice contain useful guidance in this regard.*

Access to, into and around the proposal should be carefully considered throughout as well as access from the edge of the site and car parking where appropriate provision for disabled motorists should be available, together with provision of suitable accessible facilities and features throughout. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

NSDC Strategic Housing – *‘I note they are extra care apartments. The Council’s Affordable Housing SPD (2013) policy states:-*

3.18 As set out in Core Policy 1, the Council does not normally encourage off-site contributions. If such contributions are deemed appropriate, because of the characteristics of the scheme proposed, the Council will require a financial contribution of equivalent value to that which would have been secured by on-site contribution, taking into account the additional market housing that would be provided due to there being no on-site affordable units.

The circumstances that the Council will consider off-site provision of affordable housing may include:

- instances involving the provision of sheltered or specialist housing – where assistive technology, warden or care services are required on site,*
- instances where provision of a particular dwelling type is envisaged, initially, but where housing need in the locality would be better met by alternative provision nearby, or*
- instances involving housing management considerations, including considerations of cost and practicality.*

3.19 In the circumstances mentioned, the Council and a developer may agree to negotiate a commuted sum towards affordable housing provision off-site. This may include lower levels of affordable housing and a commuted sum payment. Alternatively, subject to the Council's agreement, a developer may propose an alternative site for the required housing.

Sheltered accommodation and extra care provision is considered as Use Class C3 and if this is delivered by a social housing provider then its classed as 100% affordable housing, where its market provision such as McCarthy and Stone then we would be seeking an off-site affordable housing contribution. If it is Use Class C2 i.e. Residential nursing care (including end of life/hospice care and dementia care home accommodation) then its Use Class C2 and in my view should be exempt.'

Comments of the Business Manager

Principle of Development

The Council is satisfied it can demonstrate a 5 year housing land supply and that the development plan is up to date for decision making purposes.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2019), forms the Local Development Framework Development Plan for Newark & Sherwood. Collingham is designated as a Principal Village within the Settlement Hierarchy set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 2 of the Core Strategy sets out that 10% of housing growth within Principal Villages will be focused in Collingham. In addition to the above, whilst the proposal seeks extra care units, which fall within the C2 use class, in terms of planning policy, these are considered to be residential units and therefore must meet the aims of the policies outlined above.

Nottingham Outer Housing Market Area Strategic Housing Market Assessment (2015) suggests that there is projected to be a large rise in the number of people with dementia (up 86%) along with a 73% increase in the number with mobility problems and Newark & Sherwood looks likely to see the most significant increases. The Assessments includes extra care housing as a housing option to help react to these increases and suggests an identified need for 1,489 additional specialist units of housing for older people in the District between 2013-33, including sheltered and extra care homes.

The most-eastern part of the red line boundary lies outside the village envelope, however the extension proposed would lie within the envelope. The principle of new development on land considered to be within the main built up area of the settlement is therefore appropriate subject to any proposals according with wider local and national planning policy considerations which are discussed further below.

Furthermore, the site lies within the Conservation Area for Collingham. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and setting of the Conservation Area.

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 seeks to promote local distinctiveness and ensure that the overall scale, density and massing (amongst others) relate to neighbouring building and the local area more generally.

South Collingham Nursing Home is an attractive building and whilst not identified as a local interest building, its features and overall design positively contribute to the setting of the conservation area and is clearly visible from nearby public footpaths which run to the south of the site; views from these footpaths are considered to be important within the Conservation Area Appraisal for Collingham and therefore any impact should be carefully considered.

The principle of an extension is considered to be acceptable owing to the location of the building within the village envelope and the identified need for extra care units across the district and the wider Nottinghamshire area. However, the site is sensitively located, with open views from a public footpath to the south and therefore the need for this type of development needs to be weighed up against the impact upon the character and appearance of the Conservation Area.

Discussions have been held between the applicant and LPA during both pre-application stage and this formal application to help achieve a balanced proposal that addresses all material planning considerations. The scheme proposed now is a significantly reduced scheme from that initially proposed and I am comfortable that the design now complements the design of the original building. Whilst I accept that the scale of the extensions is substantial and greater in footprint than the original building, the extensions have been designed to sit lower than the principal building and therefore in my view do not dominate the significance of the main building. The overall design and materials remain consistent with the Georgian Revival style and retain key features of the building, including the large chimney stacks. There is also an element of overall improvement to the appearance of the site through the removal of the modern additions to the rear of the building, which I consider appropriate to weigh in the balance.

The most prominent view of the site is from the public footpath to the south of the site. Whilst there is some distance between the site and the footpath, the building is still clearly visible and the proposed extensions would significantly alter the current view across to the site. However, Officers have worked with the applicant to reduce the dominance of built form from this view and sought to ensure that the appearance of the extension reflects the design of the host building.

Turning to the impact upon the historical setting, Members will note that the internal Conservation Officer has provided extensive comments on the proposal in terms of its impact upon the Conservation Area. It is considered that South Collingham Hall is an attractive building and whilst not identified as a local interest building, is a positive feature of the Conservation Area. The Conservation Officer has again highlighted the scale of the proposed addition but has also commended the scheme for its careful design to minimise the overall impact and harm of the additions. It is therefore considered that the proposal is at *'the lower end of less than substantial harm to both the host building and the wider Conservation Area. In relation to Conservation Areas, the decision maker should be mindful of Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 which states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.* Case law has shown that in this

context 'preserve' means causing no harm and that the statutory duty here is a high test, and not simply a material planning consideration like any other. The decision maker should give special attention to this statutory test in consideration of the overall planning balance.'

Paragraph 196 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* In this instance the proposed additions would help meet an identified need for extra-care units in the District, and in a sustainable location close to local services, which I would consider to be a public benefit that would outweigh the harm to the Conservation Area. In coming to this view I have also taken in to account the benefit to the appearance of the site in removing the modern rear additions.

Impact Upon Neighbour Amenity

South Collingham Nursing Home is located on the edge of Collingham and as such much of the neighbouring development is located to the north of the site. Residential dwellings lie along the northern boundary of the site and are accessed via Dykes End. In terms of proximity to the red line boundary, nos.28-32 Dykes End are located closest to the site's boundary, although in terms of the proposed built form, nos.20-26 Dykes End would be closest to the development with their gardens adjoining the site; the closest dwelling is located here would be 20m from the shared boundary. There are also 3 properties to the west of the site which are located further from the main building.

As part of the discussions held with the applicant, amendments to the design took in to account the potential impact upon neighbouring properties through overlooking, overshadowing and overbearing impacts and as a result the revised scheme has proposed a 1.5 storey element along the northern elevation to protect both the neighbours' privacy and that of the occupiers' of South Collingham Hall.

Turning first to overlooking, the proposal has been designed to limit this from rooms on the northern elevation. Following revisions to the scheme, there are now no windows on the northern elevation that would serve apartments. There are 2no. rooflights proposed to serve the library however these could be conditioned to be obscurely glazed and non-opening to protect privacy and I consider it appropriate to recommend this condition to Members. There is a dormer window on this northern elevation, however this is an existing window and therefore would not result in any further overlooking from that currently achievable.

Rooflights are also proposed on the eastern elevation looking towards 28 Dykes End. Here there is a separation distance of 20m between the built form of the Hall and the site boundary, increasing to 28m between the two properties, which I consider sufficient to limit any overlooking issues.

I am mindful of the comments received regarding the impact of neighbouring properties and accept that the outlook from these properties would change as a result of the extension, however the proposal would be set in from the boundary by 7m but 27m from the closest dwelling and along with the modest height of the proposal along the northern elevation, I do not consider the proposal likely to have such a detrimental impact upon neighbour amenity so as to warrant a reason for refusal. I would however recommend to Members that should they be minded to approve the application, a condition to request landscaping details post-decision to be submitted to ensure that there is sufficient screening for all residents.

Concerns have also been raised with regards to noise disturbance. The care home use has already been established and as the LPA cannot assess the acceptability of the use. I am mindful that an additional development could create more noise than a C3 use owing to coming and goings of vehicles and visitors, along with associated requirements to care for elderly residents, however given the use is to continue I would not expect the extension to significantly increase noise disturbance.

In terms of the amenities of the occupiers of the Hall, there would be several on-site facilities available to assist with day-to-day needs. Limited detail on the provision of facilities within the apartments has been provided at this stage but it is understood that they would be largely self-contained. I do however consider it reasonable to recommend a condition regarding the shop, hairdressers and bar to be for the use of residents only to ensure that the amenities of both the occupiers and neighbouring residents are protected, as well as limiting additional traffic to the site.

Given the above, I am of the view that the proposal complies with the aims of 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 and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

The proposal for 24 units has the potential to significantly impact upon the highway network. I am mindful of the existing use of the building and the argument that some residents may not have a private car, however the change to extra-care units suggests that residents would have a greater independence than the current residents living in the nursing home and thus it could be argued that it would be more likely for residents to own a car and therefore parking provision and safe ingress and egress from the site remains important.

There are currently two entrances to the site, one from the A1133 and the other from Dykes End, the latter being very narrow and not suitable for regular use from a Highways perspective. It is however noted that this access is currently used and as the number of spaces is not proposed to be significantly increased. I feel it would be difficult to insist on the redundancy of this access. As such, to encourage vehicles to use the entrance from the A1133, it has been recommended that most parking spaces are provided to the front and south of the main hall to deter vehicles entering from Dykes End. This is reflected in the plans submitted.

The building is set back from the A1133 and is served by a long driveway. The entrance is marked by two gate piers and an iron-bar gate. Subject to improvements to this entrance, by way of condition, the Highway Authority have raised no objection to the scheme. In order to ensure that the use of the Dykes End entrance is minimised, I would also recommend that Members consider an additional condition to ensure that the parking spaces shown on the proposed plans are provided prior to occupation of the extension and retained for the lifetime of the development.

Impact on Biodiversity

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development.

The development would involve the demolition of several buildings to the rear of the main home. These buildings could provide habitats for bats. The development also includes conversion of loft space in the main building which provides potential habitat space for nesting birds and bats. As such a protected species survey has been carried out prior to formal submission.

In terms of findings, evidence of bats was recorded within the loft space of the main nursing home and the survey suggests that there is a maternity roost present within the main nursing home building. Following this, Officers requested the applicant carry out an Emergence Survey to allow further information on bat movements to be collated. The survey found a significant number of bats within the vicinity of the site and indeed using the building (147 bats were counted on the second survey). Clearly, the proposal has the potential to have a significant detrimental impact upon the habitat currently provided by the building; the protection of bats is covered by separate legislation, however the LPA also have a duty to ensure that development does not result in harm to ecology in accordance with Paragraph 175 of the NPPF.

The proposed extension to the eastern elevation of the building will abut the location of two bat roosts present within the existing roof spaces. Therefore, it is recommended that the site provides bat boxes as well long term roosting opportunities within the building post-works. The boxes will provide short-term roosting opportunities on site during the works period until long term provision is provided. In terms of long term provision, the Emergence Survey has recommended that a roost is retained within the loft space that can be accessed through slots within the roof tiles and roofing felt (1F roofing felt would be used as it is considered to be 'bat-friendly'). Plans have been submitted showing the provision of this space which is considered to be appropriate and the applicant has provided confirmation from the Ecologist who undertook the survey that the proposed bat space is sufficient; it has resulted in the loss of 1no. apartment as shown in an amended second floor plan received on 9 August 2019.

In addition to the above, the applicant has provided a plan to show the proposed location of bat boxes within the site. Should Members be minded to approve the application, I would recommend that the locations are conditioned along with their installation prior to commencement of development to ensure there are appropriate spaces to relocate any bats found during construction. The development and mitigation measures would also be covered under the EPS Licence that would be required by law to cover the development.

In addition to bats, the surveys carried out have also found evidence of nesting birds in the boiler room building to the rear of the Hall, with other external building features and vegetation within the site also identified to offer potential for nesting birds. It is therefore recommended to Members that the provision of bird boxes within the site is conditioned to ensure that habitat is provided for them post-development.

On the basis that the development fully accords with the recommendations of the bat survey, and the details submitted as part of this planning application, I am of the view that the harm to ecology can be effectively mitigated to ensure that there is no detrimental impact to the bat population using the site.

Developer Contributions

The proposed extension and increase in residential units technically triggers the need for contributions from the developer in accordance with Policy DM3 of the DPD and the Council's Developer Contributions Supplementary Planning Document.

Affordable Housing

In accordance with local planning policy, proposals for residential units of 11 or more units are expected to provide a minimum of 30% affordable housing within the site. However the NPPF makes clear (para. 64) that on major developments (which this is) at least 10% of the homes should be for affordable housing. Exceptions however include the provision of '*specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)*'.

Given the scheme is for extra care units associated with the care home, I do not consider it appropriate to request that affordable housing is provided on the site taking into account the national planning policy context. This is because the scheme will contribute significantly in addressing both current and future growth in older people and frail older households in the district. It will also contribute to the wider strategic priorities of the Council and accords with the evidenced housing need for supported accommodation identified in the DCA Housing Needs Market and Affordability Assessment 2014 and the Strategic Housing Market Assessment from 2015.

I would therefore not expect the developer to make any off-site contributions for affordable housing in this instance given that the housing proposed would not be 'open market' housing. To ensure that the accommodation does not become a C3 use in the future without the appropriate consent from the LPA (whereby contributions can be reassessed), I would recommend a condition to restrict the use to persons over the age of 55 years old should Members be minded to approve the application.

Other Contributions

Due to the type of development proposed, it is also not considered reasonable to request contributions for primary education, given that residents would be over 55, nor open space given the provision of private amenity space provided for residents; it is not considered likely that residents are likely to require additional open space, nor likely to use additional provision unless it were to be walking distance from the site.

In addition to the above, the SPD usually requires development of this size to provide contributions towards health, community facilities and libraries. In the case of this proposal, by nature of it being a care home, these facilities will be provided for within the building and therefore external provision is unlikely to be required. With regards to healthcare contributions, I am mindful that the age of residents could put additional strain upon health services within Collingham. The local NHS clinical commissioning group (CCG) are aware of the application but have not provided any information on the current capacity of local health services, nor have they sought for any contribution towards future provision. I therefore do not consider it reasonable to seek such a contribution from the developer.

Planning Balance and Conclusion

The proposal is for the demolition of 180m² of modern extensions to the care home followed by the erection of a large extension to provide 24 extra care units. The provision of extra care units is supported in principle by local and national planning policy, with the District needing an additional 1,489 additional specialist units of housing for older people between 2013-33.

The proposed addition to the existing care home would provide an additional 1523.4m² of floorspace which is considered to be substantial and would equate to a floorspace greater than the original building. However, the proposal has been designed to sit subservient to the host building so that the significance of the Hall is not lost or consumed by extensions. It is acknowledged that there would be some harm to the Collingham Conservation Area, and the important views into this designated area identified within the Conservation Area Appraisal, however in weighing up the harm it is clear that there is a public benefit to the scheme in that it would be providing extra care units, and within an existing C2 use class facility, and as such on balance it is concluded that the heritage harm is outweighed by this public benefit.

Turning to matters of amenity and highway safety, these were issues raised by both local residents and the Parish Council. The Hall is currently used as a nursing home and the proposed use would fall within the same use class and thus I would not expect the use to have any greater impact upon neighbour amenity. It is acknowledged that the outlook from the neighbouring properties along Dykes End would change significantly owing to the large extensions, however outlook cannot be protected and the separation distances between the Hall and the neighbouring properties is sufficient so as to limit the overshadowing and overbearing impacts; furthermore, it is recommended conditions are imposed to prevent additional overlooking.

In terms of highway safety, sufficient parking spaces are proposed to be provided that would be commensurate to the use. The concerns relating to the access from Dykes End have been assessed and given that this is an existing entrance and an end use with a similar vehicle movement pattern, it is considered unreasonable to request this entrance is closed off. However, in an attempt to address the issue, parking spaces have been relocated to the front of the building to encourage drivers to use the main entrance from the A1133. The Highway Authority are satisfied with this approach.

Throughout the application it came to light that bats were found to be roosting within the main building and as such the application process was delayed with the requirement for additional surveys. Recommendations of the survey seek the provision of appropriate roosting spaces which the applicant is agreeable to and is reflected in amended plans, with conditions also proposed for Members to consider.

Taking into account the provision is for extra care apartments associated with a care home, it is not considered that the scheme warrants developer contributions in the form of the usual suite of developer contributions. No request for funds, nor indeed an associated justification regarding health contributions that could arise from the development has been advanced by the Clinical Care Commissioning Group.

On the basis of all of the above, it is concluded that whilst the proposal is of a significant scale, it contributes to the District's need for extra care units without significant harm to the Collingham Conservation Area. Furthermore, the proposal is considered to be acceptable in terms of its impact upon amenity, highway safety and ecology in accordance with local and national planning policy. The proposal is therefore on balance recommended for approval, subject to the conditions detailed below.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site location plan - 18030-A-0001 Rev.P02
- Site Survey Plan - 18030-A-0002 Rev.P01
- Proposed Site Plan – 18030-A-2001 Rev.P08
- Proposed ground floor plan - 18030-A-3001 Rev.P06
- Proposed first floor plan - 18030-A-3002 Rev.P07
- Proposed second floor plan - 18030-A-3003 Rev.P07
- Proposed roof plan - 18030-A-3004 Rev.P05
- Proposed elevations – 18030-A-4001 Rev.07
- Bat mitigation and compensation roost location and details 18030-A-2005-P02

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

Before any construction occurs above damp proof course (DPC), a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

05

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
- Rainwater goods
- Coping
- 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.

06

The rooflight window opening on the northern elevation serving the library 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.

07

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;
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

08

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

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

09

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

010

The development shall be carried out in accordance with the recommendations and good practice procedures set out in the letter (regarding Bat Activity Surveys) from Jenny Hills (EMEC Ecology) date 17th July 2019 unless otherwise agreement in writing by the local planning authority.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

011

In accordance with the recommendations set out in the letter from Jenny Hills (EMEC Ecology) date 17th July 2019, the bat roost boxes as shown on plan reference 18030-A2005 rev.P02 shall be erected on trees close to the west of the site prior to commencement of development and they shall remain in situ for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford temporary compensation/protection during construction works to protected species and to achieve ecological enhancements in the longer term in line with the Core Strategy and the NPPF as submitted by the applicant in their ecological submission.

012

In accordance with the recommendations set out in the letter from Jenny Hills (EMEC Ecology) date 17th July 2019, the permanent bat loft space as shown on plan reference 18030-A-3003 Rev.P07 shall be provided at the eastern end of the building prior to occupation of the building and shall be retained for the lifetime of the development. Construction shall be carried out in accordance with the EMEC Ecology letter.

Reason: In order to afford compensation to bats known to be present in the building in line with the Core Strategy and the NPPF as submitted by the applicant.

013

Prior to the demolition of the existing buildings to the rear of the property, details (including type, numbers and positioning) of bird boxes to be positioned within the site shall be submitted to and approved in writing by the local planning authority. The approved bird boxes shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

014

The hairdressers, shop and bar to be provided within the development shall only be used by the occupiers of the building and their visitors and shall not be open at any time to members of the public unless a separate planning permission has been applied for and granted.

Reason: In the interest of neighbour amenity and highway safety.

015

No part of the development hereby permitted shall be brought into use until the access off the A1133 has been designed and thereafter improved to a standard that provides a minimum width of 5 metres for the first 7 metres from the rear of the carriageway edge in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway in the interests of highway safety.

016

The development hereby approved shall provide 24no. extra care/assisted living accommodation under the 'C2' use class (residential institutions) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose unless a separate permission has first been granted.

Reason: For the avoidance of doubt and In line with the applicant's intentions and in acknowledgement of the contributions sought on this basis.

017

No part of the development shall be brought into use until the car parking spaces shown on drawing Proposed Site Plan – 18030-A-2001 Rev.P08 have been provided on site and are made available for use.

Reason: In order to ensure that adequate off-street parking is provided in the interests of highway safety.

018

At least one of the occupants of each of the residential units hereby approved shall be aged 55 years or over and none of the residential units shall be occupied by any person under the age of 16 years.

Reason: In line with the applicant's intentions and in acknowledgement of the contributions sought on this basis.

Notes to Applicant

01

The development makes it necessary to improve 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 the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

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 NOT PAYABLE on the development hereby approved as the C2 use class is not a chargeable use in accordance with the CIL Charging Schedule. 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

03

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).

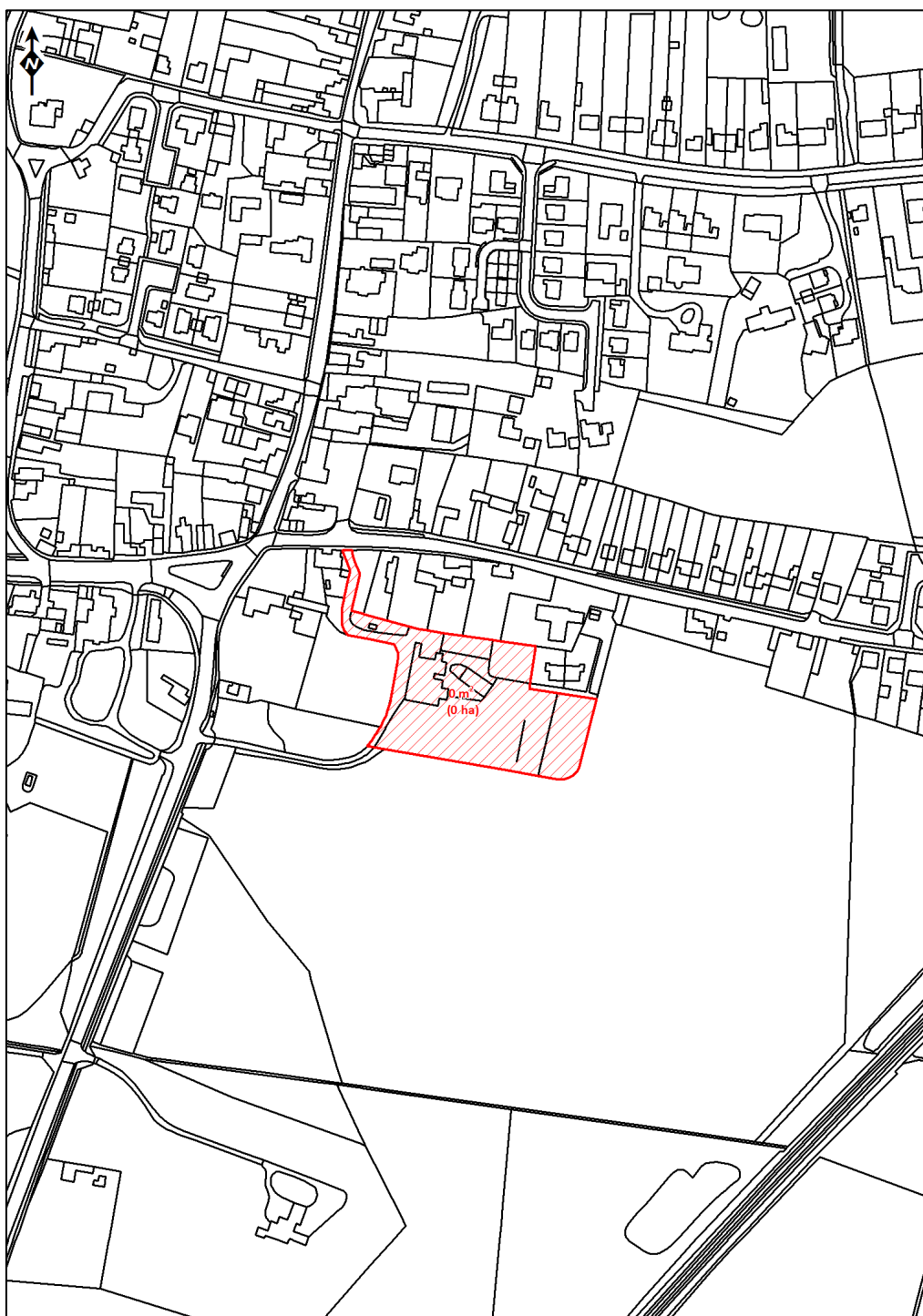
Background Papers

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.

Lisa Hughes
Business Manager - Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	17/01859/FUL	
Proposal:	Retention of two static caravans for use as residential accommodation for a permanent agricultural worker in connection with Glebe Farm (retrospective)	
Location:	Glebe Farm, Fosse Road, Brough, Newark On Trent	
Applicant:	Mr Joseph Robinson Hargreaves	
Registered:	12 February 2018	Target Date: 9 April 2018

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

The Site

Glebe Farm is situated between the main road running through the hamlet of Brough and the A46 dual carriageway. The farm is accessed via an unmade, single-width track that leads from the main road (Fosse Road) which is centred on three large agricultural storage buildings and farm yard for pigs and cattle. The farm includes the three open fields immediately to the north-east, south-east and south-west of the caravans.

The two existing static caravans, the subject of this application, are located to the south-western side of one of the agricultural buildings, at the end of the access track and towards the boundary with the A46. There are two small lean-to structures that allow covered access between the two caravans and to the agricultural building. The caravans are enclosed predominantly with post and rail fencing with some close boarded timber fencing at the rear of the units.

The application site sits within the Scheduled Monument site of Crococalana Roman Town. It is located within the open countryside and is identified within the Landscape Character Assessment SPD within the East Nottinghamshire Sandlands Character Area, Policy Zone 4, known as Winthorpe Village Farmlands.

The unmade access track that leads from Fosse Road also accommodates South Collingham Footpath 12 Right of Way, which runs directly adjacent to the two static caravans.

Relevant Planning History

The application has been submitted as a result of an enforcement investigation.

The Proposal

Retrospective planning permission is sought for the retention of the two static caravans which are used to provide residential accommodation for a permanent agricultural worker in connection with Glebe Farm. The supporting information submitted with the application states that because of the large number of commercial livestock (pigs being finished (2,100 in number in 12 months),

up to 50 cattle indoors during winter and summer in adjacent fields and up to 300 sheep kept on pastures through-out the spring), from a husbandry and welfare point of view the farm requires that someone needs to be on site at all times. The reason there is a requirement for two caravans is that the occupier has four children with his former partner and so the extra room is required for when his children come to stay over with him.

Previous to the dualling of the A46, the applicant has explained that Glebe Farm was a stock farm and had a farmhouse but this had to be demolished to allow the construction of the new A46 but when finances allow, the applicant intends to apply to replace the statics with a dwelling. In relation to finding local accommodation, the applicant states there are no available houses within Brough and accommodation further away from the farm would not allow for the requirement to be on-site on a full time basis.

The plans considered as part of this application comprise:-

- Revised site location plan received 17.01.2018;
- Block Plan showing Statics Location received 15.01.2108

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter and a site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Collingham Parish Council – Comments received 22.02.2018 – “The Parish Council resolved unanimously to Object to this proposal on the following material grounds:-

- Health;
- Design and Visual Impact.

These comments are supported by the following:

The health of any agricultural work and their family should be considered and “seasonal” condition applied so that the accommodation can only be inhabited during the warmer months of the year. Should NSDC planning be minded to grant permission, a condition should be imposed that occupancy of such dwellings during the months of November to February should not be permitted due to the cold damp conditions which will be encountered and the subsequent health issues which are then likely to occur as a result. This condition is requested by the Parish Council as a result of observations from parishioners, that the caravans have been occupied this winter.

The fencing around the static caravans would appear to be making these a permanent features of the farm rather than a temporary (seasonal) solution. The caravans have a visual impact on the surrounding area and are clearly visible from neighbouring properties, including the chapel. The design is not in keeping with the surrounding properties which are generally brick and tile.

Consideration of permanent dwelling (s) should be considered and would be more in keeping with the following planning policies:

The National Planning Policy Framework states:

Core Planning Principles

55 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village. 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 or near their place of work in the countryside;

The Newark and Sherwood District Core Planning Policy states:

Spatial Policy 3 Rural Areas

The District Council will support and promote local services and facilities in the rural communities of Newark and Sherwood. Local housing need will be addressed by focusing housing in sustainable, accessible villages. The rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural and forestry development. The countryside will be protected and schemes to increase biodiversity, enhance the landscape and, in the right locations, woodland cover will be encouraged.

Beyond Principal Villages, proposals for new development will be considered against the following criteria: Location – new development should be within the main built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages. Scale – new development should be appropriate to the proposed location and small scale in nature. Need – Employment and tourism which requires a rural/village location. New or replacement facilities to support the local community. Development which supports local agriculture and farm diversification. New housing where it helps to meet identified proven local need.”

NSDC, Agricultural Consultant:

- “1. The application relates to the retention of two static caravans sited at Glebe Farm, Fosse Road, Brough, the application site.
2. The applicant Mr. J.R. Hargreaves, farms both Glebe Farm, Brough, and Thorpe Field Farm, Danethorpe. No area of land has been provided in the supporting information nor cropping figures for either the site or Danethorpe.
3. The supporting information states that Glebe Farm is stocked with batches of 650 pigs fattened on the farm with approximately 3 ½ batches finished each year. In addition, the land is grazed with store lambs which are grazed on the grassland in February, March and April and as at 18th March, 2018 there were 830 store lambs on the land with 1400 more proposed to go to Glebe Farm in the following six weeks for finishing.
In addition to the pigs and sheep, 14 store cattle were housed in the buildings during January, February and March. It was also proposed to keep 27 in-calf dairy heifers on the grassland during the summer until they calve in August/September after which they will move back to Danethorpe and enter the dairy herd. Approximately 30 Aberdeen Angus heifers/store cattle will also be grazed at Glebe Farm during the summer after which they will either move back to Danethorpe or be sold.
4. From the information supplied, I calculate using standard manday figures from recognised sources, that the livestock enterprises carried out at Glebe Farm have a standard labour requirement for 0.85 of a full-time person. I am unable to undertake a full labour calculation for the unit as no land areas or cropping areas have been provided.
5. The applicant states in his email to you dated 26th February, 2018 that prior to the A46 being duelled there was a farm house at Glebe Farm, which was demolished for the new road, and it is the applicant’s intention to apply for a replacement dwelling in the future when finances permit.
6. Applications for permanent agricultural workers’ dwellings are currently assessed under the National Planning Policy Framework (the Framework) – Revised in July 2018 which states in paragraph 79 “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:-
 - (a) There is an essential need for a rural worker, including those taking majority control of the farm business, to live permanently at or near their place of work in the countryside;” – the Framework is also only supportive of sustainable development, which in the case of agricultural and rural workers’ dwellings is taken to mean that the rural business must be financially viable and capable of sustaining the cost of the proposed new dwelling in the long-term. There is no guidance within the Revised Framework for temporary agricultural dwellings and therefore, most local planning authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7 to enable any application for a new farm dwelling to be properly assessed, due to the lack of guidance within the Framework. I therefore, consider this application should comply with both the Revised Framework, and the guidance given in Annex A to PPS7.

7. Paragraph 12(i) states “Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);” – as the enterprise is up and running, and has been for some considerable time, with existing buildings on the holding, I consider this criteria has been satisfied.

Paragraph 12(ii) states “Functional need (see paragraph 4 of this Annex);” – I consider there is an essential/functional need for a person to live at or close to the existing buildings to provide the required levels of supervision for the livestock housed within the buildings and grazed on the adjacent grassland, albeit the livestock enterprises do not have an existing labour requirement for a full-time person. Therefore, this criteria has been satisfied.

Paragraph 12(iii) states “Clear evidence that the proposed enterprise has been planned on a sound financial basis;” – as the Glebe Farm unit is part of a larger enterprise and partial accounts have been submitted for the overall unit I consider that the overall enterprise has been profitable for all of the last three years, albeit those profits have declined significantly during the period shown. I therefore on balance consider that the proposal is capable of satisfying the criteria in paragraph 12(iii) for a temporary agricultural workers’ dwelling.

Paragraph 12(iv) “The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;” – subject to there being no other existing accommodation on the farm, or in the area, which is both suitable and available, I consider this criteria would be satisfied.

Paragraph 12(v) states “Other planning requirements, e.g. on siting and access, are satisfied.” – I consider this is a planning criteria and will be assessed by yourself as the Case Officer for the application, as it will not affect the agricultural needs of the application.

In conclusion, I ADVISE that there is agricultural support for the proposed retention of the static caravans to enable the existing worker to live on site. Any consent granted should be limited to a maximum period of three years, after which the applicant should be in a position to apply for the replacement of the former dwelling.”

NCC Highways Authority – No Objection. “This proposal will have negligible impact on the roads that are the responsibility of Nottinghamshire County Council. Therefore, no objections are raised.

It is assumed that consultation will have taken place with the A46 Trunk Road Highway Authority, Highways England.”

Highways England – “Based upon the information you have provided in your email below I can confirm that Highways England do not need to be formally consulted on the planning application.”

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

Crococalana Roman town is a Scheduled Monument designated under S1 of the 1979 Ancient Monuments and Archaeological Areas Act (as amended), <https://historicengland.org.uk/listing/the-list/list-entry/1003479>. Please advise the applicant works involving ground disturbance or structural additions to the monument require application for scheduled monument consent as well as any planning consent which may be necessary.”

NSDC, Archaeological Consultant – “The application site sits within the Scheduled Monument site of Crococalana Roman Town. The scheduled status means that no development should take place here without scheduled monument consent from Historic England.

The impacts of development on this important site are twofold, visual/setting and direct impacts on the below ground archaeology. The actual presence of the caravans are unlikely to have a significant negative impact on the below ground archaeology, the main impacts coming from any buried services, such as electricity or waste. The application states that the caravans are hooked up to an already existing septic tank but it does not state if this pipe is above or below ground or how far away the septic tank is. If this service is buried it could have destroyed part of the Roman Town.

The setting of the caravans are immediately adjacent to some other farm buildings and although not desirable will not have a permanent detrimental effect on its surroundings.

On balance we do not recommend any archaeological input into this application.”

NCC, Rights of Way – “The retention of the caravans in their existing location should not have any impact on South Collingham Footpath 12, we therefore have no objections to the proposal.”

Ramblers Association – “We note South Collingham FP12 crosses the site denoted in the application. As long as the integrity of this right of way is maintained we have no objection.”

National Grid – “no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – Overhead Electricity Line.”

NSDC, Environmental Health – “the provision of these 2 caravans for use by agricultural workers on the site would be exempt from the need to obtain a site licence. Were the application to be approved you may wish to condition this proposed use.”

A representation has been received from 1 local resident/interested party which states that the two caravans could be sited at the farmer’s farm for the agricultural worker.

Comments of the Business Manager

Preliminary Matters

The description of the proposed development has been described by the applicant as “Retention of two static caravans for use as residential accommodation for a permanent agricultural worker in connection with Glebe Farm (retrospective)”

For the avoidance of doubt ‘permanent agricultural worker’ has been taken to mean an all year round worker (as opposed to a seasonal worker) rather than the applicant seeking consent for a caravan on the site on a permanent basis.

Principle of Development

Policy DM8 (Development in the Open Countryside) states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to certain types of development. This includes proposals for new dwellings where there will be a requirement to demonstrate a functional and financial need in relation to the operation being

served. The scale of the new dwellings should be commensurate with the needs and the ability of the operation they serve to fund them. Where a new 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.

This is further reflected in paragraph 79 of the NPPF which states that planning decisions should avoid the development of new isolated homes in the countryside unless, amongst other criteria, 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.

Although guidance contained in Annex A of Planning Policy Statement 7 has not been repeated with the NPPF, this guidance has been relied on by Inspectors in the determination of appeals and furthermore is essentially contained within the Policy justification for DM8. It is considered that the main provisions are still relevant and offer a robust and credible means of an objective assessment of the need for an Agricultural Workers Dwelling and is a useful tool in assessing whether in this instance a demonstration of essential need has been demonstrated to justify the development.

The DM8 Policy justification states that:

"A functional need is demonstrated by showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products."

It goes on to say that the functional need would need to evidence that it

"...could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned."

It also sets out that proposals need to demonstrate:

"clear evidence that the proposed enterprise has been planned on a sound financial basis;"

Members will note that the Council has commissioned advice from an independent agricultural consultant in order to ascertain if there might be an essential functional need for a worker to be present on site at all times. The advice received is set out very clearly in full within the consultation section above. I do not intend to repeat this but I fully concur with the advice.

However, in further considering the functional or essential need to retain the caravans on the site for the reasons put forward by the applicant, a search of *Rightmove* for properties within 3 miles of Brough which could provide alternative and appropriate residential accommodation for the agricultural worker has been undertaken. This search revealed that there were 13 properties for sale, (with 3 beds and above) with asking prices ranging from £130,000 to £200,000, and the majority situated in Newark, 2 in Collingham, 1 in Coddington, 1 in South Muskham and none in Brough. Therefore, it appears that there is other potentially suitable accommodation present within a reasonable distance of the site that could provide the accommodation requirements. Whilst it is acknowledged that this search was a snapshot in time and that the housing market is subject to change, it serves as an indication that there are no properties available within a realistic driving distance of the application site where the agricultural worker could conceivably live. , However, as recognised by the Council's Agricultural Consultant, there is a need for at least one person to live at or close to the existing buildings to provide the required levels of supervision and to be readily available at most times for the livestock housed within the buildings and grazed on the adjacent grassland.

Accordingly the Agricultural Consultant considers that although there is an absence of information regarding area of land and cropping figures (which have been requested from the applicant and if received will be reported verbally to Members), the proposed caravans are considered to meet the essential functional and financial needs in principle, but should only be approved on a temporary basis for 3 years, by which time the applicant may be in a position to seek permission for a permanent dwelling.

Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

The application site is located within the open countryside and is identified within the Landscape Character Assessment SPD within the East Nottinghamshire Sandlands Character Area, Policy Zone 4, known as Winthorpe Village Farmlands, which is described as a flat and gently undulating arable landscape with woodland blocks. The landscape condition and sensitivity are defined as moderate and where the objective is to Conserve (what remains of the rural landscape by concentrating new development around existing settlements) and Create (new development which reflects local built vernacular).

It is acknowledged, as reflected in the comments by the Parish Council, that these structures have the appearance and form of modern caravans and as such do not sit comfortably within their countryside setting. However, the scale of the caravans are minimal and they nestle directly adjacent to the existing much larger agricultural buildings. Whilst located towards the end of a private vehicular access and so not readily visible from the main road, it is acknowledged that the site does sit adjacent to the public right of way and so would be clearly visible to those using the right of way.

The moderately incongruous visual impact is considered to be outweighed by the need already identified and is considered to be acceptable on a temporary basis only for a 3 year period.

Impact on Neighbouring Amenity

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

Given the distance between the caravans and the nearest dwelling (approx. 160m to the south-east of the site), it is considered that the proposal would not result in any harm to the amenities of these neighbours. The caravans are situated in relatively close proximity to the dualled A46 (approx. 100m as the crow flies), however, there is a layby on the side of the A46 in this position which is separated from the dual carriage way by a landscape bund. In addition, the agricultural buildings provide a buffer between and there is an approximately 3m high close boarded timber fence along the boundary of the site with the trunk road which provides a level of mitigation to the occupiers of the caravans from the noise and air quality impacts that could otherwise have been detrimental to their living environment.

The concerns raised by the Parish Council in relation to impact on health of living in a caravan all the year round are noted, however, it must be acknowledged that such a situation occurs in caravans that are occupied all year round all over the country, without detriment to the health of the occupier. Therefore such concerns can only be afforded minimum weight in the consideration of this application.

Overall, taking into account both the amenity impacts of both existing occupiers of nearby dwellings and the occupiers of the caravans themselves, it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

Impact on Highway Safety

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

The Highway Authority has considered the highway safety implications of this proposal and raise no objection to it and as such it is considered that it complies with the relevant policies of the Development Plan. Notwithstanding their comments in relation to consultation with Highways England given the proximity of the site to this major trunk road, given that the proposal was not going to result in any significant increase in traffic joining the A46, Highways England has stated that they did not need to be consulted.

Other Matters

In terms of the potential impact on the Scheduled Ancient Monument, neither the Council's Archaeological Consultant nor Historic England have raised any objections or requested any conditions to mitigate impact. It is therefore concluded that no harm is caused, although a note to applicant will be attached regarding the possible need for Ancient Monument Consent from Historic England.

In accordance with the comments received from the Council's Environmental Health officer regarding the need to obtain a license, this report offers to Members a condition restricting the occupation of the caravans to an agricultural workers and their dependent only.

Whilst South Collingham Footpath 12 Right of Way runs in close proximity to the caravans, it is not affected by the application proposal in any way.

Planning Balance and Conclusion

Given its open countryside location, the continued siting of the static caravans to provide permanent residential accommodation to an agricultural worker and his dependents, has to be assessed against the functional and financial tests as embedded within Policy DM8. The Council's Agricultural Consultant advises that both these tests have been adequately passed to enable support of the proposal on a temporary basis for 3 years only. On the basis of a restricted time period, the adverse impact identified in relation to the visual and rural character of the countryside is weighed in the balance and found to be acceptable on a 3 year temporary basis. No harm to amenities, highway safety or archaeological interest has been identified. On the basis that the occupation of the caravans is conditioned to an agricultural worker only albeit temporary, a positive recommendation is offered to Members.

RECOMMENDATION

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

Conditions

01

The use of the caravans as a dwelling hereby permitted shall be discontinued and the land reinstated to its former condition, including the removal of all ancillary works and structures at or before the expiration of a period of three years from the date of this decision.

Reason: In the interests of residential and visual amenity.

02

The occupation of the caravans hereby permitted shall be limited to a person solely or mainly working or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.

Reason: The caravans are located in the open countryside where new residential development is normally restricted to the essential need for the uses described.

03

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

- Revised site location plan received 17.01.2018;
- Block Plan showing Statics Location received 15.01.2108

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 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 2015 (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.

03

Crococalana Roman town is a Scheduled Monument designated under S1 of the 1979 Ancient Monuments and Archaeological Areas Act (as amended), <https://historicengland.org.uk/listing/the-list/list-entry/1003479>. Please advise the applicant works involving ground disturbance or structural additions to the monument require application for scheduled monument consent as well as any planning consent which may be necessary.

Background Papers

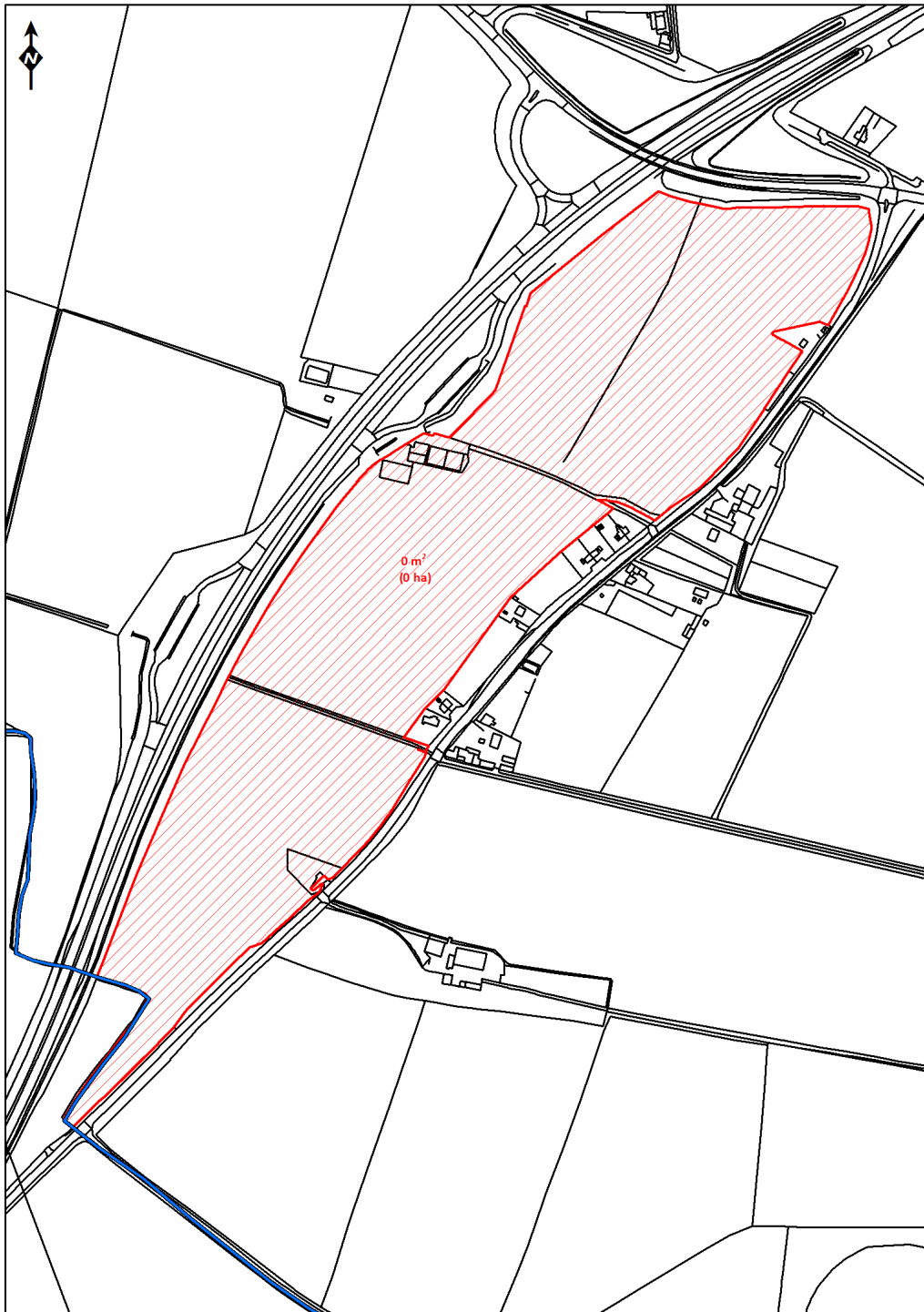
Application case file.

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

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

Lisa Hughes

Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/00892/FULM	
Proposal:	Development of 33 no. Affordable Dwellings	
Location:	Land At Maltkiln Close, Ollerton	
Applicant:	Minster Property Group Ltd	
Registered:	13.05.2019	Target Date: 12.08.2019
		Extension of Time Agreed: 13.09.2019

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

The Site

The application site is approximately 0.79 hectares in extent to the south of Wellow Road accessed via Maltkiln Close. The site is within the urban boundary of Ollerton and Boughton at the south of the settlement. The site as existing comprises vacant greenfield land.

It is located to the rear of a small group of houses forming Maltkiln Close which comprise two storey semi-detached dwellings. Two bungalows located off the A616 are also located to the north east corner of the site. The garden of a residential dwelling is located immediately to the west of the site and open countryside and agricultural fields are located to the south and east of the site. A field which contains a vacant dwelling is located to the south of the site.

The land is currently an overgrown field bounded by a mix of hedgerows, trees and fencing. Overhead power lines run close to the north and south boundaries of the site from east to west.

The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping and is detailed as being prone to surface water flooding.

Relevant Planning History

99/51397/OUT Residential development and construction of new access – refused 28.02.2000 as the proposal was considered to be contrary to PPG3 (now superseded) in relation to the housing (over) supply situation meaning that the release of a greenfield site particularly on the periphery of the settlement was not considered necessary at the time.

Whilst not related to the site itself it is notable that there is an extant permission for 9 bungalows on land immediately to the east of the site (reference **17/02105/FUL**) which was approved in March 2018.

The Proposal

The proposal seeks full planning permission for 33 affordable dwellings accessed by a single road from the end of Maltkiln Close. This has been amended during the life of the application owing to Officer concerns as the original application submission was for 35 units.

The proposed dwellings would be delivered through four house types comprising 6 no. 1 bed units; 13 no. 2 bed units and 14 no. 3 bed units. Two of the one bed units would be bungalows whilst the remainder of the scheme would deliver two storey accommodation (including 4 no. one bed maisonettes).

The application has been considered on the basis of the following plans and documents:

- Drawing 18014 0100-PO3 – Site Location Plan (received 12th July 2019);
- Drawing 18014 0101-PO2 – Existing Site Plan (received 12th July 2019);
- Drawing 18014 0102-PO8 – Proposed Site Layout Plan (received 23rd July 2019);
- Drawing 18014 0200-PO2 – Housetype A – Plans and Elevations;
- Drawing 18014 0201-PO2 – Housetype A – Plans and Elevations (Terrace);
- Drawing 18014 0202-PO2 – Housetype B – Plans and Elevations;
- Drawing 18014 0203-PO2 – Housetype B – Plans and Elevations (Terrace);
- Drawing 18014 0204-PO2 – Housetype C – Plans and Elevations;
- Drawing 18014 0205-PO3 – Housetype D – Plans and Elevations (received 12th July 2019);
- Drawing 18014 0400-PO1 – Indicative Street Elevations;
- Design and Access Statement prepared by James Garner Architecture;
- Drawing 3625 – Existing Topographical Survey;
- Extended Phase 1 Habitat Survey Report ref: P1761 / 0219 / 01 prepared by CBE Consulting dated 20th February 2019;
- Tree Survey prepared by CBE Consulting Report ref: P1761 / 0219 / 02 dated 19 February 2019 ;
- Flood Risk and Drainage Assessment prepared by Fortem Consultants;
- Historic Desk-Based Assessment PCA Report Number: R13727 (received 28th June 2019);
- Viability Assessment (received 28th June 2019);
- Reptile Survey prepared by CBE Consulting Report ref: P1859/ 0619 /03 (received 9th July 2019);
- Bat Activity Survey prepared by CBE Consulting Report ref: P1859/ 0619 /04 (received 9th July 2019);
- Additional Botanical Survey prepared by CBE Consulting Report ref: P1859 /0719 /05 (received 9th July 2019);
- Geophysical Survey – PCA Report No. R13812 dated August 2019.

Departure/Public Advertisement Procedure

Occupiers of 19 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. An additional period of consultation has also been undertaken on the basis of the revised details received 28th June 2019.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 5 – Delivering the Strategy

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 2 – Rural Affordable Housing
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
ShAP2 – Role of Ollerton & Boughton

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

Consultations

Ollerton and Boughton Town Council – *Revised comments received 31.07.19:*

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

- Cumulative impact on local services such as health facilities, GP Surgery, Dentists etc and also education with regard to school places.
- Environmental and ecological problems relating to the disturbance to the natural habitat of known wildlife such as newts and bats seen by many residents on the site.
- Loss of privacy, daylight and sunlight by adjacent properties.

Whilst the members are aware that NCC Highways have raised no concerns, as local residents they still feel that this development will have an effect on the already busy Wellow Road. Access and egress to the development is via a small junction on to a busy main road which regularly suffers from increased traffic congestion when the A1 is closed.

Members have requested that a site visit takes place prior to a decision being made with Town Councillors, NSDC members, Highways Officers and representatives from the local residents.

The members of Ollerton & Boughton Town Council strongly request that these comments be taken into account when the application is considered by members of NSDC Planning.

Object on the following grounds:

- Highways matters – small junction on to a busy main road which regularly suffers from increased traffic congestion when the A1 is closed.
- Cumulative impact on local services such as health facilities, GP Surgery, Dentists etc and also education with regard to school places.
- Environmental problems relating to the disturbance to the natural habitat of known wildlife such as newts and bats seen by many residents on the site.
- Loss of privacy and sunlight by adjacent properties.

NSDC Environmental Health (contaminated land) – No observations.

Natural England – *Additional comments received 3rd July 2019:*

Natural England has previously commented on this proposal, our ref 282924, and made comments to the authority in our letter dated 06 June 2019.

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Original comments received:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Wellow Park Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

The surface water drainage scheme should ensure that there will be no harmful discharges to groundwater from the application site which may impact on the conservation targets of Wellow Park SSSI

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Surface Water Drainage:

Our preference is for a surface water drainage scheme which disposes of all surface water from new roofs, converted roofs, new hard surfacing etc. harmlessly on site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDS), incorporating systems to clean the water.

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance and will include at least one water quality treatment train. For technical advice on surface water drainage, the LPA should refer to the relevant Lead Local Flood Authority (LLFA).

Maintenance of the sustainable drainage system proposed is essential to ensure that it continues to function as designed and constructed. The long-term monitoring and maintenance of the surface water drainage system should be secured by condition or legal agreement.

Where a sustainable drainage scheme is not practicable and discharge to mains is proposed, the LPA should ensure that Severn Trent Water has no objection to the proposal.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Nottinghamshire Wildlife Trust – Additional comments received 10th July 2019:

Thank you for sending over a copy of the botanical and bat survey reports. We are pleased that these surveys have been undertaken at the application site and are happy with the outcomes. We strongly advise the recommendations within these reports are implemented as suitability worded planning conditions with particular attention brought to the bat lighting scheme, bat bricks and retention of the hedgerows. The bat report identified *The southern boundary of the site appears to be on a commuting route through the local landscape linking a hedgerow to the west of the site to a hedge and scrub woodland area to the south* (Bat Activity Survey, CBE Consulting, 2019). These hedgerows, if removed could potentially negatively impact on bats, a European Protected Species, by fragmenting and causing potential disturbance to roosting sites.

Comments received 3rd July 2019:

Thank you for sending over a copy of the Extended Phase 1 Habitat Survey report by C.B.E Consulting which was undertaken in January earlier on this year.

We note that further protected species surveys for the application were recommended within this report, including a reptile presence/absence survey and a bat activity survey. An invasive species survey was also recommended as Japanese knotweed was thought to be present on site.

We strongly recommend these surveys are undertaken prior to the determination of this planning application, as you will be aware, protected species are a material consideration in the planning process and additionally, Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), states that:

*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in **exceptional circumstances**, with the result that the surveys are carried out after planning permission has been granted.*

These surveys will determine the need for any compensation or mitigation requirements for bats and reptiles which will need to be implemented as part of the planning application and may require changes to the planning design. A reptile translocation or reasonable avoidance measures statement may also be required if reptiles are present on site, but would depend on the results of the surveys.

We are concerned that the current site layout (drawing number: 0102) does not appear to retain the hedgerows, with the loss and replacement of the hedgerow located on the southern boundary. As you will be aware hedgerows are a Nottinghamshire Biodiversity Action Plan Habitat and in this county we have lost over 16,000 miles of hedgerow between 1947 and 1985 alone.

In the case of this application, removal of hedgerows without replacing them would result in a net loss of biodiversity and BAP Habitat. We therefore recommend that the hedgerows are retained and at the very least be replaced with native species. Any fragmented hedgerows also should be planted up with native species to form intact hedgerows across the site. The development, as stated within NPPF Paragraph 170 should aim for an overall net gain in biodiversity and other biodiversity enhancements are also recommended to be incorporated in order to achieve this.

We also note the survey was undertaken outside the optimal timings for botanical identification (survey undertaken in January 2019), as plant growing season is considered to be from April to September (inclusively). We note the rough neutral grassland had a variety of herbaceous species, with the potential of being lowland neutral grassland, a Nottinghamshire Biodiversity Action Plan Habitat. We therefore recommend that a further botanical survey is undertaken to classify this grassland and identify any other botanical species present.

NSDC Parks and Amenities – As a development of 35 properties this housing scheme will need to make public open space provision in the form of provision for children and young people (18m² per dwelling) and amenity green space (14.4m² per dwelling). The proposed site layout is a very intensive scheme with no public open space provision whatsoever, however should the layout be considered to be acceptable then the public open space provision will need to be met by the payment of commuted sums towards the off-site provision, improvement and maintenance of existing children's playing space and amenity green space in the vicinity of the development site.

I note that the site is currently a greenfield site however, despite the Planning Statement referencing a Phase 1 Habitat Survey, this is not included in the documents and there is thus no record of the site's wildlife potential nor any recommendations for mitigating the loss of wildlife habitats.

A SANGS payment may also be required given the site's location within 5km of the Birklands and Bilhaugh SAC.

NSDC Community Sports and Arts – No comments received.

NCC Planning Policy – Thank you for your email dated 16th May 2019 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council's responsibilities there are number of elements of national planning policy and guidance are of particular relevance in the assessment of applications, these include Minerals and Waste, Education, Transport and Public Health.

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.

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

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, whilst the site does not lie within a Minerals Safeguarding and Consultation Area, approximately 122m to the East of the proposed development site, lies the boundary for the Minerals Safeguarding and Consultation Area for brick clay. Considering the proposed development, it is unlikely there would be an adequate site area to facilitate a viable extraction site. Therefore, the County Council does not wish to raise any objections to this application from a mineral's 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.

Strategic Highways

The County Council does not have any strategic transport planning observations to make.

Planning Obligations

The following confirms that no planning obligations are being sought by Nottinghamshire County Council to mitigate the impact of the above development.

Transport and Travel Services

The County Council can confirm that they will not be seeking any contributions towards bus infrastructure to mitigate the impact of this development.

Education

A development of 35 dwellings would yield an additional 7 primary and 6 secondary school places. Based on current projections these places can be accommodated in the local schools. Therefore, the County Council would not wish to seek any planning obligations to mitigate the impact of this development.

Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>. If the Council has any queries regarding planning obligations please contact Andrew Norton, the County Councils Developer Contributions Practitioner on 0115 993 9309 or by email andrew.norton@nottscc.gov.uk

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

NCC Flood Team – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 28 Jun 2019. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions. It should be noted that the proposed surface water strategy has a number of areas that require clarification during detailed design that could impact on the layout and viability of the proposals and the applicant should familiarise themselves with the associated risks.

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. It must be noted that the FRA dated May 2019 by Fortem contains a number of issues that should be resolved as part of and detailed surface water design and these are referenced below. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. The FRA contains no reference to SUDS and this must be reconsidered. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365). The FRA suggests that there are no watercourses in the vicinity yet it appears that there may be some form of watercourse to the west of the site and also to the north side of Wellow Road. These should be considered as a priority over the use of sewers.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar for the developable area. The proposed rate within the FRA must be supported by hydraulic calculations.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason : A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

NCC Highways Authority – *Additional comments received 17th July 2019:*

Revised Site Layout Plan 0102 Rev. P07

The revised plan has addressed the concerns raised in my previous comments dated 11/06/19.

Therefore, the Highway Authority would not wish to raise objection subject to the following:

1. No development hereby permitted shall commence on any part of the application site unless or until a suitable access into the site has been provided at Malkiln Close as shown for indicative purposes on drawing 0102 Rev. P07 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

2. No individual dwelling shall be occupied until its associated driveway/parking/turning area is provided in accordance with plan 0102 Rev. P07 and surfaced in a hard bound material (not loose gravel) for a minimum distance of 2 metres behind the highway boundary. Each surfaced driveway/parking/turning area shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

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

- a) The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Please contact David Albans (0115) 804 0015 for further details.

Comments received 12th June 2019:

Whilst the principle of the development is acceptable, there are concerns over the parking arrangements as shown on site layout drawing 0102 Rev. P01:

- The visibility is poor for vehicles emerging adjacent Plots 28 and 32.
- The layout shows some vehicles are to be parked remotely from the associated dwelling (Plots 6, 9, 10-14, 18, 19, 26, 27). With this type of layout, it has been noted in the past with previous developments, that an increase in on street parking in the vicinity occurs, as residents prefer to park their vehicle adjacent their property. Also, it is unclear how the parking spaces are to be allocated.

In view of the above, it is recommended that the plan be amended to address the above issues and the Highway Authority reconsulted.

NCC Built Heritage - Thank you for your request for comments from the County Council over the 19/00892/FULM Land at Maltkiln, Close, Ollerton, Nottinghamshire planning application. As we have commented on the previous version of the application, only comments from a built heritage perspective would be necessary. As such these are provided below:

The County Council have the following observations from the built heritage perspective. The site is close to the boundary of the designated conservation area and several designated listed buildings therein. The County Council is content that the heritage impact assessment has properly considered these heritage assets and agree with the conclusions of that report. The residential development of the proposal site would not cause harm to the setting of any designated heritage assets. There will be an impact on the setting of the non-designated HAs (historic buildings that are identified on the HER), but none of these are within the development area and they will not be demolished or altered.

NSDC Archeological Advisor – *Additional comments received 10th July 2019:*

The Heritage Assessment/Archaeological Desk Based Assessment has further highlighted that although this site is away from the medieval core of the settlement of Ollerton there is the potential to find prehistoric/Roman archaeology on this site. Given this potential it is appropriate to ask for further investigation work to assess this potential.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application.

Recommendation: It is requested that the developer is required to supply more information in the form of an archaeological evaluation to be carried out prior to determination. It is recommended that the evaluation should in the first instance be comprised of geophysical survey across the site. This will then help to identify if and where features of archaeological interest exist and will inform where further intrusive evaluation is required to inform the application to identify the nature, extent and significance of any archaeological features on the site.

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impacts of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using the appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary, a field evaluation. Policy 189 National Planning Policy Framework (2018)'.

'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)'

Original comments 30th May 2019:

This site is a large development in an area of archaeological potential, a brief appraisal of the Nottinghamshire HER has identified several areas of cropmarks in the immediate vicinity.

The information in the heritage assessment needs to provide sufficient evidence to understand the impact of the proposal on the significance of any heritage assets and their settings, sufficient to meet the requirements of paragraph 189 of the National Planning Policy Framework (NPPF).

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposals on their significance. 'Policy 189 National Planning Policy Framework (2018)'.

As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation'. 'Policy 189 National Planning Policy Framework (2018)'.

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'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)'.

Tree Officer – *Additional comments received 5th July 2019:*

The submitted tree survey indicates removal of all on site vegetation. No hedgerows have been assessed.

Retained tree 9 is likely to significantly adversely affect the rear garden areas of plots and building footprints are very close to RPA so amendments are recommended to layout.

Indicative landscaping infers planting of new hedging rather than retention/re-enforcement of the existing which could increase biodiversity.

Original comments received:

Although there is little vegetation within the site there is a significant amount of green infrastructure on the site boundaries that is worthy of retention for both screening and ecological benefits.

Request tree/hedge survey/constraints plan in accordance with BS5837 2012 in order to evaluate any potential conflict between proposed layout and retained green infrastructure.

Representations have been received from 11 local residents/interested parties (including a letter on behalf of Ollerton Village Residents Association) which can be summarised as follows:

Principle of Development

- There has been continual building in Ollerton in recent years resulting in significant disturbance, noise, traffic and air pollution;
- There is no play space or open space for children;
- Greenfield land should be left for wildlife;
- There are no contributions towards doctors etc.;
- Comparisons can be made with 16/01102/OUTM (Land at Cinder Lane) which was refused because no new housing land is required;
- The site has not been allocated for development;
- Planning permission was refused on the site 20 years ago;
- There are other sites in the area for development and Ollerton has had more than its fair share;
- There has already been significant change in the area from Rufford Oaks; the 9 bungalows adjacent and a potential development at Cinder Lane;
- The term affordable cannot be substantiated and may lead to inferior design;
- This is one building project too far and comes very quickly on the heels of 180 homes on Wellow Road;
- There are also plans to build 800 homes at Thoresby Colliery;
- Maltkiln Close was not built for this scale of development;

Impact on Neighbouring Amenity

- The rear garden of neighbouring properties will be surrounded by the proposed dwellings;
- The dwellings will be overbearing and result in a loss of sunlight; openness and privacy;
- The plan shows no break between the neighbouring boundary and the proposed new buildings;
- There should be a buffer zone between the site and neighbouring gardens;

Impact on Highways

- The development has no room for lorry transits which may cause lorries to reverse down the access;
- 35 dwellings may lead to 70 vehicles which will lead to on street parking;
- The access will be right opposite the Rufford Oaks development;
- Speeding is already an issue on this part of Wellow Road;
- Public Transport to get to Ollerton village centre is virtually non-existent;
- The extra traffic will lead to noise and pollution;

- Maltkiln Close is the only way in and out but the close is not wide enough to cope with the extra vehicles;
- Construction vehicles would put the residents lives in danger;
- Vehicles may have to reverse on to the A616;
- When there is an accident on the A1, the A616 comes to a standstill;
- Access for emergency vehicles will be restricted;
- Wellow Road is used as a major relief road for the A1 and M1;
- Traffic in Ollerton has already massively increased in the last 20 years but the roundabout hasn't improved;

Impact on Ecology

- The planning form claims there to be no biodiversity issues but the site is even closer to the pond mentioned in the Cinder Lane application – no decision should be made until a full and detailed great crested newts survey is undertaken;
- The area will result in significant removal of trees;
- There have been sightings of bats, foxes, newts, rabbits and many species of birds;
- Buzzards have already been lost from the north side of Wellow Road;
- There has been much on the TV recently about the importance of protecting green spaces;
- Neighbouring gardens have a significant amount of Wildlife and ponds to support wildlife;

Impact on Design and Landscaping

- The aesthetically pleasing landscape claim is subjective;
- It would represent overdevelopment;

Other Matters

- Searches on nearby property sale did not show planning applications on the site but the Planning documents refer to an initial review;
- The drains may not be adequate for another 35 properties especially given the development on Wellow Road opposite;
- A neighbor requires piped oxygen and quality of life would be diminished;
- There is a deed of covenant that states the land cannot be built on;
- The Town Council meeting appeared to come down to one neighbor letter;
- The Town Council meeting was not based on a site meeting;
- Concerns about ground stability due to adverse impacts of excavation and building work;

7 letters of representation has been received on the latest plans:

- There would still be the removal of several mature trees;
- The proposal is for affordable housing yet the project plan clearly states that the development will provide income for the investors;
- The impact on traffic has not been properly investigated;
- There has already been issues with the recent builds in the area;
- The development would result in the loss of a greenfield site which would affect wildlife;
- The amenity impacts are worse on the revised plan in that there would now be more properties overlooking to the northern boundary;

- The plan shows trees along the boundary as being in the application site but they are within neighbouring ownership;
- The west boundary of the site is in neighbouring ownership – the boundary line is straight;
- Plots 05-08 are close to the boundary;
- The maisonette is not in keeping with the area;
- The density is still higher than the surrounding area;
- The existing wildlife is good for social wellbeing;
- The aerial photograph is not a true representation of what is on the ground – the chicken sheds have been demolished;
- The A616 is already congested;
- Maltkiln Close is not suitable for this amount of dwellings.

Comments of the Business Manager

Principle of Development

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

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The application site is within the urban boundary for Ollerton and Boughton as defined by the Proposals Map within the Allocations and Development Management DPD. Ollerton and Boughton are considered as one of the Service Centres for the Sherwood Area with the function as acting as a focus for a large local population and a rural hinterland. Policy SHAP 2 confirms that part of the role for Ollerton and Boughton is to promote new housing within the town.

It is noted that the site is not allocated for development specifically. However, the presence of the site within the urban boundary renders the principle of residential development within the site acceptable. Neighbouring comments have made referring to an application at Cinder Lane whereby the Officer Report made reference to the Council having a five year housing land supply. It is confirmed that this is the case but this does not mean that the LPA need not be supportive of windfall sites where they are in sustainable locations (which the Cinder Lane site was not) and all other material planning considerations are acceptable.

Housing Mix, Type and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Paragraph 127 of the NPPF states that planning decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

The proposal relates to the delivery of 33 dwellings within a site area of 0.8 hectares thereby delivering a development density of 41 dwellings per hectare. This would meet the aspirations of Core Policy 3.

The site falls within the Sherwood Sub Area. In 2014 the Council undertook a review of the Housing Needs for the District. Noting the scheme is for a wholly affordable housing site, it is relevant to focus on the demand in the social sector. The main requirements for social housing is 2 bedrooms properties (64.5%); followed by 1 bedroom (19.7%) then by 4 and 3 bedrooms (8.7% and 7.1% respectively).

The scheme as proposed would be broken down into the following mix:

Size	Number of Dwellings	% of scheme
1 bed	6	18
2 bed	13	39
3 bed	14	42

It is notable that there would be a majority proportion of 3 bed units contrary to the requirements of the 2014 survey where 3 bed units are the least required need. However, the actual size of the proposed properties are relatively modest in their design such that the 3 bed units have two double and one single bedroom. It therefore falls that these units may suit a demand akin to a two bed need on the basis that the third bedroom could be used as an office room. There is also a significant delivery of 2 bed units which forms the majority need.

It is also notable that the proposal would represent a wholly affordable scheme significantly above the 30% affordable housing requirement (as discussed further below). The market need is for predominantly 3 bedroom properties (50.5%) I am conscious that if attempts were made to negotiate a higher proportion of 2 bed units, the applicant would have the option to change some of the 3 bed units to market housing to meet a market need. It is my view that it is more of a benefit to secure an over provision of affordable housing rather than being overly restrictive in meeting the results of the 2014 survey.

Impact on Design and Character

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

Policy DM5 goes on to state 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.

There is no doubt that the proposed development would be considered as a backland scheme taking its access from Wellow Road to the north and positioned behind the cul-de-sac properties on Maltkiln Close. However, in the context of recent approvals in the immediate vicinity (as indicated by the submitted layout plan) there is an argument to say that the precedent has already

been set. The boundary of the urban settlement as defined by the Proposals Map would provide a logical resistance to further forms of backland development to a degree that this proposal in itself is not considered to amount to character harm in principle.

The site is currently green and relatively well bound with a mix of hedging and trees. Officers raised at pre-application stage that any development would need to carefully consider the transition with the open countryside on the southern boundary of the site. The scheme that originally came forward did indicate a level of planting of the southern boundary but this also included areas of car parking immediately abutting the southern edge.

The proposal as revised makes a greater attempt at incorporating landscaping along the southern boundary and also includes the retention of an existing attractive tree specimen. It is fully appreciated that the landscaping proposed is unlikely to entirely screen the development (and neither would that be appropriate in the context of the amenity of proposed occupiers) but it would at least soften the transition between the open countryside. Subject to conditions to secure this landscape delivery (including the retention of the aforementioned tree) the character implications of the proposal as revised, are considered acceptable.

Officers raised concerns both at pre-application stage and in terms of the original submission that the development form was overly cramped leading to unacceptable design compromises. The revised scheme has dropped two units to allow greater flexibility in land take but there are still notable elements of compromise particularly in respect to parking provision. For example, it is considered to represent poor design that the entrance to the site at the end of the Maltkiln Close cul-de-sac would feature 8 car parking spaces abutting the highway edge with little attempt to soften the impact of the hardstanding. There are also numerous areas of tandem car parking for three dwellings such that there would be 6 car parking spaces in one solid block.

The density of the scheme is still at odds with the established urban grain of the immediate site surroundings (albeit it perhaps isn't a fair comparison with the dwellings to the east given that these represent a solely bungalow scheme). Despite the changes made during the life of the application, Officers remain of the view that the scheme would benefit from a further reduction in overall numbers. However, this has to be considered in the context of the need for smaller units (as discussed above) which understandably take a smaller land area. When one factors in matters of viability (discussed in further detail below) it is not considered reasonable to insist on losing any more units as this would likely prevent the scheme coming forward altogether. Notwithstanding this, it is certainly the case that Officers consider negative weight should be attached to the aforementioned design compromises above, in the overall planning balance.

The overall design of the scheme is for a modern development delivered through four different house types. The indicative street scenes submitted show an intention for a variety of materials to be used which would add visual and variety to the scheme. Noting the other modern developments in close proximity to the site, it is considered that this would be an acceptable approach at this site.

Impact on Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties.

The location of the site at the edge of the urban boundary in some respects limits the number of neighbouring properties which would be potentially affected by the development. However, this is counteracted slightly by the backland position of the site and also extant permissions neighbouring the site which have already been referred to.

Plots 1 and Plot 33 would be immediately adjacent to the end properties on the Maltkiln Close cul-de-sac. Plot 1 would broadly follow the building line with a distance of approximately 7m between the two side gables. There are no windows proposed on the side gable of Plot 1 such that this relationship is considered acceptable. Plot 33 would have a similar relationship to no. 7 Maltkiln Close albeit the distances between would be just under 2m. Again there are no side windows proposed towards the neighbouring dwelling. No. 7 Maltkiln Close is shown on the site plan as almost abutting the shared boundary but this is slightly deceptive in that the closest element of built form is a single storey garage. There is a small window on the side gable at first floor but this appears to be a secondary window.

The proposed site layout has included the development of 9 bungalows immediately to the west of the site which whilst not completely built out remains an extant permission which must be fully considered (and recent visits show that building work has commenced). The closest relationship would be between Plots 16 – 18 with the bungalow on Plot 7 of the neighbouring scheme. I have considered the distance indicated but do not consider that there would be any significant detrimental amenity impacts given that the rear elevations of the proposed plots would be towards the side gable of the neighbouring bungalow at a distance of approximately 15.5m. Having assessed the approved plans for this bungalow I am mindful that one of the three windows on the side elevation would be the only window serving a third bedroom. The exact boundary treatments of the neighbouring scheme are yet to be formally agreed but would probably be in the form of a fenced boundary which would offer a degree of privacy between the dwellings. Other back to back distances from Plots 19-21 with the extant bungalow scheme are at least 23m which is considered acceptable.

It is notable that concerns were received from neighbouring residents in respect to overlooking and overbearing on the original scheme where the plans demonstrated Plots 26 and 27 (now different plot numbers) close to the neighbouring boundary of no. 7 Maltkiln Close and the dwelling known as Janang. Although the back to back relationship would have been an oblique line of site, Officers raised concern during the life of the application regarding the outlook of Plot 27 in particular.

This has led to the fundamental re-design of this part of the site and indeed this is where the two plots have been removed. The relationship now would be a distance of approximately 24m from the rear elevation of Janang to Plots 22 and 23 on the proposal which are single storey bungalows. This relationship is now considered to be acceptable.

It is notable that comments have been received from neighbouring residents specifically on the revised plan with the opinion that it represents a worse amenity impact given that revised Plots 24-26 would have a line of site to the neighbouring dwellings to the north. However, this would be at a distance of approximately 30m and the line of site from these plots would be oblique.

Comments have also been received as to the amenity impacts from the plots on the western boundary (specifically that they are close to the boundary). I agree in some respects that this would be the case but I am conscious that these plots would be towards the south of the site which is some distance from the built form of the neighbouring dwelling to the west (which fronts the highway) and thus the rear outlook of these properties (including the maisonettes) would be

towards the rear extremes of the neighbouring garden which is around 100m in length. I find that this area of the garden would be less sensitive in amenity terms and thus it would not be appropriate to resist the application purely on this basis.

In terms of on site amenity, each dwelling with the exception of the maisonettes at Plots 5-8 has been afforded an area of private amenity space. Whilst these vary in size, they are considered commensurate to the size of the dwellings proposed. There are no true back to back relationships within the site itself which warrant a cause for concern in amenity terms.

Officers noted on site that there is a building footprint adjacent to the southern boundary of the site but it is clear that this has been abandoned as it has no roof and the access from the end of Cinder Lane is overgrown. I therefore do not consider it necessary to assess this from an amenity perspective.

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 site is not directly affected by any local sites of interest in nature conservation. However, as is acknowledged by the comments of Natural England, the site is within the risk zone for Wellow Park SSSI (the comments from Natural England are discussed in more detail in the drainage section below). The site is also within the RSPB 5km buffer for the potential area for special protection of woodlark and nightjar.

A number of neighbouring representations have made reference to the ecological potential of the site referencing views of wildlife on the site. This largely corresponds with the submitted Phase 1 Habitat Survey submitted to accompany the application which confirms that the rough grassland forming tussocks and dense tall ruderal and perennial growth colonising the site has considerable potential to support reptiles due to the character of this and lack of management. Although no sightings were witnessed as part of the survey in January 2019, the report did recommend further surveys which have been requested during the life of the application.

These were received on July 9th 2019 and include a Reptile Survey; Bat Activity Survey; and Botanical Survey (the latter also requested by the comments of Nottinghamshire Wildlife Trust).

The original survey acknowledged records of Great Crested Newts in the surrounding area but concludes that given the lack of any nearby ponds, or otherwise suitable habitat, the potential for amphibians on the site appears limited. The follow up Reptile Survey submitted recorded one juvenile grass snake on two occasions (likely to be the same individual snake). This is concluded to represent low population of reptiles within the site and therefore the development could be mitigated by suggested working methods which could be secured by condition.

The Bat Activity Survey confirmed presence of Common Pipistrelle and occasional Soprano Pipistrelle and Myotis - probably Natterer's foraging around the site. The majority of the activity was by solitary bats foraging around the site area briefly and moving away. It is suggested that the development of the site could be mitigated through dark garden areas of landscape areas along the southern boundary of the site to enable Pipistrelle and occasional Myotis bats to continue to commute and forage through the site.

The surveys have been assessed by the latest comments of Nottinghamshire Wildlife Trust who deem the surveys appropriate subject to the imposition of conditions to secure the mitigation measures outlined.

The site is currently greenfield in nature and whilst unmanaged in nature, it does support a number of tree specimens. On this basis, the application has been accompanied by a Tree Survey. A total of 19 individual trees and 2 tree groups were identified on the site, predominantly Sycamore with some Hawthorn. Saplings of less than 100mm diameter were not assessed. Most are scattered within the centre and southern parts of the area surveyed, crowded and competing for space. Some individual specimens of greater stature and better quality are present, such as T1 and T2 in the western area of the site and T4 nearer the southern boundary. These trees are placed within Category B2. Willow T9 is situated along the southern boundary of the site and this large tree has an irregular crown, characteristic of mature willow. It is spreading across the site boundary area with some branches at quite low level. This tree has been placed within Category B2.

Despite the results of this survey, the original application as submitted appeared to make no attempts to incorporate the most valued specimens within the site. Whilst the amended plan now demonstrates the retention of the Willow on the southern boundary, there would still be a wholesale removal of a large proportion of the existing trees within the site (albeit acknowledging that the majority of these are within Category C). On the basis of Officer concerns, the Council's Tree Officer has been asked to comment specifically on the scheme as submitted. The latest comments make reference to the Willow on the southern boundary still being close to the proposed built form. Having discussed further, it has been confirmed that the development would not necessarily affect the longevity of the tree provided it was subject to appropriate protection which could be secured by condition.

Comments of the Tree Officer and Nottinghamshire Wildlife Trust have made reference to the intention to remove the existing hedge on the southern boundary and replace with new planting. Clearly this is not the best approach in ecological terms and therefore a revised plan has been sought (and received) to indicate the retention of the existing hedge and additional re-enforcement where necessary which would be agreed by the overall landscaping condition.

Impact on Flood Risk and Drainage

The site is within Flood Zone 1 according to the Environment Agency and therefore the residential delivery of the site would be sequentially appropriate.

The application has been accompanied by a Flood Risk Assessment and Drainage Strategy dated May 2019. The report identifies that there are two possible drainage surface water drainage solutions which need to be qualified by ongoing intrusive investigations. These are infiltration drainage or discharge to the local drainage network. Infiltration drainage is to be designed to accommodate the 1 in 30 year event, whilst discharge to the local drainage network is to be restricted to 3.5l/s and designed for no external flooding for the 1 in 30 year event and all flows retained on site for up to the 1 in 100 year plus 30% climate change. The foul water flows from the development will discharge to the existing 225mm combined sewer located in Wellow Road to the north of the proposed development.

As is referenced above, Natural England have provided specific comment on the scheme with the concern that without appropriate mitigation, the development would damage or destroy the interest features for which Wellow Park SSSI has been notified. In order to mitigate against such damage, it is suggested that the development should be appropriately conditioned to ensure that there will be no harmful discharges to groundwater. Overall the preference is a Sustainable Urban Drainage system which aligns with the preferences of NCC Flood Team.

Clearly, the exact drainage details are yet to be determined. Nevertheless it is considered that the development could be reasonably conditioned to require further details of surface water drainage in line with the aspirations of Natural England and NCC Flood Team. It is acknowledged that neighbouring concerns have referenced whether or not the current system has capacity to deal with the additional development but I have identified no evidence to the contrary. Therefore, subject to the aforementioned condition, there is no reason to resist the application on flood or drainage matters.

Impact on Highways

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 intention is for the application to continue the existing access from Malkiln Close to serve the whole development of 33 units. The access would cumulate in a turning head with individual properties served by parking including in the form of parking courts as already mentioned.

NCC as the Highways Authority has commented specifically on the application with their comments listed in full above. Their original comments did not object to the use of the access in principle but did raise concerns to a number of specific design elements including distance from dwelling to parking space and emerging visibility. Even in the revised scheme there are still elements of compromise (as already referred to) where proposed occupiers would not have parking spaces immediately adjacent to their properties. Nevertheless, the revised scheme undoubtedly represents an improvement to the original and given the compact nature of the site, it would in reality be difficult to find other areas to park on the highway without blocking other driveways. The use of assigned driveways will therefore become more desirable even if they are a short distance to walk to the properties. I note that the Highways Authority's latest comments confirm that the revised plan has addressed their original concerns and therefore raise no objection subject to conditions.

It is fully appreciated that neighbouring residents and the Town Council have raised concerns in respect to the highways impacts of the scheme. There is no doubt that the scheme would lead to an increase in vehicles but without an objection from the highways expertise it would be very difficult to refuse the scheme purely on this basis and I have no reason to conclude that the development could not be catered for in the existing capacity of the network.

Impact on Heritage including Archeology

Core Strategy Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *"the continued conservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment"* including archaeological sites and Conservation Areas. Any proposals concerning these heritage assets should secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

The application site is outside of the designated Conservation Area and does not contain any listed buildings. Nevertheless the original comments of the Council's Archeological Advisor requested the submission of a Heritage Impact Assessment given that the site is within an area of archeological interest.

A Historic Environment Desk Based Assessment was submitted during the life of the application. The report has appropriately considered the Conservation Area asset and nearby listed buildings and would ultimately cause no harm to the setting of these assets. However, the report does highlight that although this site is away from the medieval core of the settlement of Ollerton, there is the potential to find prehistoric/Roman archaeology on this site. On the basis of Archeological advice therefore, further investigations in the form of geophysical surveys of the site have been requested.

The applicant has submitted the results of the geophysical survey by email dated 27th August 2019. Consultation with the relevant archeological expertise has been instructed and any comments received will be reported to Members as a late item with any required recommended conditions.

Developer Contributions

Core Strategy Spatial Policy 6, policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

The application has been submitted as a wholly affordable housing scheme which is welcomed in respect to contribution to the District's social housing stock. There is no doubt that positive weight should be attached to a 100% affordable housing scheme when the policy requirement is for 30%. The affordable provision is within the description of the development but it is nevertheless possible for the LPA to secure that the dwellings remain affordable for their lifetime if determinative weight is to be attached to their delivery.

The original Planning Statement was somewhat sparse in respect to the mention of other contributions. To confirm, a development of 33 dwellings at this site would also require contributions to open space as outlined by the comments of the Parks and Amenities Officer detailed above. There is also a required contribution towards community facilities. On the basis of an off-site contribution, this would amount to the following:

Contribution	Off-site cost per dwelling	Total
Open Space – Children and Young People	£927.26	£30,599.58
Open Space – Amenity Green Space	£282.94	£9,337.02
Community Facilities	£1,384.07	£45,674.31
		£85,610.91

Ordinarily a scheme of this size would also hit the trigger for an education contribution but as confirmed by the comments of NCC Policy Team above, there is existing capacity within the primary schools to cater for the development.

The figures above have been passed to the agent during the life of the application but the revised submission has included a Viability Appraisal. The covering email from the agent confirms that the appraisal shows:

“without any S106 contributions, the scheme makes a loss of approx. £90k. This is acceptable to NCHA because they are a not-for-profit organisation and their long-term programme includes both loss-making and profitable schemes which balance out across the board.”

As is now usual practice, the appraisal has been assessed on behalf of the Council by an independent consultant. The response received is as follows:

The applicant has confirmed that a pre-sale construction and land purchase price has been agreed with Notts Community Housing Association equivalent to £1551sqm. This represents approximately 75% of open market value in Ollerton and is considered reasonable for a 100% Affordable Housing scheme.

The total value of the 100% Affordable Housing scheme has been assessed at £3,592,116.

Construction cost rates based on current BCIS data relevant to Newark and Sherwood have been applied at £1460sqm for the housing units and £1346sqm for the maisonettes giving a total build cost of £3,592,116. The Council's standard assumptions for fees and contingencies have been applied. It has been assumed that the RSL purchaser will stage fund land purchase and construction so no allowance for finance costs has been made.

A residual land value appraisal indicated negative land value. As such the normal benchmarking methodology is not appropriate. The applicant proposes a land purchase price of £750,000. In view of the negative residual value, a nominal land value allowance of £50,000 for the 0.79 Ha site has been adopted in the appraisal.

A reduced profit allowance of 6% has been adopted reflecting the affordable housing nature of the scheme. No CIL charges are applicable in this area.

The viability assessment indicates that even with a nominal land value allowance, no finance costs and 6% developer profit, there is a negative viability margin of -£523,917 without any developer contributions. It is therefore concluded that the proposed development is not capable of providing any additional S106 infrastructure contributions.

In light of these comments it is reasonable to accept that the scheme can in no way afford contributions towards open space or community facilities as would ordinarily be sought. It is notable that the advice was received on the basis of the 35 unit scheme however the loss of 2 units would likely make the viability position worse. Whilst this weighs negatively in the balance, in respect solely of conditions, this would be outweighed by the benefit of the proposal delivering 100% affordable housing.

Other Matters

One of the letters of representation received makes reference to a recent house sale where the legal searches did not identify the potential development of the site despite the pre-application discussions. Whilst this is unfortunate, it remains the case that pre-application discussions are confidential and therefore are not reported in a public facing manner.

Comments received on the latest plans have made reference to inaccuracies with the boundary lines specifically on the western boundary and at the north eastern corner of the site. This has been clarified with the agent during the life of the application and slight amendments made to the site location plan to match the title plans as received on 12th July 2019.

Overall Balance and Conclusion

An element of the balancing exercise has already been inferred to above predominantly in respect to the lack of ability for the scheme to meet the required developer contributions in the context that the proposal is for a wholly affordable housing scheme.

However, the above appraisal also identifies other elements of compromise which must be properly considered. Notably, the development for 33 dwellings, (even noting that two dwellings have been removed from the original proposal) would represent a more cramped built form than is established in the immediately surrounding area. In the context of the site's presence at the edge of the urban area, this is clearly undesirable. This also has consequences in terms of parking delivery which in some areas of the site would represent a harsh appearance on the street scene with little spatial opportunity for further landscaping to soften this impact. Moreover, in the theme of landscaping, the proposal would necessitate the removal of a number of attractive tree specimens.

The applicant has worked with Officers throughout the application process and in doing so has submitted a number of additional reports which have evidenced that the scheme can be acceptably mitigated for example in terms of ecology. The revised plan is also in Officer's submission considered to represent a significant betterment in terms of neighbouring amenity.

Taking all the above factors into account, the benefits of delivering 33 affordable dwellings in a sustainable settlement are considered significant to a degree that it would outweigh the other minor elements of harm identified in other respects. Clearly this would only be the case if the affordable housing delivery were to be secured for the lifetime of the development (and indeed if other matters are appropriately mitigated) and therefore the recommendation is one of approval subject to the suite of conditions outlined below.

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:

- Drawing 18014 0100-PO3 – Site Location Plan (received 12th July 2019);
- Drawing 18014 0102-PO8 – Proposed Site Layout Plan (received 23rd July 2019);
- Drawing 18014 0200-PO2 – Housetype A – Plans and Elevations;
- Drawing 18014 0201-PO2 – Housetype A – Plans and Elevations (Terrace);
- Drawing 18014 0202-PO2 – Housetype B – Plans and Elevations;

- Drawing 18014 0203-PO2 – Housetype B – Plans and Elevations (Terrace);
- Drawing 18014 0204-PO2 – Housetype C – Plans and Elevations;
- Drawing 18014 0205-PO3 – Housetype D – Plans and Elevations (received 12th July 2019);

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 the permission.

03

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall give priority to those who have a local connection within the parish of Ollerton and shall include:

- the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no Registered Social Landlord involved);
- the arrangements to ensure that such provision is affordable for both first and all subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure appropriate provision of on-site affordable housing to meet local need in accordance with Core Policy 1 of the Core Strategy and Sherwood Affordable Housing Supplementary Planning Document July 2013.

04

Prior to any development above slab level a schedule of materials for all plots detailing all facing materials including bricks and roofing tiles shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

05

No 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.

06

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with

others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the following reports:

- Reptile Survey prepared by CBE Consulting (received 9th July 2019);
- Bat Activity Survey prepared by CBE Consulting (received 9th July 2019);

Specifically this includes but is not limited to:

- The areas of bramble and tall ruderal growth within the site construction area should be carefully cleared over vegetation in a directional manner from one end to the other, from north to south and east to west. The initial cut of the vegetation should be to 10cm height and then this should be left for 24 hours and followed by a cutting down to ground level.
- The construction of at least two permanent artificial refugia suitable for reptiles should be constructed in boundary positions within landscaped areas (not gardens) in locations where they will receive direct sun.
- Provide dark garden areas or landscaped areas along the southern boundary of the site to enable Pipistrelle and occasional Myotis bats to continue to commute and forage through this site. Any artificial lighting plans should ensure that light spillage does not encroach into the AREA areas along the southern, south western and south eastern boundaries.

Any deviations from the approved mitigation measures must be agreed in writing by the local planning authority.

Reason: To preserve the ecological value of the site.

08

Prior to any development above slab level, a scheme for the provision of integral bat brick roost features on properties adjacent to the southern boundary shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To increase the ecological connectivity and potential within the site.

09

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved 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 through the seeking of either a non material amendment or a subsequent discharge of condition application.

Reason: In the interests of residential and visual amenity.

10

Notwithstanding the details shown on plan reference Drawing 18014 0102-PO8 – Proposed Site Layout Plan (received 23rd July 2019, 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:

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;

Reason: In the interests of visual amenity and biodiversity.

11

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.

12

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.

13

No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. It must be noted that the Flood Risk Assessment (FRA) dated May 2019 by Fortem contains a number of issues that should be resolved as part of and detailed surface water design and these are referenced below. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. The FRA contains no reference to SUDS and this must be reconsidered. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365). The FRA suggests that there are no watercourses in the vicinity yet it appears that there may be some form of watercourse to the west of the site and also to the north side of Wellow Road. These should be considered as a priority over the use of sewers.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar for the developable area. The proposed rate within the FRA must be supported by hydraulic calculations.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness of proposals.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

14

No development hereby permitted shall commence on any part of the application site unless or until a suitable access into the site has been provided at Maltkiln Close as shown for indicative purposes on drawing 0102 Rev. P08 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

15

No individual dwelling shall be occupied until its associated driveway/parking/turning area is provided in accordance with plan 0102 Rev. P08 and surfaced in a hard bound material (not loose gravel) for a minimum distance of 2 metres behind the highway boundary. Each surfaced driveway/parking/turning area shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

16

Prior to the commencement of any development above slab level, details of the existing and proposed ground and finished floor levels of the site and approved buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and ensuring that there is no additional surface water run-off to existing properties.

17

Construction works shall not take place outside the following hours:

- 8am to 6pm Monday to Saturday
- 9am to 1pm Sunday
- And not at all on bank or public holidays

Unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

18

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No 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 Local Planning Authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

19

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local 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/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

Notes to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

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

- a) The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Please contact David Albans (0115) 804 0015 for further details.

Background Papers

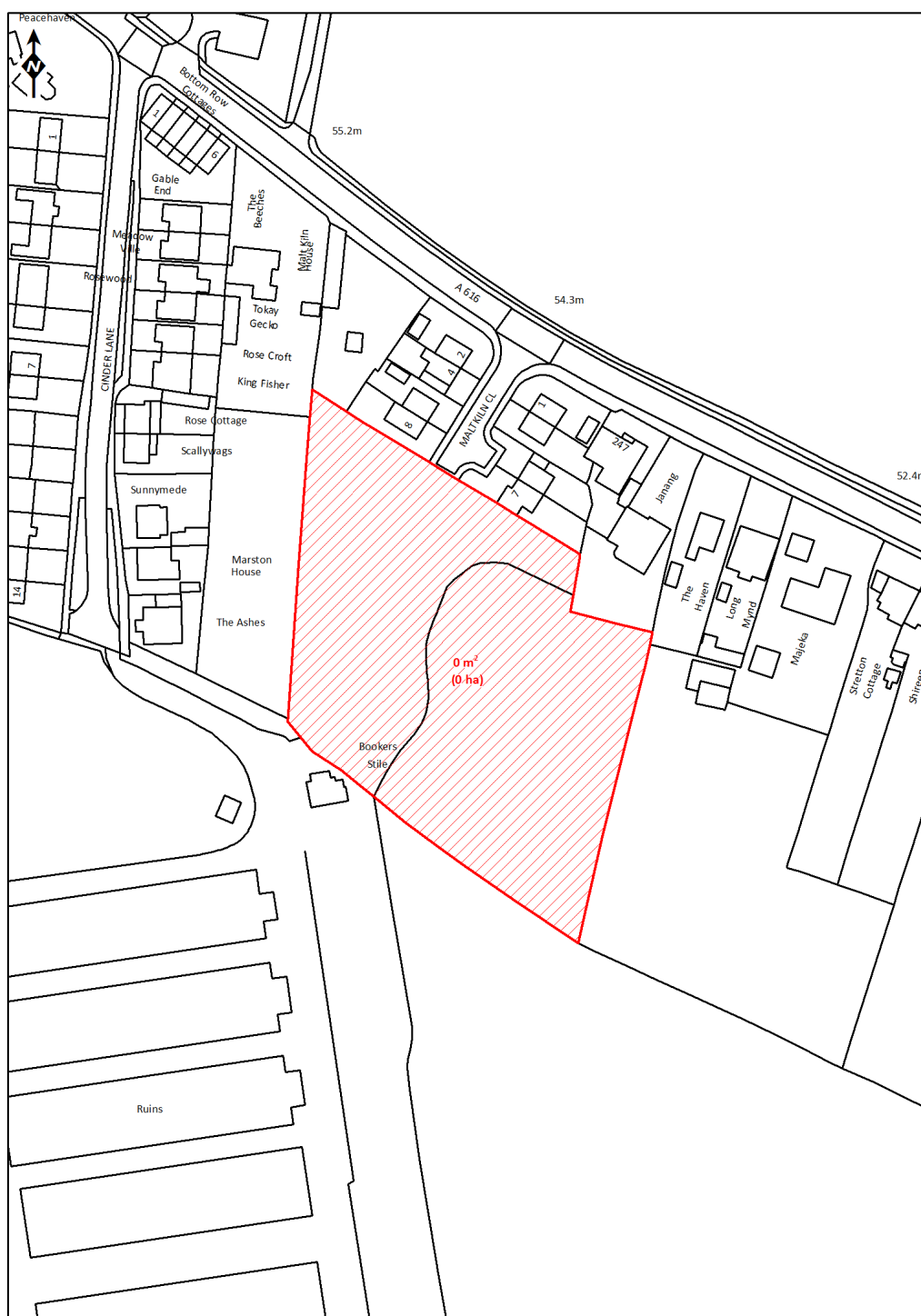
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/00892/FULM



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	15/01330/FUL		
Proposal:	Demolition of existing factory shop and erection of 6 dwellings and all associated works		
Location:	Sherwood House, Dale Lane, Blidworth		
Applicant:	The Major Oak Clothing Company		
Registered:	20 August 2015	Target Date: 15 October 2015	Extension of Time Agreed Until 13 September 2019

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

The Site

Roughly rectangular in shape, the 0.06 hectare application site is currently occupied by the former Methodist Chapel which was last used as a clothes factory, however, is now solely used for retail, with one part-time employee. The chapel was built in 1928 to serve the needs of the planned colliery village of Blidworth. The building therefore has historic as well as architectural interest and is considered to be a non-designated heritage asset. The clothing factory use was previously housed within a modern extension that was added to the west elevation of the chapel, however, this has now been removed.

The internal finished floor level of the chapel is set above the road level by approx. 1m. The gable end of the chapel is set back from the back edge of the footway by approx. 8m. This part of Dale Lane is characterized by grassed/planted verges, often with trees, along the road.

To the east of the chapel are existing two storey semi-detached dwellings erected as part of colliery village which are set back from the footway with 6-7m deep front gardens. Opposite the site are former colliery houses also set well back from the road. To the west and north of the site are allotments. These allotments are allocated in the Allocation and Development Management DPD as a housing site for around 45 dwellings. The site is within the defined village envelope of Blidworth in a predominantly residential area.

Relevant Planning History

07/00608/FUL - Demolish factory unit extension and construct 3 new 3 bed dwellings, approved 30.08.2007 (This retained the chapel building and approved a terrace of dwellings on the footprint of the demolished extension).

08/02295/FUL - Removal of Condition 10 of planning 07/00608/FUL for the demolition of the factory unit extension and construction of 3 new bed dwellings at Sherwood House, Dale Lane, Blidworth, the applicant appealed against non-determination.

Condition 10 stated:

“The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56 (4) (a) - (d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to Section 106 of the said Act relating to the application site (which for the avoidance of doubt includes the site of the existing factory shop or former chapel) has been made by all parties with a current interest in the said site and lodged with the Local Planning Authority and the Local Authority has notified the person submitting the same that it is to the Local Planning Authority's satisfaction.

The said planning obligation will contain an acknowledgement by all such parties that had an application been made for five or more dwellings on the application site then the Local Planning Authority would have required an element of affordable housing as part of the scheme

The said planning obligation will ensure that:

- 1. In the event that planning permission is ever sought for any additional dwellings on the application site over and above the three which are the subject of this permission then on each such occasion the requirement for affordable housing shall be assessed by reference to the cumulative total of the said three dwellings plus any further dwellings which have been constructed and any dwellings the subject of a later application for planning permission.*
- 2. The said parties procure that any planters which are to be re-positioned as part of a landscape/tree/shrub planting scheme approved under condition 5 of this permission will in fact be re-positioned in accordance with such scheme and will pay all monies and enter into such deeds and agreements as the highway authority shall require in order to achieve this.*

Reason: In order to ensure appropriate provision is made for affordable housing as part of any future residential scheme and in the interests of the amenity of the area.”

The appeal was up-held on 03.02.2010 and planning permission was granted without the above condition. Although the factory extension has now been demolished, there were a number of pre-commencement conditions attached to this permission a number of which go to the heart of the permission which do not appear to have been discharged. As such it is concluded that this permission is no longer extant.

The Proposal

Full planning permission is sought for the demolition of the existing chapel and the erection of three pairs of semi-detached, two-storey, 6 No. market dwellings, each with three bedrooms. The application has been amended during the course of its consideration and reduced from its original submission as a terrace of 7 dwellings. The pairs of houses are slightly staggered in their layout with a 1m gap between. Each pair measures approx. 14m wide by 9.4 m deep. They are characterized by hipped roofs measuring approx. 5.1m to the eaves and 8.7m to the ridge.

Due to the slope of the land, the western-most pair have a ground finished floor level flush with the road, but the eastern-most pair have a finished floor level of approx. 1.2m above existing ground levels and accessed by external steps with railings. Planting is provided in small areas along the frontage between the dwellings and the parking area. To the rear of the dwellings patios are flush, with rear gardens beyond at higher ground levels accessed by steps. Each dwelling is served by two car parking spaces that are laid out in a continuous line along the frontage of the site, perpendicular to the road. In order to allow vehicular access along the whole width of the site, it will result in a loss of planting along the highway verge.

Documents submitted in support of the application comprise:-

- Design and Access Statement;
- Planning Statement;
- Bat Survey by ML-Ecology dated 19.08.2015;
- Up-dated Bat Survey Report by ML-Ecology dated 30.10.2017;
- Financial Viability Report dated 2 July 2018 by HEB Chartered Surveyors which sets out the viability of the proposed scheme and the viability of converting the existing chapel into two dwellings and the erection of a terrace of three dwellings to the west of the chapel.

The plans being considered by this application are:-

- Proposed Site Layout, Block and Location Plan (Drawing No: 010 Rev A) received 7 August 2019;
- Proposed Layouts & Elevations (Drawing No: 011) received 7 August 2019; and
- Comparison Drawing (Drawing No: 012 Rev A) received 7 August 2019.

Departure/Public Advertisement Procedure

Occupiers of 23 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

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 6 – Shaping our Employment Profile
Core Policy 8 – Retail Hierarchy
Core Policy 9 - Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
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 2019
- Planning Practice Guidance

Consultations

Blidworth Parish Council – no comments received in relation to the reduced number of dwellings.

Current comments received on 05.03.19 on scheme for 7 dwellings – object due to over intensification of the site in relation to the number of houses and concerns over parking provisions.

Comments received 24.08.2015 on scheme for 7 dwellings – support in principle but would prefer planning for overall decision and would prefer to include some rented properties.

NCC Highways Authority – Comments received 16.08.2019 –

“Amended site layout plan 010 Rev. A

The layout is acceptable to the Highway Authority. As previously stated, the development will require the removal of the existing landscaping/shrubbery at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utility equipment will require relocating. This will be at the applicant’s expense.

Subject to permission being granted for the above by the relevant authorities, the Highway Authority would not wish to raise objection to development of this site.

It is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material in accordance with the approved plan, ref. 010 Rev. A.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access driveways/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways/parking areas 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.

3. No part of the development hereby permitted shall commence until the offsite works, i.e. highway works at the site frontage, to provide suitable access from the public highway to the site have been provided as shown for indicative purposes only on plan 010 Rev. A.

Reason: In the interests of highway safety.

Note to Applicant

In order to carry out the offsite works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details.”

Comments received 01.02.2019 -

“Amended plan 001 Rev. A

The layout is acceptable to the Highway Authority. As previously stated, the development will require the removal of the existing landscaping/bushes at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utility equipment will require relocation. This will be at the applicant’s expense.

Subject to permission being granted for the above by the relevant authorities, there would be no highway objections in principle.

It is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material in accordance with the approved plan, ref. 001 Rev. A.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access driveways/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways/parking areas 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.

3. No part of the development hereby permitted shall commence until the offsite works, i.e. highway works at the site frontage, to provide suitable access from the public highway to the site have been provided as shown for indicative purposes only on plan 001 Rev. A.

Reason: In the interests of highway safety.

In order to carry out the offsite works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details.”

Comments received 25.09.2018 –

“Revised site plan 752/03B

The layout of the parking spaces has been adjusted to allow easier access, which is acceptable to the Highway Authority.

As stated in my previous comments of 09/09/15, the development will require the removal of the existing landscaping/bushes at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utility equipment will require relocation. This will be at the applicant’s expense.

Subject to permission being granted for the above by the relevant authorities, there would be no highway objections in principle.

It is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the access drives have been completed and surfaced in a bound material in accordance with the approved plan, ref. 752/03B.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access drives/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the drives/parking areas to the public highway in accordance with details 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.

3. No part of the development hereby permitted shall commence until the off site works, i.e. highway works at the site frontage to provide suitable access from the public highway to the site, have been provided as shown for indicative purposes only on plan 752/03B.

Reason: In the interests of highway safety.

Note to Applicant

In order to carry out the off site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details."

Comments received 09.09.15 – "This proposal is for the demolition of the existing factory shop and the erection of 7 x 3 bed dwellings. There are two parking spaces shown per dwelling.

The parking space for Plot 7, adjacent the site boundary, appears 'tight' for manoeuvring, which may result in on street parking.

The development will require the removal of the existing landscaping/bushes at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utilities equipment will require relocation. This will be at the applicant's expense.

As such, could the applicant submit an amended plan to provide adequate access for Plot 7 before formal conditions are imposed."

Notts Wildlife Trust - "We are pleased to see that a Bat Survey (ML Ecology, 2015) has been undertaken which allows proper consideration of protected species in the planning process. We are satisfied with the methodology and conclusions of the report and note that neither bats nor breeding birds are considered a constraint to the development.

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, we would welcome plans for biodiversity enhancements on and around the development site. These could include creating new habitats, such as installing bat and bird boxes on the new dwellings and using native species for landscaping.”

NSDC, Conservation –

“Due to its age and architectural appearance, the former Methodist chapel building is considered to be a non-designated heritage asset in accordance with Annex 2 of the National Planning Policy Framework (NPPF – revised July 2018).

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

The importance of considering the impact of new development on the significance of heritage assets is expressed in section 16 of the NPPF. Local planning authorities (LPAs) should take into account the desirability of sustaining and enhancing the significance of heritage assets and of putting them to viable uses consistent with their conservation. LPAs should also take into account the positive contribution that conserving such heritage assets can make to sustainable communities, including their economic vitality. Paragraph 197 of the NPPF specifically 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.

Significance of Heritage Asset

The former Methodist church on Dale Lane is contemporary with the early 20th model colliery village phase of Blidworth which is identified on the County Historic Environment Record (HER) as a Local Interest complex (comprising the former planned colliery village; HER entry M260). The HER record advises that this is one of the largest carefully planned colliery settlements built in the Nottinghamshire coalfield in the interwar period (built for the new mine opened in 1926). Over 800 houses were built by the Industrial Housing Association for the Newstead Company at Blidworth Colliery Village between 1924 and 1927. These former worker houses retain a level of homogeneity and group value, despite significant changes and adaptations in the modern period. The former church is a Primitive Methodist chapel, and was built in 1928 to meet the needs of the local community. The distinctive form and appearance of the chapel is a good example of inter-war architecture furthermore. The former Methodist church is an important element of the model colliery village plan furthermore, and has architectural and historic interest.

Assessment of Proposal

The proposal seeks permission to demolish the former chapel and the attached modern unit, and erect 7 new dwellings.

The justification for the demolition of the chapel appears to be viability. The development appraisal concludes that a scheme to convert the chapel and develop the site results in a potential loss of over £30k, whereas full demolition and redevelopment as proposed results in a potential profit of over £50k. Inevitably, it is difficult to judge some of the potential variables and assumptions on conversion given the lack of detailed condition survey or exploration of detailed alternate schemes (façade retention for example), but overall, it is accepted that the development cost analysis is based upon reasonable assumptions.

Total demolition results in complete loss of historic interest. There is some moderate harm to the significance of the planned colliery village furthermore.

It is for the decision-maker to weigh up and consider the merits of the scheme against the loss of the heritage asset. We accept that the viability report might be found compelling in this particular case.

If the scheme is approved, we would suggest a programme of historic building recording of the former chapel is agreed prior to any demolition.”

NSDC, Environmental Health – “This application is for residential dwelling on a former factory and there is clearly the potential for contamination to be present from this previous 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 and Equalities Officer – “It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people. To this end, BS 9266:2013 ‘Design of accessible and adaptable general needs housing – Code of Practice’ as well as Approved Document M of the Building Regulations contain useful guidance.

The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwellings be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. A firm wide non -slip pedestrian pathway route clear of vehicular traffic and vehicular parking is required from the edge of the site to the dwellings. Formless or granular material is unsuitable for any pedestrian route to dwellings. It is recommended that inclusive 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 approval requirements.”

NSDC Viability Consultant – Based on 17.5% developer profit and abnormal costs of £50,000 for the residential conversion of the chapel, I agree that the conversion scheme (with three new builds) does show negative viability (-£60, 000) and the new build terrace scheme shows a positive viability (£17,281).

Representations have been received from 4 local residents/interested parties received in 2015 which can be summarised as follows:

Three letters of objection:

- Would increase localized traffic congestion;
- Noise pollution from the quantity of cars;
- Haywood Oaks Lane is prone to icing;
- There are always queues of traffic down Dale Lane and Haywood Oaks Lane from the junction next to Tesco's;
- Parking cars would conflict with adjacent pedestrian safety;
- Extra traffic would be of significant danger to cyclists, road users, pedestrians and horseriders;
- Overdevelopment of the site resulting in an adverse visual impact;
- Resembles old Victorian back to back terraces;
- Too many houses on such a small parcel of land – there would be another possible 14 people practically on their doorstep;
- The houses are higher than existing building and would overshadow their rear garden from the sun;
- This is against their human rights;
- Loss of privacy;
- Over-bearing impact;
- Ugly and out of scale in character and appearance with this historic village;
- The loss of the planting bed along the road should be preserved not removed;
- There is no lack of affordable housing in Blidworth, development of a higher standard of design and value would be more acceptable to the major source of equine contribution to the village and to preserve and enhance the character of the area;
- Dale Lane is prone to flooding with sewers regularly over spilling;
- The owner closed the factory, making everyone redundant and relocated to Estonia;
- The last time an application was put in for this many houses it was turned down by highways because of all the traffic and now there is a Tesco at the end of the road
- Maximizing profit with total disregard to social problems.

One letter of support:

- Support redevelopment of this brownfield land, gables should be added to the front elevation to provide interest to the streetscene; and
- It is understood that the chapel is in very poor condition.

No third party representations have been received to the reduced scheme for 6 dwellings.

Comments of the Business Manager

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

added) material considerations indicate otherwise. At the current time the Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013).

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply and as such the policies of the Development Plan are considered up to date for the purposes of decision making.

Principle of Development

The site lies within the defined urban area of Blidworth, a 'Principal Village' as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle. The policy states that 10% of overall growth will be focused in Principal Villages with 25% of this within Blidworth. The principle of development is therefore considered to be sustainable, acceptable and in accordance with the Local Development Framework, the NPPF and its Planning Policy Guidance, subject to consideration of the other relevant material planning considerations which are set out below.

It is acknowledged that the loss of the retail outlet would result in the loss of one existing part-time job, which results in some negative economic harm. However it is also recognised that given the loss of the associated factory some years ago, the long term sustainability of the retail element alone was likely to prove vulnerable. The loss of this former Methodist chapel, acknowledged as a non-designated heritage asset, also represents some heritage harm, which is discussed in more detail below.

Loss of the heritage asset and impact on the character and appearance of the area

Due to its age and architectural appearance, the former Methodist chapel building is considered to be a non-designated heritage asset in accordance with Annex 2 of the NPPF. The history and significance of the chapel and the surrounding planned mining village layout, together with the national and local policy context is set out in the comments of the Council's Conservation Officer and so is not repeated here. Clearly the proposed loss of the chapel represents the complete loss of its significance and this needs to be assessed in accordance with Paragraph 197 of the NPPF which specifically advises the effect of an application on the significance of a non-designated heritage asset should be taken into account. 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.

In the light of this, the applicant was advised that they would need to demonstrate why the existing building could not be retained and converted. The applicant subsequently submitted a Viability Assessment. This has been considered by an independent viability consultant whose comments and advice are summarized in the consultation section above. The submitted Assessment has demonstrated that a scheme which sought to convert the existing building into residential use and constructed three new dwellings, would not be economically viable.

The development appraisal concludes that a scheme to include conversion of the chapel results in a potential loss of over £30k, whereas full demolition and redevelopment as proposed results in a potential profit of over £50k. Inevitably, it is difficult to judge some of the potential variables and assumptions on conversion given the lack of a detailed condition survey or exploration of detailed alternate schemes (façade retention for example), but overall, it is accepted that the development cost analysis is based upon reasonable assumptions.

Total demolition results in complete loss of historic interest and there is also some moderate harm to the significance of the planned colliery village furthermore. These weigh negatively in the overall planning balance, however, some positive weight must also be applied given the proven position regarding viability.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 117).

The application proposes three pairs of semi-detached properties set back from the road which would be constructed of red brick with black concrete tiles. The application site falls within a predominantly residential area characterized by two storey semi-detached dwellings erected as part of the former colliery village development. Roofs are a mix of gabled ends and hips, with the nearest dwelling immediately to the east having a hipped roof and constructed in half red brick with render at first floor level. The layout is spacious with built form set back from the road.

Although it is acknowledged that the site frontage would be dominated by car parking, which is far from ideal and the space between the proposed dwellings is limited, overall, it is considered that the proposed form and appearance of the development adequately reflects that of the existing surrounding area and whilst the loss of the significance of the chapel building is regrettable, the proposed new development would not result in unacceptable harm to the character and appearance of the streetscene or the visual amenities of the area and therefore accords with the Development Plan and the NPPF, a material consideration.

Housing Need

Chapter 11 of the NPPF goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for housing (paragraph 118 part d). Paragraph 119 sets out how Local Planning Authority's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.

Core Policy 3 states 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.

The density of the proposed development is 100 dwellings per hectare, which accords with the policy minimum of 30 per hectare. The previous concern raised by the Parish Council on the scheme for 7 dwellings of over-intensification of development is noted, and the applicant has sought to address this by reducing the number of dwellings proposed by one. Taking into account the advice within the NPPF regarding under-utilised land, it is considered that this density of development is acceptable on this site.

It is noted that this proposal is for 6 no. 3 bedroom houses - the district wide Housing Market and Needs Assessment (2014) identified that within the Mansfield Fringe sub area (of which Blidworth is a part) the main type of property required is bungalows followed by semi-detached. Two bedroom properties are required (32.3%) in addition to three bedroom dwellings (24.8%). It is therefore considered that a need exists within the Blidworth area for 3 bedroom semi-detached style units and this proposed development would assist in meeting that need in accordance with CP3.

Impact on Neighbouring Amenity

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

Given the relationships and separation distances to existing dwellings, the main impact of the proposed development would be on the occupier of the dwelling immediately to the east of the site. The existing chapel building is single storey (with a ridge approx. 6.6m high and eaves approx. 2.4m) with two large roof gables facing east (one 4.6m high to ridge and the other 5.4m high to the ridge). The building extends along the full length of the common boundary positioned approx. 3m away. In contrast, the proposed development would be two storey and approx. 1.5m off the common boundary for a distance of approx. 5m with an eaves height of approx. 4.5m above their ground level. There would be a total distance of approx. 3.5m (at its closest point) between the side elevation of this existing dwelling and the side elevation of the proposed easternmost dwelling. To mitigate the impact on occupiers of the existing neighbouring dwelling, the proposed eaves level is approx. 0.75m lower than that of the existing dwelling (although it is acknowledged that the proposed ridge level would be approx. 0.6m above that of the existing dwelling) and the rear elevation of the existing dwelling is set at a slight angle, away from the application site.

It is considered that the reduction in length of current development along the common boundary would represent an improvement to the amenities of these occupiers in terms of the current sense of enclosure experienced, particularly at the northern end of the garden, however, it is also acknowledged that the proposed side elevation of the new dwelling although less deep, would be approx. 1.5m closer to the common boundary, and would therefore have a greater impact on the area immediately to the rear of the neighbouring house, in terms of sense of enclosure and overshadowing in the late afternoon.

There are no openings in the side gable of the existing property and the only proposed opening in the side elevation of the proposed dwelling is a bathroom window at first floor level. However, given the proposed relationship that would result, it is considered that the opening in the east elevation facing the neighbour should be removed altogether to prevent the perception of overlooking from this window. It is therefore proposed that this window shown on the approved drawings is conditioned out of the scheme.

With regard to the proposed dwellings themselves it is noted that close boarded timber fencing is proposed to the rear gardens, which are a sufficient size commensurate with the size of the dwellings such that the amenity of future occupiers would not be compromised.

Overall, taking into account the above assessment, on balance, it is considered the proposal would not conflict with the amenity criteria under Policy DM5 sufficiently to warrant refusal in this case.

Impact on Highway Safety

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

Each dwelling is served by two on-site parking spaces positioned immediately adjacent to and perpendicular to the public highway. The Parish Council has raised concerns as to whether the on-site parking provided is sufficient to serve the development. The Highway Authority has considered the proposed parking provision as well as the potential for cars to be reversing from the site onto Dale Lane and has concluded that the proposal is acceptable in highway safety terms, subject to certain conditions. It is therefore considered that the proposal accords with the Development Plan policies and would not result in any highway safety harm.

Ecology

Core Policy 12 of the Amended Core Strategy and Policy DM7 of the A&DM DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. A Bat Survey Report was carried out by ML-Ecology, undertaken in August 2015, and a further updated Bat Survey Report was carried out in October 2017 both of which concluded that the suitability of the building to house bats was considered to be negligible and there were no signs of bat activity within any part of the building. Given this the report stated that no further surveys or mitigation are required, and in addition no sign of bird occupation were found.

However, the NPPF states that the planning system should look to provide net gains in biodiversity. Biodiversity enhancement can be provided through the use of native species for landscaping and the installation of bat and bird boxes on the new dwellings, which are secured by condition.

The proposal therefore accords with the aims of the NPPF and Core Policy 12 and Policy DM7 of the Development Plan.

CIL

The site is located in the 'Housing Low Zone' area which is zero rated for CIL purposes and therefore no CIL will be payable for this development.

Other Matters

I note the comments from the Council's Environmental Health Officers in relation to the proposed development. Given the application includes the demolition of a former factory and the construction of residential units the Contaminated Land officer has advised that there is the potential for contamination to be present from this former use. They raise no objection to the proposal provided a condition is attached to investigate potential contamination on the site. In

addition, given that the site is surrounded by existing dwellings, it is considered that a condition be imposed to require the submission of a Construction Method Statement to consider the demolition approach and the future construction plan on the site. I therefore consider that subject to the above conditions there would be no unacceptable environmental health consideration.

Planning Balance and Conclusion

It is concluded that whilst the proposal would result in the total loss of the significance of the non-designated heritage asset chapel building, which is regrettable, the applicant has demonstrated that the retention and conversion of the building is not economically viable. It is also acknowledged that the proposal would result in the loss of 1 part-time employee, which is given limited negative weight, although this can be balanced out by the economic benefits that the construction of the buildings would provide. The proposal provides 6 new dwellings which are considered to reflect the type, form and layout of existing development and the dwellings are of a suitable scale and density for the location and have been suitably designed so that they will not appear incongruous within the streetscene.

The proposal would also provide six units that would accord with the housing need within the Blidworth area for semi-detached 3 bedroom properties.

It is also considered that on balance the impact on neighbouring amenity is acceptable and there are no objections raised in terms of highway safety, ecology impacts and contamination, subject to conditions.

Weighing all material considerations in the planning balance, it is considered that the benefits outweigh the negatives in this case and as such a recommendation of approval is offered to Members, subject to conditions.

RECOMMENDATION

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

Conditions

01

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

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

02

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

Proposed Site Layout, Block and Location Plan (Drawing No: 010 Rev A) received 7 August 2019;

Proposed Layouts & Elevations (Drawing No: 011) received 7 August 2019 (as amended by Condition 9); and

Comparison Drawing (Drawing No: 012 Rev A) received 7 August 2019

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 shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority through an application seeking a non material amendment.

Reason: In the interests of visual amenity.

05

Prior to first occupation of any of the dwellings 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; and
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity and to preserve or enhance the character and appearance of the conservation area.

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

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 through the seeking of either a non material amendment or a subsequent discharge of condition application.

Reason: In the interests of residential and visual amenity.

08

No development shall be commenced until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

09

Notwithstanding the submitted plan, there shall be no window openings in the east (side) elevation of the easternmost dwelling that faces 1 Dale Lane. The first floor bathroom window openings on the side elevations of the remaining dwellings 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

010

No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material in accordance with the approved plan, ref. 010 Rev. A.

Reason: In the interests of highway safety.

011

No part of the development hereby permitted shall be brought into use until the access driveways/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways/parking areas 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.

012

No part of the development hereby permitted shall commence until the offsite works, i.e. highway works at the site frontage, to provide suitable access from the public highway to the site have been provided as shown for indicative purposes only on plan 010 Rev. A.

Reason: In the interests of highway safety.

013

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

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification/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.

014

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

Reason

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. hours of operation.

In the interests of residential amenity.

015

No dwelling on the site shall be occupied until details of one bat and one bird nest box or brick have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks 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.

016

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.

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: Buildings etc incidental to the enjoyment of a dwellinghouse.

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

Reason : In order to safeguard the amenity of neighbours.

Notes to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The development will require the removal of the existing landscaping/shrubbery at the site frontage and a lighting column and utility equipment will require relocating. This will be at the applicant's expense.

04

In order to carry out the offsite works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details.

05

Contamination - An advisory booklet is available – “Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated”. This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newarksherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

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

Historic England

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

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - “The Protection of workers and the general public during the development of contaminated land”.

Background Papers

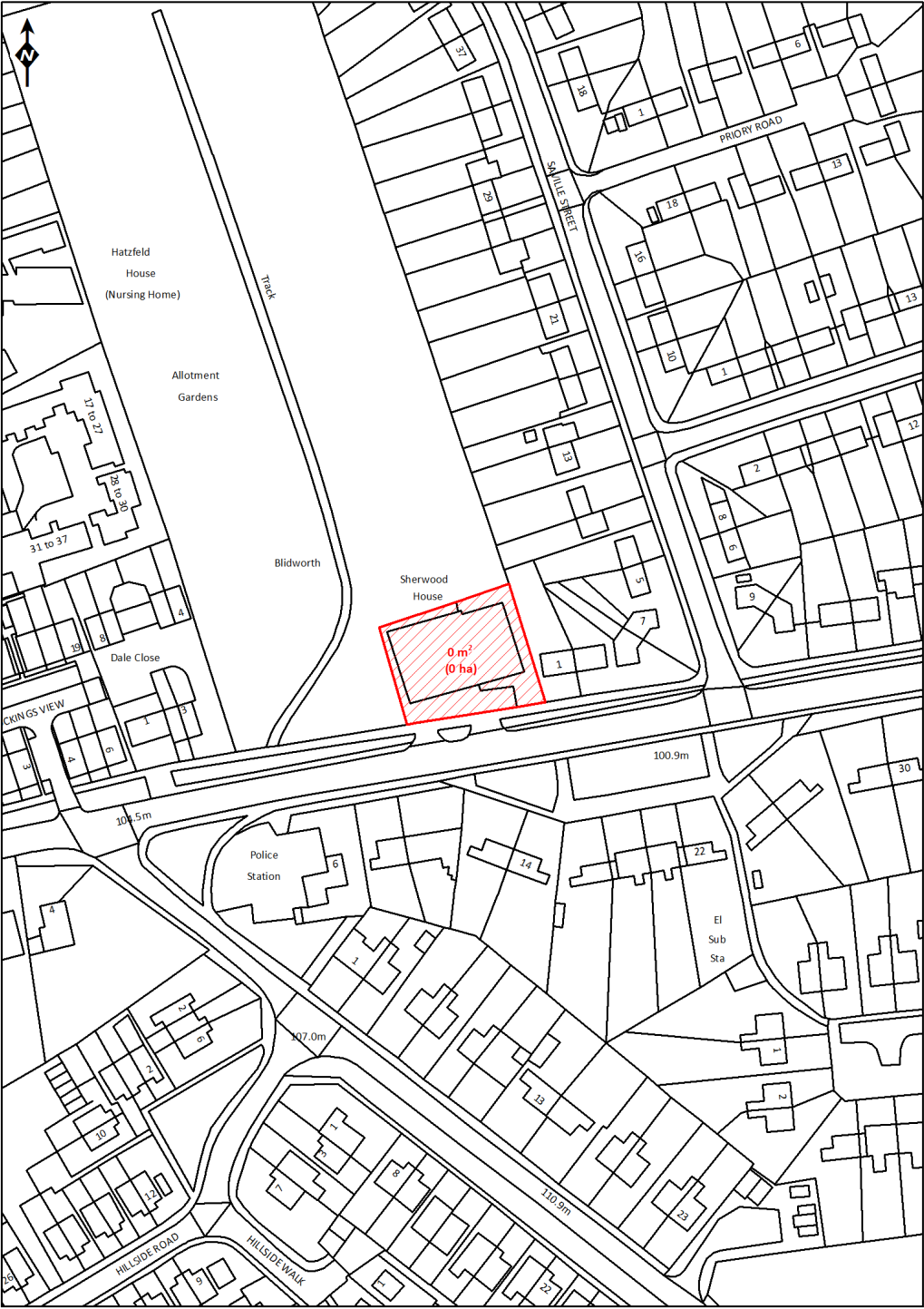
Application Case File

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

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

Lisa Hughes

Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/01243/FUL
Proposal:	Demolition of existing buildings and construction of 4no new terraced town houses
Location:	298 Southwell Road East, Rainworth, Nottinghamshire, NG21 0EB
Applicant:	Mr & Mrs R Northey
Registered:	03.07.2019
Target Date: 28.08.2019 <i>Extension agreed until 13.9.19</i>	

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.

The Site

The application site comprises a c. 432m² parcel of land to the west of Southwell Road East in Rainworth. The site occupies a prominent position at the traffic light junction and comprises two semi-detached dwellings with a side shop extension (c. 11.5 x 8.5 m in total) which are currently in a poor state of repair. To the rear of the site is a flat roofed former garage/workshop unit (c. 14 x 7m) that is also in disrepair. The site is accessed from the SE down Ramsdens Croft which is a narrow road flanked by buildings on either side. The NE elevations of the existing semi-detached properties are flush with the back edge of the pavement and between this and the highway is a metal railed fence line.

The land to the NE of the workshop building on the site is currently overgrown. The rear garage workshop has vehicular access directly off Ramsden Croft which is an unadopted/private access road – access out of this road is currently through a traffic light control with limited visibility either side as a result of flanking built form. On the site directly to the NE is a Funeral Directors and Hair and Beauty Salon, to the NE there is a collection of shops including a number of hot food takeaways. To the SE is a Co-Op foodstore. To the SW and NW is the built up residential area of Rainworth. There is a free public car park c. 55 m to the north of the site across Southwell Road East.

Relevant Planning History

63830323

CHANGE OF USE COACH DEPOT TO VEHICLE REPAIR WORKSHOP – Permitted 07.06.1983

6382643

CHANGE USE OF EXISTING COACH DEPOT TO VEHICLE REPAIR WORKSHOP – Refused 08.09.1983

6381746

ESTAB. USE CERTIFICATE FOR CAR. REPAIR & MAINT. OF VEHICLES USE CONNEXION + CARRIAGE PASSENGER SETC – Permitted 02.09.1981

63811265

PARKING VEHICLES USED IN CONNECTION WITH CONVEYANCE OF PASSENGERS FOR HIRE & REWARD ETC – Permitted 02.04.1982

6376152

PROPOSED PARKING SPACE BY REMOVAL OF FENCE – Refused 13.04.1976

The Proposal

Full planning permission is sought for the demolition of the existing two storey semi-detached properties and vehicle garage workshop and the erection of 4 no 3-bed terrace style dwellings.

The proposed terrace has a rectangular footprint which measures c17.6m wide by c8.4m deep to a ridge height of c9m and eaves of c.5.8m – each unit is c.4.5m wide. The block has a simple ridge roof and its front elevation has a small porch canopy over the front door and a centralised gable style dormer set back from the eaves. The dwellings would comprise lounge, open plan dining room and kitchen and a WC at ground floor, two bedrooms and a bathroom at first floor and a third bedroom and an ensuite at second floor. The first bedroom on the first floor (labelled Bedroom 1 is a single sized bedroom).

Proposed materials are cited as facing bricks and clay roof tile. Windows and doors are proposed to be uPVC. The building is proposed to be set back c.1 m from the edge of the pavement to provide improved visibility splays from Ramsden Croft onto Southwell Road East.

6 No. parking spaces would be provided to the side (SE) in a row and access would be taken from Ramsden Croft.

Gardens (c. 4.4m wide x 8m deep) are to be provided to the rear (SW) of the properties – access would be provided down the SW rear boundaries and through the dwellings. The boundary treatments of the gardens would be closed board timber fencing. Bin storage would be provided within the rear garden areas.

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

- Planning Statement
- Design and Access Statement
- Location Plan
- Revised Proposed Site Plan
- Proposed 3 bed Plans and Elevations
- Existing Site Layout Plan
- Proposed Floor Plans
- Proposed Elevations
- Photo: View to site with vehicles parked on Ramsden Croft

Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 10 – Climate Change

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM6 – Pollution and Hazardous Materials
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Rainworth Parish Council – Support the proposal.

NCC Highways Authority – “This proposal is for the construction of 4 x 3 bedroomed dwellings following demolition of the existing dwellings, shop unit and rear workshop. The dwellings are to be served by the existing vehicular access off Ramsden Croft, which is a private road with a width of approx. 6m controlled by traffic signals at the junction with Southwell Road East. One car parking space per unit and 2 visitor spaces are proposed within the site.

In accordance with the current Highway Design Guide, parking bays are required to be a minimum 2.4m x 5.5m with 6m maneuvering space behind each bay. The parking bay dimensions shown on the proposed site layout plan are less than this (2.5m x 4.5m) and will result in vehicles overhanging into Ramsden Croft, reducing its available width for vehicles entering/egressing. Also, parked vehicles are positioned in close proximity (approx. 2.5m) to the junction with Southwell Road East, increasing the risk of vehicular conflict should a vehicle enter the site as another is maneuvering to exit.

For 3 bedroomed dwellings, it is reasonable to expect that two parking spaces per dwelling are provided. The low number of spaces proposed will result in vehicles being parked elsewhere in the vicinity to the detriment of highway safety.

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

1. The proposed development fails to make adequate provision for the parking of vehicles and also provides inadequate sized parking bays within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity.
2. The proposed development would increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction."

NSDC Environmental Health – "Proposal: Demolition of existing buildings and construction of 4no new terraced town houses

Site Address: 298 Southwell Road East Rainworth Nottinghamshire NG21 0EB

Planning Application Ref: 19/01243/FUL

I refer to the above application and have no comments to make regarding the development. I would be grateful if approved that the following conditions are applied:

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

No demolition or construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 08:00 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In addition, the 'Best Practicable Means' (BPM) of controlling noise should be employed at all times."

NSDC Contaminated Land – "This application includes the demolition of a garage and workshop and the construction of residential units. There is clearly the potential for contamination to be present from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent."

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

Objection:

- Insufficient car parking spaces for the number of dwellings/bedrooms and therefore displacement of vehicles

- Ramsden Croft is narrow and the turning spaces are insufficient to accommodate more vehicles and emergency vehicles
- Objection to the three storey building not being in keeping with the area.
- Road safety concerns
- Loss of privacy
- Overshadowing and overlooking concerns
- Proposal will detrimentally impact the character of the area

Support:

- The proposal will enhance the look of Ramsden Croft

Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

Principle of Development

The site is located within the built up area of Rainworth and within the Rainworth District Centre as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, Rainworth is identified as a Service Centre which has a good range of local facilities and is therefore considered to be an appropriate location for new housing and employment as it is considered to be a sustainable location for new development. The principle of development is therefore considered to be sustainable, acceptable and in accordance with the Local Development Framework, the NPPF and its Planning Policy Guidance, subject to consideration of the following matters.

Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

The development proposes one block of four terrace properties located to the front of the site adjacent to the highway which would be constructed of red brick with clay tiles. The application site falls within a mixed use area which has a number of shops and residential properties – the area does not have a prevailing character, however on the SW side of Southwell Road East adjacent to the development site there is a number of two storey semi-detached dwellings; to the rear properties on Ramsden Croft are also a mix of two storey detached and semi-detached dwellings. There is no consistent urban grain within the area.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). This chapter goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for

housing (para.118.d). Para. 119 explains how LPA's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as the supply of affordable housing with para 120 reiterating that planning decisions "need to reflect changes in the demand for land".

This site currently comprises two semi-detached properties and a flat roofed garage workshop building, all of which are in a state of disrepair. Neither of the buildings possesses any architectural or historic merit that would warrant their preservation such that I have no objection to the demolition of the buildings on the site, which ultimately given their current state and configuration do not contribute positively to the character of the area. I therefore consider the proposal would present an opportunity to enhance the site and wider area in replacing some disused and low value buildings with a terrace block of houses.

Turning now to the aesthetics of the proposed terrace block I note that the properties have been designed sympathetically to the surrounding area. I note that a number of interested parties have commented regarding the design of the dwellings being out of character particularly given there are three storey however I note that the second floor of the properties is contained within the roof space with a gable style dormer window set in from the eaves and the ridge height is 9m. I appreciate that there are no examples of gable style dormer windows in the vicinity, however there is also no prevailing uniformity within the streetscene as surrounding built form is of varying styles and design. I therefore do not consider the aesthetics of this terrace block or the overall height to be wholly out of character with surrounding properties. I also consider the materials proposed will further aid the assimilation of the dwellings into the locality such that the proposal would not be inappropriate in this context. I also consider the proposal is of a suitable scale and density for the location.

I note that the dwellings are proposed to be moved further SW within the plot such that the properties will sit 1m back from the edge of the pavement, however I do not consider this would result in a detrimental impact to the street scene, particularly noting the properties to the NW, adjacent to the site, which are set c. 10 m further SW.

Overall in conclusion I consider the proposal to demolish the existing low quality buildings on the site and construct a new block of 4 no. dwellings will materially enhance the character of the area, the dwellings are of a suitable scale and density for the location and have been designed suitably so that they will not appear incongruous within the streetscene. I therefore consider the proposal to be in accordance with Policy DM5 of the ADMDPD and CP9 of the Core Strategy.

Housing Need

I note that this proposal is for 4no. 3 bedroom houses - the district wide Housing Market and Needs Assessment (2014) identified that within the Mansfield Fringe sub area (of which Rainworth is a part of) the main type of property required is bungalows followed by semi-detached. Two bedroom properties are required (32.3%) in addition to three bedroom dwellings (24.8%). It is therefore considered that a need exists within the Rainworth area for 3 bedroom semi-detached/terraced style units and this proposed development would assist in meeting that need in accordance with CP1.

Impact on Neighbouring 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 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 site is surrounded by a mix of uses such that residential properties lie to the SE and NE across the highway, to the SW down Ramsden Croft and NW down Southwell Road East.

The application is for a terrace block of two and a half storey properties – the principle elevations would face NE and the rear SW. The principle elevations are identical for all four properties with one dormer window at second floor serving bedroom 3, two windows at first floor serving bedroom 2 and one at ground floor to serve the lounge as well as the front door. The rear elevation has a dormer window at second floor serving the ensuite, two first floor windows serving bedroom 1 and a bathroom and a window and door at ground floor serving the open plan kitchen/dining room. Both side elevations are blank. The terrace block would have a ridge height of c9m and eaves of c.5.8m.

Given the site context, with residential properties either set across the highway or 10 m further SW within their plots I do not consider the proposed terrace block would result in any overbearing or overshadowing impact that would be materially worse than the current situation at the site. The properties are of a suitable height and positioning such that I do not consider there would be any overbearing or overshadowing impact as a result of the proposal.

Turning now to overlooking, I note that comments from interested parties refers to a loss of privacy as a result of this proposal, however I note that two semi-detached properties are currently in-situ on the site with windows in the front and rear elevations such that the proposal to replace this built form with similar glazing arrangements would not significantly alter the existing arrangement. Nevertheless I do note that a dormer window is proposed on the front and rear elevations at effectively 2nd floor which would be a new addition to the site, in addition to the number of units increasing from 2 to four – however having assessed the proximity of surrounding neighbours, c. 30 m across the highway to the NE and 50 m across the rear gardens (and intervening built form) of the proposed properties to dwellings on Ramsden Croft, which are set at a perpendicular line of sight to the properties proposed I do not consider there would be any overlooking issue that would result from this proposal. Similarly to the NW and SE, the side elevations are proposed to be blank.

With regard to the proposed dwellings themselves I note that close board fencing is proposed to the rear gardens, which are a sufficient size commensurate with the size of the dwellings such that the amenity of future occupiers would not be compromised.

Overall, whilst noting comments from local resident regarding amenity impacts, taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

Impact on Highways Safety

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

The application comprises 4 no. 3 bed properties which would be served off an existing vehicular access of Ramsden Croft which is approx. 6 m wide and controlled by traffic signals at the junction with Southwell Road East. One car parking space per unit and 2 visitor spaces have been proposed within the site. NCC Highways have commented on the application, previously advising that the size of the parking bays was too small to meet the Highway Design Guide (required to be a minimum of 2.4 m x 5.5 m) – the applicant has now revised the size of the parking bays to meet this requirement so that vehicles will not overhang onto Ramsden Croft or reduce the width of the carriageway for vehicles entering/egressing. Nevertheless, vehicles are proposed to be parked in close proximity to the junction with Southwell Road East (c.9.1 m back from the edge of the existing kerb line to the footpath) which NCC Highways have commented will increase the risk of vehicular conflict should a vehicle enter the site as another is maneuvering to exit.

NCC Highways have also commented on the lack of adequate parking provision for 4 no 3 bedroom dwellings which would be expected to have two parking spaces per dwelling. However I do note that out of the three bedrooms, 1 is a single bedroom which could only accommodate a single bed. Nevertheless, NCC Highways have advised that the low number of spaces provided will result in vehicles being parked elsewhere in the vicinity to the detriment of highways safety. The agent has advised that there is a free to use and publically accessible car park across Southwell Road East park c. 55 m to the north which residents could use to park, however I acknowledge that there would be preference for residents to park closer to their properties such that cars are likely to be displaced onto the highway along Ramsden Croft which would exacerbate on street parking issues.

The agent has stated that there is no current parking provision within the site and thus vehicles currently park along Ramsden Croft adjacent to the existing building on the site which reduces the width of the access to the properties (providing the image in Figure 1). However from my site visit I noted that there is an area of hardstanding to the rear of the existing properties on the site which is free for vehicular access and no cars were parked adjacent to the building on Ramsden Croft. I also note that the picture provided by the agent appears to have been taken some time ago and does not reflect the current site appearance as shown in my site photo in Figure 2 (despite the different photo angles). The agent also argues that the repositioning of the built form within the site will improve the visibility of the junction to the benefit of highways safety.



Figure 1 - Agents image of the site from Southwell Road East



Figure 2 – Officers image of the site from Southwell Road East

Despite the agent's argument about occupiers being able to park in the nearby public car park, and the enhancement to the highway as a result of the proposal I must give substantial weight to the comments of NCC Highways as the technical highways experts who have concluded that the proposed development fails to make adequate provision for the parking of vehicles, would

increase the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity and would increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction. As such the proposal is therefore contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

CIL

The site is located in the 'Housing Low Zone' area which is zero rated for CIL purposes and therefore no CIL will be payable for this development.

Other Matters

I note the comments from the Environmental Health and Contaminated Land Officers in relation to the proposed development. Given the application includes the demolition of a garage and workshop and the construction of residential units the Contaminated Land officer has advised that there is the potential for contamination to be present from this former use. They raise no objection to the proposal provided a condition is attached to investigate potential contamination on the site. The EHO has also advised that they have no objection to the proposal subject to a construction method statement condition to consider the demolition approach and the future construction plan on the site. I therefore consider that subject to the above conditions there would be no unacceptable environmental health consideration.

Planning Balance and Conclusion

I have concluded that the proposal to demolish the existing low quality buildings on the site and construct a new block of 4 no. dwellings will materially enhance the character of the area; the dwellings are of a suitable scale and density for the location and have been designed suitably so that they will not appear incongruous within the streetscene I also recognise that the design of the dwellings is appropriate in this context and is sympathetic to surrounding built form. The proposal would also provide four units that would accord with the housing need within the Rainworth area for semi-detached/terrace 3 bedroom properties.

I note that there would be no unacceptable impact on neighbouring amenity or objections from an environmental health perspective as a result of these new dwellings.

However it has been concluded that the proposed development fails to make adequate provision for the parking of vehicles; would increase the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity and would increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction.

Overall I must give substantial weight to the technical advice of the highways officer who has concluded that the application would detrimentally impact the safety of the highway contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD and I therefore consider that the application should be refused on this basis.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to an increased number of vehicles being parked in the vicinity. The proposed development would also increase the risk of vehicular conflict as it would be likely to affect the free flow and safety of vehicular traffic along Ramsden Croft and at the Ramsden Croft/Southwell Road East junction. The proposal does not therefore accord with the requirements of Spatial Policy 7 (Sustainable Transport) of the adopted Newark & Sherwood Core Strategy nor Policy DM5 (Design) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as the NPPF, a material planning consideration. There are no matters that outweigh the harm identified.

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

Lisa Hughes

Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/01022/FUL
Proposal:	Conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link.
Location:	Former Stables, Rolleston Mill, Rolleston, Newark
Applicant:	Ms Lisa Barker
Registered:	03.06.2019
Target Date: 29.07.2019 <i>Extension agreed until 13.09.2019</i>	

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.

Description of Site and Surrounding Area

The site lies in the open countryside within the parish of Rolleston. The site is remote from the village and divorced from the settlement by the Nottingham to Lincoln railway line. To the north is a public golf course and Southwell Racecourse. The site lies within flood zone 2 & 3 in accordance with Environment Agency mapping with the River Greet running to the west of the site.

There is no explicit evidence that the stable block is curtilage listed, however I note the planning history for a number of listed building consents that have been determined. The Mill and Granary are the primary listed buildings and lie to the west of the application site. However the Stables and Barn would have been unlikely to have been erected in association with the Mill and are more likely to have been curtilage buildings to the Cottage, which itself is only a curtilage listed building by virtue of its physical attachment. As such and in the absence of any evidence to the contrary it is not considered appropriate or necessary to pursue the listed building application. However as the site is in close proximity to the listed Mill the impact on the setting of this building is a material consideration.

The application building lies to the north-east of the complex of buildings in close proximity to Mill Cottage, used as a holiday let. The main aspect of the Stables faces this. This former Stable building comprises a two storey building with a narrow gable with single storey lean to additions to the rear, which were last used for the keeping of pigs. To the east of the traditional stable building is a modern timber mono-pitched building. The historic stable building is red brick in construction; however, the structure is in poor condition in comparison to the Mill House. There are two floors on the western section of the building, where a hayloft sits above the stables. The interior is comprised of several sections. There are several stables on the ground floor with a hayloft above. At the east of the building is an open fronted stable with two sections and the southern side appears to be failing with elements of the brickwork missing and vegetation growing throughout.

Access to the site is via the entrance of Southwell Racecourse by bearing right onto an unmade track that leads to the Mill Farm complex. On approach from Rolleston you have to go over the manned railway crossing to get to the site. There is another unmanned 'occupational crossing' via a gate over the railway that leads to the site within the ownership of the applicant.

Consent was granted for the change of use of the historic stable building a residential unit in 2015; however this consent has now expired and was not implemented.

Site History

04/00164/FUL – Change of use from residential (cottage) to holiday lets. Approved 24th May 2004. This permission has been implemented.

05/02436/FUL & 05/02437/LBC - Conversion, alterations and extensions of Mill to form restaurant, conversion, extensions and alterations to stables and barn to form dwellings and erection of two houses. Applications withdrawn.

10/01706/FUL & 10/01707/LBC - Conversion and repair of barn to create dwelling. Applications refused on 7th March 2010 under delegated powers due to (1) flood risk, (2) failure to demonstrate that the barn was capable of conversion and (3) due to large unjustified extension.

10/1708/FUL & 10/01709/LBC – Conversion and repair of Mill to form dwelling. Applications refused on 7th March 2010 under delegated powers due to flood risk and the failure to demonstrate that the building could be converted without substantial alterations, rebuilding and significant harm to the listed building.

10/01710/FUL & 10/01711/LBC - Conversion and repair of Stables to create dwelling. Applications refused on 7th March 2010 due to (1) flood risk, (2) failure to demonstrate that the stable block was of generally sound structural condition and capable of conversion without substantial rebuilding and alterations; and (3) relationship between this and the cottage would not create a satisfactory standard of amenity.

11/01810/FUL & 11/01811/LBC – Rebuild of barn to create dwelling. The full application was refused on 2nd April 2012 under delegated powers for the following reasons; (1) the proposal constituted a new build dwelling in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF and (2) the application (being a new building) failed the Sequential Test for flooding as set out in the NPPF. *The application for listed building consent has not been determined because it is not required.*

11/01807/FUL & 11/01808/LBC - Conversion and repair of stables to create dwelling. Includes the demolition of modern stable structure opposite (of no architectural merit).(Revised access and emergency access details) – **Approved** 08.01.2015 *The application for listed building consent has not been determined because it is not required.*

11/01805/FUL & 11/01806/LBC - Conversion and repair of Mill to create dwelling (revised access and Emergency access details) – Approved 07.03.2011

18/00766/FUL & 18/00767/LBC - Repair the existing roof to the Mill and carry out extensive structural works. The internal part of the mill will be converted into a residential dwelling. Approved 27.07.18

Description of Proposal

The application seeks planning permission to undertake various elements of work to the historic stable building in order to convert it to a residential dwelling. The proposal includes the removal of the existing modern timber stable block and reconstruction of an extension in its place that would be linked to the historic stable building with a glazed link. Access would be provided to the site across the unmanned level crossing to the south of the site.

At ground floor the property would comprise an open plan snug and hallway area, three bedrooms and a bathroom linked with a full height glazed link corridor with a minimal stainless steel frame planar glazing panels linking to the new extension which would house an open plan lounge kitchen dining area and separate utility. At first floor in the historic stable there would be two further bedrooms with a bathroom and ensuite.

The proposal requires the insertion of 7 conservation roof lights into the historic stable building and complete re-roofing with reclaimed clay pantiles. No new apertures are proposed to the stable building save for the reglazing of existing openings.

The existing mono-pitched timber stable would be demolished and replaced with an extension of 13 m x 4.6 m (3 m in height decreasing to 2.6 m) in the same footprint which would be constructed out of vertical larch boarding with sinusoidal profiled sheet metal roofing with metal eaves and verge profiles. The NE elevation that would face into the curtilage would have a high level window and a vertical window along with a rear door. The SW elevation that would face the historic barn would have full height glazing with sliding doors. The supporting documents state that “the proposed extension allows the retention of the traditional crew yard form evidenced in the historic mapping since 1919”.

A new boundary hedge is to be introduced to the south-western boundary adjacent to the existing public right of way. The pigsties are proposed to be converted to gravelled garden space which would also be provided to the north. Parking would be provided to the south of the new dwelling within the blocked paved courtyard area.

Materials:

- Reclaimed clay pantiles
- Conservation rooflights
- Cast iron rainwater goods
- Painted timber stable doors
- Aluminium framed windows
- Vertical larch boarding
- Red facing brickwork
- Sinusoidal profiled metal sheet roofing

Plans deposited with this application:

- Amended Site Location Plan (7614J-01 REV A)
- Block Plan (7614J-02 REV A)
- Existing Floor Plans and Elevations (7614J-03 REV B)
- Proposed Site Layout (7614J-04)
- Proposed Ground Floor Plan (7614J-05 REV A)
- Proposed First Floor Plan (7614J-06)
- Proposed Roof Plan (7614J-07)

- Proposed Elevations (7614J-08)
- Proposed Elevations – Replacement Block (7614J-09 REV A)
- Proposed Glazed Link (7614J-10)

Documents deposited with this application (not incl. superseded documents):

- Protected Species Survey undertaken by CBE Consultants
- Arboricultural Survey carried out by CBE Consulting
- Amended Flood Risk Assessment (21.8.19)
- Heritage statement undertaken by Austin Heritage Consultants
- Financial Appraisal carried out by John Roberts Architects

CIL Floor Areas

GF – existing: 113 m² + Extension 57.2 m² = 170.2 m²

FF: 46.9 m²

Total Floor Area: 217.1 m²

Publicity

Occupiers of 5 neighbouring properties have been consulted on the application. A site notice has been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

Newark and Sherwood Amended Core Strategy DPD Adopted March 2019

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

Newark and Sherwood Allocations & Development Management DPD Adopted July 2013

- 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

The National Planning Policy Framework (NPPF) 2019

Planning Practice Guidance 2019

Conversion of Traditional Rural Buildings Supplementary Planning Document 2014

Consultations

Rolleston Parish Council – Support the proposal – “The parish council commented on parishioners’ concerns over intensification of vehicular traffic during and following development across an unmanned railway crossing.

NSDC Conservation Officer – “Rolleston Mill Stables conversion and extension 19/01077/LBC & 19/01022/FUL

Conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link. I am familiar with this site having been involved in previous schemes (full and pre-app) at all the buildings at this mill site.

The stables are a historic former outbuilding, probably dating to the earlier C19, and associated with the complex of buildings here at the Grade II listed mill. Together they make an attractive and interesting heritage asset and are of significance individually and as a group.

I have concerns about the principle of this proposal. The proposal sees an incongruous glass tube added to a rustic historic former stable building, in order to connect to a new build, which is itself a reimagining of a building which has no architectural or historic interest and which is not capable or worthy of conversion. There is therefore no conservation imperative to consider this harmful glass addition as being acceptable in the planning balance to bring back into use this other smaller stable building.

I believe there was a previous approval granted for this stable as an independent unit, and I have no reason to believe it cannot be converted as a suitable unit within its own footprint. I therefore cannot see any justification in that respect to consider an extension and addition as being necessary to bring about the re-use of the building.

I do appreciate the effort to create as frameless a structure as possible with the glazed link, but it will of course not be invisible - it can accumulate any manner of domestic accretion inside, will have a reflective quality, will be illuminated at night and is an overall form that creates an unusual and incongruous add-on in this traditional setting.

Generally I have no objection to the other elements of the conversion.

Structurally the main part of the stable is capable of conversion with minimal rebuilding but the structural report does detail the need to essentially rebuild the lean-to element of this building, although their plan suggests this structure is to be retained. This seems at odds with the structural report and could perhaps be clarified. While this is clearly a later add on, it is still of some historic and architectural interest and in any event its rebuilding seems to be preferable to its demolition and loss.

In terms of the rooflights I have been unable to see what has been approved previously or when for comparison, but do not think there is any clear justification for all the rooflights now submitted. I am not convinced the rooflights are necessary on the lean-to roof on the south east elevation as these light a ground floor room which already has three windows, two of which are full height floor to ceiling windows. The two new rooflights on the south west elevation also light bathrooms which do not have to have natural light and could be removed from the scheme also.

The proposed rooflights to the north east elevation include two triple rooflights which seems excessive in size. Their report suggests these are the only alternative to something like a dormer, but I would contest that while a dormer is not acceptable either this fact alone does not then by default make any number and size of rooflights either necessary or justified. Converting barns is always a challenge in terms of daylight and this is an accepted compromise in trying to put such a use in such a building.

Given that rooflights are a domestic feature they are only allowed on barn conversions where absolutely necessary and I am not convinced this is the case here.

I note the red line includes the cart shed but does not include any plans for its repair. This is a significant structure in poor condition and is part of the same land parcel as the stables. Unless its use is looked at alongside the stable I think this is as good as making this a redundant building which would be extremely hard to re-use and I think the long term use of this building should be tied up with the potential re-use of the stables.”

The Environment Agency – “The site is located in flood zone 2 and the change of use from stables to residential will class the development as 'More Vulnerable' to flood risk. The proposal therefore falls within our standing advice (see below link) with regard to flood risk.
<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

We also note that the applicant proposes to connect to a septic tank with regards to foul drainage. 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

Foul drainage should be connected to the main sewer. 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, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit."

Trent Valley Internal Drainage Board – "The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site, however the Environment Agency River Greet is in close proximity and they should be consulted if any buildings, fencing or hedges are to be constructed within 9 metres.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFRA and the LPA.

Ramblers Association – "While we have no objection to the development, the public footpaths that run on either side of the mill stream must be safeguarded - i.e. remain safe to use and unobstructed during and after the construction process."

NCC Rights of Way – No comments received.

Emergency Planner – "My principle concerns relate to the flood risk assessment prepared by the applicant. The document refers to existing plans that will be replicated for the new dwelling and indicates that evacuation will be part of the Newark and Sherwood District Council Flood Plan and that the emergency services will support or action the evacuation. This expectation is not correct.

Whilst the police can if in extreme circumstances direct that an evacuation is required the responsibility for pre-emptive evacuation remains with the occupant. The emergency services have communicated their concern that planning decisions are increasing the number of properties that may expect or require support from their services.

My secondary concern is that the applicant states they will fit demountable barriers to protect the property from flooding. This of course assumes they are present at the time of the flood risk and that they are physically able to do so. Future occupants may not be able to carry out these actions and may therefore face the risk to their dwelling.

Therefore I believe the flood contingency plans for the proposed dwelling should be amended to reflect and address the concerns I have presented."

Additional Comments -

NSDC Contaminated Land – “This application includes the conversion of farm buildings (stables) to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.”

LCC Historic Environment Officer - *Archelogy* – “This site and these buildings are important and should be recorded prior to any conversion. However the Heritage Statement that has been submitted as part of the supplementary planning documents (Austin Heritage Consultants) is of sufficient high quality to negate a further requirement for building recording. It is very likely that significant archaeological finds and features are present beneath this site. However the groundworks required for these proposals are minimal and it is unlikely that any meaningful results would be produced if archaeological monitoring was to take place on this site. Given this no archaeological input required.”

NCC Highways – “This proposal is for the conversion and extension of the former stables to one dwelling. It is unclear from the plans submitted which access point is to be used for this proposal – two accesses are shown within the red line. Could this please be clarified on a suitable plan by the applicant/agent. It should be noted that the access shown to the south east of the application site is also a public Right of Way (footpath), therefore, the applicant must contact the Rights of Way Officer for VIA/NCC for advice/approval prior to any permission being granted.”

Additional Comments -

National Rail – “With reference to the protection of the railway, Network Rail has concerns in relation to the development of this site for residential purposes due to the access being over the Rolleston Mill Level Crossing which we consider would increase risk on the crossing and impact on operational railway safety.

We note from the submitted documents that the initial location plan submitted included access along the north side of the railway which would have been much more suitable to in terms of impact on the Rolleston Mill crossing. We require clarification from the developer as to why this has now changed to indicate that the Rolleston Mill crossing will be the sole means of access to the site.

In terms of construction work at the site, we would object to construction traffic accessing the site via the Rolleston Mill crossing. We also have concerns over future use of this site and the potential for the site to be leased as a holiday let which would give rise to the number of ‘vulnerable users’ who are unfamiliar with the operation of the crossing which would again increase usage and the chance of misuse.

If the council is minded to approve this application, we require that conditions are included to discuss and agree a construction management plan with Network Rail Asset Protection (details below) to ensure that construction traffic is not of a frequency and nature that presents a risk to operational railway safety. We also require a suitably worded condition that prevents the **future use of the property for holiday lets or similar use** on grounds of impact on operational railway safety. We would find the development to be unacceptable without these provisions.

Construction Traffic

From the information supplied, it is apparent that construction traffic will be accessing the site via Rolleston Mill Crossing which will have an impact on operational railway safety. Network Rail requires that the applicant contact our Asset Protection Project Manager to confirm that the access is viable and to agree a strategy to protect our asset(s) from any potential damage and obstruction to the railway caused by construction traffic. I would also like to advise that where any damage, injury or delay to the rail network is caused by traffic (related to the application site), the applicant or developer will incur full liability.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. It is imperative that access over the railway level crossing and the crossing approaches and signage remain clear and unobstructed at all times both during and after construction to ensure that crossing users can enter and leave the crossing areas safely and in a timely manner at all times.

Level Crossing Safety

Railway safety is of paramount importance to us and as stated above the proposed development is sited the Rolleston Mill railway crossing. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer or information is available at www.networkrail.co.uk/communities/level-crossing-safety/.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular as stated above the **method statements/construction traffic and holiday let use** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The above will need to be agreed with:

**Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
YO1 6JT**

Email: assetprotectionlneem@networkrail.co.uk

Comments of the Business Manager

Principle of Residential Conversion

Consent was granted for the conversion of the stable in 2015 subject to a number of conditions. This consent expired in 2018 but still forms a material consideration in the planning balance.

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

Principle of 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. It goes on to say that development away from the main built-up areas of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry and directs readers to the Allocations and Development Management DPD for policies that will then apply. As such Spatial Policy 3 is the relevant starting point for considering the scheme.

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.' This application site is not within the main built up part of Rolleston. The site as such cannot be regarded as being within the settlement and is therefore within an open countryside location in planning policy terms. SP3 states that '*Development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which required a rural setting such as Agriculture and Forestry....The Allocations and Development Management DPD will set out policies to deal with such applications.*' The application therefore falls to be considered under Policy DM8 (Development in the Open Countryside) of the A&DM (DPD).

Policy DM8 of the DPD sets out criteria to deal with such applications. This states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to defining characteristics of the local area. DM8 goes on to say that in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the building warrants their preservation and they can be converted without significant re-building, alteration or extension.

I am mindful that the building was granted consent in 2015 where the principle of the conversion of the historic stable building in isolation and within the existing fabric was considered to be acceptable. The building is considered to be of historical interest and notwithstanding the location, worthy of retention and conversion. The modern stable building to the east of the site is not considered to be of any historic merit and therefore in principle is not worthy of conversion, and as reported earlier this is proposed to be demolished and rebuilt.

The structural survey details that the condition of the stable block is relatively good, despite having some localised significant structural issues which are associated with foundation movement. The first floor of the building is noted to be in poor condition with some collapse due to long term rainwater ingress. There has been a collapse to the main roof structure which is partially propped off the first floor at present. Despite this the survey concludes that this building could be converted into domestic use with relatively limited rebuilding if suitable structural strengthening work is undertaken. However the survey does also state that the rear lean-to would need significant rebuilding as the north-west gable and the rear wall at the south east end have rotated away from the stable block, although the proposed plan suggests this structure is to be retained. The applicant has clarified that this element is to be retained with works to stabilise this element. The structural survey also discusses the condition of the modern timber stable and explains that there is excessive timber decay to the sole plates sitting on the blockwork plinth walls due to long term water ingress. The base of the structure would need to be replaced if the building was retained which in any event does exhibit some leaning – the roof is a lightweight structure and would need to be replaced to facilitate conversion.

The proposal seeks to demolish the modern stable block and rebuild an extension that would be linked to the historic stable by a glazed linking corridor. The structural survey advises that the modern stable block would not be capable of conversion and in any event it has been identified that the building does have any merit that would warrant its preservation through conversion. Nevertheless the historic stable is considered to be worthy of preservation and the extent of works required within the structural survey are considered to be appropriate to secure a viable use for this heritage asset. Notwithstanding this however, concern has been raised with the applicant regarding the demolition and construction of an extension to this building. DM8, which is considered to be NPPF compliant, details that conversion to residential use will only be permitted on buildings that can be converted without significant re-building, alteration or extension – based on this it is considered that the demolition and extension as proposed, to facilitate this conversion, is not supported. I note that permission was granted for the conversion of the stable in its own right to a two bedroom dwelling and as such I am confident that the conversion of this building is capable without the requirement to significantly alter or extend the building. However the applicant has argued that the Stables could not viably be converted based upon a scheme within its own confines and therefore an extension is a necessity to achieve a viable development proposal for the site.

In this respect I note the guidance in paragraph 197 of the NPPF which states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” In addition this is addressed in the council’s Conversion of Traditional Buildings Supplementary Planning Document (2014) which at paragraph 4.19 advises “Permission will not normally be given for the reconstruction of previously demolished buildings or parts of buildings in rural areas. Exceptions may be made where the applicant can provide compelling evidence of the previous existence and scale of the demolished

structure and its restoration contributes significantly to the viability or character of the development.”

I note that photographic evidence of the barn structure and initial calculations to establish costs to convert and resultant values compared with surrounding properties have been submitted which put forward a viability argument that the proposal to convert the stable building would not be financially feasible without the extension and alterations to increase the size of the future new dwelling. However, it is considered that the initial financial appraisal fails to demonstrate a convincing argument for the proposal that robustly justifies the costs used and price paid for acquisition. The applicant has been advised that a more robust financial appraisal would be required (that would need to be independently examined) along with evidence that the proposal is the least intrusive to achieve a viable use (for residential and other uses), that the rebuilding of the stable “contributes significantly to the viability or character of the development” in order for the Council to accept that this approach is the optimum for securing the future reuse of this non-designated heritage asset. The applicant has failed to provide further details in this regard and as such I am unable to conclude that the scheme put forward satisfies the requirements of the NPPF and the Councils SPD. I therefore conclude that the principle of converting this building as put forward within this proposal, which includes the demolition and rebuilding of the modern stable range and connection to the historic stable with a glazed link fails to accord with the requirements of policy DM8 in that the proposal includes significant demolition, rebuilding and extension and therefore the proposal is not acceptable in principle.

Impact on Visual Amenity including the Impact on the setting of Listed Buildings

The historic stable building is considered to be a non-designated heritage asset. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under 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.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other matters, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The NPPF 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 one element of achieving sustainable development (paragraph 8.c).

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing.

The site is also close to listed buildings, as explained within the description of development - Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

I am of the opinion that the most important consideration in the assessment of this application is the heritage impact to this non-designated heritage asset and the wider impact on the setting of adjacent listed buildings such as the Mill. The Conservation Officer has appraised the historic context of the site in her comments above and as such I do not intend to rehearse these points. I concur entirely with the comments of the Conservation Officer (CO) which are broadly in support of the conversion approach of the historic stable building despite the discrepancies with the structural report and the proposed plans. The CO raises concerns regarding the number of proposed rooflights, I note that in comparison to the previously approved scheme for the stable conversion (11/01805/FUL) there are three additional rooflights proposed– two on the SE elevation and once centrally in the NE elevation. The two rooflights on the SE elevation would serve a bedroom which is already served by two full height windows such that I concur with the CO's view that these are excessive in this instance. The additional rooflight on the NE elevation would serve the stairwell which I do not consider necessarily represents the least intrusive option to light this space, however, given the in principle objection to this scheme no amendments have been sought.

In considering the extension to the building the CO has concluded that the link would present as an incongruous glass tube “added to a rustic historic former stable building, in order to connect to a new build, which is itself a reimagining of a building which has no architectural or historic interest and which is not capable or worthy of conversion. There is therefore no conservation imperative to consider this harmful glass addition as being acceptable in the planning balance to bring back into use this other smaller stable building.” Whilst appreciating the efforts made to create a lightweight linking structure the CO has concluded that the structure would have a reflective quality and would create an unusual and incongruous add-on in this traditional setting. Overall it is therefore considered that the proposal does not respect the historic context of this site and that the proposed extension (following from the demolition of the modern stable) would be incongruous to the non-designated heritage asset resulting in harm. Maintaining the rural character of this former agricultural building is important to help preserve the character and appearance this non-designated heritage asset and the conversion of traditional rural buildings is strictly controlled through the SPD. I therefore conclude that the application fails to accord with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8 and DM9 of the DPD and the provisions of the NPPF.

Flood Risk (pending revised comments from the emergency planner on revised FRA)

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.

However, the National Planning Practice Guidance (NPPG) states that the sequential test does not need to be applied for minor development or changes of use (exception for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). Conversions of buildings are not specifically considered although the NPPG states that the creation of a separate dwelling within a curtilage of an existing dwelling (for instance the subdivision of a house into flats) cannot be considered ‘minor development’.

Given the proximity of the River Greet, the site lies within Flood Zones 2 & 3, at highest risk of flooding. As a residential use is classed as 'more vulnerable', the development is required to pass the Exception Test as set out in the NPPF.

The requirements of the exception test are outlined at para. 160 of the NPPF, confirming that in order for the test to be passed it should be demonstrated that:

- 'the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

Both elements of the test have to be passed in order for the development to be considered acceptable.

With regard to the first criterion, the proposal would create an additional residential unit. In an area where new build development is generally limited by flood risk, this is considered to support the provision of new homes and helps to sustain existing rural services and facilities. Furthermore, the conversion would help sustain this building of interest. With regard to the second criterion, however, a site specific Flood Risk Assessment (FRA) has been submitted which discusses the flood warning and evacuation plans for the dwelling in the event of yellow, amber and red warnings. The approach taken under the 2015 consent, which was accepted by the EA and the Emergency Planner subject to conditions that a flood warning scheme for the application site was submitted, was that the occupiers of the property apply to the Environment Agency to be placed on the appropriate flood warning system and that they evacuate the premises when a severe flood warning is issued. The same approach is advanced in this application.

The existing floor level within the stable is 14.75 AOD and the 1:100-year flood level has been established as 15.46 AOD. Flood resilient measures have been incorporated within the proposal in addition to design and construction measures to prevent water ingress. Given the site falls to be assessed under the EA's standing advice the EA have not formally commented on this application. However in following their standing advice there is a general acceptance that developments within FZ2 are susceptible to flooding, and so flood resistance/resilience measures are required to prevent inundation of flood water and/or salvaging the development after a flood event. Para 059 of the NPPG advises that any development with flood levels of more than 600mm should be built with resilience measures in place and allow the free flow of flood waters through the development during a flood event. The approach advanced by the applicant takes on these considerations and I therefore consider that, **without the benefit of any objection from a statutory consultee the conversion, subject to conditions**, would be acceptable in terms of flood risks and would not increase the risk of flooding elsewhere.

Highway and Access **(pending formal comments from NCC Highways on revised SLP)**

I observe that only two car parking spaces are to be provided for a five bed house, where normally three spaces would be required. However given the distance from the public highway this **would not cause any issues and as such NCC Highways have raised no objections to the scheme**. I am therefore satisfied that the level of parking for the dwelling is satisfactory.

The applicant is advancing the previously approved access arrangement, to which National Rail have submitted similar comments. Network Rail has requested a condition on any permission that ensures that the property is not used as a holiday let. The application has been submitted on the basis of a new dwelling and therefore has been assessed as such – however planning permission would not be required to use the property as a holiday let given both a dwelling and a holiday let fall within the same use class (C3) therefore I consider it appropriate to condition that the premises is not used for this purpose without prior consent.

National Rail has also expressed concerns over the use of the unmanned crossing for construction traffic, for which their prior approval would be required – it is considered reasonable that a condition could be imposed requiring a construction management plan to be submitted and agreed with National Rail.

This access route across the unmanned crossing is currently used by Field Cottage and Mill Field Cottage and the recently approved Mill conversion (18/00766/FUL). The safety of the residents of this new dwelling which would result through the conversion of the stable has been considered and given the former and current acceptance (albeit with conditions) of Network Rail for the use of the crossing Officers have no objection to this proposal.

Given that the highways position has not changed from that previously approved under 11/01805/FUL and in the absence of any objections from statutory consultees I conclude this proposal meets with Policy SP7 of the Development Plan and there are no grounds for refusal on this basis.

Impact upon Neighbouring Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD state planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing.

The site is relatively well removed from other properties with the exception of the adjacent cottage which is used for holiday lets. With regards to amenity, I consider the stable building would be capable of creating an attractive living environment that meets the needs of privacy. The adjacent cottage, rented for holiday lets, would not have an adverse impact on a permanent residential use here given that the relationship between the two buildings enables the creation of private amenity space and without any loss of privacy. I do not consider that the reglazing of existing apertures would have any adverse impact in terms of loss of amenity. I am therefore satisfied the proposal accords with policy DM6 as originally approved in 2015.

It should be noted however that the edged red line for this application is extensive and includes land to the north-east of the Stables as well as land to the south of the access road. I consider that the extent of the curtilage is too generous and that the curtilage (garden area) for the Stables should be contained to the north of the access road to avoid the domestication of the wider complex. Given the in principle objection to this application a revised plan has not been sought, however it would be possible to impose a condition to restrict the extent of the curtilage should the application be approved.

Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The Protected species report submitted with this application concludes that there is no evidence of nesting bats or birds found within the buildings and they are considered to have low roost potential. However, given the open nature of parts of the building it is possible that bats could utilise the building for foraging potential. As such the survey recommends that work should be undertaken outside of the bat and bird breeding season and that a precautionary inspection should be completed immediately prior to work starting. It was also recommended that as part of any conversion work, an integral bat brick should be inserted into the south gable end wall of any new / renovated building where this will receive maximum warmth from the sun to provide an alternative roost location for any bats in the area. As such, subject to conditions it is considered that the proposal would accord with CP12.

Other Matters

I note that comments have been made by the Nottinghamshire Ramblers referring to the intimate relationship between Rolleston Footpaths 8 & 9 and the application site. The comments refer to how the footpaths will be safeguarded during and after the development. There are no proposals to make alterations on or near to the footpaths that would inhibit or alter their function and as such it is not considered that this would warrant a refusal of the application.

Community Infrastructure Levy

The site is located in the 'Housing Very High Zone 4' which is charged at £100 per sq metre. The floor space for the conversion/new dwelling is 217.1m².

For residential conversions the existing floor space is usually not included in the calculation as CIL is usually only payable on any new floor space created through extensions to the building etc. However, for the existing floor space to not be included in the calculation, the building has to be in lawful use. Part 5, Regulation 40 Paragraph 7 of the CIL regulations states that "a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development." From my knowledge of the site history, the building has been vacant for more than 36 months and therefore does not meet the above criteria. The onus would be on the applicant to demonstrate otherwise if necessary.

As such the charge on the development including current indexation equates to £21,710.00

Conclusions

This proposal includes the conversion of a traditional rural outbuilding in the open countryside where development is strictly controlled to appropriate uses. The proposed conversion would involve substantial demolition and rebuilding works which the applicant argues is required to facilitate the residential conversion to make the scheme financially viable. The applicant has not presented a robust viability case that substantiates this claim and in this case I note that the principle of demolition and rebuilding to facilitate a conversion would conflict with the parameters of policy DM8 of the Allocations and Development Management DPD. Permission was granted in 2015 for the conversion of this traditional building without any extension such that I cannot see any justification to consider an extension and addition as being necessary to bring about the re-

use of the building. The proposed development is therefore considered to constitute an unsustainable form of development in the open countryside and contrary to the aims of the NPPF (a material planning consideration) and Policy SP3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and Policies DM8 (Development in Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) of the adopted Allocations and Development Management DPD which together form the Development Plan.

The proposed extension and glazed link, by virtue of the design would also represent an unusual and incongruous addition in this traditional setting that would result in harm to the character and appearance of this non-designated heritage asset and the site complex which contains listed buildings. Maintaining the rural character of this former agricultural building is important to help preserve the character and appearance this non-designated heritage asset and the conversion of traditional rural buildings is strictly controlled through the SPD. I therefore conclude that the application fails to accord with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8 and DM9 of the DPD and the provisions of the NPPF.

Notwithstanding the positive conclusion regarding the highways impact, ecological constraints and flood risk, given the above I conclude that this application should be refused.

RECOMMENDATION

That planning permission is refused for the following reasons:

01

In the opinion of the Local Planning Authority the proposed conversion would involve substantial demolition and rebuilding works to facilitate the conversion to residential use which by virtue of the design would also represent an unusual and incongruous addition to a traditional barn. The development goes beyond the re-use of a rural building of architectural merit and conflicts with the policy provisions of DM8 of the Allocations and Development Management Development Plan Document (2013) and therefore fails to be acceptable in principle. In addition to this, the design of the extension and glazed link are considered to be incongruous in this traditional setting and would result in harm to the character and appearance of this non-designated heritage asset, the site complex and the setting of adjacent listed buildings. The proposed development is therefore considered to constitute an unsustainable form of development in the open countryside and contrary to the aims of the NPPF (a material planning consideration), as well as Policies SP3, CP9 and CP14 of the adopted Newark and Sherwood Core Strategy and Policies DM8 and DM12 of the adopted Allocations and Development Management DPD which together form the Development Plan.

Notes to the 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

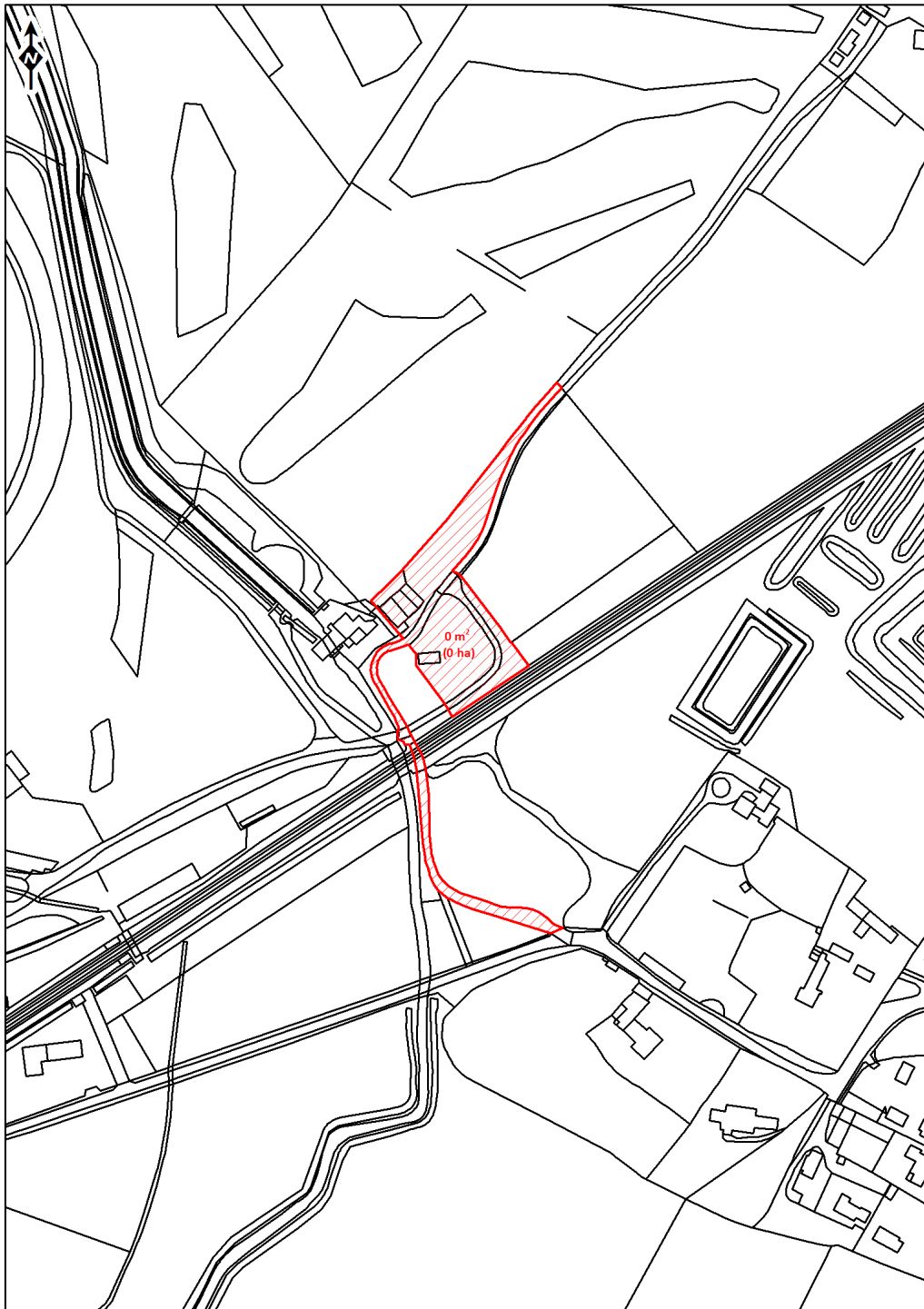
Background Papers

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.

Lisa Hughes
Business Manager - Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Proposal:	Diversion of Southwell Footpath 69
Location:	Land between Shady Lane and Potwell Dyke, Lower Burgage, Burgage Lane, Southwell

This application will be determined by Nottinghamshire County Council as Rights of Way authority. The site is within the District of Newark and Sherwood and the District Council has been consulted for comment.

Following consultation with District Council ward Members and an Officer site visit, the District Council submitted an informal objection to the proposed diversion. Only through a formal objection could the District Council be a party to any process relating to the proposals. The constitution sets out that Planning Committee are responsible for this particular function; therefore this report seeks approval for the District Council to submit a formal objection.

The Site

Southwell Footpath 69 extends from Shady Lane across a bridge over the Potwell Dyke and joins Easthorpe via Potwell Close. The area which the foot path runs through is a mixture of grassland and tree belts and it slopes down from Burgage Lane to Shady Lane and the Potwell Dyke. The site is within Southwell Conservation Area.

The site which the footpath runs through is part of the Shady Lane Main Open Area and the present route of footpath 69 appears to form the boundary of a Main Open Area. A newly-erected post-and-wire fence demarcates the public footpath from the applicant's garden land. The area is also a Local Wildlife Site (formally a Site of Importance for Nature Conservation, SINC).

Relevant Planning History

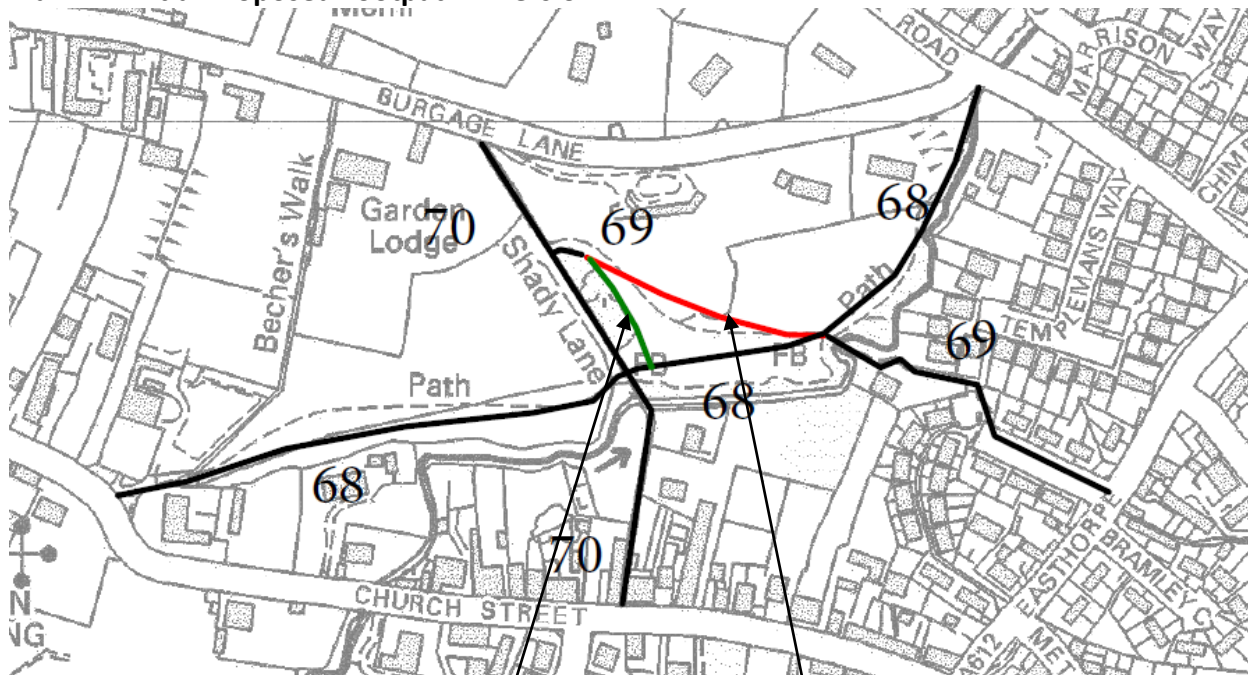
EXP/00047/18 – Requested information about erecting a post and wire fence. The exemption letter concluded that the proposal was permitted development and a fence has subsequently been erected.

19/00112/ENF – A current enforcement case is investigating the alleged use of a field in the Main Open Area / Local Wildlife Site as garden land, including the alleged erection of football goal posts.

The Proposal

The Council received notification of a proposed footpath diversion from Nottinghamshire County Council on the 18th June 2019. It stated that the Council *"have been approached by a landowner to consider the part diversion of Southwell footpath no.69. Currently footpath no.69 is a cross field path through the land at the rear of the property. The proposed diversion will instead move the footpath to the western edge of the land and utilise footpath no. 68 as a connecting path to the remains of footpath no. 69"* This proposal is shown in Plan A below:

Plan A – Initial Proposed Footpath Diversion

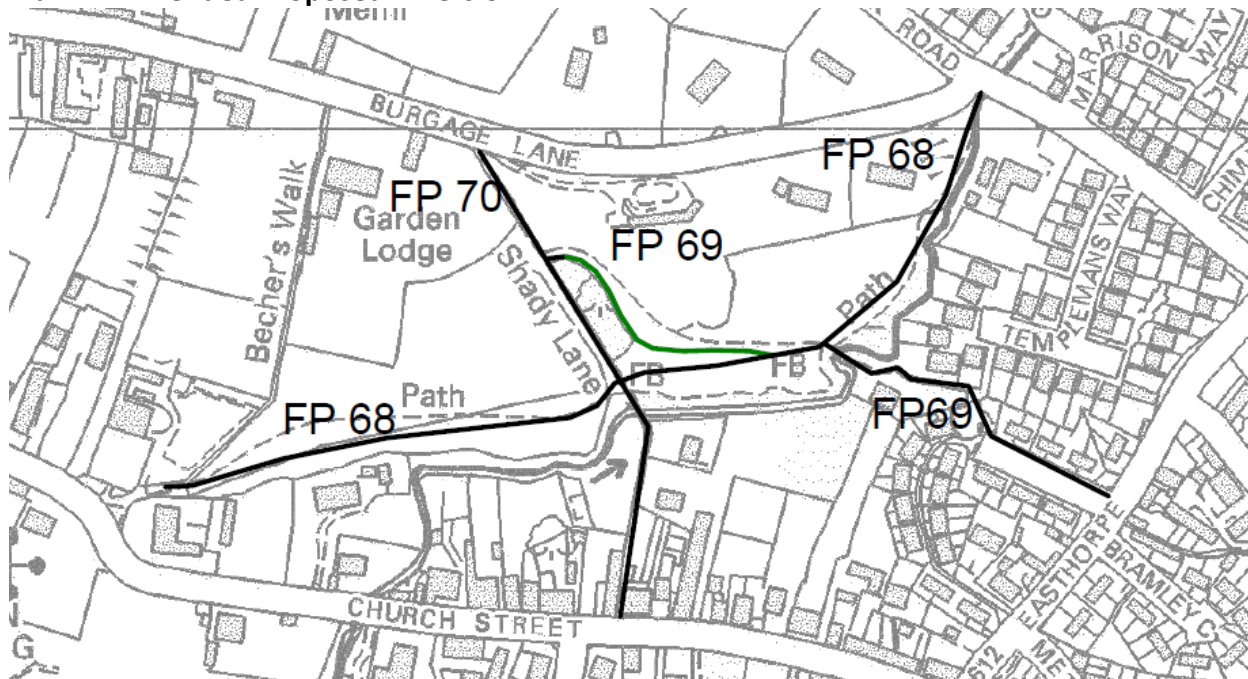


Proposed diverted line of the footpath

Current Line of the Footpath

Subsequent to this initial consultation the District Council received notification that an amendment to the proposed diversion had been made following a meeting on site between the County Council, the Town Council and the land owner to seek to address the Town Council's (and the District Council's) initial objections. Plan B shows the proposed compromise route:

Plan B – Amended Proposed Diversion



Consultation

As part of the process of responding to proposals from the County Council on Highways and Rights of Way, the Planning Policy Business Unit consults local Ward Members. Councillor Peter Harris responded to the initial proposal (as set out in Plan A) on the 26th June 2019 with the following objection:

“The land has recently been sold and the buyer understood the implications of having a footpath through the land. I too have a path running in my garden! I suspect that the next thing that will happen is that we will get an application to close off the land where the footpath goes and make it an extended garden. This is not appropriate as this land is open space, and protected as such by the Neighbourhood Plan.”

Following the Amended Proposed Diversion a further consultation was undertaken. Councillor Harris responded on the 15th August 2019:

“I am afraid that I continue to object to any alterations to the footpath. The owner clearly bought the land recently knowing the footpath's location. It is well used and should not be diverted.”

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (October 2016)

Policy E4 – Public Rights of Way and Wildlife Corridors
Policy E5 – Green Link
Policy CF2 – Green and Open Spaces and Burial Grounds

Newark & Sherwood Amended Core Strategy (March 2019)

Spatial Policy 7 – Sustainable Transport
Core Policy 12 – Biodiversity and Green Infrastructure
Southwell Area Policy 1 - Role and Setting of Southwell

Newark & Sherwood Allocations & Development Management DPD (July 2013)

Policy So/MOA - Southwell - Main Open Areas
Policy So/PV - Southwell Protected Views

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014

Comments of the Business Manager (Planning Policy)

Following consultation on the initial diversion proposal, officers objected to the County Council on the 18th July 2019 as follows:

National Planning Policy Guidance requires that planning policies and decisions protect and enhance rights of way and access. The Council has a range of policies which surround the protection and enhancement of Green Infrastructure, of which public footpaths form an important part. We support their maintenance and extension wherever possible.

Paragraph 98 of the NPPF requires decisions protect and enhance public rights of way and access. Spatial Policy 7 of the Newark and Sherwood District Council adopted Core Strategy requires development to provide safe convenient and attractive access to the existing network of footways so as to maximise opportunities for their use. Core Policy 12 requires the Council to “seek to...increase provision of and access to green infrastructure” of which the footpath network is a part.

Southwell Neighbourhood Plan policy E4 notes that “Public Rights of Way... [contribute] not only to the Green Infrastructure but also, where relevant, to open spaces...” Paragraph 6.25 of the Plan makes clear that the policy “seeks to conserve and enhance the... extent of PROWs...”

I have consulted the Southwell Ward members and Cllr Harris responded:

“The land has recently been sold and the buyer understood the implications of having a footpath through the land. I too have a path running in my garden! I suspect that the next thing that will happen is that we will get an application to close off the land where the footpath goes and make it an extended garden. This is not appropriate as this land is open space, and protected as such by the Neighbourhood Plan.”

I cannot comment on the future plans of the applicant. However, I have visited the site and there is a new post and wire fence enclosing the garden (erected under permitted development) which clearly demarcates the path and prevents accidental straying off the identified route (at least *towards* the house).

The land is designated as a Main Open Area in the Local Development Plan, duplicated in the Neighbourhood Plan. MOAs help define a settlement’s form and structure and the Development Plan seeks to maintain their open nature. Whilst they are usually enjoyable from the public realm they may not necessarily be publicly accessible. They were reviewed in 2011 as part of the development of the current Local Plan, when this location was reduced to exclude garden land to the north and south. Any subsequent proposal to extend the residential curtilage would be subject to a planning application, where the implications regarding the MOA would be considered.

Conclusion

With a new fence preventing access onto garden land, there does not appear to be a compelling reason to divert the path. On this basis and for the reasons above I object to the proposed changes to the definitive map.

Subsequently the revised proposal for diverting the footpath was proposed following a site meeting between various parties (but not the District Council) and an alternative diversion has been proposed.

The Development Plan contains a number of policies which support the retention and enhancement of public rights of ways and the Footpath 69 lies within a particular important area of townscape within Southwell; Shady Lane Main Open Area. Policy So/MOA states that Main Open Areas are *“areas of predominantly open land within Southwell that play an important part in defining its form and structure.”* The plan notes that whilst not always public accessible they mostly are viewable from public land or accessible via public footpaths through them.

The proposal will move the footpath further down towards Footpath 68 than the original proposal but on visiting the site Officers could not reconcile the proposed diversion with the facts on the ground. In order for the diversion to link up with Footpath 68 it would need to punch through a line of trees which run north to south across the site, apart from the current route of the footpath. It should be noted that as the site is in the Conservation Area, officers are going to investigate the importance of the trees as a matter of urgency to see if they are worthy of protection in their own right.

The site is also in the view cone for the Southwell Protected Views (Policy So/PV). However following the site visit officers have concluded that this part of the main open area is relatively enclosed and does not have views of the principal heritage assets.

It should also be noted that in order to move the footpath a new line will need to be cut through the field to the south of the existing line resulting an environmental impact on the Local Wildlife Site 2/758 “Shady Lane Pasture” which is recorded as “a noteworthy grassland in an urban location”.

Whilst the proposal will allow footpath users the ability to continue to enjoy the upper area of the Main Open Area more effectively than the original proposed diversion, it will still result in less of the area being viewable and will require an access to be punched through the trees and require a new path being laid through protected grassland. Given that the applicant has erected a post and wire fence to ensure that footpath users do not stray into their garden I cannot see any need to divert the footpath from its current route.

RECOMMENDATION

That NSDC continue to raise an objection to the proposed diversion for the reasons set out above.

Background Papers

None

For further information, please contact Eric Smith on ext 5855.

Matt Lamb
Director of Growth & Regeneration

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/00903/FUL		
Proposal:	Part conversion of function room and secondary bar area into one bed flat. Installation of 2no. new rooflights and associated internal alterations. Part change of use from A4 to residential flat ancillary to PH for live-in Landlord.		
Location:	The Prince Rupert, 46 Stodman Street, Newark On Trent NG24 1AW		
Applicant:	Knead Pubs - Mr Mick Thurlby		
Registered:	20.05.2019	Target Date: 15.07.2019	Extension of Time Agreed Until 11.09.2019

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. It should be noted that following the comments from the Town Council the agent has submitted a plan to address their concerns. The plan is due to be discussed at the next Town Council meeting on the 4th September 2019. The Town Council may withdraw the objection prior to committee and the application would then be decided under delegated powers.

The Site

The application relates to the Prince Rupert public house which was built in the 15th century and is situated on Stodman Street in Newark Town Centre. The building is Grade II listed and has adjoining buildings to either side.

Relevant Planning History

09/00676/FUL Dormer roof - Granted permission and implemented, not completed.
09/00677/LBC Alterations to Listed building - Granted Consent
10/00740/ADV Proposed hanging sign & menu board (Retrospective) - Granted Consent

The Proposal

The application has been submitted alongside a listed building consent application and seeks permission for the conversion of the roof space into a residential apartment for a live in landlord. This would consist of the reconfiguration of the existing first floor layout to the rear section of the building and the installation of 2no. new rooflights. The existing boiler room would be converted into an en suite (as per the previous permission), the bar area would be a lounge area and kitchen, and the function room would be separated into a corridor and separate bedroom. There would be a rooflight to the shower room (as per previous permission), one to the lounge and one to the bedroom.

Submitted Documents

Drawing no. (08)001 rev P1 Block and Location Plan
Drawing no. (08)002 rev P1 Existing and Proposed First Floor Plan
Drawing no. (08)003 rev P1 Existing and Proposed Rear Elevation
19-741 Design and Access Statement
Drawing no. (32)001 Internal Door Joinery
19-741 Schedule of Works Methodology Statement

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 14 – Historic Environment
NAP 1 – Newark Urban Area

Allocations & Development Management DPD

DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Newark Town Council commented:

It was decided to Object to this application on the following grounds:

i) Members were concerned about the lack of available space for refuse bins for the property.

These could be a potential safety hazard being placed in front of a fire escape.

ii) Members would like to see Newark & Sherwood District Council produce a Waste Strategy for residential waste within the Town Centre, due to the number of residential flats above retail premises increasing. Further, that a complete moratorium be imposed on any further Town Centre residential developments being considered until a Strategy has been produced and approved.

The Conservation Officer commented:

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). Section 16 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. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Significance of heritage asset(s)

The application relates to the former Woolpack PH which is grade II listed (LEN 1232018). The building was designated in September 1950. The listing description advises;

'Public house. 1452, altered early C19 and late C20. Timber-framed with rendered and colourwashed front, and brick, with pantile roof. Comprises the central and right-hand bays of a Wealdon house. Deep coved eaves to left bay with curved bracket to right, and jettied right bay supported on curved brackets. 2 brick gable stacks. 2 storey, 2 bays. Street front has 2 small glazing bar sashes, below near-central beaded 4-panel door and overlight, flanked by late C20 single pane windows. Rear brick wall has C20 single storey addition and above a 2-light sliding sash. Gabled rear wing added late C18, partly colourwashed brick. East wall has a door and a 3-light sliding sash, with above a 2-light casement. East wall has 2-light sliding sash with glazing bars and a small margin light sash above. Rear wall has inserted 3-light casement. Interior: retains late C18 stick baluster stair case. Central corridor plan. Front has 2 pub rooms have fitted with C19 upholstered benches and a single C19 fireplace. 2 bays of a Wealdon house. Upper floor has lime ash floor and various plank doors. Single L-plan stud partition wall, divides western upper room. Roof has 3 original trusses with tie beam and arched braces supporting a collar, that to the west not complete'.

The site is located in Newark conservation area. The conservation area was originally designated in 1968, it has been reviewed and extended many times since then. The site is located in the original conservation boundary.

Assessment of proposal

The application is to convert an existing function room into a managers flat, with separate access to storage space.

The access to the storage creates an unusual subdivision of this part of the building. However, there does not appear to be a suitable alternative. As a curtilage listed building that has been altered it is considered the proposed alteration does not result in harm. The scheme includes a few rooflights, including reopening a former opening and a new opening. These are located to the rear of the building which is not highly visible and relates to an elevation that is not of the highest of significance.

As a residential conversion a number of building regulations are required to be met, however the details submitted are indicative, including compartment wall and structural steels beam. I recommend a schedule of works should be conditioned for more precise detail on the structural work necessary for the conversion.

The proposal will preserve the character and appearance of the conservation area. The proposal therefore reflects the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

I recommend the following conditions;

Doors to be agreed

Before the doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed door details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Details of services to be agreed

Before they are installed, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Schedule of works; submitted and agreed.

Prior to the commencement of works, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses compartment wall construction and steel beam supports.

Reason: To preserve the special architectural and historic interest of the listed building

Rooflights

Before the rooflights hereby granted consent are installed, a detailed specification of all new rooflights shall be submitted to and agreed in writing with the Local Planning Authority. The works shall only be carried out in accordance with the approved details. The rooflight(s) specification shall include details of:

- Size;
- Material;
- Colour;
- Method of opening;
- Method of fixing; and
- Appearance.

Reason: To preserve the special architectural and historic interest of the listed building.

Further to these comments the agent requested an extension of time on the application to submit the details as required above.

The submitted schedule of works, rooflights and doors details have been forwarded to the Conservation Officer and are considered acceptable. One condition has been recommended as follows:

‘No structural work relating to a s steel beam support shall be undertaken until working drawings have been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.’

No further representations have been received to date.

Comments of the Business Manager

Principle of Development

The application site is located within the centre of Newark. Spatial Policies 1, 2 and NAP1 of the Adopted Core Strategy identify Newark as a Sub Regional Centre where the focus is for residential, commercial and leisure activity within the District. I am satisfied that the site is located within the main built up area of Newark and as Newark is identified as a sustainable settlement I consider the principle for residential development is accepted within this location.

Core Policy 3 sets out the housing mix, type and density expectations for the District. The District Council will seek to secure an appropriate mix of housing types to reflect local housing need. Such a mix will be dependent on the local circumstances of the site. The application is for a one bedroom flat to fulfil the requirements of the business for a live in landlord. As such I consider the proposal to be in accordance with Core Policy 3.

Policy DM5 sets out the criteria by which all new development should be assessed including (but not limited to) access, amenity, and local distinctiveness and character. The building is located within Newark Town Centre and is an existing community facility that the Council seeks to preserve in accordance with Spatial Policy 8. As such, proposals which retain or enhance the public house use are considered acceptable in principle. The use of the space to the first floor as a self-contained residential flat for the purpose of a live in landlord would be ancillary to the business and existing use and is considered acceptable.

The building is Grade II listed and located within the Conservation Area therefore the proposal must be carefully assessed to ensure that there is no harm to the historic significance of the building or the character of the Conservation Area.

Impact on Visual Amenity, the Character of the Area, the Conservation Area and the Listed Building

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

Core Policy 14 of the Newark and Sherwood Core Strategy (adopted 2019) states that the Council will aim to secure the continued preservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals. This is also reflected in Policy DM9.

Policy DM9 (Protecting and Enhancing the Historic Environment) states development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing.

Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 192 states that when determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses and pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The majority of the proposal is internal work to facilitate the conversion to a flat and as such would not impact upon the character and appearance of the Conservation Area. The proposed rooflights are to the rear of the property and would be well screened by the front of the building and the surrounding buildings. The Conservation officer has noted that the rooflights relate to an elevation which is not highly significant to the character and appearance of the listed building, given the alterations over the years and as such would not cause harm to it.

With the above in mind I do not consider that the proposal would have a detrimental impact on the character and appearance of the listed building or the conservation area and is in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

Policy DM5 states in relation to amenity 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 proposal would have no impact on residential amenity in terms of overbearing impact or loss of light as there are no extensions or external changes proposed apart from the rooflights. The rooflights are positioned so that they would not present any issues with overlooking to any neighbouring properties and therefore would not cause a loss of privacy.

There would not be a private outdoor area for the occupier nor space for parking. There are however green spaces close to the site for example Newark Castle Grounds and Sconce Park which can easily be accessed on foot. Given the town centre location there is good access to public transport by both bus and train. Furthermore, services and shops would be easily accessible to the occupier. Considering the nature of the purpose of the dwelling for a live in landlord, I do not feel these minor amenity issues would outweigh the benefit for the public house and as such do not feel that the proposal should be refused on this basis.

Waste Management

The Town Council have objected to the application with concerns that there is not adequate space to store refuse bins without compromising fire exit doors. The agent has subsequently submitted a plan to indicate that there is sufficient space for bins to be stored without blocking any fire exits. As such I do not consider this a reason for refusal.

Conclusion

To summarise I consider the proposal to be acceptable and that it would not cause harm to the listed building. The proposal is in accordance with the Development Plan and the NPPF which is a material consideration. I therefore recommend that planning permission is granted.

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 accordance with the following approved plans, reference

Drawing no. (08)001 rev P1 Block and Location Plan

Drawing no. (08)002 rev P1 Existing and Proposed First Floor Plan

Drawing no. (08)003 rev P1 Existing and Proposed Rear Elevation

Drawing no. (32)001 Internal Door Joinery

19-741 Schedule of Works Methodology Statement

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

Reason: So as to define this permission.

03

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 through an application seeking a non material amendment.

Reason: In the interests of visual amenity

04

No structural work relating to a steel beam support shall be undertaken until working drawings have been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

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 there is no additional floorspace proposed.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

03

This planning permission should be read in conjunction with listed building consent reference 19/00904/LBC. Please note that there are conditions attached to the listed building consent which relate to the internal works and will require discharging.

Background Papers

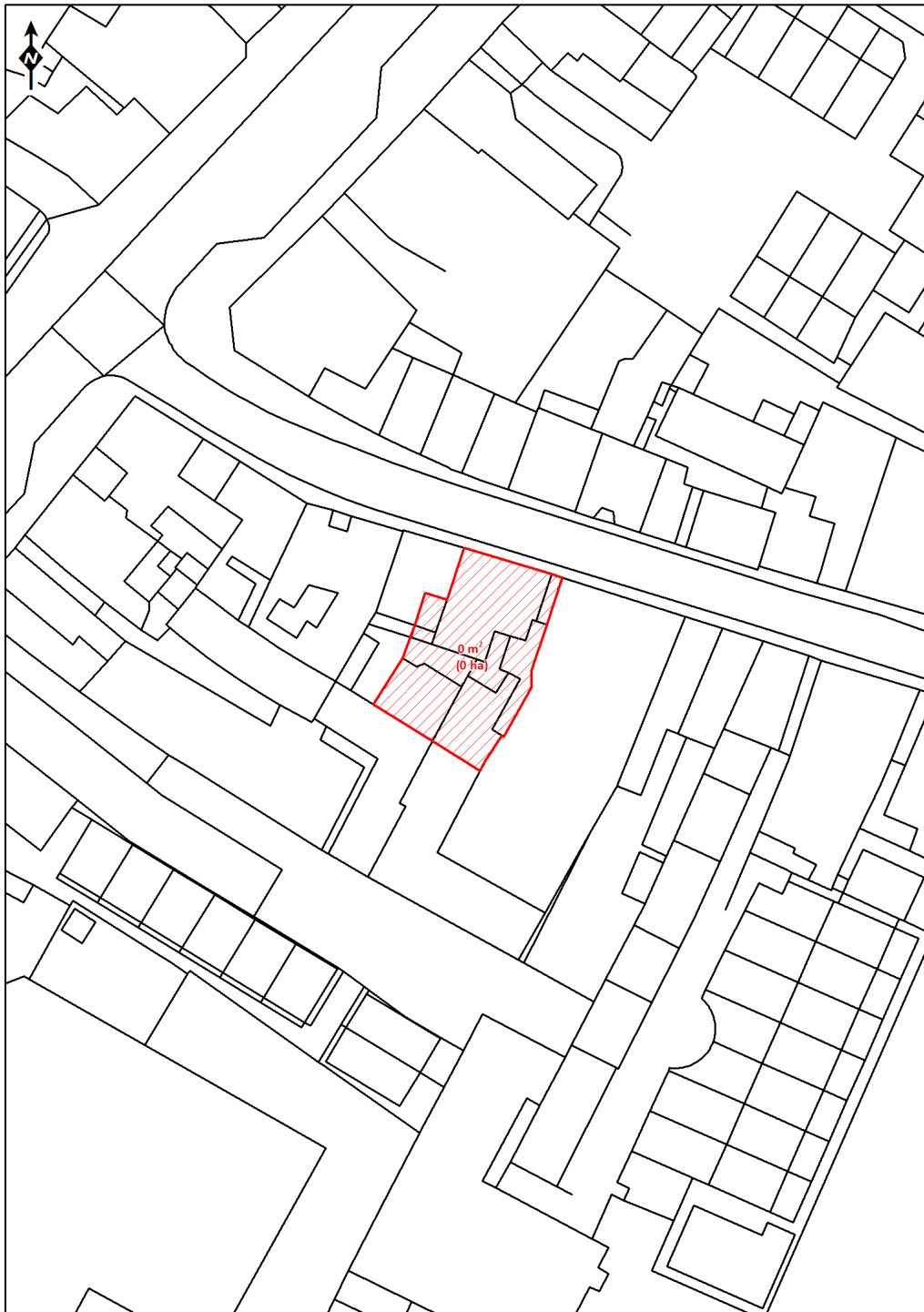
Application case file. 19/00903/FUL

For further information, please contact Ellie Sillah on ext 5770.

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

Lisa Hughes

Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/01180/OUT	
Proposal:	Erection of 2 dwellings	
Location:	Land at Norwell Road, Caunton	
Applicant:	Ms S Brown	
Registered:	25.06.2019	Target Date: 20.08.2019
		Extension of Time Agreed: 13.09.2019

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Councillor Michael is part owner of the site.

The Site

The application site relates to a broadly rectangular plot of approximately 0.2 hectares to the south of Norwell Road. The site as existing forms agricultural grazing land demarcated by a hedged boundary with Norwell Road. There is a slight decreasing gradient within the site in a westwards direction.

The site is immediately adjacent to, but outside of, the designated Conservation Area for Caunton. Neighbouring land uses include residential curtilages to the south and the approved residential curtilages of a recent housing scheme to the east of the site.

Relevant Planning History

There is no planning history of relevance to the site itself albeit the land to the east was approved for the development of 6 affordable homes in 2016 (reference 16/00382/FUL). These have been built and appear to be occupied.

The Proposal

The proposal relates to an outline application for 2 market dwellings with only matters of access to be considered. Access to the dwellings would be through the creation of two new access points from Norwell Road with the intention to retain the remainder of the hedged boundary. The application has been considered on the basis of the following documents:

- Site Location Plan;
- Illustrative Block Plan;
- Design and Access Statement;
- Ecology and Protected Species Survey dated July 2019.

Departure/Public Advertisement Procedure

Occupiers of 17 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 Amended Core Strategy DPD (adopted March 2019)

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 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

Consultations

Caunton Parish Council - NO OBJECTION but with COMMENTS noted regarding surface water and sewerage.

NCC Highways Authority – This is an outline application for two detached dwellings where approval for access only is required.

The illustrative block plan demonstrates two points of access onto Norwell Road. A bench is in place within the existing grass verge at the site frontage. Should this require relocating as part of the construction of the vehicular accesses, it will be at the expense of the applicant. An existing dropped kerb field access to the west of the site is required to be reinstated to full kerb as part of this application.

Therefore, the Highway Authority would not wish to raise objection to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until 2 dropped vehicular footway/verge crossings are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the drives and parking areas are provided and surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drives and parking/turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveways to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

4. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided from each access in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. 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: In the interests of highway safety.

5. No part of the development hereby permitted shall be brought into use until the existing field access to the west of the site that has been made redundant as a consequence of this consent and as shown on dwg. no. MSP.1613/002B is permanently closed and the access crossing reinstated as full kerb 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.

Notes to Applicant

The development makes it necessary to construct two vehicular crossings 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.

The minor access reinstatement works referred to in Condition 5 above involves work on the public highway and as such requires the consent of the Highway Authority. Please contact 0300 500 8080 to arrange for these works to be carried out.

Should the bench in the existing verge at the site frontage be required to be relocated due to this development, this will be at the expense of the applicant.

NSDC Conservation -

Site Analysis

The proposal site is outside of, but in the immediate setting of, the Caunton conservation area (designated October 1974). The site comprises a small field, well screened from the road by a large hedge along the front boundary. Adjacent to the site is a small recent development of 2 storey dwellings. The immediate vicinity contains no historic buildings, although several 18th/19th century buildings are located further away, albeit well screened by hedges and trees.

Assessment of Proposal

The scheme would see 2 dwellings constructed on the site, although the application is in outline form with only the principle and access up for consideration at this stage. Given the distance between the site and the nearest historic building, the presence of a large hedge along the front boundary, and the number of new dwellings recently constructed in the vicinity, Conservation has no concerns with the principle of development, subject to an appearance, scale, layout and landscaping which helps to preserve the setting of the adjacent conservation area.

The indicative layout shows 2 detached properties close to the road, with separate accesses through the front boundary hedge, and detached garages to the front. Whilst Conservation would discourage prominent garages to the front boundary, the proposed dwellings are similar in footprint to those recent dwellings to the south and east. On this basis, Conservation has no concerns with the indicative layout, although would require the following conditions to be imposed:

1. Standard outline condition;
2. Facing materials to be agreed (it is suggested red brick and non-interlocking red clay pantiles be used);
3. Boundary treatments to be agreed (including the retention of the front hedge);

The addition of chimney stacks (of an appropriate scale) would also help assimilate the buildings into the historic surroundings.

Summary

Conservation has **no concerns**, subject to conditions.

In reaching these views, Conservation has had regard to Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, Policy CP14 of the Amended Core Strategy (March 2019), Policy DM9 of the Allocations & Development Management DPD (July 2013) and Section 16 of the Revised NPPF (Feb 2019).

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

The Board maintained Carlton/Caunton Beck Pt. 1, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is requires 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.

6 letters of representation has been received which can be summarised as follows:

- There is no mains drainage or sewer system in the village;
- The access is on a blind hill with a sharp bend;
- The properties would be out of the price range for young families;
- The site is next to the village allotments and community area;
- The roads have problems with surface water flooding;
- The development will affects animals and birds that live in the site;
- The development will ruin the village feel and character of the area;
- The village does not have the amenities to support more housing;
- The site is green land that has always been used for farming and is immediately adjacent to the Conservation Area;
- The proposed development would have no benefits to the existing community;
- It would visually harm the landscape and sub-urbanise it;
- The access to Norwell Road is not safe;
- The road is used a lot by cyclists and horse riders;
- The access would be to a blind summit and there is a sharp bend at the bottom of the hill;
- The houses will lead to an invasion of neighbouring privacy;
- There will be an increase in noise and disturbance;
- Concerns that the access could cause surface water runoff and subsidence;
- Cauntton is a rural village with no shops, post office, doctors and poor public transport;
- The development will cause the loss of natural habitat and harm local wildlife;
- There has been increased surface water run off since the development of the Hedge Row houses;
- There is no evidence of local need – this was addressed by the construction of the affordable home on Norwell Road;
- Cauntton has no mains gas supply and no mains drainage;
- The affordable housing development has increased the amount of traffic on Norwell Road;
- The proposed development would overlook other properties;
- Allowing this development would set a precedent for further development of green belt land adjoining the proposed site;

Comments of the Business Manager

Principle of Development

The Council is of the view that it can demonstrate a five housing land supply and the Development Plan is up to date for decision making purposes.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional

Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

The first assessment which is necessary as part of the current assessment is to determine whether the site can be considered in the village or whether it falls outside of the village in which case requiring assessment as development in the open countryside.

In the context of the recent housing scheme immediately to the east of the site, the site itself now represents an infill plot between residential development to the south and the residential development to the east. Although the properties to the east represent a sparser form than the main bulk of the village to the south west, they would still in my view be considered as part of the village and therefore for the purposes of this application, it is considered appropriate to assess the site as being in the village and thus against the relevant criteria of Spatial Policy 3.

Location

The first criterion of Spatial Policy 3 requires new development to be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principle Villages and have a range of local services themselves.

Caunton is a moderately sized village which, as detailed by the submitted Design and Access Statement, has a range of services including two public houses; a primary school; playing fields and allotments. It is also notable that Caunton itself is well connected to Newark and wider larger settlements such as Tuxford. The proposal therefore accords with the locational criterion of SP3.

Scale

The requirement of SP3 is that new development should be appropriate to the proposed location and small scale in nature. The proposal relates to two dwellings which are considered small scale in numerical terms when taken in the context of the size of the village. The scale of the proposal in terms of the exact detailing of the dwellings is not a matter for consideration at outline stage and would need to be considered at reserved matters stage should permission be forthcoming.

Need

The wording of the 2019 Core Strategy requires new housing to demonstrate that it would help to support community facilities and local services. Given the location of the site in the confines of the village, I am satisfied that the occupiers of the proposed dwellings would have sufficient opportunity to support and help sustain the longevity of the existing local services within the village.

Impact

The Impact criterion lends itself to discussion in the context of other material consideration such as the impact on the highways network and neighbouring amenity (discussed in further detail below). In respect of local infrastructure, I am again satisfied that the development for two dwellings could be accommodated for within existing village infrastructure without causing a detrimental impact.

Character (including in the heritage context)

The character element of Spatial Policy 3 confirms that new development should not have a detrimental impact on the character of the location or its landscape setting. This stance is carried to Policy DM5 which confirms 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.

Given the outline nature of the proposal it is not possible, nor appropriate, to assess the full character implications of the development. Nevertheless, the proposed change of the site from open paddock land to two residential curtilages would inevitably lead to a significant character change. This must also be taken in the context of the setting of the adjacent Conservation Area.

The importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 16 of the National Planning Policy Framework (NPPF). Paragraph 189 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting.

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *'the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment.'* The policy goes on to explicitly identify the need for the *'preservation and enhancement of the special character of Conservation Areas.'*

Policy DM9 mirrors CP14 in that, *"all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement"*. In respect of development proposals *"affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,"* proposals *"should utilise appropriate siting, design, detailing, materials and methods of construction."*

The site is not within the Conservation Area boundary and neither are the open fields to the south east of the application site or the neighbouring allotments. Thus whilst these open areas have character benefits in the context of the rural setting of the village, their benefits are not specifically attributed any heritage value. Although indicative, the block plan submitted to accompany the application shows that the two dwellings would be detached dwellings which broadly align with the building form to the south of the site which are within the Conservation Area. I therefore see no reason why a detailed application could not demonstrate an appropriate design which takes further cues from the Conservation Area setting in terms of detailing and materials. On this basis I have identified no character harm which would prevent the approval of an outline application for two dwellings.

Housing Mix and Density

Core Policy 3 states that the District Council will seek to secure new housing development which adequately addresses the housing need of the District, namely: family housing of 3 bedrooms or more; smaller houses of 2 bedrooms or less; and, housing for the elderly and disabled population.

The development proposed is a windfall site and therefore would provide an added contribution towards the District's housing supply. There are no exact details as to the intended housing mix at this stage but it is entirely reasonable to assume that any reserved matters submission could present a mix which meets the aspirations of Core Policy 3 above.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD (ADMDDPD) outline the importance of the protection and enhancement of the area's biodiversity and open spaces. The protection of individual sites is vital as part of the preservation of the overall 'Green Infrastructure' network of green spaces, landscapes and natural elements that intersperse and connect the District's settlements and surrounding areas.

The stance of the Design and Access Statement is that the site does not offer a habitat for any protected species albeit this was not originally evidenced through any submitted surveys. Having visited the site it is clear that despite its open agricultural nature, there is a significant proportion of the site which is characterized by long unkempt grassland. On this basis, an ecological walkover survey was requested during the life of the application.

The initial appraisal as received focused on the likelihood of the site to support bats; badgers and common bird species. It is acknowledged that the site comprises an area of rough grassland with associated ruderal vegetation. No ecological constraints were found to be associated with the proposed development albeit a number of recommendations are made to protect any unidentified ecological potential. These measures could be secured by appropriately worded conditions.

The intention is for the existing hedgerow along the northern boundary to be retained with the exception of the creation of two vehicular accesses. This is welcomed in principle and any approval could be conditioned to ensure that clearance works do not take place in bird breeding season and also that any reserved matters submission includes details of further landscaping to potentially enhance the ecological value of the site.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Again given the outline nature of the application it is not appropriate to assess fully matters of amenity. However, taking account of the indicative block plan submitted it appears that appropriate distances could be achieved between existing neighbouring properties and the proposed dwellings. I therefore see no reason to resist the outline application on the basis of amenity matters.

Impacts on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

The only matter for consideration at this stage is for two new vehicular accesses proposed on the northern boundary of the site from Norwell Road. It is noted that some of the consultation responses received have raised concern in respect to the positioning of the accesses close to the bend in the road. The indicative block plan also shows that each dwelling would have an area of hardstanding for vehicular maneuverability. The details of the application have been assessed by Nottinghamshire County Council as the relevant highways expertise and no objections raised subject to conditions. I see no reason to disagree with these comments and concur that subject to the measures outlined by the conditions, the development could deliver safe highways arrangement.

Conclusion

The development proposed represents a windfall development in a rural area. Having assessed the proposal against the relevant criteria of Spatial Policy 3, the dwellings proposed would be acceptable in principle in that they would support the local services of the village without imposing any resultant harmful impacts. The benefits of the scheme in terms of additional housing delivery must therefore be afforded positive weight. The remainder of the appraisal above assesses all other material planning considerations and does not identify any resultant harm which would outweigh the housing benefits. The exact details of the scheme would be subject to further consideration at reserved matters stage. The proposal is therefore recommended for approval subject to the conditions as outlined below.

RECOMMENDATION

That outline planning permission is granted subject to the conditions outlined below:

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan. The scheme shall also take into consideration the recommendations for ecological enhancement detailed at paragraph 5.3 of the Ecology and Protected Species Survey undertaken by Inspired Ecology dated July 2019.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

04

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

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.

06

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

07

The development hereby approved shall be carried out in accordance with the ecological recommendations of the Ecology and Protected Species Survey undertaken by Inspired Ecology dated July 2019. These measures can be briefly summarized as follows:

- Best practice in relation to bats (including dark unlit corridors maintained around the site);
- Provision of bat roost units (at least two into the new buildings on the northern and southern elevations);
- Vigilance and best practice regarding badgers and other ground mammals
- Provision of bird boxes.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

08

No part of the development hereby permitted shall be brought into use until 2 dropped vehicular footway/verge crossings are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the drives and parking areas are provided and surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drives and parking/turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until the driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveways to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

11

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided from each access in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. 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: In the interests of highway safety.

12

No part of the development hereby permitted shall be brought into use until the existing field access to the west of the site that has been made redundant as a consequence of this consent and as shown on dwg. no. MSP.1613/002B is permanently closed and the access crossing reinstated as full kerb 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.

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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 development makes it necessary to construct two vehicular crossings 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.

The minor access reinstatement works referred to in Condition 5 above involves work on the public highway and as such requires the consent of the Highway Authority. Please contact 0300 500 8080 to arrange for these works to be carried out.

Should the bench in the existing verge at the site frontage be required to be relocated due to this development, this will be at the expense of the applicant.

Background Papers

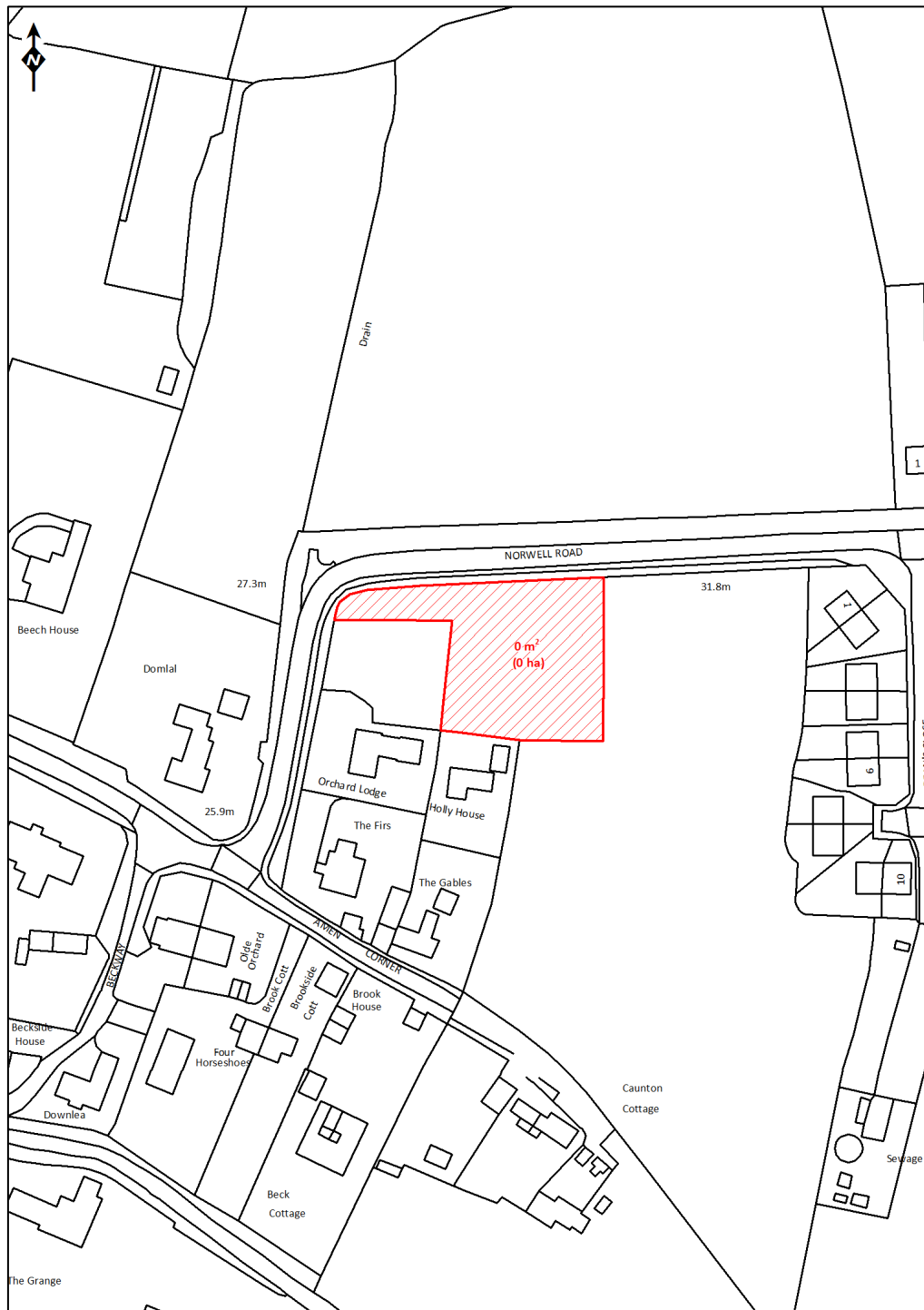
Application case file.

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

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

Lisa Hughes

Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/01356/FUL	
Proposal:	Conversion of store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion. Amendment to planning permission 15/01060/FUL to insert additional lower and upper windows to the south elevation and alter approved window on east elevation	
Location:	Former Public Conveniences, Forest Corner, Edwinstowe	
Applicant:	Newark and Sherwood District Council	
Registered:	24 July 2019	Target Date: 16 September 2019

This application is being referred to the Planning Committee for determination in line with the Council's Scheme of Delegation because the site is owned by this Council.

The Site

The site consists of a single storey brick building which was originally built as a public toilet block but was last used as storage in association with the adjacent cricket club. The building is 60 sq m in footprint and has been vacant since June 2014. There is a car park adjacent to the building which is used by the applicant.

The site is located within the Open Countryside with the Principal Village Envelope Boundary running along the opposite side of the road, Forest Corner. The Conservation Area boundary also runs along the opposite side of the road. Edwinstowe District Centre is located approx. 267 metres south of the site.

The site is adjacent to the Sherwood Forest Local Wildlife Site 1/91. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). The site is also in the area recognised as a potential Special Protection Area for Woodlark and Nightjar.

There is a bridle path running close to the building and crossing a small part of the adjacent car park.

There is a mix of neighbouring land uses including a Youth Hostel further along the road and a Care Home opposite the site located within the grounds of Edwinstowe Hall, a Grade II listed building which is set back from the road.

Relevant Planning History

15/01060/FUL – Planning permission was granted for the 'Conversion of store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion' by the Planning Committee in line with the officer recommendation in August 2016. The development is currently under construction.

04/02937/FULR3 - Planning permission was granted in 2005 for a change of use of the building from public conveniences to storage.

The Proposal

This application seeks full planning permission for the conversion of the store building to a Craft Centre Annexe for an additional craft workshop with associated sales. This would be an annexe to the existing craft centre on the opposite side of the road. The existing craft centre on the opposite side of the road consists of individual units of craft workshops with a retail element where the goods made on site are sold to visiting members of the public.

The applicant has confirmed that the retail floor area will be ancillary to the workshop floor area and will be no more than 40% of the total floor area. A disabled toilet facility is also proposed within the building.

Members will note that the application has been submitted for full planning permission albeit reference is made to a previous permission which exists and appears to be well underway with construction on site. The difference between the current application and the previous approval is the alteration of fenestration details notably through the introduction of glazing on the south elevation (facing the road) and the increase in window proportions on the east side elevation.

The windows on the south elevation (clarified as not being doors despite their design) would be approximately 5.7m in width. There would also be a projecting glazed roof dormer of approximately 6m in width to match the approved arrangement on the north elevation. The width of the window on the east elevation is now proposed to be approximately 1.8m (the previous scheme showed narrower proportions of approximately 1m).

The application has been considered on the basis of the following plans:

- Site Location Plan received 19th July 2019;
- Proposed Elevations and Plan G033/15 received 19th July 2019.

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
Core Policy 8 – Retail & Town Centres

Core Policy 9 - Sustainable Design
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
ShAP3 – Role of Edwinstowe

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM11 – Retail and Town Centre Uses
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Edwinstowe Parish Council – Support (unanimous)

NSDC Conservation – Support

“Site analysis

The proposal site is in the setting of Edwinstowe Hall, a grade II Listed Building. The site is also in close proximity to the Edwinstowe Conservation Area boundary. However, the building in question is a former public conveniences dating to the 1950s of no historic or architectural significance. Planning permission was granted by way of 15/01060/FUL for the conversion of this building into an additional craft workshop for the business opposite. Conservation had no concerns with that scheme, subject to conditions.

Assessment of proposal

The scheme would see windows, false glazed doors and a dormer added to the south elevation of the building, to match the windows, doors and dormer previously approved on the north elevation. Whilst this would make the building more prominent in the vicinity, Conservation is minded that the existing building is of no historic or architectural merit and the building has already been approved to receive cladding all around, arguably increasing that prominence. In addition, the current appearance of the building, being unused for a considerable period of time and in need of maintenance, is also a material factor here. In terms of the setting of Edwinstowe Hall, that building is a considerable distance from this site and is well screened behind several rows of trees and hedges, in addition to the boundary wall. This structure is also seen more in the context of 20th century buildings on the north side of the road adjacent to the cricket field, rather than being visually related to the historic buildings on the south side of the road.

Summary

With the above analysis in mind, it is considered that the proposed amendment would preserve the setting of Edwinstowe Hall and the nearby Conservation Area. Therefore, Conservation has **no concerns, subject to a condition requiring the windows and doors to match those previously approved in 2015.**

In reaching these views, Conservation has had regard to Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, Policy CP14 of the Amended Core Strategy (March 2019), Policy DM9 of the Allocations & Development Management DPD (July 2013) and Section 16 of the Revised NPPF (Feb 2019)."

No other representations have been received.

Comments of the Business Manager

Principle

Despite being on the opposite side of the road to the defined village envelope for Edwinstowe, the site itself is within the open countryside where development is strictly controlled by Policy DM8 and limited to certain types of development.

However, the planning history referred to in the description of development is materially relevant to the current application insofar as the change of use of the building as proposed has already been accepted and indeed implemented on site through the previous permission. However, having reviewed the approved file it appears that pre-commencement conditions have not been discharged. Technically speaking therefore, the ongoing development is in breach of the original conditions (namely seeking approval of materials and details of features and fixing). This need not be considered fatal to the current application given that it forms a fresh application. At the time of agenda going to print, the previous application remains extant. However, by the time Members consider the application on September 10th the application will technically have expired (decision dated 6th September 2016).

For completeness, the following italicised text is taken from the previous Committee Report presented in 2016:

Although directly opposite the Village Envelope of Edwinstowe, the site does lie outside of this Envelope and therefore is located within the Open Countryside. Although the proposed primary use of the building would be a workshop with ancillary retail sales, planning guidance suggests that this falls under Use Class A1 (retail) as it involves retail sale of goods to visiting members of the public. As such, this proposal should be assessed as a retail use in the Countryside.

Core Policy 8 sets out the retail hierarchy for the District. This aims to steer new retail development towards town centres or district centres with some convenience retail in local centres.

Policy DM11 restricts retail development in rural areas to:-

"New or enhanced retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11 will be supported."

Policy DM8 relates to development in the Open Countryside and states that in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development and alternative uses should present a case for the most beneficial use in accordance with the aims of the Spatial Strategy. The policy goes on to state that small scale employment development will only be supported where it can be demonstrated that there is a need and contributes to providing rural employment to meet local needs and proportionate expansion of existing businesses will be supported that contribute to local employment. In terms of visitor based tourist development, facilities for the expansion of existing attractions that are based on site specific natural environment characteristics will also be supported.

This proposal is very small scale – 60 sq m of floorspace - which is considered to be proportionate to its countryside location, albeit adjacent to the main built up area of Edwinstowe. The small scale nature of the use and building would be self-regulating and will not result in retail floor space that would compete and detrimentally affect the vitality and viability of the village centre. The use represents the proportionate expansion of an existing business (the Sherwood Forest Area and Craft Centre) that will contribute to local employment and represents the expansion of existing visitor based tourism development that should also be supported.

However, this proposal is not for an open retail use, but as an annexe to the existing craft centre, located approx. 44 metres away from the site. The applicant has submitted supporting information to demonstrate a need for an expansion to the adjacent craft centre. This includes that since January 2016, NSDC has had 23 emails and up to 60 telephone enquiries regarding interest in the existing craft centre. At the time of writing, two units within the existing craft centre were vacant but both were expected to be occupied by mid-August. I have also been informed that there has been prospective interest for the proposed annexe.

As an annexe to the existing craft centre, I consider that this use does need to be close to the existing craft centre and therefore for this reason, I do not consider there to be any more sequentially preferable sites located within the existing retail centre in the High Street. The proposal would also bring back into use a vacant building adjacent to the conservation area. Furthermore, I do not consider that this proposal will take visitors away from Edwinstowe District Centre as it is a specialist expansion of an existing craft/tourist use in this area.

With regards to the impact of the proposal on the open character of the Countryside, I consider this to be extremely minimal. The building and associated car parking facilities are already there and do not require extending to facilitate the use. Whilst strictly, in the Open Countryside, the site is adjacent to the built development within the Village Envelope on the opposite side of the road. There is further built development on the same side of the road as the site, outside of the Village Envelope, including buildings connected with the adjacent cricket club and car parking for the adjacent Sherwood Forest.

For the reasons stated above, on balance, I do consider that this specific proposal for a Craft Centre Annexe for an additional craft workshop with associated sales is acceptable. It is for an extension of the existing craft centre just 44 metres away from the site. The existing craft centre will be operating at full capacity by mid-August and I am not aware of any suitable buildings or sites on the opposite side of the road (within the Village Envelope) that could be utilised instead. The buildings within Edwinstowe District Centre (of which some are vacant) are considered to be too far away from the existing craft centre to be used as an annexe. As such, I consider that this specific proposal does comply with guidance contained in Chapter 2 (Ensuring the vitality of town centres) of the NPPF as well as the broad principles of Core Policy 8 and Policy DM11, along with Policy DM8.

The very recently expired permission is still considered to attach material weight given that, had the conditions been formally discharged, it would have been commenced in time to form a strong and reasonable fall-back position such that the principle of the change of use described in the proposal above is acceptable. Nevertheless the application has been submitted for full planning permission (rather than through a Section 73 minor amendment route) and therefore it remains necessary to assess all other material planning considerations albeit with a strong focus on the changes in comparison to the previous permission.

Impact on Character

The site is located outside of, but adjacent to the boundary of Edwinstowe Conservation Area. There is also a Grade II listed building in close proximity to the site namely Edwinstowe Hall.

The existing building was built in the 1950s and until the recent conversion works, remained vacant for some time. The building is not considered to have any special architectural or historic interest.

As with the previous permission, the materials proposed to the exterior include horizontal cladding and large expanses of glazing. The current application seeks to increase the elements of glazing further notably through the introduction of fenestration details on the south elevation and within the southern roof pitch. The extant approval did not include any fenestration details on this elevation. The window on the eastern elevation will also be increased in width.

Having assessed the revised proposal, the additional windows would correspond well with the approved scheme and enhance the visual appreciation of the building from the public realm alongside the road. The additional prominence has been discussed through the comments of the Conservation Officer detailed in full above and found to have no harm to the setting of the nearby listed building or the designated Conservation Area. I would concur entirely with this assessment and find that the changes presented overall are marginal in the context of the extant approval.

As is referred to above, the previous permission sought exact details of materials and finishing. The Conservation Officer comments seeks the details to be in line with those agreed in the previous permission but as confirmed above, the applicant never formally sought to discharge the conditions. The application form submitted to accompany the current application states that the walls would be horizontal clad and the roof would re-use the existing pan tile. Windows are proposed to be timber glazed. At the time of the Officer site visit the cladding was in place but the colour finish was not applied. On the basis that the full details have not been agreed through the previous permission Officers find it reasonable to attach conditions seeking final clarification of the material finish and further details of the fenestration. It is not plausible to attach a pre-commencement condition given that the works are already on going on site and therefore it is necessary to impose a specific timescale for the submission of the required details.

Ecology

The ecological constraints of the site are described in the description of the site area above. It is notable that the current submission has not been accompanied by updated ecological reports which ordinarily would form a validation requirement noting that the original surveys are now more than two years old. However, in taking a pragmatic approach noting the site history, and indeed acknowledging the works ongoing on site, in this case it is not considered reasonable to

insist on further ecological works at this time. For completeness, the following represents the ecological discussion undertaken within the previous Committee Report:

Habitat Regulations Assessment

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

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

Natural England has commented that the application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site.

Natural England has advised that:-

- *The proposal is not necessary for the management of the European site*
- *The proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment*

Natural England has not provided any detailed advice with regards to what issues the LPA should have regard to for this specific proposal. However, taking a pragmatic view, the proposal is small scale in nature and relates to an existing building. As the proposed use of the building is an annexe to an existing nearby use, I consider that additional footfall and traffic in the area will be minimal.

As such, I do not consider that the proposal is likely to have any significant effects on the Birklands and Bilhaugh Special Area of Conservation (SAC).

Site of Special Scientific Interest (SSSI)

This application is in close proximity to Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England has therefore advised the authority that this SSSI does not represent a constraint in determining this application.

Protected Species

Birds

NWT has advised that:- “With respect to birds, timing works to avoid the breeding season would be sufficient to avoid disturbance to nesting birds. We recommend a suitably worded condition.”

Potential Special Protection Area (pSPA)

The Rufford Energy Recovery Facility Public Inquiry the Secretary of State considered that the Sherwood Forest area should be, as a precaution, considered as a potential Special Protection Area (pSPA) for nightjar and woodlark. This has been taken into account as part of the applicant's Ecology Survey. NWT has stated that;- "We are also pleased to note that the possibility of the area being designated as an SPA due to populations of nightjar and woodlark has been taken into account and concur with the conclusion that impact on these species would be unlikely."

Bats

A Protected Species Report was submitted with the original application. This survey identified evidence of previous and current use of the building by protected species. The report noted that evidence of bat activity was discovered. As such NWT advised that a European Protected Species (EPS) licence would be required. An EPS licence is covered by separate legislation outside of the planning system. However, prior to granting planning permission, the LPA need to be satisfied that an EPS licence would be likely to be granted. As such further survey work was requested.

NWT raised no objection to the amended surveys stating that;- "We are satisfied that two bat activity surveys have now been carried out which enables a more thorough assessment of the status of the roost, in line with best practice guidance. The letter from EMEC Ecology confirms that ... mitigation for the roost would be possible."

Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. An EPS licence will be required from Natural England prior to any works commencing. As such, it is necessary to consider the likelihood of a license being granted as part of the determination of this application by applying three tests which are the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

In this case, the conversion of the vacant building adjacent to the Conservation Area is in the public interest and would bring some social and economic benefits and prevent the building falling into a state of disrepair. There is no satisfactory alternative, without the conversion the building it would be left vacant and its fabric would deteriorate to the detriment of the visual amenities of the area. It is considered possible that a favourable conservation status of species will be maintained though a condition ensuring a bat box to be provided.

Having assessed the impacts of the proposal upon nature conservation and protected species, it is considered that subject to conditions securing bat and bird boxes and works being undertaken outside the bird breeding season, the proposed development is unlikely to have any adverse impact upon the favourable conservation status of bats or birds.

An informative should be added to the grant of any planning permission stating that no work can take place on the building before the above-mentioned EPS licence has been received from Natural England.

Overall, for the reasons stated above, the proposal is considered to comply with CP12 of the Core Strategy and DM7 of the ADMDPD.

Despite the adoption of the Amended Core Strategy since the previous approval, I find that the assessment above remains relevant. The conditions referred to can be attached to this permission too if Members are minded to approve.

Impact on Amenity

The majority of surrounding land uses are commercial, although there is a care home directly opposite the site. Due to the minimal nature of this proposal and its compatibility with nearby uses, I do not consider that the amenity of the occupiers of neighbouring properties will be significantly affected in terms of noise and disturbance or loss of privacy. The additional windows proposed on the south elevation not previously considered in the previous permission would be orientated towards the road and therefore would not cause concern in respect to overlooking of any private amenity areas. As such the proposal complies with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highways Network

The Highways Authority have not been specifically consulted on the current application albeit it is material that they did not object to the previous permission and the current application would not alter the highways arrangements and provisions previously agreed. The proposal is therefore considered to comply with the requirements of Spatial Policy 7 and Policy DM5.

Conclusion and Planning Balance

The application relates to development in the open countryside side to allow the expansion of an established craft centre close to, but outside of the defined extent of Edwinstowe. It is material that the building has already been granted planning permission for this change of use and the current application represents minor changes to the fenestration details of the previous approval. Nevertheless, as is explored above, the current application seeks full planning permission and technically speaking the previous application will fall on September 6th 2019 due to an unlawful implementation without formally discharging the material and detailing conditions.

Members will appreciate that this permission will have expired between the time of agenda going to print and Members consideration and thus will only have very recently expired. Officers therefore consider it reasonable to attach significant weight to the previous decision. Notwithstanding this, the above assessment has not identified any specific harm which would warrant resistance of the current proposal against the Development Plan and therefore the recommendation remains one of approval subject to the conditions outlined below.

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;-

- Site Location Plan
- Proposed Elevations and Plan G033/15

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

Reason: To define this permission, for the avoidance of doubt.

03

Within three months of the development hereby approved, prior to the application of any colour finish to the timber cladding, exact details of the finish by reference to the RAL colour chart shall be submitted to and approved in writing by the local planning authority. The development permitted shall be carried out within three months of approval and retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and in order to preserve the setting of the adjacent conservation area.

04

Within three months of the development hereby approved, details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained 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.

Reason: In the interests of visual amenity and in order to preserve the setting of the adjacent conservation area.

05

The use hereby approved shall not be brought into use until details of both a bat box and bird box have been submitted to and approved in writing by the local planning authority. The boxes shall then be installed, prior to the use commencing, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

06

No works to buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate

measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

Notes to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Background Papers

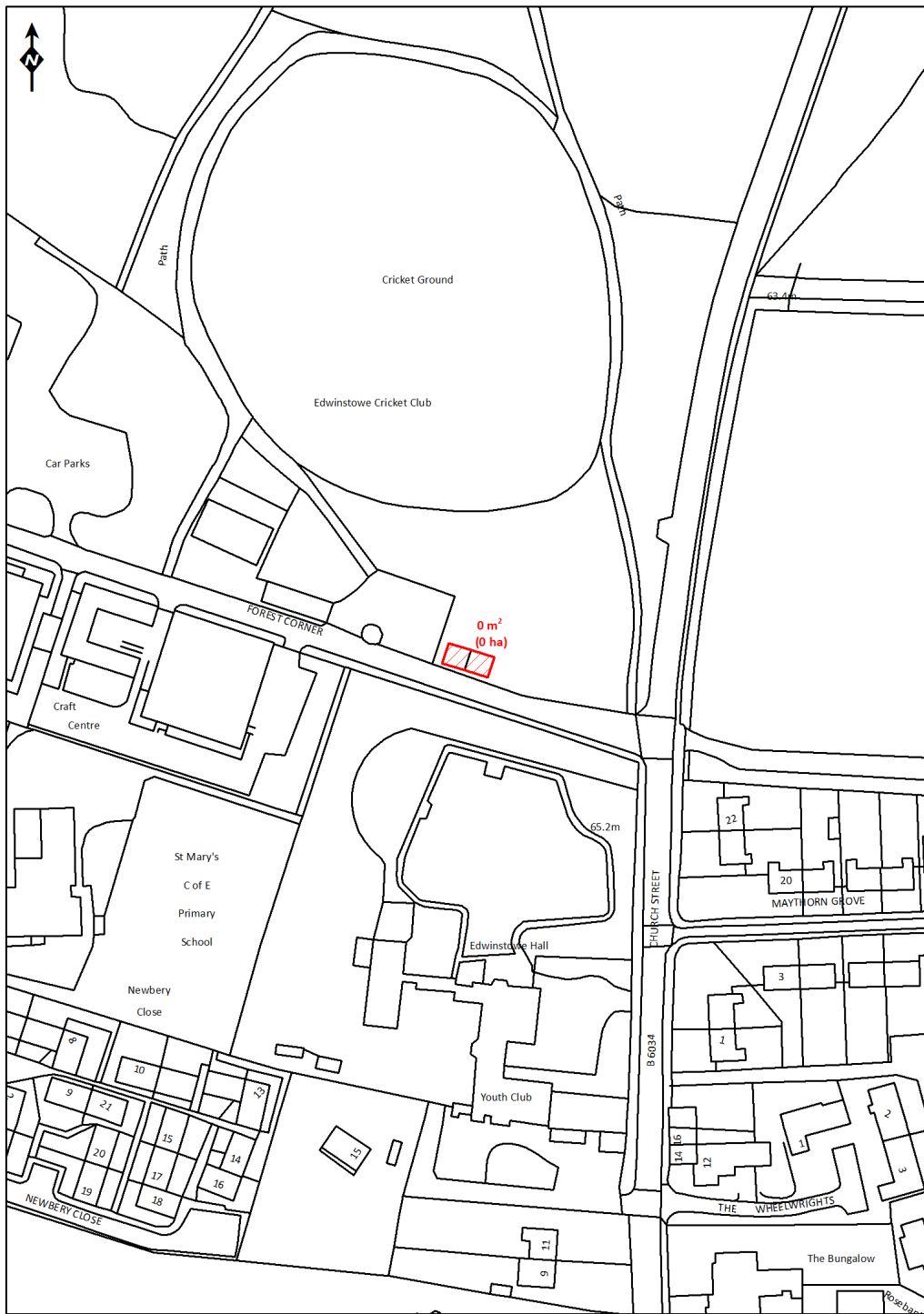
Application case file.

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.

Lisa Hughes

Business Manager – Planning Development



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PLANNING COMMITTEE – 10 SEPTEMBER 2019

Confirmation of Tree Preservation Order - TPO N368

Application No:	19/00004/TPO
Proposal:	TPO N368 – 4no Whitebeam trees
Location:	On land at the front of numbers 1-7 Glenfields, Lower Kirklington Road, Southwell

Justification for the TPO

The site comprises of a strip of privately owned land, albeit maintained by Via East Midlands Ltd (a company wholly owned by Nottinghamshire County Council), along the front of the roadside which separates numbers 1-7 Glenfields from the street. Due to their location along the frontage, the trees significantly contribute to the immediate street scene, providing a high degree of amenity value including the extent to which the trees can be seen by the public. Appendix 1 provides views of the trees included within the TPO schedule.

The trees in question are not protected by virtue of their location within the designated conservation area.

Two informal approaches were made by members of the public to the Local Authority when it became apparent that work was to be carried out on the trees by Via East Midlands Ltd. A formal request was then made to the council to consider the trees for protection under a Tree Preservation Order (TPO) due to the contribution the trees make to the housing estate and their being part of the historical design setting of the estate.

Due to the concern expressed by local residents the Local Authority's tree officer undertook a site visit to assess the works.

During the site visit, it was established that the group of four Whitebeam trees warranted protection by Tree Preservation Order (TPO).

The Local Authority has adopted a consistent approach regarding the assessment when considering whether trees should be protected by an Order, including:

1. Visibility - The extent to which the trees can be seen by the public. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public;
2. Importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.

Consultations

The Local Authority served notice on 10 July 2019 inviting representations about the trees covered by the Order. The Town Council, Local Ward Members, neighbours and other interested parties were consulted. A copy of the Order was made available for public inspection and site notice posted within close proximity to the site.

The following representations have been received and summarised below:

- Representations - Letters of representation were received from 1 separate address that supported the Preservation Order

RECOMMENDATION

That the Tree Preservation Order be confirmed for the following reasons:

- 1. The trees on site appear to be in good health and structural condition and provide a mature setting for the locality;**
- 2. Historically they provide some continuity of trees on the site of a former fruit farm; and**
- 3. They also form a prominent feature within the estate, and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints.**

Background Papers

Application case file.

For further information, please contact Kevin McDonald, Technical Support Officer on ext 5713.

All submission documents relating to this planning application can be found at Castle House

Lisa Hughes
Business Manager – Planning Development

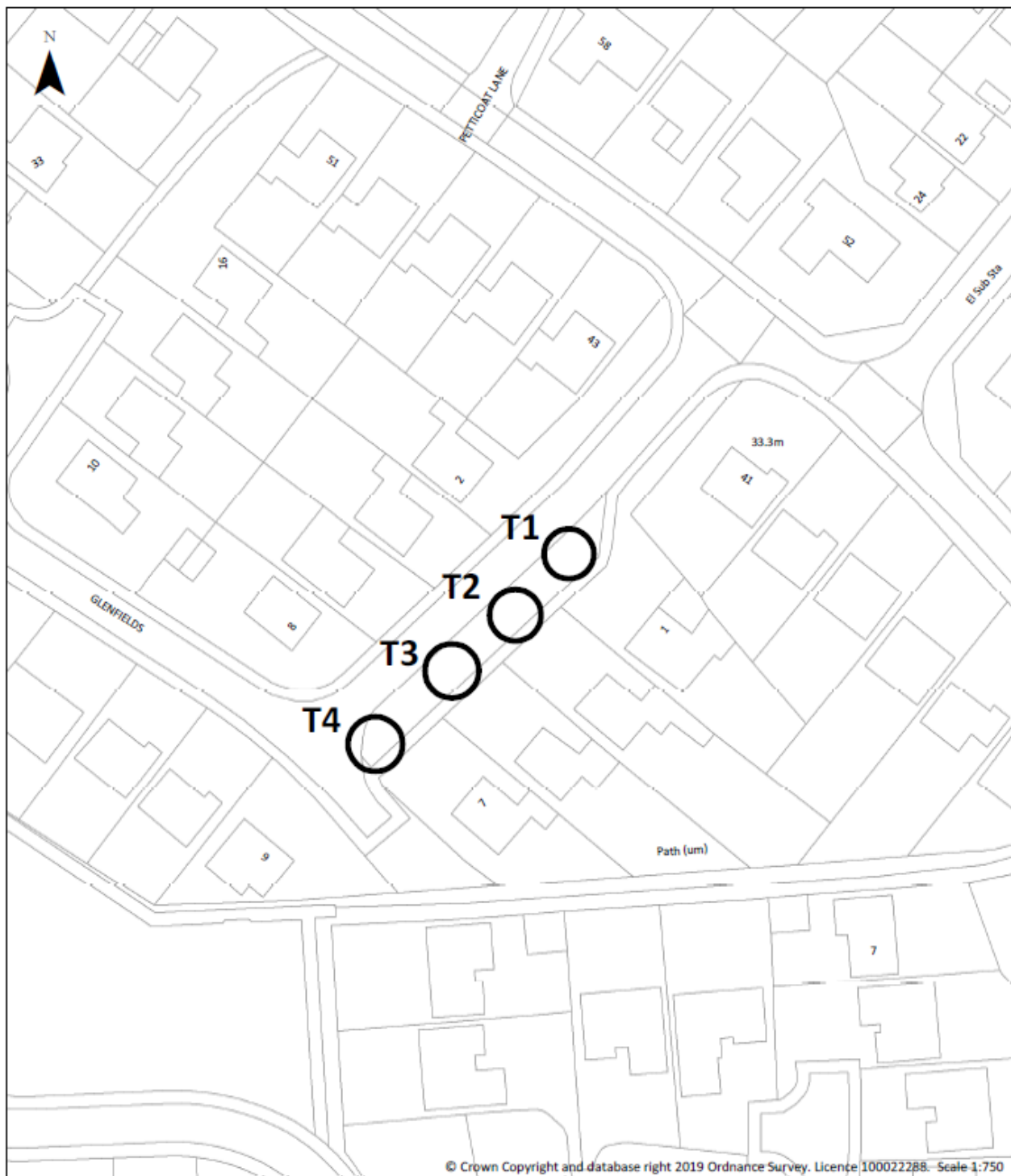
Appendix 1 – Photographs





Appendix 2 – TPO plan

For the avoidance of doubt, the plan is not to scale



Tree Preservation Order No. N368

Land to the front of 1 to 7 Glenfields, Southwell, Nottinghamshire

Schedule of protected trees

① Encircled black and specified individually on a map

T1 - Whitebeam

T4 - Whitebeam

T2 - Whitebeam

T3 - Whitebeam

Groups - None

Areas - None

Woodlands - None

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Confirmation of Tree Preservation Order - TPO N369

Application No:	19/00003/TPO
Proposal:	TPO N369 – 23 individual trees: 7No. Silver Birch 3No. Oak 3No. Willow 2No. Field Maple 3No. Cherry 3No. Rowan 1No. Whitebeam 1No. Sycamore
Location:	On land Opposite 1-10 The Ridings, Bulcote

Justification for the TPO

The site comprises of a strip of Nottinghamshire County Council Highways land which separates the residential development known as the Ridings from the A612 in Bulcote. The trees in question are not protected by virtue of their location within the designated conservation area.

An approach was made by Bulcote Parish Council after a character study of the parish identified the group of trees ‘that mark the gateway to the village - where mature trees are integral to the parkland character’. Due to the level of contribution this group makes to the landscape character the Parish Council wanted assurance that the trees would be protected and that if any were ever removed that they would be replanted with similar species providing a similar contribution.

While it is not always expedient to place Tree Preservation Orders on County Council owned trees in this case due to the contribution of the trees and after liaising with Nottinghamshire County Council the Local Authority’s tree officer undertook a site visit to assess the works.

During the site visit, it was established that a number of trees, but not all on the site (due to health and presence of cavities), warranted protection by Tree Preservation Order (TPO). Further discussion took place with the applicant and representative from Nottinghamshire County Council where it was agreed to proceed with protection of those trees. Appendix 2 provides a plan showing the location and species of trees to be protected, including:

7No. Silver Birch
3No. Oak
3No. Willow
2No. Field Maple
3No. Cherry
3No. Rowan
1No. Whitebeam
1No. Sycamore.

The Local Authority has adopted a consistent approach regarding the assessment when considering whether trees should be protected by an Order, including:

1. Visibility - The extent to which the trees can be seen by the public. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public;
2. Importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.

Consultations

The Local Authority served notice on 18th July 2019 inviting representations about the trees covered by the Order. The Parish Council, Local Ward Members, neighbours and other interested parties were consulted. A copy of the Order was made available for public inspection and site notice posted within close proximity to the site.

No representations were received.

RECOMMENDATION

That the Tree Preservation Order be confirmed for the following reasons:

- 1. The trees on site appear to be in good health and structural condition and provide a mature setting for the locality;**
- 2. They provide valuable screening of the site to neighbouring properties;**
- 3. They also form a prominent feature within the site, and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints.**

Background Papers

Application case file.

For further information, please contact Kevin McDonald, Technical Support Officer on ext 5713.

All submission documents relating to this planning application can be found at Castle House.

Lisa Hughes
Business Manager – Planning Development

Appendix 1 – Photographs

Views from A612



View from the Ridings



Appendix 2 – TPO plan

For the avoidance of doubt, the plan is not to scale



Tree Preservation Order No. N369

Land opposite No's 1 to 10 The Ridings, Bulcote, Nottinghamshire

Schedule of protected trees

Ⓣ Encircled black and specified individually on a map

T1 - Oak	T6 - Willow	T11 - Cherry	T16 - Field Maple	T21 - Silver Birch
T2 - Silver Birch	T7 - Rowan	T12 - Field Maple	T17 - Silver Birch	T22 - Oak
T3 - White Beam	T8 - Rowan	T13 - Cherry	T18 - Oak	T23 - Silver Birch
T4 - Cherry	T9 - Willow	T14 - Sycamore	T19 - Silver Birch	
T5 - Willow	T10 - Rowan	T15 - Silver Birch	T20 - Silver Birch	

Groups - None, Areas - None, Woodlands - None

PLANNING COMMITTEE – 10 SEPTEMBER 2019

APPEALS A

APPEALS LODGED (received between 23 June and 27 August)

- 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.

Lisa Hughes
Business Manager – Planning Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/19/3225352	18/02219/FUL	Land North Of Crossways Off Main Street Bathley Nottinghamshire	Change of use of land to use as a residential caravan site for one Gypsy family with 2 No. caravans (including no more than 1 No. static caravan/mobile home), laying out of hardstanding, construction of access and erection of ancillary utility building	Hearing
APP/B/3030/W/19/3232388	18/02002/FUL	Field Reference Number 8708 Gravelly Lane Fiskerton Nottinghamshire	Extension to the existing barn for hay storage	Written Representation
APP/B3030/W/19/3232873	19/00551/FULM	Field Reference 7600 Off North Scarle Road Wigsley Nottinghamshire	Creation of a Fish Farming Facility at Wigsley from Agricultural Land as a Farm Diversification Business (resubmission of 17/02043/FULM)	Written Representation
APP/B3030/W/19/3234339	18/02281/FUL	Land Adjacent To Holly House Silver Street North Clifton Nottinghamshire	Residential Development for one dwelling and detached garage	Written Representation

APP/B3030/W/19/3234603	18/01299/FUL	Woodside Farm Nottingham Road Thurgarton NG14 7GZ	Retention of Mobile Home in connection with Established Agricultural Operation	Written Representation
APP/B3030/W/19/3234832	19/00688/OUTM	Land Adjacent Rose Cottage Main Street North Muskham Nottinghamshire	Outline Application for Proposed Residential Development with all items other than access as reserved matters	Written Representation

PLANNING COMMITTEE – 10 September

APPENDIX B: APPEALS DETERMINED (between 23 June 2019 and 27 July 2019)

App No.	Address	Proposal	Decision	Decision date
18/01421/FUL	Wood View The Close Averham NG23 5RP	ERECTION OF A NEW DWELLING INCLUDING THE DEMOLITION OF THE EXISTING FLAT ROOFED GARAGE	ALLOW	05.08.2019
18/01771/CPRIOR	Southwell Mushrooms Crew Lane Southwell Nottinghamshire NG25 0TX	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3 dwellinghouses and for associated operational development.	ALLOW	14.08.2019
18/01258/FUL	37 And 39 Halloughton Road Southwell Nottinghamshire NG25 0LP	Demolish 2 no. semi-detached properties known as 37 and 39 Halloughton Road, Erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden	ALLOW	26.07.2019
18/01592/OUT	Meadow View Fiskerton Road Rolleston Newark On Trent Nottinghamshire NG23 5SH	Erection of a proposed dormer bungalow (resubmission)	DISMISS	21.08.2019
18/01566/FUL	Poultry Houses Adjacent Holme Hall High Street Holme NG23 7RZ	Resubmission of application 17/00099/FUL : Proposed 2no New Oak Framed Dwellings	DISMISS	15.08.2019

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.

Lisa Hughes

Business Manager – Planning Development

Appeal Decision

Site visit made on 1 April 2019

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/B3030/W/19/3220718
Wood View, The Close, Averham NG23 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brett Ward against the decision of Newark and Sherwood District Council.
 - The application Ref: 18/01421/FUL, dated 24 July 2018, was refused by notice dated 7 November 2018.
 - The development proposed is a new 3 bedroom dwelling and including the demolition of existing flat roofed garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for a new 2 bedroom dwelling, including the demolition of the existing flat roofed garage at Wood View, The Close, Averham NG23 5RP in accordance with the terms of the application, 18/01421/FUL, dated 24 July 2018, subject to the schedule of conditions listed at the end of this decision.

Preliminary Matters

2. I have determined this appeal on the basis of the description of development being for the erection of a new 2 bedroom dwelling, including the demolition of the existing flat roofed garage. This is because the application drawings were amended to indicate a smaller scale 2 bedroom dwelling prior to the decision by the Council.
3. The National Planning Policy Framework (the Framework) was revised in February 2019. I have consulted the main parties and conclude that the revision has raised no additional issues of relevance to this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the Averham Conservation Area, and
 - the effect on the living conditions of neighbours in respect of privacy, outlook and received light.

Reasons

Effect on character and appearance

5. Wood View is a two storey detached dwelling and former police house with a detached garage. It is located at the end of the cul-de sac of the Close. It is separated from the neighbouring detached dwelling of Willow Trees by a significant gap. Pinfold Cottage is located immediately to the south-west beyond a boundary hedge and a public footpath. The A617 is close to the site, allowing views of the frontages of properties at The Close.
6. Spatial Policy 3 of the Amended Core Strategy 2019 (the Amended Core Strategy) indicates that development not in Principal Villages should be assessed against the criteria of location, scale, impact, need and character.
7. The Averham Conservation Area covers the majority of the village and is centred upon the development along Church Lane and Pinfold Lane. The character of development varies, with older buildings being in brick with pantile roofing. Dwellings at The Close consist mainly of a row of modern houses which the Council considers make a neutral contribution to the Conservation Area. There are generally gaps between the houses, although an infill development was allowed on appeal at Little Hollies.
8. The proposed dwelling would be of an appropriate scale and height and would use external materials consistent with those within the Conservation Area. It would be located relatively close to the flank wall of Meadow View. However, a gap would still be left between the existing and proposed dwelling above the flat roofed ground floor part of Meadow View. I find that there would be no conflict with Amended Core Strategy Spatial Policy 3, or with policy DM5 of the Allocations and Development Management DPD which seek to retain local character and distinctiveness, or with the design objectives of the Framework.
9. The Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within their setting. I consider that the proposal would preserve the character and appearance of the Averham Conservation Area and there would be no conflict with Amended Core Strategy Spatial Policy 3, Amended Core Strategy Policy 9 regarding sustainable design, or policy DM14 of the Allocations and Development Management DPD 2013 (the DPD).

Effect on the living conditions of neighbours

10. The appeal site is located at a slightly higher level than Pinfold Cottage. However, the existing boundary hedge would provide a significant screen between the proposed dwelling and Pinfold Cottage. It is likely that this hedge would be retained because of the mutual benefit it provides in terms of privacy. The public footpath between the two properties alongside the hedge also provides a degree of separation.
11. A dormer window is proposed at eaves level on the western elevation. That window would only allow overlooking of the private driveway of Pinfold Cottage. No windows are proposed at first floor level on the rear elevation. A set of patio doors are proposed at the ground floor along with a rear entrance door.

However, these would be largely screened by the boundary hedge from any views from Pinfold Cottage. On the eastern side, two windows are proposed at ground floor level serving a kitchen and downstairs W.C. and two rooflights are proposed within the roof slope. However, any loss of amenity would only affect the host building of Wood View.

12. The height of the proposed dwelling was reduced during consideration of the application by the Council. The rear elevation was also changed to include a gable end wall with a chimney, thereby reducing its mass from the more box-like building that was originally proposed. I consider that there would be no significant detrimental effect from the proposal on the outlook from Pinfold Cottage. This is because only the upper part of the building would be visible from the facing windows in Pinfold Cottage, with the ground floor screened from view by the hedge. Pinfold Cottage is located almost to the south-south west of the proposed dwelling and the high boundary hedge. Any additional loss of sunlight or daylight from the proposal would therefore be minimal.
13. I find that there would be no conflict with Amended Core Strategy Spatial Policy 3 regarding impact or with Policy DM5 of the DPD, which seek to ensure that development proposals result in no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Conditions

14. I have based the conditions on those suggested by the Council and amended the wording appropriately. In addition to the standard timescale condition I have added a condition to confirm the approved plan. Conditions are added regarding the use of external materials and details of elements of construction in order to ensure that the quality and appearance of the proposed dwelling is sympathetic to its location within the Conservation Area. A condition is also imposed to require archaeological investigation of the site to protect heritage interests.
15. Conditions are included to cover boundary treatment and landscape works, including retention of the boundary hedge next to the public footpath, in the interest of protecting the amenity of neighbours. Requirements are also in place to ensure that access and parking is available prior to occupation of the dwelling, in the interest of highway safety. Finally, permitted development rights have been removed for alterations to the roof. The special justification for this is to ensure that any roof alterations would be subject to the need for planning permission in order to protect the interests of the occupiers of the neighbouring property in respect of their outlook.

Conclusion

16. I have taken all other matters raised into account. However, for the reasons given above I conclude that the appeal should be allowed

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not begin later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: 566-04A (received 28.9.18). No development shall be commenced until details of the external materials to be used in the construction of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. No development shall be commenced until a brickwork sample panel showing brick, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
4. 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 carried out 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, and
 - extractor vents, flues, meter boxes and soil and vent pipes.
5. All rainwater goods shall be black in appearance. Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted unless otherwise agreed in writing with the local planning authority.
6. Notwithstanding the above conditions, the pantiles used in the construction of the development hereby permitted shall be of a non-interlocking variety and be non-weathered finish.
7. Notwithstanding the above conditions, the external windows and doors used in the construction of the development hereby permitted shall be timber and shall be retained for the lifetime of the development unless otherwise agreed in writing within the local planning authority.
8. 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 carried out in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
 - chimney detail.

9. Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be provided in accordance with a written scheme of investigation and shall be submitted to and approved in writing by the local planning authority.
10. 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.
11. 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:
 - an implementation and phasing plan; 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 hedgerows, which are to be retained including the boundary hedgerow next to the public footpath, together with measures for protection during construction;
 - car parking materials, and hard surfacing materials.
12. All hard and soft landscape works shall be carried out in accordance with an approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with a timetable agreed in writing by the Local Planning Authority.
13. No part of the development hereby permitted shall be brought into use until the access has been designed and thereafter completed to a standard that provides a minimum width of 5.25m (4.25m with 1m added as the access will be bounded on each side by hedge) for the first 5m rear of the highway boundary.
14. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with drawing No. 566-04A. The parking areas shall not be used for any purpose other than the parking of vehicles.
15. 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: Additions etc. to the roof of a dwellinghouse.

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

End of Schedule



Appeal Decision

Site visit made on 20 May 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/B3030/W/19/3223635

Southwell Mushroom Farm, Crew Lane, Southwell NG25 0TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
 - The appeal is made by Mr David Johnson (Premier Mushrooms) against the decision of Newark & Sherwood District Council.
 - The application ref 18/01771/CPRIOR, dated 19 September 2018, was refused by notice dated 19 October 2018.
 - The development proposed is for a change of use, including operational works, from agricultural building to three dwellings.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use, including operational works, from agricultural building to three dwellings, at Southwell Mushroom Farm, Crew Lane, Southwell NG25 0TX, in accordance with the terms of the application 18/01771/CPRIOR, dated 19 September 2018, and subject to the conditions listed in the attached Schedule.

Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).

Reasons

3. The appeal relates to a disused building previously used to farm mushrooms. It consists of 13 large growing tunnels running either side of, and accessed from, a central core building. There is a small off-shoot from the central core which housed servicing facilities. The core building is open at one end and enclosed at the other by an office/store. Both the office and servicing building have a roof but the central core is open. The building sits within a large fenced compound which is accessed from Crew Lane which is also a public right of way/bridleway.
4. The position of the proposed dwellings is the central core with associated demolition of the growing tunnels. The core building is constructed from concrete blockwork panel walls upon a mainly concrete raft/slab although the

- office is built on foundations. Each wall panel has a door leading to a growing tunnel. Steel beams span the walkway and support pipes and cables beneath.
5. Class Q of Part 3 of Schedule 2 of the GPDO states at paragraph Q.1.(i) that development under Class Q(b) is not permitted if it would consist of building operations other than: installation or replacement of windows, doors, roofs or external walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
 6. The National Planning Practice Guidance¹ (NPPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. Nonetheless, it indicates that, for the building to function as a dwelling, some building operations which would affect its external appearance, and which would otherwise require planning permission would be needed and should be permitted. The NPPG further clarifies that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to have the permitted development right.
 7. The GPDO does not define what is meant by 'reasonably necessary' to allow use as a dwelling. However, the court judgement in the case of *Hibbitt v SSCLG* [2016], considers how this element of the GPDO should be interpreted. The judgment found that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building. If the proposals would amount to rebuilding, the appeal should be dismissed as the proposed development would be outside the relevant Class. Whether or not the proposals go beyond the scope of conversion is a matter of fact and degree and requires an element of judgement.
 8. The Hibbitt judgment involved a structurally sound framework, however the extent of the required works still led the Inspector to conclude that they went beyond what was reasonably necessary. The judge accepted this and concluded that the development was, in all practical terms, starting afresh with only a modest amount of help from the original structure.
 9. A structural report dated April 2018 was prepared by Construction Design Solutions. Based upon observations of the building during my visit, I have no reason to believe the recommendations of the report are not accurate. The report concludes that the concrete slab and side walls show no evidence of structural instability, are suitable to allow incorporation of new doors and windows and could be reduced in height to form structural elements within the proposed dwellings and support a roof. The proposal would involve demolition of the growing tunnels; construction of one end wall and dividing walls between proposed dwellings; reduction in the height of the side walls; incorporation of new windows and doors and trimming of the existing concrete slab.

¹ Paragraph 105: Reference ID: 13-105-20180615. Revision date: 15 June 2018.

10. Based on the evidence provided, I am satisfied the structural integrity of the central core building is sound and would form an integral part of the new dwellings. The building operations would be reasonably necessary in this instance and would not constitute 'rebuild' as described in the Hibbitt judgment. Accordingly, I conclude that the development would not exceed the limitations set out in paragraph Q.1(i) of the GPDO.

Other Matters

11. I have considered the evidence provided by the Council and the appellant with regard to the impact of the proposals on transport and highways; noise impacts; contamination risks; flood risk; location and the design and appearance. These issues were found to be acceptable by the Council, were not part of the reason for refusal and I have no reason to consider otherwise.

Conditions

12. Paragraph W (13) of the GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The conditions set out in the accompanying schedule are based on those suggested by the Council and I have considered these in the light of this and Government guidance. I have undertaken some minor editing and rationalisation of the suggested conditions in the interests of precision and clarity. The Council suggested a condition to remove permitted development rights. Paragraph 53 of The Framework states that this should only be done where there is clear justification which I do not consider has been given.
13. Paragraph Q.2.(3) of the GPDO states that Development under Class Q is permitted subject to the condition that development under Class Q(a) and Q(b), must be completed within a period of 3 years starting with the prior approval date.
14. To ensure certainty and clarity, it is necessary to impose a condition setting out the approved plans. Although potential contamination has not been identified as an issue, as no preliminary desktop study has been submitted, conditions 2 and 3 have been included to ensure that the development can be carried out safely without unacceptable risks to workers, other receptors and that risks to future users of the site are minimised.
15. To ensure the proposal has an appropriate appearance condition 4 requires samples of materials and conditions 5 and 6 (incorporating the Council's suggested condition 8), requires details of hard and soft landscaping details and their ongoing establishment and maintenance. Conditions 7, 8 and 9 are included in the interests of highway safety and to ensure surface water from the site is not deposited on the public highway.

Conclusion

16. For the reasons set out above, I conclude that the appeal is allowed and prior approval is granted.

E Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: (10)001; (20)001; 21(001); (10)002; (20)002; (20)003; (20)004; (20)006; and Structural Appraisal (Construction Design Solutions, April 2018).
- 2) 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. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. 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.
- 3) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is continued.
- 4) 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.
- 5) Prior to first occupation of the development hereby approved details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure;
 - ii) vehicle parking and turning layouts;
 - iii) other vehicle and pedestrian access and circulation areas;
 - iv) hard surfacing materials;
 - v) full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme

shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 6) All soft landscape works comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. All shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and BS4428-1989 Code of Practice for General Landscape Operations. All tree planting and maintenance shall be in accordance with BS 8545:2014-Trees: from nursery to independence in the landscape - Recommendations. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No part of the development hereby permitted shall commence until a new access from Crew Lane, further to the east, has been constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, and thereafter constructed in accordance with the approved details.
- 8) No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on drawing no. (10)002 Rev. A01 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 9) 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 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.

END OF SCHEDULE



Appeal Decision

Site visit made on 14 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/B3030/W/19/3223786

37 and 39 Halloughton Road Southwell NG25 0LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Dan Orwin against the decision of Newark and Sherwood District Council.
 - The application Ref 18/01285/FUL, dated 27 June 2018, was approved on 5 September 2018 and planning permission was granted subject to conditions.
 - The development permitted is to demolish 2 No. semi-detached properties known as 37 and 39 Halloughton Road, erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden.
 - The condition in dispute is No. 010 which states that: Prior to the occupation of the dwelling hereby approved at Plot 39 to the east of the site, the existing two bungalows at the west of the site shall be demolished in accordance with a scheme of demolition to be first submitted and approved in writing by the local planning authority.
 - The reasons given for the condition is: To ensure that the scheme is delivered as envisaged in line with the intentions of the application without detrimentally affecting neighbouring amenity relationships.
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Decision

1. The appeal is allowed and the planning permission Ref 18/01285/FUL to Demolish 2 No. semi-detached properties known as 37 and 39 Halloughton Road, erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden at 37 and 39 Halloughton Road Southwell NG25 0LP granted on 5 September 2019 by Newark and Sherwood District Council, is varied by deleting condition 010 and substituting for it the following condition: 'Prior to the first occupation of the dwelling hereby approved at Plot 39 to the east of the site, at least one of the existing two bungalows at the west of the site shall be demolished in accordance with a scheme of demolition to be first submitted and approved in writing by the local planning authority'.

Main Issue

Whether the requirement to demolish both existing dwellings prior to the occupation of the first of the dwellings approved is necessary and reasonable.

Reasons

2. The appellant submits that the Condition imposes an unreasonable restriction as it requires two dwellings to be demolished when only one has been erected and this might affect the deliverability of the development.

3. The Council concede the condition is overly onerous to the applicant and that the intentions of ensuring no more than two dwellings on the site are occupied could be achieved by an alternative condition.
4. The Council have suggested wording for the condition which I have adjusted and consider to be acceptable, meeting the appropriate tests set out in Planning Practice Guidance. The reason for the condition is to ensure that no more than two dwellings are occupied on the site in accordance with the basis of the planning permission for replacement dwellings.
5. Accordingly, the appeal is allowed.

Andrew Boughton

INSPECTOR