



**Castle House
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Monday, 20 April 2020

**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, 28 April 2020 at 2.00 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 the meeting held on 31 March 2020 | 4 - 9 |
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Part 1 - Items for Decision

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| 8. Land Adjacent Old Norse House, Station Road, Bleasby 20/00041/FUL | 48 - 59 |
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Part 2 - Items for Information

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Part 3 - Statistical and Performance Review Items

There are none.

Part 4 - Exempt and Confidential Items

12. Exclusion of the Press and Public

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** broadcast from the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 31 March 2020 at 2.00 pm.

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

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

APOLOGIES FOR Councillor Mrs Y Woodhead (Committee Member)
ABSENCE:

175 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor K Walker declared a personal interest in item 9, 9 Fisher Close, Collingham, as he lived on Fisher Close, but at the opposite end to the proposed development.

Councillor M Skinner declared a personal interest in items 5 and 6, as he was a Board Member of Active4Today.

176 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting which was to be webcast.

177 MINUTES OF THE MEETING HELD ON 3 MARCH 2020

The minutes of the meeting held on 3 March 2020 were approved as a correct record, to be signed by the Chairman.

Prior to consideration of any applications, The Business Manager- Legal Services advised Members that the Government passed legislation last week enabling Regulations to be made for Councils to undertake committee meetings remotely. However, the regulations setting out the detailed provisions and the procedures to be followed are not yet published. Therefore, to ensure that the Council complies with proper decision-making requirements during this interim period, we will be utilising the Chief Officer Urgent Decision Making Powers provided for in the Council's Constitution. This Committee will make recommendations to the Council's Chief Executive who will effectively determine each application, relying on his delegated powers as set out in the Constitution and taking into account this Committee's recommendations.

178 LAND AT LORD HAWKE WAY AND BOWBRIDGE ROAD, NEWARK 20/00275/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the construction Residential development for 87 dwellings and associated works which had been previously considered by the Committee at its meeting on 4 February 2020 (resubmission of 19/01790/FULM). The current application was a re-submission of the previously refused scheme in an attempt to overcome the reason for refusal.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Newark and Sherwood District Council Conservation Officer, Newark Town Council and the agent.

Members considered the presentation from the Business Manager- Planning Development, which included photographs and plans of the proposed development. In discussion, some Members still felt that the application before them did not sufficiently address their grounds for refusal regarding on-site parking, and maintained concerns regarding traffic congestion in the area, over intensification of the site and loss of green space which they felt was particularly relevant in the current climate. Members accepted that they were not able to raise further reasons for refusal, as the application had been previously considered, however, they maintained their reason for refusal due to on-site parking.

AGREED (9 for, 5 against) to recommend to the Chief Executive, that contrary to Officer recommendation planning permission be refused on the grounds that previous objection relating to car parking has not been adequately addressed.

Despite the changes made since the previously refused scheme, the proposal would still fail to provide adequate off street parking to facilitate the development which in turn would lead to on street parking to the detriment of the safety and operation of the highways network. The proposal is therefore contrary to Spatial Policy 7 and Core Policy 9 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material planning consideration.

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

| Councillor | Vote |
|-------------------|-------------|
| R. Blaney | Against |
| L. Brazier | For |
| M. Brock | Against |
| M. Brown | For |
| L. Dales | For |
| M. Dobson | For |
| L. Goff | For |
| R. Holloway | Against |
| J. Lee | For |
| P. Rainbow | Against |

| | |
|-------------|---------|
| M. Skinner | For |
| T. Smith | For |
| I. Walker | Against |
| K. Walker | For |
| Y. Woodhead | Absent |

179 COMMUNITY AND ACTIVITY VILLAGE, LORD HAWKE WAY; NEWARK ON TRENT, NG24 4FH 20/00339/S73M (MAJOR)

The Committee considered an application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design at the Community and activity Village, Lord Hawke Way, Newark.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Newark Town Council and NCC Highways. Members considered the report before them, and the presentation, from the Business Manager- Planning Development. The application was before the Committee as the District Council owned the land.

Members were in agreement that the activity village was very positive for the area, with a good design. Members agreed that the wording for Condition 013 should be amended to 'shall be controlled' rather than 'should be controlled' with regard to the security gate for the staff car park. The Business Manager- Planning Development confirmed that this would be amended.

AGREED (Unanimously) to recommend to the Chief Executive, that planning permission be approved in accordance with Officer recommendation with the conditions detailed in the report, subject to Condition 013 being amended to state 'shall be controlled' rather than 'should be controlled' with regard to the security gate for the staff car park.

180 LAND AT OLLERTON ROAD, EDWINSTOWE 19/02159/FUL

The Committee considered an application for the development of one temporary construction access point off Ollerton Road, Edwinstowe. Members considered the report and presentation from the Senior Planning, Planning Development, including plans and photographs of the proposed site. In discussion, Members raised concerns around highways safety, as it was a busy road. It was also noted by Members that an alternative access route onto the site was already in place, and therefore they believed this application for an access was superfluous to requirement.

AGREED (Unanimously) to recommend to the Chief Executive, that Planning Permission be refused contrary to Officer recommendation on the grounds of highway safety and lack of need, given the width and adequacy of the existing access.

In the opinion of the Local Planning Authority the proposed temporary construction access was considered likely to lead to conflicts between vehicles utilising it and other traffic using the highway, particularly given the speed of traffic along Ollerton Road. When considering this likely highway conflict and the lack of robust justification regarding the need for such a temporary construction access given the width and adequacy of the existing main access already in situ, it was considered that the application was unnecessary, harmful and contrary to Policies SP7 (Sustainable Transport), ShAP4 (Land at Thoresby Colliery) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocation and Development Management DPD, adopted 2013 which together form the relevant parts of the Development Plan.

181 LAND AT REAR 37 EASTHORPE, SOUTHWELL 20/00113/S73

The Committee considered an application to vary condition 02 to add extension to approved dwelling, attached to planning permission 17/01839/FUL and demolition of a shed and erection of 1 No. 4 bedroomed house, at 37 Easthorpe, Southwell. Members considered the report before them, and the presentation from the Business Manager- Planning Development. A Local Ward Member spoke in support of the application, stating that whilst the application was close to a conservation area, the plot for the development was not, and there were other properties within view with similar extensions.

Other members felt that the design was not appropriate, and also raised concerns around how the proposed development could negatively impact flooding in neighbouring properties.

AGREED (10 for, 2 against and 2 abstention) to recommend to the Chief Executive, that Planning Permission be refused, in accordance with Officer Recommendation, for the reasons set out in the report.

| Councillor | Vote |
|-------------------|-------------|
| R. Blaney | For |
| L. Brazier | Abstain |
| M. Brock | For |
| M. Brown | Against |
| L. Dales | For |
| M. Dobson | For |
| L. Goff | For |
| R. Holloway | For |
| J. Lee | For |
| P. Rainbow | Against |
| M. Skinner | For |
| T. Smith | Abstain |
| I. Walker | For |
| K. Walker | For |

The Committee considered an application for a detached bungalow at 9 Fisher Close, Collingham. Members' attention was drawn to the schedule of communication that was tabled at the meeting which detailed correspondence received after the Agenda was published from Councillor Mrs Dales, Local Ward Member, and a letter from Collingham Parish Council against the application.

Members considered the report before them, and presentation from the Senior Planner, Planning Development, including plans and photographs. A Local Ward Member spoke raised objections to the application, due to the proposed size, design and orientation of the proposed development and detrimental effect on neighbouring properties and near-by community orchard. Members discussed the application, and considered deferral, to enable discussion with the applicant regarding design and orientation, however, on being put to the vote, this fell.

AGREED (11 For, 1 Against and 2 Abstentions) to recommend to the Chief Executive, that Planning Permission be refused, contrary to Officer recommendation on the grounds of its positioning and cramped appearance, uncomfortable relationship with host property, domination of parking to road frontage, all of which result in the proposal being out of character with the area and detrimental to the visual amenities of the streetscene

The proposed bungalow would, by reason of its positioning and its constrained layout on the site result in a cramped appearance; its positioning and proximity to the host property results in an uncomfortable and uncharacteristic relationship; and the resulting domination of car parking to the road frontage, results in a proposal that is out of character with the surrounding area and detrimental to the visual amenities of the streetscene.

In the opinion of the Local Planning Authority, the proposed development is thereby contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policy DM5 (Design) of the Allocation and Development Management DPD (2013) and the National Planning Policy Framework (2019), which is a material planning consideration.

| Councillor | Vote |
|-------------------|-------------|
| R. Blaney | For |
| L. Brazier | For |
| M. Brock | For |
| M. Brown | For |
| L. Dales | For |
| M. Dobson | Abstain |
| L. Goff | Abstain |
| R. Holloway | For |
| J. Lee | For |
| P. Rainbow | For |
| M. Skinner | For |
| T. Smith | For |
| I. Walker | For |

| | |
|-------------|---------|
| K. Walker | Against |
| Y. Woodhead | Absent |

183 APPEALS LODGED

AGREED that the report be noted.

184 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 4.29 pm.

Chairman

URGENCY ITEMS - MINUTE OF DECISION

Delegation arrangements for dealing with matters of urgency

Paragraph 7.2.1 of the Council's Constitution provides that Chief Officers may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal Council Procedures. They shall, where practicable, first consult with the Leader and Chairman (or in their absence the Vice Chairman) and the Opposition Spokesperson of the appropriate committee (Constitution incorporating a scheme of delegation approved by the Council on 14th May 2013)

Subject: Items 5, 6, 7, 8 and 9 considered at Planning Committee on 31 March 2020

Appropriate Committee: Planning Committee

Details of Item (including reason(s) for use of urgency procedure):

Due to the Covid-19 Pandemic, attendance at, and public access to, the Planning Committee on 31 March 2020 were by remote means. The Government had passed legislation enabling Regulations to be made for Councils to undertake committee meetings remotely. However, the Regulations setting out the detailed provisions and the procedures to be followed were not yet published by the date of the meeting. Therefore, the Committee was asked to make recommendations to the Council's Chief Executive to determine each application under the urgency provisions set out above, taking into account the Committee's recommendations.

Item 5

Land at Lord Hawke Way and Bowbridge Road Newark 20/00275/FULM

Proposal for residential development for 87 dwellings and associated works (resubmission of 19/01790/FULM. Applicant – Mr Andrew Dewberry – Arkwood Developments Limited. This application was referred to Planning Committee for consideration as the applicant is a company owned by Newark and Sherwood District Council and the Town Council objected to the application, contrary to Officer Recommendation

The Committee resolved to recommend to the Chief Executive, that contrary to Officer Recommendation planning permission be refused on the grounds that the previous objection relating to car parking has not been adequately addressed. Despite the changes made since the previously refused scheme, the proposal would still fail to provide adequate off street parking to facilitate the development, which in turn would lead to on street parking to the detriment of the safety and operation of the highways network. The proposal is therefore contrary to Spatial Policy 7 and Core Policy 9 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material planning consideration.

Decision

Not to accept the Committee's recommendation because of serious concerns on the soundness of a refusal and of the Council being found to have acted unreasonably at a subsequent appeal. Rather, I am referring it back to Planning Committee for determination at the 28 April meeting. The Committee is now able to determine the application itself as Regulations regarding remote meetings are now in force.

Item 6

Community And Activity Village, Lord Hawke Way; Newark On Trent, NG24 4FH 20/00339/S73M (Major)

Application to vary condition 3 attached to 17/01693/FULM to allow changes to building, minor changes to elevations and other substitute information to accommodate additional wellbeing facilities and associated offices, and revised landscape design. This application was referred to Planning Committee as part of the application site forms land under the control of the District Council.

Members agreed that the wording for Condition 013 should be amended to 'shall be controlled' rather than 'should be controlled' with regard to the security gate for the staff car park. The Business Manager- Planning Development confirmed that this would be amended.

The Committee resolved to recommend to the Chief Executive that planning permission be approved in accordance with Officer Recommendation with the conditions detailed in the report.

Decision

That planning permission be approved in accordance with Officer Recommendation with the conditions detailed in the report, subject to Condition 013 being amended to state 'shall be controlled' rather than 'should be controlled' with regard to the security gate for the staff car park.

Item 7

Land at Ollerton Road, Edwinstowe 19/02159/FUL

Development of one temporary construction access point. This application was referred to Planning Committee for determination by all 3 of its local ward members on the grounds of highway safety.

The Committee resolved to recommend to the Chief Executive that Planning Permission be refused contrary to Officer Recommendation on the grounds of highway safety and lack of need, given the width and adequacy of the existing access.

In the opinion of the Local Planning Authority, the proposed temporary construction access was considered likely to lead to conflicts between vehicles utilising it and other traffic using the highway, particularly given the speed of traffic along Ollerton Road. When considering this likely highway conflict and the lack of robust justification regarding the need for such a temporary construction access given the width and adequacy of the existing main access already in situ, it was considered that the application was unnecessary, harmful and contrary to Policies SP7 (Sustainable Transport), ShAP4 (Land at Thoresby Colliery) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocation and Development Management DPD, adopted 2013 which together form the relevant parts of the Development Plan.

Decision

That Planning Permission be refused contrary to Officer Recommendation on the grounds of highway safety and lack of need, given the width and adequacy of the existing access. The proposed temporary construction access is considered likely to lead to conflicts between vehicles utilising it and other traffic using the highway, particularly given the speed of traffic along Ollerton Road. When considering this likely highway conflict and the lack of robust justification regarding the need for such a temporary construction access given the width and adequacy of the existing main access already in situ, it is considered that the application was unnecessary, harmful and contrary to Policies SP7 (Sustainable Transport), ShAP4 (Land at Thoresby Colliery) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocation and Development Management DPD, adopted 2013 which together form the relevant parts of the Development Plan.

Item 8

Land at Rear 37 Easthorpe, Southwell 20/00113/FUL

Application to vary condition 02 to add extension to approved dwelling, attached to planning permission 17/01839/FUL; Demolition of shed and erection of 1 No. 4 bedroomed house. This item was referred to Planning Committee for consideration because the Town Council have supported the proposal, which differs to the Officer recommendation. Local Ward Members were given the opportunity to call the application to Planning Committee in line with the scheme of delegation. Cllr Rainbow referred the application to committee on the basis that the character impacts are not perceived to be harmful to the area. The referral was agreed by the Business Manager in discussion with Chair and Vice Chair.

The Committee resolved to recommend to the Chief Executive that Planning Permission be refused, in accordance with Officer Recommendation, for the reasons set out in the report.

Decision

That Planning Permission be refused, in accordance with Officer Recommendation, for the reasons set out in the report.

Item 9

9 Fisher Close, Collingham NG23 7SL 19/02287/FUL

Proposed new single detached bungalow. The application was referred to Committee due the professional officer recommendation differing to the view of the Parish Council and Ward Councillor Linda Dale subsequently calling in the application in line with the Council's Scheme of Delegation.

The Committee resolved to recommend to the Chief Executive that Planning Permission be refused, contrary to Officer recommendation on the grounds of its positioning and cramped appearance, uncomfortable relationship with host property, domination of parking to road frontage, all of which result in the proposal being out of character with the area and detrimental to the visual amenities of the streetscene.

The proposed bungalow would, by reason of its positioning and its constrained layout on the site result in a cramped appearance; its positioning and proximity to the host property results in an uncomfortable and uncharacteristic relationship; and the resulting domination of car parking to the road frontage, results in a proposal that is out of character with the surrounding area and detrimental to the visual amenities of the streetscene.

In the opinion of the Local Planning Authority, the proposed development is thereby contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policy DM5 (Design) of the Allocation and Development Management DPD (2013) and the National Planning Policy Framework (2019), which is a material planning consideration.

Decision

That Planning Permissions be refused contrary to Officer recommendation on the grounds of its positioning and cramped appearance, uncomfortable relationship with host property, domination of parking to road frontage, all of which result in the proposal being out of character with the area and detrimental to the visual amenities of the streetscene.

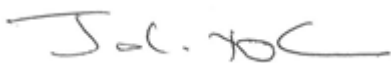
The proposed bungalow would, by reason of its positioning and its constrained layout on the site result in a cramped appearance; its positioning and proximity to the host property results in an uncomfortable and uncharacteristic relationship; and the resulting domination of car parking to the road frontage, results in a proposal that is out of character with the surrounding area and detrimental to the visual amenities of the streetscene.

The proposed development is thereby contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policy DM5 (Design) of the Allocation and Development Management DPD (2013) and the National Planning Policy Framework (2019), which is a material planning consideration.

Members Consulted:

Councillor D Lloyd – Leader of the Council

Councillor R Blaney – Chairman of the Planning Committee



Signed
Chief Executive

Date 9 April 2020

PLANNING COMMITTEE - 28 APRIL 2020

| | |
|------------------------|---|
| Application No: | 19/02064/FUL |
| Proposal: | Erection of 5 new dwellings |
| Location: | Land rear of 49 The Ropewalk, Southwell, Nottinghamshire |
| Applicant: | Mr David Shaw |
| Registered: | 02 December 2019 Target Date: 27 January 2020 |
| | Extension of time agreed until : 15 May 2020 |

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the Town Council has objected to the application which differs to the professional officer recommendation. Councillor Harris requested the application be referred to committee which has been supported by the Panel.

The reason for referral is “this is an over intensive backland development, not in keeping with the established surrounding developments. The impact on the privacy and amenity of the surrounding properties will be detrimental. The site is an unallocated windfall site proposing large houses which doesn’t accord with the need in Southwell. Vehicles would be left on the street and visitors are likely to park on the busy Ropewalk.”

The Site

The site comprises of 0.22hectares of overgrown land to the north-west of existing properties on The Ropewalk. The site also fronts Nursery End to the west of the site. The site is located within the Southwell settlement boundary as defined within the Allocations and Development Management DPD.

There is an existing vehicular access to the south of no. 49a The Ropewalk which runs along the southern boundary of the application site and serves no. 45 and 47 The Ropewalk which have their principal elevations facing in to the application site. The dwellings facing The Ropewalk and no. 45 and 47 The Ropewalk are two storey in height. Dwellings along Nursery End are mainly single storey bungalows.

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within land at risk from surface water flooding. Part of the site falls within an area defined within the Southwell Protected Views policy area as shown on the proposals map within the Allocations and Development Management DPD.

Relevant Planning History

16/01003/NMA - Application for a non-material amendment to planning application E/56/1410 for Erection of two detached dwellings – Approved 11.07.2016

14/02172/FUL - Erection of two detached dwellings – Refused by committee (contrary to officer

recommendation) 08.05.2015 *Appeal dismissed*

Reason for committee refusal

The proposed development, by reason of its scale, siting, and design would be incongruous within and detrimental to the character and appearance of the area and the residential amenities of nearby dwellings on The Ropewalk, particularly given the increased expanse of footprint and elevations compared to the extant 1971 permission. The proposal is therefore considered to be contrary to Policies DM5 and DM6 of the Allocations and Development Plan Development Plan Document (DPD) and the NPPF which forms a material consideration. There are no other material planning considerations which outweigh such identified harm.

Appeal decision reasoning (extract)

The design of the scheme has little relationship with the character of the local surroundings. It is radically different from the well established traditional design of the properties in the surrounding locality to the extent that it would be clearly 'at odds' with the prevailing character of the area and would result in an incongruous form of development.

Consequently the existence of the fallback position does not outweigh the harm that I have found in the design of the current scheme.

I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk. I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD.

The Proposal

The application comprises of the erection of 5 dwellings (density of 22 dwellings per hectare) within the 0.22 hectare overgrown parcel of land. The dwellings are modern in appearance with the use of brick and render.

The mix comprises of the following:

| Plot | No. of bedrooms | Storeys | Parking provision |
|-------------|------------------------|----------------|---|
| Plot 1 | 2 | 1 | 2 spaces on driveway side by side |
| Plot 2 | 3 | 2 | Single garage and 2 parking spaces in tandem |
| Plot 3 | 4 | 2 | Single garage and 2 parking spaces in tandem |
| Plot 4 | 4 | 2 | 2 space integral garage and 2 spaces side by side on driveway |
| Plot 5 | 4 | 2 | 2 space integral garage and 2 spaces side by side on driveway |

List of plans/documents considered

- DRWG no. 01 Rev B Aerial view;
- DRWG no 02 Rev B Aerial view;
- DRWG no. PL01 Rev A Site location plan;
- DRWG no. PL02 Existing site plan;
- DRWG no. PL03 Rev B Proposed site plan;

DRWG no. PL04 Rev A Unit 01;
DRWG no. PL05 Rev B Unit 02;
DRWG no. PL06 Rev B Unit 03;
DRWG no. PL07 Rev B Unit 04;
DRWG no. PL08 Rev B Unit 05;
Design and Access Statement November 2019;
Planning Statement November 2019;
Ecological Walkover Survey November 2019;

Departure/Public Advertisement Procedure

Occupiers of 26 properties have been individually notified by letter.

Planning Policy Framework

Southwell Neighbourhood Plan (October 2016)

Policy SD1 Delivering Sustainable Development
Policy DH1 Sense of Place
Policy DH2 Public Realm
Policy TA3 Highways Impact
Policy TA4 Parking Standards

Development Plan

Newark and Sherwood Amended Core Strategy DPD (March 2019) (ACS)

Spatial Policy 1 Settlement Hierarchy
Spatial Policy 2 Spatial Distribution of Growth
Spatial Policy 7 Sustainable Transport
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10A Local Drainage Designations
Core Policy 12 Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

So/HN/1 Southwell Housing Need
So/PV Southwell Protect Views
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 Considerations

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)

Consultations

Southwell Town Council (09.03.2020) - Southwell Town Council considered application 19/02064/FUL Land to Rear of 49 The Ropewalk and agreed by majority to object to this application as it contravenes the Southwell NP as follows -E1 Flood Risk Assessments and Mitigation pg 24 due to no flood mitigation proposals -back land, over intensification which will have a direct impact on surrounding properties.

Original comments (02.01.2020) – Southwell Town Council considered application 19/02064/FUL Land to Rear of 49 The Ropewalk and agreed by majority to object to this application as it contravenes the Southwell NP as follows -E1 Flood Risk Assessments and Mitigation pg 24 due to no flood mitigation proposals - over-intensification

Trent Valley Internal Drainage Board (16.12.2019) – The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s Catchment. There are no Board maintained watercourses in close proximity to the site.

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

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

NSDC Environmental Health (23.12.2019) - I would be grateful, however, if you could place the following comments in the “informatives” as advice to the applicant:

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

NCC Flood Team (23.12.2019) - No objections subject to the following:

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

Severn Trent Water (08.01.2020) - With reference to the above planning application the Company's observations regarding sewerage are as follows.

Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval.

Surface water is proposed to discharge to soakaways, which we have no comment.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Southwell Civic Trust (06.02.2020) - This is an over intensive backland development. The number scale and design of the proposed houses is not in keeping with the established surrounding developments. The impact on the privacy and amenity of the surrounding properties will be extremely detrimental.

This is an unallocated windfall site proposing large houses whereas the need in Southwell, expressed in Policy So/HN/1, is for one or two bedroom dwellings.

The drawings show parking within the property boundaries. The inline arrangements are unrealistic. Human nature and experience shows that vehicles would be left on the street. Visitors are likely to park on the busy Ropewalk.

The previous application on this site, (14/02172/FUL), was for only two houses, these were refused both by the Council and by the Inspector on Appeal. The two principal reasons being:

1. The effect of the proposal on the character and appearance of the surrounding area.
2. The effect on the living conditions of the occupiers of nearby properties with particular regard to outlook and privacy.

This application does not address these two points and is considerably worse than the previous application.

“A detailed surface water plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.”

It is too late after planning permission is approved if the geometry, layout and ground conditions of a site preclude the conditions being met. It is essential that detailed engineering drawings are submitted and approved in the original application to ensure that the site can be adequately

drained without adding to the flood risk in the area.

Environment Agency (28.02.2020) – No comments to make

NCC Highways (03.03.2020) - The Highway Authority initially responded to this application in December 2019, offering no objections subject to conditions and informatives. Since then, the submitted plans have been revised, concentrating on the house designs. The Highway Authority have duly reviewed the plans, and the revisions have no impact on the highway, or access there to.

However, it is disappointing that the proposed site plan has not been updated to include the details which the Highway Authority identified as conditions; providing this detail prior to determination would forego the need for this information to be submitted at a later date and can indeed speed up the construction process.

Conditions: -

1. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance with details to be first submitted 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.
2. No part of the development hereby permitted shall be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal 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.
3. No part of the development hereby permitted shall be brought into use until the dropped kerb vehicular crossings, to serve 3 dwellings, at Nursery End are available for use and constructed in accordance with the Highway Authority's specification.
Reason: In the interests of highway safety.

Informatives to Applicant: -

- The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). 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 development makes it necessary to construct two vehicular crossings over the footway of the public highway (Nursery End). 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.

20 letters of representation have been received in total from local residents/interested parties stating the following comments:

- Concern of lack of visitor parking space;
- Additional parking on the Ropewalk;
- Proximity of properties to the front of Nursery End not in character;

- Small plot size for plots 2 & 3 although unit 1 seems more in keeping;
- Reduce the plot numbers to give more generous plots/frontages;
- No access should be created from Nursery End to The Ropewalk;
- Overdevelopment;
- Loss of light;
- Loss of privacy;
- Planning history & appeal history dismissed 2 dwellings;
- Design of the scheme has little relationship with the character of the traditional design of the properties in the area;
- Scale and proximity of Plot 1 is still very close to the boundary with the new dwelling to the rear of no. 51 The Ropewalk;
- Insufficient separation distances leading to detrimental impacts upon future occupiers of the new house to the rear of 51 The Ropewalk;
- Materials not in keeping;
- No opportunity for biodiversity net gains;
- No 1 and 2 bedroomed dwellings on the plans;
- Too close to no. 49 & 49a The Ropewalk;
- Properties on Nursery End should be bungalows/dormer bungalows;
- Ecological survey indicates that the site is likely to be a habitat for reptiles and birds, environmental enhancements recommended and site clearance measures should be conditioned;
- Errors of land ownership;
- Disruption during construction period.

Comments were received following consultation on 26 February 2020 with amended plans, altering Plot1 to a 2 bedroomed bungalow and altering the design of Plot 4.

- Welcome Plot 1 being a bungalow;
- Still have an overbearing impact and detrimental outlook upon future living amenities of occupiers of property to the rear of no. 51 The Ropewalk;
- Use of materials inappropriate and not in keeping;
- Cramped layout;
- No change to previous concerns of density and design and privacy;
- Impact on highway safety;
- Impact on increased parking to Nursery End;
- Loss of light;

Comments of the Business Manager

Principle of Development

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

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The

Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed in the policy section above and are considered against the relevant aspects of the proposal in the assessment below.

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 amended 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 Amended Core Strategy (ACS) sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the ACS as a Service Centre where the intention is for it to act as a focus for service provision for a large population and rural area. The Southwell Neighbourhood Plan, which also forms part of the Council's Adopted Local Plan seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

Therefore based on the siting of the application site within the defined settlement of Southwell and within an existing residential setting, the siting is considered acceptable. The site is also subject to an extant permission for two dwellings given lawful implementation of a wider site application for residential development through the erection of five bungalows at Nursery End. This remains a material consideration in Planning terms.

Nonetheless there are other material factors in decision making and these are considered further within this report.

Planning history

Prior to discussing the merits of this proposal it is first pertinent to discuss the planning position of the land in terms of previous consents and decisions.

Consent was granted in 1971 for the development of Nursery End with 5 bungalows and 2no. detached 4 bed roomed houses with attached double garages, of which the two detached dwellings on this site were never constructed. The two dwellings utilised an access from the south of 49a The Ropewalk which serves two further properties, although these were constructed in the 1980s which was after the consent for the 7 dwellings. It has been shown that these two remaining dwellings could be constructed irrespective of the current application noting the extant permission which exists. The photo below shows the extant permission with the two remaining dwellings circled.

This extant permission is a material planning consideration in the planning balance.

no. 51 The Ropewalk (19/01693/FUL) for a new 4 bedroomed dwelling with a vehicular access to the south of no. 51 The Ropewalk. This is extant until 17 November 2022, by virtue of the timeframe when the proposal was granted. The positioning of the approved dwelling has been shown on the submitted block plan which allows a thorough assessment in the amenity section below.

Housing need

Policy So/HN/1 of the ADMDPD states that the District Council would seek to secure on allocated and windfall sites, one and two bedroomed units in line with housing need. The Southwell Neighbourhood Plan states in paragraph 2.7 (housing) that the highest demand within Southwell in the market sector (of which this is proposed) for housing is for two bedroomed houses in comparison to the social sector where the requirement is for both one and two bedroomed dwellings. This is reaffirmed by the Newark and Sherwood Housing Needs Survey 2014 which states within the Southwell area the largest market sector demand is for 2 bedroomed properties followed by 4 bedroomed and then 3 bedroomed. This Needs Survey is, accepted, 6 years old and is currently being updated with new surveys having been issued across the District to establish the latest data to produce a new Needs Survey. However this is the latest data we have and until new material is produced this still forms a part of decision making.

When considering the relevance of the survey data to this scheme, the development is heavily weighted towards 4 bedroomed properties with 3 of the 5 units being 4 bedroomed, 1 unit being 3 bedroomed and 1 unit being a 2 bedroomed bungalow. Nonetheless this does represent a broad variety in the unit sizes on the site and does meet a housing need. The provision of a bungalow is also a high requirement within the Housing Needs Survey and one which the scheme delivers through positive negotiation with the developer. However a reduction in the number of bedrooms within the units has not been forthcoming.

The Southwell Neighbourhood Plan (SNP) states the housing mix on site should deliver a high proportion of 1 or 2 bedroomed 'starter homes' under Policy HE1, however this is stated only where schemes come forward for 11 dwellings or more to which this does not qualify. Therefore there is no requirement for the developer to deliver such a mix under this SNP policy, although the scheme has been amended to include this mix through positive negotiations.

It is therefore considered that although the ADMDPD policy states the Council would secure one and two bedroomed units, the latest data from the SNP states the need is more rife in the social sector for such housing requirement to which this scheme is not delivering. Nonetheless the scheme still falls short of the policy requirement within the ADMDPD as it only delivers one 2 bedroomed unit albeit this would be a sought after bungalow which is a positive benefit of the scheme. The scheme is therefore not offering a majority of one and two bed units as intended through Policy So/HN/1, a matter which would need to be balanced against in overall consideration, when taking in to account other material considerations.

Impact of design and character

Taking the above matters of the planning history position into consideration it is necessary now to consider the layout as proposed against the latest up to date policy situation. Since the last refusal and dismissed appeal, the Council has adopted a new Core Strategy DPD (2019) and Government has produced an updated NPPF (2019).

The main consideration is the impact upon the character of the surrounding area and the creation of backland development. However this has been accepted generally by the approval of the dwelling to the north of the application site (rear of no.51 The Ropewalk), and the extant permission already in existence at this site.

Policy DM5 of the ADMDPD states that 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”*. In addition it states that *“inappropriate backland and other uncharacteristic forms of development will be resisted”*.

The design and character of the area is mainly traditional in that properties face the highway with wide frontage plots in two storey form. Nonetheless along The Ropewalk there are pockets of backland development stretching from the highway providing ‘infill’ development. Within the cul-de-sac of Nursery End, which was constructed by the extant permission in the 1970’s, the character is created by the spacious plots set back from the highway in the traditional 1970s-1980s design standard. This application site also fronts Nursery End whereby there is a ‘gap’ site fronted by a hard timber fence to the back of the highway boundary. This site has no frontage and is a virgin site. Naturally a built frontage to Nursery End would contribute to the wider character and add a mix to it. The design of the built form within Nursery End are mainly red brick dwellings of neutral character. The proposal put forward is for a mixture of render and brick dwellings. Whilst the buff brick isn’t a typical feature the off white render is commonly found in and around Southwell so it is not considered that this is an alien feature. The colour of the bricks and render, should Members resolve to approve the application, could be conditioned to be agreed at a later date.

The modern design is not something to which the Council are adverse to and indeed the mix of modern/contemporary approach against more traditional red brick and tile design, is a common feature which provides a diverse opportunity to influence and upgrade the character of the area. To create pastiche developments of the same character would result in a stale character and the NPPF states that the *“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”* (para 124, NPPF 2019). In addition it states that decisions should ensure developments are visually attractive and sympathetic to local character....while not preventing or discouraging appropriate innovation or change (para 127).

It is accepted that the design of the dwellings do differ from those already featuring on Nursery End, however the design is not wholly inappropriate or disadvantages the overall character of the surrounding area.

The site is not readily visible from The Ropewalk streetscene without travelling down the private driveway to the south of 49a The Ropewalk. Nonetheless the design of the dwellings would contribute to the design mix on offer whilst not being ‘at odds’ with the traditional character of the area.

The layout as proposed comprises of two detached units within the site which are in effect classed as backland development and three units form a frontage to Nursery End. The previous appeal decision Inspector did not state that the layout of the site was uncharacteristic of the area given the fall-back position but it was the ‘atypical contemporary design with mono-pitched roofs and large expanse of glazing’ which he found to cause substantial harm which would be ‘at odds’ with the prevailing character of the area resulting in an incongruous form of development. This

proposal whilst it features render, the overall design is more traditional in terms of the overall design features such as traditional roofs, glazing to wall ratios, design and scale.

Core Policy 9 of the ACS states all new development, amongst other things, should achieve a high standard of sustainable design and layout...of an appropriate form and scale to its context complementing the existing built and landscape environments and demonstrates an effective and efficient use of land.....that optimises site potential at a level suitable to local character. The Southwell Design Guide within the SNP states variations in density, height and style can help create areas with different character. Too many identical or similar house types should be avoided. In addition it states streets should be designed to have a strong building line. Policy DH1 of the SNP states that the Design Guide should not preclude innovative or contemporary design where it can be shown to support and contribute to the unique townscape of Southwell.

Concern has been expressed with regard to the cramped nature of the development. It is acknowledged that the layout does differ from the traditional grain of the area however the separation distances within and around the plots have been considered to be just acceptable to result in there not being substantial harm to the locale. The site is 0.22 hectares in area and when considering the density of the development it would constitute a density of 22 dwellings per hectare. Policy requirement on housing developments is to seek a density of no lower than an average 30 dwellings per hectare meaning 6-7 dwellings could be sited on the land to meet policy requirements. A greater density would potentially increase the number of vehicle usage within the area and intensify the relationship to Nursery End. It is therefore considered that although the layout may appear over intensive, the separation distances are just acceptable and back-land development is not uncommon in the locale to which this would contribute.

The application is accompanied by a Design and Access statement outlining the surrounding architectural form of the area which accounts for the design characteristics of the proposal and the use of materials which accords with the requirements of the Design Guide within the SNP. It shows the wide use of render, the design of the properties which is influenced by the locale and for this reasoning it is considered that the proposal in design and character, is acceptable. It is accepted that the appeal decision is in existence, and thus a material planning consideration, however that is for a much different design to that now proposed and this scheme is much improved, from a design perspective and takes in to account the surrounding characteristics. For that reason it is considered that the proposal accords with Core Policy 9 of the ACS and Policy DM5 of the ADMDPD as well as the policy DH1 of the SNP.

Highway impact

Spatial Policy 7 (Sustainable Transport) of the ACS states development proposals should provide safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. In addition it states to provide appropriate and effective parking provision, avoid highway improvements which harm the area.

Policy DM5 of the ADMDPD states provision should be made for safe and inclusive access and parking provision for vehicles and cycles should be based on the scale and specific location of the development.

Concern has been expressed from neighbours with regards to the impact of the development upon the safety of the access and use of The Ropewalk. However the junction with The Ropewalk

and the intensity of the access is not altered from the extant approval in that was for two detached dwellings with 5 bedrooms and this proposal is for two detached dwellings with 4 bedrooms (including a study on the ground floor). Therefore in terms of intensity the access point and use of the access is unlikely to be different.

Nottinghamshire County Council have suggested conditions relating to the access whereby the width would be increased to 5.25m and surfaced in a bound material for a minimum of 5m from the highway edge with suitable means of surface water disposal incorporated. In light of this and their support for the scheme, whilst the comments raised by residents are acknowledged, there is no corroborative evidence to disregard the support given by Highway colleagues in refusing the proposal for reasons of highway safety. In addition the previous decision, and the Planning Inspector, did not consider the schemes to result in harm to The Ropewalk and therefore for the same scheme, it would be inappropriate to add it as a reasoning for refusal.

The proposal would introduce three new driveways to Nursery End to support three new dwellings. Again residents have raised concern over the increased vehicular activity and potential for on street parking. Members will note that the scheme features triple parking for Plots 2 and 3. Plot 2 is proposed as 3 bedrooms and Plot 3 is 4 bed roomed. 3 bed roomed units only require 2 parking spaces whereas 4 bed roomed units would require 3, and whilst these spaces are provided for, they are in tandem, with Plot 3 reliant on the use of the garage as a parking space. Having consulted with Highways on this specific issue, as it has been raised elsewhere as a particular issue, they state that whilst they don't favour the arrangement, on this particular occasion it is only one plot with that provision and it would provide for sufficient parking. They would not be able to support a reason for refusal on this basis. Therefore whilst Members may take a differing opinion, the fact that it would only be one plot which requires 3 spaces to Nursery End, it wouldn't necessarily result in substantive harm to the surrounding highway which in turn would lead to harm to highway safety in their opinion.

Plots 4 and 5 would feature in plot side by side parking and on the plans there are shown to be 4 spaces for each plot (including 2 within the double garage), although from the site plan more space could be utilised for parking provision without reliance on the garage. Nonetheless, parking provision is provided for within the site which would not impede the existing driveway which is utilised by other dwellings.

Therefore having taken the above matters into consideration, it is considered that the proposal would not result in harm to highway safety and provides appropriate parking levels for the dwellings and number of bedrooms proposed.

Neighbour amenity

Policy DM5 of the ADMDPD states *"the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy."* In addition to having regard to the operation of neighbouring land uses and mitigating where necessary.

The issue of amenity has raised many concerns locally from residents expressing concern on the impact of the development upon their living amenity. Living amenity was a main factor in the Inspector's deliberation on the previous scheme for two dwellings and especially upon the living amenity of no. 49 and 49a The Ropewalk.

The scheme as now proposed is accepted that it is more intensive however when looking at the individual merits of the proposal against the Inspector's decision it is noted that there are improvements to the scheme.

Plot 1

Members will note on the site plan the siting of a dwelling to the rear of no.51 The Ropewalk. This is an extant permission for a two storey dwelling (amended under 19/01693/FUL) which has not yet commenced on site but is extant. Plot 1 of the proposal has been amended to be a single storey 2 bed roomed bungalow with a ridge height of approximately 5.7m and sited approximately 12m south-west of the proposed dwelling at 51 The Ropewalk. As the building is a single storey bungalow with no accommodation within the roofspace and the siting being adjacent to a side elevation which does not enclose along the entire boundary, it is considered that the harm caused to the future living amenities of the consented dwelling would be minimal. It is appreciated the concern raised on the specific design of the consented dwelling for solar gain, however given the distance and staggered alignment between the two dwellings it is considered unlikely to have such a harmful impact.

Plots 2, 3 and 4

Plots 3 and 4 are both 4 bedroomed properties with Plot 3 facing Nursery End and Plot 4 accessed from The Ropewalk and faces the rear of no.49a The Ropewalk. Plot 4 has been amended to improve the relationship with Plot 3 and siting the garage on the rear boundary with Plot 3 to ensure the relationship isn't overbearing or oppressive. The distance between the furthest rear elevation of Plot 3 to the rear elevation of Plot 4 is approximately 11m. This is a less than satisfactory arrangement and could result in a contrived arrangement, however when taking into consideration the juxtaposition between the two and the fact that the boundary isn't fully enclosed by the bulk and massing of Plot 4, it makes it just, on balance, reasonable although Members are entitled to take a differing opinion on this matter.

There are two first floor windows on the rear of Plot 4 which serve a stairwell and bathroom which could be conditioned to be obscurely glazed if Members resolve to approve the application. This would ensure there would be no direct overlooking impacts upon the occupiers of Plots 3 and 2.

Plot 2 is a three bedroomed unit and would overlook the rear amenity space of Plot 4 and is sited approximately 11m from the shared boundary. Again this relationship is not ideal however as these are new properties, this is a relationship whereby potential buyers would be buying into and would expect from the outset and it is not a relationship whereby the Council would ordinarily approve would the properties be existing. The relationship could be improved through the imposition of landscaping to screen part of the boundary and would be attached as a landscaping condition recommendation.

Plot 5

This is a 4 bedroomed unit with a study on the ground floor and a double flat roofed garage approximately 1m from the rear boundary with no.49 and 49a The Ropewalk. The dwelling is traditional in design with a hipped roof with a ridge of approximately 7.8m and eaves height of 5.2m. The main dwelling is located approximately 15m from the main rear elevation of the

dwelling on The Ropewalk, with a rear to side elevation arrangement with no windows at first floor facing the dwellings on The Ropewalk and only one at ground floor.

The former appeal decision cited this as the most harmful relationship however the design of that scheme was much different from that now proposed in that the plot to the rear of no. 49a effectively enclosed their rear boundary with built form. This design sees less than half of the rear boundary enclosed. It is appreciated that the development would commence approximately 1m from the boundary with a flat roofed garage approximately 2.7m to the eaves, however the main massing of the proposed dwelling is located 15m from the rear elevation of the main dwelling. The gardens are small on The Ropewalk which was acknowledged by the previous Inspector, however the differing design would not enclose the boundary to no. 49a or 49 and thus it is considered that the proposal would not result in an overbearing impact to the neighbours. I have considered the overall impact of the position of windows within plot 5 and the provision of no first floor windows facing no. 49 and 49a The Ropewalk and the existence of permitted development restrictions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to restrict additional first floor windows, it is not considered that the proposal will result in any loss of privacy.

The windows sited to the front and rear of this plot would overlooking land to the north-east and south-west. To the north-east is no. 51 The Ropewalk which is approximately 16m from the furthest rear elevation of Plot 5 to the boundary with no. 51. Whilst this elevation will feature windows, the distance and orientation of the properties is such that the harm is not considered considerable to reduce the amenity value the occupiers would experience to an unacceptable level within their private amenity space.

The elevation facing south-west features the most windows and would be sited approximately 21m from the side boundary with no.43 The Ropewalk, which is considered a reasonable distance. It is also sited approximately 30m from the dwelling at no.45 The Ropewalk which also shares the private driveway.

Neighbour amenity conclusion

Overall it is considered that although comments have been raised relating to the proximity of the development to existing properties, when consideration is given to the separation distances and the design of the dwellings, it is considered that on balance it is just acceptable and the harm caused by the former layout identified by the previous Inspector has been addressed by the revised design.

Impact on flooding and surface water

The site is located within flood zone 1 and therefore at the lowest risk from flooding and does not constitute major development classification of development as stated within the NPPF. It is not necessary for the applicant to submit a flood risk assessment, nor is it necessary to apply the sequential test approach as set out in the NPPF.

Nonetheless Core Policy 10A of the ACS identifies Lowdham and Southwell as areas of Local Drainage Designations. The assessment of this would take in to account the SNP policies concerning the management of flood risk and specific advice of the Lead Local Flood Authority.

Core Policy 10A states that new development should positively manage surface water run-off through the design and layout, in order that there will be no unacceptable impact from run-off on surrounding areas or the existing drainage regime. The SNP states however that proposals relating to drainage submission would only be required whereby the initial proposal is subject to a flood risk assessment.

The Lead Local Flood Authority have commented and stated they have no objections to the proposal subject to certain matters being achievable which would be attached as a condition on drainage should Members resolve to consider the scheme acceptable.

Therefore on the basis of the information submitted the proposal is not considered to result in unacceptable harm to local drainage issues, subject to the imposition of conditions.

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. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. 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. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2019) states when determining planning application LPAs should apply the following principles as stated within paragraph 175 of the NPPF. This states that if *“significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

The surrounding area comprises of residential gardens with arable fields located further to the west and north-east and a golf course to the north-west. Surrounding areas suitable for foraging and commuting include residential gardens, tree lines and woodland copses. The Dumbles Tributary and Potwell Dyke are within the surrounding landscape providing areas also for commuting and foraging however no natural feature exists on the application site. Ponds and drainage ditches are also within the area providing important habitat for several protected species.

A Preliminary ecological appraisal and preliminary roost assessment survey has been provided by the applicant and identifies the site is of low ecological value. It provided a foraging habitat for bats although no bat roosting habitat is present on the site and recommends the installation of a minimum of two nest box company bat boxes. No evidence of nesting birds were found during the survey however birds could use the vegetation on site for nesting and therefore they suggest the installation of a minimum of two nest box company bird boxes on trees or buildings.

The site is identified as providing a small area of reptile habitat and land suitable for terrestrial amphibian habitat. Common lizards are known to be present on part of the Southwell Trail several kilometres from the site, and terrestrial habitat connectivity is limited by roads. Some ponds are located within the locality although these are more than 500m away. The report suggest creating

areas of log piles and other habitats for common reptiles positioned on the site boundaries below the existing hedgerow which is to be retained.

No badger setts have been identified on the site although the land is suitable for foraging. The report suggests planting fruit trees on the developed land.

The site is suitable for hedgehogs and gaps should be created in new boundary fences to provide commuting routes through the development for them. Hedgehog houses should be incorporated into the development and positioned beneath the boundaries.

Therefore on the basis of the above information, the site does not include species or habitats which could not be adequately mitigated for within the development and thus it is considered that the proposal, with regards to ecology, is acceptable subject to the recommendation of suitable conditions.

Other matters

Due to the confined nature of the site it is necessary to consider the development potential under the Town and Country (General Permitted Development) (England) Order 2015 (as amended) and how that would impact the living amenities of the other occupiers within the vicinity. Therefore due to the proximity of the surrounding residential properties it is considered necessary (and reasonable) for the Local Planning Authority to retain such management and due consideration to enable the local planning authority to give due consideration to the impact upon neighbour amenity. Such a condition is recommended under the recommendation section below should Members resolve to approve this application.

Conclusion

All material planning considerations have been taken in to account as set out above and appropriate weight has been given to each issue and it is concluded that the application whilst it satisfies matters relating to design, ecology, flooding/surface water and highway safety, the matter of neighbour amenity is one which is finely balanced and the separation distances are on the cusp of acceptability. Moreover, the proposal fails to offer a majority of two bed units as required by local housing needs, acknowledging this dates to 2014. The design of the dwellings and their juxtaposition to one another and surrounding properties has been taken in to consideration and has weighed favourably in the balancing judgement. Due consideration has been taken with regard to the previous appeal decision relating to application number 14/02172/FUL for 2 dwellings. However whilst comparisons have been drawn out, this scheme is very different in terms of design and proportion. Whilst the proposal is more intensive the separation between existing and proposed dwellings is considered just acceptable.

Therefore, in balancing all the material considerations of this case, a recommendation of approval to Members is proposed and the proposal although finely balanced is considered to accord with the Council's DPD and the NPPF, and there are no other material planning considerations that would outweigh this policy stance in this case.

RECOMMENDATION

That planning permission is approved subject to the following conditions:

01 - Time

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

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

02 - Plans

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

DRWG no. 01 Rev B Aerial view;
DRWG no 02 Rev B Aerial view;
DRWG no. PL01 Rev A Site location plan;
DRWG no. PL03 Rev B Proposed site plan;
DRWG no. PL04 Rev A Unit 01;
DRWG no. PL05 Rev B Unit 02;
DRWG no. PL06 Rev B Unit 03;
DRWG no PL07 Rev B Unit 04;
DRWG no. PL08 Rev B Unit 05;

Reason: So as to define this permission.

03 - Materials

No development above damp proof course/slab level 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 the interests of visual amenity.

04 - Highways

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance with details to be first submitted 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.

05 - Highways

No part of the development hereby permitted shall be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal 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.

06 - Highways

No part of the development hereby permitted shall be brought into use until the dropped kerb vehicular crossings, to serve 3 dwellings, at Nursery End are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

07 - Landscape

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;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

08 - Landscape

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the 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 - Ecology

No dwelling on site shall be occupied until details including location of a hedgehog house and a minimum of two bat boxes and two bird nest boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The hedgehog houses/nest boxes/bricks shall then be installed, prior to occupation of the associated dwelling, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

10 - Ecology

No clearance works of vegetation within the site shall take place during the bird nesting period (beginning of March to end of August inclusive).

Reason: In the interests of ecology and biodiversity enhancements.

11 - Ecology

Development shall be carried out in accordance with the submitted Ecological Walkover Survey (dated 12 November 2019) namely Section 4.2 (Evaluation) and the Enhancements section. Details and locations of these enhancements including an implementation and timescale programme shall be submitted to the Local Planning Authority in writing and such measures shall be implemented and retained for the life of the development.

Reason: In the interests of ecology and biodiversity enhancements.

12 – Landscape/Ecology

Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on 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 the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on 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 that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

13 – LLFA

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Sustainable Urban Drainage Systems (SUDS) should be considered where feasible and details of maintenance and management should be submitted to the Local Planning Authority. Permeable paving should also be considered to reduce the reliance on mainstream drainage measures and other such water saving measures should be submitted to and approved by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details and implemented prior to first occupation of the first unit and retained for the lifetime of the development.

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

14 – Windows

All ensuite/bathroom/W.C window openings shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which 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.

15 – Window for Unit 04

The first floor window opening on the north-west elevation of Unit 04 serving the stairwell, 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 dwelling 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 future occupiers of neighbouring properties.

16 - PD

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development to any unit approved under this permission 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 E: Buildings etc incidental to the enjoyment of a dwellinghouse.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amending legislation) and in order to safeguard the amenity of neighbours

Notes to Applicant

01

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). 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.

04

The development makes it necessary to construct two vehicular crossings over the footway of the public highway (Nursery End). 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.

05

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) (England) Order 2015 (as amended).

06

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

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

07

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

08

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

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The applicant should consider the use of flood resilient construction techniques and materials where possible.

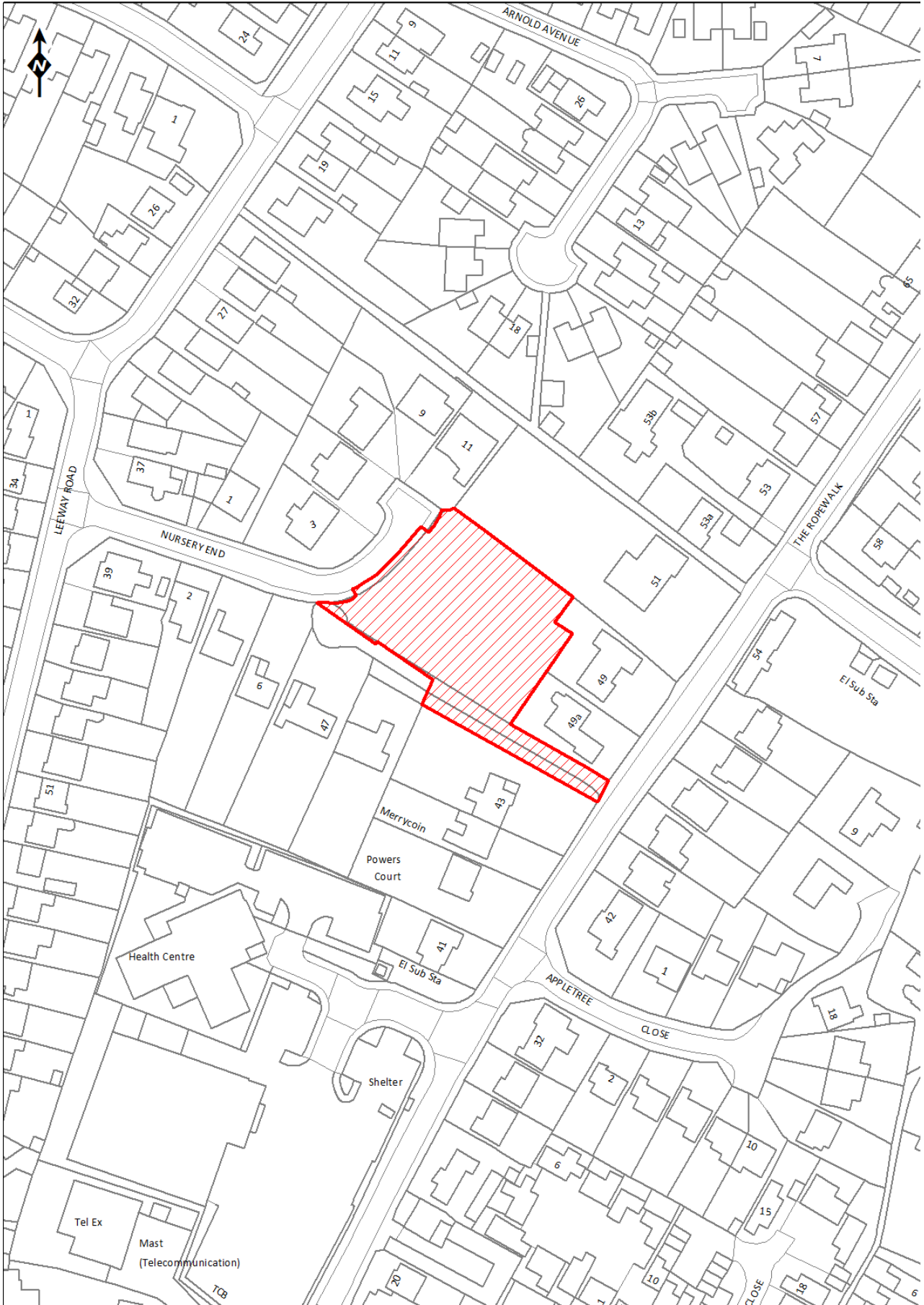
BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Preston on ext 5329.

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



PLANNING COMMITTEE REPORT – 28 APRIL 2020

| | | |
|------------------------|--|--------------------------------------|
| Application No: | 19/02237/FUL | |
| Proposal: | Conversion of first floor space into 6 apartment units, 5 x one Beds and 1 x Studio, external entrance and fire exit staircase introduced on the facade facing the existing car park. | |
| Location: | First Floor At Robin Hood Hotel, Kirklington Road, Rainworth, Mansfield, NG21 0AE | |
| Applicant: | Mr Kamaljeet Nijjar | |
| Registered: | 19 December 2019 | Target Date: 13 February 2020 |
| | Extension of Time Agreed to 30 April 2020 | |

Local Ward Members Cllr Tom Smith has called in this Planning Application to the Planning Committee for the following reasons:

- **Potential for considerable safety and traffic related issues**
- **Concern over parking provision**

The Site

The application relates to the Former Robin Hood Hotel located on the corner of Kirklington Road and Southwell Road East in the village of Rainworth. The ground floor of the building is currently in use as a Tesco Express. The first floor was previously used as event space for the former public house and is currently not in use.

The building itself sits on the street edge with frontage to both Southwell Road and Kirklington Road. The surface car park to the rear provides space for 13 vehicles and is accessed from Southwell Road. A fenced off area to the north east corner of the site provides an additional surfaced parking area.

Relevant Planning History

11/01795/FUL – External alterations to facilitate permitted change of use (A4 to A1). Approved 16.02.2012

The Proposal

The application proposes the conversion of the first floor of the existing building into 6 apartments, including 5 x one beds and 1 x studio. A bespoke entrance would be created through the erection of a two storey extension to the east side of the building, measuring approximately 4.0 metres wide by 6.7 metres in length. It would include a hip roof and chimney with matching eaves but lower ridge height to existing. The application also proposes the installation of an external entrance and fire exit staircase to the rear elevation of the building facing the existing car park.

The proposed development would include the provision of 7 resident's parking spaces to the north east corner of the application site.

Revised Plans

Various revisions have been made to the proposal as submitted, to address comments/concerns of consultees. Please refer to the assessment below for further details.

For the avoidance of doubt, the final assessment is based on the following plans:

- PL-01 Site Location Plan
- PL-02 Existing Floor Plans
- PL-03 Existing Building Elevations and Sections
- PL-04 Existing Roof-Site Plan
- PL-05 REV A Proposed Ground Floor Plan
- PL-06 REV A Proposed First Floor Plan
- PL-07 REV B Proposed Elevations
- PL-08 REV D Proposed Roof-Site Plan

Departure/Public Advertisement Procedure

Occupiers of 11 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 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

Policy Ra/MU/1 Rainworth Mixed Use Site
DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance

Consultations

Revised plan and supporting information received by email dated 12 February 2020 in response to initial comments from Rainworth Parish Council and NCC Highway Authority.

Rainworth Parish Council (19 February 2020)

At Rainworth Parish Council's meeting held on 13th February 2020 it was unanimously agreed to object to the amended planning application due to issues raised regarding both pedestrian and vehicle safety in the Tesco car park.

The Parish Council were only made aware of the amended plans a few hours before their meeting via a telephone call from yourself asking the Parish Council to reconsider the application!

Rainworth Parish Council objected to the original planning application in January 2020 and their stance on the matter still stands.

The Parish Council consider that the location of the entrance to the new proposed car park is utter madness as it would compromise the safety of anyone gaining access to the Tesco store. The direction of vehicles leaving the new proposed car park to exit onto the highway means they would have to drive straight into the path of customers leaving or entering the store entrance.

The amended plans are misleading as they show that the white marked chevrons on the floor butt [sic] right up to the side of the building when in fact they are approximately 4 to 5 meters [sic] away from the wall of the building, this would mean the entrance to the new proposed car park would encroach onto the safety exclusion zone around the store entrance.

I have spoken to the manager of the Rainworth Tesco store and she also has serious concerns as the delivery lorries need the space allocated for the new entrance in which to park and unload plus the exclusion zone that needs to be maintained when deliveries take place. Deliveries are by way of large cages that are lowered down on an extended platform creating a need for more space behind the lorries. The lorries only means of entering the car park is to reverse into the loading area as they cannot turn in the car park, lorry parking is then parallel to the store entrance and therefore anyone leaving the store would not be able to see any oncoming vehicles exiting from the proposed new car park as they would be hidden behind the length of the lorry.

I have attached photographic evidence which clearly shows the amount of room these large lorries need to make deliveries.

(21 January 2020) Concerns regarding the location of the main entrance steps as these lead straight down to the entrance of a busy car park. Residents would park in the Tesco car park rather than the new car park as it is nearer to the proposal leaving vehicles for long periods of time preventing customers access to retail car parking spaces. Cars exiting from the new car park entrance would have to drive straight across the entrance to Tesco in the path of pedestrians entering and leaving the store.

NCC Highway Authority (12 February 2020) The layout as shown on dwg. PL 08 Rev. B is acceptable due to the additional parking provided. Therefore, the Highway Authority would now not wish to raise objection. It is recommended that the following condition be imposed:

No part of the development hereby permitted shall be occupied until the additional parking spaces are provided in accordance with plan PL08 Rev. B and shown as 'dedicated residents parking'. The parking spaces shall not be used for any purpose other than the parking of vehicles associated

with the residential use. **Reason:** To ensure adequate parking is provided for the proposed development.

(11 February 2020) It is considered the reduction in parking spaces for Tesco customers would be unacceptable. It is a well-used site, as is the existing car park, which is regularly fully parked. There are normally 1-2 employee vehicles regularly parked daily and with the potential for a further 6 vehicles being parked within the site, the number of spaces would be insufficient for existing customers, resulting in an increase in vehicular movement at the site access, in close proximity to the existing traffic signaled junction, as drivers look for alternative parking.

It is therefore recommended that this application be refused as the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage for the existing and expected use of the site. **Reason:** In the interests of highway safety.

NSDC, Environmental Health (16 March 2020) I refer to the above application. I have reservations that access is via outside steps which do not appear to be covered in any way. As a result this may lead to unnecessary slips associated with falls from stairs. It would be best if access to the properties were from an enclosed entry which is protected from the risk of collisions from vehicles using the car park.

The application does not make it clear what noise mitigation shall be implemented to ensure the occupants are not bothered by noise from the business below.

No representations have been received from local residents/interested parties.

Appraisal of the Business Manager

Principle of development

Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy (Adopted March 2019) identifies Mansfield Fringe Area as a Service Centre and a focus for housing and employment growth in the District. Between 2013 and 2033, 30% of the overall housing growth is expected to be delivered within the Service Centres, including 10% of Service Centre growth within Rainworth (Spatial Policy 2 'Spatial Distribution of Growth').

The application site is allocated on the Local Plan Policies Map for mixed use development. Policy Policy Ra/MU/1 Rainworth Mixed Use Site of the Allocations & Development Management DPD states the site will accommodate around 6 dwellings and retail and town centre uses. The proposed residential development is therefore considered acceptable in principle, subject to the detailed considerations outlined below.

Housing needs

Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy identifies a District wide need for smaller houses of 2 bedrooms or less. Whilst the Council's most recent Housing Market and Needs Assessment (DCA, 2014) suggests that the demand for 1 bedroom units mainly comes from people requiring a bungalow, the Council has recently commissioned a district wide housing needs survey for 2020, which may update this position. It is therefore considered the proposed development has the potential to contribute positively towards meeting the housing needs of the District.

Impact on visual amenity

Core Policy 9 'Sustainable Design' of the Amended Core Strategy (Adopted March 2019) requires new development proposals to, amongst other things, *"achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments"*. In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

The proposed two storey side extension has been designed to complement the main building in terms of its form and scale and would be set back from the front and rear elevations to be viewed as a subservient addition. It would include materials and architectural features to match existing, including a wide brick arched doorway to the front elevation. It would provide a dedicated enclosed entrance for residents, and replace the existing and less sympathetic lean-to extension and external staircase to the side. It is therefore considered the proposed extension would be successfully assimilated into the area without any detrimental impact on visual amenity. The proposed fire exit would be installed to the rear elevation and have a negligible impact on visual amenity. The proposed development therefore accords with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD.

Impact on residential amenity

Policy DM5 of the Allocations & Development Management DPD requires development proposals to have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

There are no residential properties adjoining the application site. The ground floor of the building is currently in use as a Tesco Express store, with opening hours from 6.00am to 11.00pm, 7 days a week. It is not considered this existing use would have a detrimental impact on the amenities of future residents of the proposed apartments. The Government actively encourages the conversion to housing of vacant space above retail units in town centres, allowing up to two flats under permitted development.

The Council's Environmental Health Officer considered the application as submitted and initially raised concerns regarding the proposed use of the existing external staircase as the main entrance to the proposed apartments. The applicant subsequently proposed a two storey extension to the side of the building to house a bespoke entrance to the proposed apartments including stairs and a lift to the first floor. The proposed site plan indicates a clear pedestrian route from the proposed dedicated residents parking to the proposed entrance, so future residents would be able to safely access the apartments without risk of collision with vehicles.

It is therefore considered there would be no detrimental impact on the amenities of existing or future residents in accordance with Policy DM5 of the Allocations & Development Management DPD.

Highway safety and parking

Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD requires development proposals to ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 'Design' of

the Allocations & Development Management DPD requires parking provision for vehicles and cycles to be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification.

The application as submitted initially suggested residents of the proposed apartments would use car parking spaces within the existing Tesco car park, which Planning and Highways officers considered unacceptable. Consequently, and in addition to concerns raised by Rainworth Parish Council, revised plans were submitted showing new car parking spaces for residents to the north east corner of the site. The Highway Authority has considered this revised plan and confirmed they do not wish to raise objection to the application. The proposed number of car parking spaces accords with their standing advice of one space per one bedroom flat. To ensure adequate parking provision is provided throughout the lifetime of the development, it is considered appropriate to impose a condition on an approved application requiring the proposed car parking spaces to be provided and shown as 'dedicated residents parking' prior to the first occupation of the proposed apartments and for the spaces to be maintained as such at all times thereafter.

Rainworth Parish Council has raised concerns regarding the safety of customers leaving and entering the Tesco store. Whilst additional car parking spaces are proposed to the north east corner of the site, it is not considered these would present additional pedestrian safety issues that would significantly and demonstrably outweigh the benefits of the proposed development which seeks to deliver housing in accordance with the Development Plan as outlined earlier in this report.

Whilst there are no obvious restrictions on the car parking spaces for Tesco Express customers, use of the car park is monitored, suggesting that if future residents were to use existing car parking spaces, this would be at their own risk.

Bin storage and collection

The application proposes the installation of a dedicated bin store for refuse from the proposed apartments. This would be located adjacent to the proposed residents' parking spaces and be formed of vertical timber hit and miss fencing c. 2.1 metres in height. It would match the design of the existing bin store to the front of the Tesco store, and visually look no different to the existing fenced off area there at the moment.

Conclusion

The proposed development is acceptable and would contribute positively towards meeting the housing needs of the District in accordance with Core Policy 3 'Housing Mix, Type and Density' and Policy Ra/MU/1 Rainworth Mixed Use Site of the Allocations & Development Management DPD.

The proposed extension has been appropriately designed and overall the proposed development would have no adverse impact on visual amenity nor the amenities of existing or future residents in accordance with Policy DM5 'Design' of the Allocations & Development Management DPD.

Subject to dedicated residents parking spaces being provided for future residents, the proposed development would not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems in accordance with Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD and Policy DM5 'Design' of the Allocations & Development Management DPD.

RECOMMENDATION

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

Conditions

1. 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.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference
PL-01 Site Location Plan,
PL-05 REV A Proposed Ground Floor Plan
PL-06 REV A Proposed First Floor Plan
PL-07 REV B Proposed Elevations
PL-08 REV D Proposed Roof-Site Plan

Reason: So as to define this permission.

3. The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

4. No part of the development hereby permitted shall be occupied until the additional parking spaces are provided in accordance with plan PL08 Rev. B and shown as 'dedicated residents parking'. The parking spaces shall not be used for any purpose other than the parking of vehicles associated with the residential use hereby permitted.

Reason: To ensure adequate parking is provided for the proposed development.

Notes to Applicant

1. 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 given that there is no net additional increase of floorspace as a result of the development.

2. 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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Amy Davies on ext 5851.

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

Committee Plan - 19/02237/FUL



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PLANNING COMMITTEE REPORT – 28 APRIL 2020

| | | | |
|------------------------|--|-----------------------------------|--|
| Application No: | 20/00041/FUL | | |
| Proposal: | Change of use of land from paddock land to residential use and erection of three bay garage with store above (for use by Old Norse House) | | |
| Location: | Land Adjacent Old Norse House, Station Road, Bleasby, NG14 7GD | | |
| Applicant: | Mr And Mrs Bellamy | | |
| Registered: | 15 January 2020 | Target Date: 11 March 2020 | |
| | Extension of Time Agreed to 01 May 2020 | | |

Clr Roger Blaney has called in this Planning Application to the Planning Committee for the following reasons:

- **Unjustified extension of the residential curtilage to Old Norse House**
- **Cluttered built form when viewed alongside adjacent developments**

The Site

The application site is located on the south side of the village of Bleasby, to the north east of the detached property known as Old Norse House, and to the south and rear of the property known as Horstead. The application describes the site as paddock land although it currently appears to form part of the driveway to the front and side of the property known as Old Norse House. Access to the site from Old Norse House is over a culvert to Holme Dyke, an open watercourse that runs south from Station Road.

The application site is located within Flood Zone 2 and 3 where there is a medium to high probability of flooding.

Relevant Planning History

Horstead

19/01288/FUL - Replacement of existing house with new dwelling. Approved 10.10.2019 (currently under construction)

Old Norse House (formerly known as The Meadows)

18/00252/FUL - Proposed menage in existing paddock & installation of a culvert (part retrospective). Approved 21.05.2018

18/00065/FUL - Householder application for proposed rear single storey extension, proposed front first floor extension, render finish to existing house, proposed porches. Approved 26.03.2018

12/01288/FUL- Erection of a Dormer Bungalow. Refused 10.12.2012

33900634- Side extension including double garage. Approved 07.08.1990

33860473- ERECT FOUR BEDROOMED HOUSE AND DOUBLE GARAGE. Approved 27.06.1986

The Proposal

The application proposes the erection of a timber clad three bay garage and car port measuring approximately 6.0 metres in length by 9.0 metres wide, which would include a natural clay pantile pitched roof with 3 roof lights measuring approximately 2.3 metres to eaves and 6.0 metres to the ridge. The proposed building would include storage space in the roof which would be accessed via an external staircase to the south facing side elevation.

The application site forms part of the driveway to the front and side of the property known as Old Norse House but was previously paddock land. The application therefore also seeks retrospective planning permission for change of use of the land to residential.

Departure/Public Advertisement Procedure

Occupiers of 6 properties have been individually notified by letter.

Earliest decision date: 07 February 2020

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

- Spatial Policy 3 – Rural Areas
- Core Policy 9 – Sustainable Design

Allocations and Development Management DPD (adopted 2013)

- Policy DM5 – Design
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

The appraisal of the scheme takes into consideration the above planning policy framework and other material considerations.

Other Material Planning Considerations

- National Planning Policy Framework 2019

- Planning Practice Guidance

Consultations

Bleasby Parish Council – No comments have been received at the time of writing this report

Bleasby Flood Action Group –

This objection is from Bleasby Flood Action Group on the following grounds.

1. The proposed building represents another new floodplain/washlands development in the parish contrary to the advice of the Pitt Report, thereby potentially creating unnecessary additional risk to other properties in the village.
2. The implications of the above flood risk extends beyond that of impact on only adjacent properties. As may be seen from OS and Environment Agency maps, an important historic parish drain runs along the historic boundary of the land in question and any inhibition to its flow will significantly increase the risk of flooding elsewhere in the parish.
3. This drain has already been culverted in questionable circumstances when the Parish Council was given no indication of the intention to culvert the drain for the convenience of the landowner and the task of culverting was undertaken without any notification and not realised by the PC until work had already commenced.
4. By culverting the drain the risk of immediate impact of flooding the adjacent properties is hidden and any blockage of the drain is now also hidden, thereby preventing the FAG monitoring group from undertaking preventative measures before a flooding risk.
5. The recently created Station Road surface water drainage system is entirely dependent on its effective functioning by free water access to this culverted drain – if it fails Station Road properties below the road level will be flooded as has happened in the recent past.
6. The Flood Action Group has already forewarned of the risks when responding to the application to demolish Horstead and replace it with a larger property with greater roof area and hard standing, adding significantly to the water run-off. Contrary to the Internal Drainage Board expectations, the management of this excess water has not been properly dealt with. (see attached reference)
7. The proposed garage itself has a footprint almost equivalent to the new dwelling being built on the site of the now demolished Horstead.
8. The drainage of the extra water from the garage is supposedly going to be catered for by a soakaway. A soakaway cannot work if the ground is already sodden as it currently is and neither will it work if the water table is high as it also currently is.
9. To change the status of the land from agricultural to residential is totally unacceptable as this site has already been dismissed as suitable for housing development by the District Council itself on the grounds of flooding risk.
10. One has to query why such a large garage is required so far away from the property which it is presumably intended to serve.

In conclusion Bleasby FAG is obliged to represent all parishioners in the case of any serious threat to raising the risk of flooding to the community – recent events clearly demonstrate the increasing natural risks through extreme weather occurrences and global warming.

It would, in the opinion of the Group, be irresponsible to allow further building development in this flood wash area.

We include our still relevant comments on the demolition and replacement of Horstead as further

evidence of our very real concerns.

Peter Cast- Bleasby Flood Warden

Please see the copy of a letter sent to the Trent Valley Internal Drainage Board in connection with a Bleasby parishioner's concern regarding the potential increase in flooding risk associated with the development of land on Station Road, Bleasby, which I received as a copy on Monday morning, 24th February, in my position as Flood Warden.

As the previous Chair of Bleasby Parish Council and continuing lead of the Bleasby Flood Action Group, I feel that I must agree with the concerns being voiced in this communication. Despite the Council querying the wisdom of building such a large replacement house on the site of the demolished Horstead, the risks highlighted were not apparently considered seriously and, despite reassurances that there would be no change in ground levels as a result of the new development, it would appear that the site is now built up to a level to match that of the pavement outside, contrary to the details in this application. The PC and BFAG have repeatedly expressed severe reservations about the wisdom of culverting this critical drainage part in our parish system of flood mitigation.

There is, in my opinion, a real danger of exacerbating the flooding risk to other parts of the parish as a consequence of the continuing building development proposals in this flood plain.

Environment Agency –

I've had a look at the site and it looks as though the garage is largely within Flood Zone 2, bordering on the very edge of Flood Zone 3, according to our flood map. In terms of the development itself, it looks to fall below the threshold for 'minor' development, i.e. a footprint of less than 250sqm. From a fluvial flood risk point of view the application can therefore be determined in line with flood risk standing advice.

I've also had a look through some of the comments received. I note that one letter appears to suggest that the environment agency define the 1 in 100 year flood event (plus an allowance for climate change) as 'the functional floodplain'. That's not the case and I can confirm that our internal mapping shows the site is not within the functional floodplain. That's a term that's generally reserved for sites that fall within the 1 in 20 year flood extent, which have a much higher probability of flooding than the 1 in 100 year event.

Any issues with surface water are ultimately for the Lead Local Flood Authority (LLFA) to lead on, but I'm conscious they may not ask to be consulted on non-major developments. It might be worth contacting Ross Marshall for further advice on that though.

Trent Valley Internal Drainage Board –

We refer to the above application and make the following observations:

The Board maintained Holme Dyke, a culverted watercourse, runs through the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission granted under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Boards' machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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

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

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

NCC Highways –

This proposal is for the construction of a three bay garage for use by Old Norse House. There are no alterations to the existing access to the site.

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

NCC Flood Team –

Thank you for inviting Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) to comment on the above application, we have reviewed the application which you consulted us with on the 10 Mar 2020.

As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage.

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

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

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

If you believe that this response has been sent in error and the application should be considered as a major application, please contact us.

Appraisal

Principle of development

Spatial Policy 1 of the Amended Core Strategy DPD sets out the settlement hierarchy for the District. Bleasby is defined within that policy as an 'other village'. Proposed developments within these villages are assessed against Spatial Policy 3 'Rural Areas'. The locational criteria outlined in Spatial Policy 3 supports the development of sites in sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields or paddocks or open space which form the edge of built form. Bleasby, along with many other villages in the district, does not have a village envelope. Notwithstanding the above, it is considered that the application site falls within the built extent of the village of Bleasby, consistent with previous decisions on and adjacent to the application site (see 'Relevant Planning History'. The application must therefore be assessed with reference to the five criteria outlined in Spatial Policy 3; location, scale, need, impact and character.

The suitability of the location of the proposed garage/car port largely depends on whether it is acceptable to change the use of the land from paddock land to residential use. The following aerial images show the site in 2007 and 2016 (latest available). In both images, the application site is shown to be vegetated / grassed paddock land (indicated by green boxes), and separated from Old Norse House by Holme Dyke. Holme Dyke is maintained by Trent Valley Internal Drainage Board who have, over the years, granted consents for development/works on and near Holme Dyke. Their most recent consent was granted in February 2018, for the installation of a culvert to improve access to the paddocks and the manège associated with Old Norse House (planning application reference 18/00252/FUL). None of the drawings submitted under planning application reference 18/00252/FUL indicate the change of use of the application site to residential use, however, it is clear the change of use occurred in implementing that approved development (therefore since the 2016 aerial below).



Aerial photograph 2007



Aerial photograph 2016

The remaining paddock land is clearly demarcated by post and rail fencing. The loss of the application site as paddock land is not considered to have a detrimental impact on the character of area. The site is very much within the built extent of the village, with the remaining undeveloped land, fields and paddocks still forming the edge of built form. The separation distance between Old Norse House and the proposed garage/car port is also not unusual for the area, nearby properties including Sailsbury House include curtilage buildings sited some distance from the host property. The change of use of land to residential use is therefore considered acceptable. Subsequently, the proposed garage/car port is considered acceptable in principle, subject to the considerations outlined in the assessment below.

Impact on visual amenity

Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD requires new development proposals to, amongst other things, "*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

The proposed three bay garage and car port would be sited adjacent to the rear of the property known as Horstead and orientated to face the property known as Old Norse House, which it is proposed to serve. There would be limited, if any, public views of the building which has been designed to reflect traditional cart shed scale and form. The scale of the proposed garage/car port is considered proportionate to the dwelling it is proposed to serve and the proposed pallet of materials would ensure a subservient appearance, in keeping with rural character of the area. The

proposed development is therefore considered to accord with the relevant provisions of Core Policy 9 of the Amended Core Strategy DPD and Policy DM5 of the Allocations & Development Management DPD.

Impact on residential amenity

Policy DM5 'Design' of the Allocations & Development Management DPD requires the layout of development within sites and separation distances from neighbouring development to be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

To the north of the application site is the neighbouring detached property known as Horstead, which is currently under construction. The north facing side elevation of the proposed garage/car port would be sited approximately 1.3 to 1.9 metres off the boundary shared with Horstead, which is demarcated by a c.1.8 metre high brick wall with brick piers. At its highest point (the ridge) the proposed garage/car port would project approximately 4.0 metres above the height of the boundary wall, which extends the full width of the neighbour's garden (c. 11.5 metres). However, the proposed 45 degree pitched roof and eaves height of 2.3 metres would significantly reduce the bulk of the side elevation of the proposed garage/car port and any potential overbearing impact on this property with an approximate distance of 12m between the gable end of the proposed garage and the rear elevation of the neighbouring property.

The proposed garage/car port would include 3 roof lights to the front elevation facing Old Norse House, which would provide light into the proposed roof space and not present issues of overlooking or loss of privacy. The proposed external staircase would be located on the south facing side elevation to avoid any impact on neighbouring residents.

Finally, the proposed garage/car port would not result in the loss of any amenity space associated with Old Norse House, and would be used in addition to its existing garage, to accommodate a range of vehicles owned by the applicants including cars, motorbikes and motorhomes.

The proposed development is therefore considered to accord with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD.

Flood risk and water management

The application site is located within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Planning. The proposal is classed as 'minor development' in flood risk terms, i.e. it has a footprint of less than 250m², and can therefore be determined in line with flood risk standing advice. Notwithstanding this, the Environment Agency was consulted on this application due to the detail and nature of comments received from Bleasby Flood Action Group. The Environment Agency has confirmed that the site does not fall within the functional floodplain, as such, this matter has been given no further consideration in this assessment. Following flood risk standing advice, the flood risk assessment submitted with the application confirms that there would be no change to the existing ground level, measured at 15.72mAOD. The proposed garage/car port would include two open sided bays and utilise the existing driveway as its base. Therefore, whilst the finished floor level would be lower than estimated flood levels, this is considered acceptable as it presents no change to the status quo. It is however considered appropriate to impose a condition on an approved application requiring the finished floor levels of

the development to be no lower than the existing ground level as stated in the flood risk assessment.

Regarding surface water management, the application proposes the use of a soakaway, which would ensure that surface water run-off rates to receiving watercourses would not be increased as a result of the proposed development. Trent Valley Internal Drainage Board has considered the application and confirmed that their consent would be needed for the proposed development as it would be located within 9 metres of the top edge of Holme Dyke. The applicant is fully aware of the requirement for the IDB's consent and is in the process of making the relevant application. The details of the application have been discussed with the Board's Operations Manager, who has raised no concerns or objections to the proposal. Bleasby Flood Action Group has objected to the proposed development on the grounds that it would increase the risk of flooding to the area. However, the relevant statutory bodies have confirmed that the proposed development is not expected to raise significant flood risk issues. The proposed development is therefore considered acceptable in flood risk terms subject to the recommended condition.

Conclusion

The proposed development is acceptable and would not have a detrimental impact on the character of the area in accordance with Spatial Policy 3 of the Amended Core Strategy DPD. The proposed garage/car port has been appropriately designed and would have no adverse impact on visual amenity nor the amenities of neighbouring residents nor would it raise significant flood risk issues, in accordance with Policy DM5 of the Allocations & Development Management DPD.

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 222 1 REV A and 222 2 REV D.

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.

Reason: In the interests of visual amenity.

04

The finished floor levels of the development hereby approved shall be no lower than 15.72 mAOD as specified in the Flood Risk Assessment.

Reason: In the interest of flood risk.

05

The garage hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Old Norse House and not for any commercial, industrial or business purpose.

Reason: In the interests of residential amenity.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The Board maintained Holme Dyke, a culverted watercourse, runs through the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission granted under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Boards' machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this

planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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

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

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

04

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Amy Davies on ext 5851.

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 - 20/00041/FUL



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PLANNING COMMITTEE – 28 APRIL 2020

| | | | |
|-----------------|---|--------------|------------|
| Application No: | 20/00275/FULM | | |
| Proposal: | Residential development for 87 dwellings and associated works (resubmission of 19/01790/FULM) | | |
| Location: | Land At Lord Hawke Way And Bowbridge Road, Newark | | |
| Applicant: | Mr Andrew Dewberry - Arkwood Developments Ltd. | | |
| Agent: | Mr Darren Turner - Jackson Design Associates | | |
| Registered: | 17.02.2020 | Target Date: | 18.05.2020 |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q5PB1QLBFYF00 | | |

Members will recall that this application was presented at the meeting of March 31st 2020. At the time, the Regulations enabling Councils to undertake committee meetings remotely had not been published and therefore the Planning Committee made recommendations to the Chief Executive for his decision under Emergency Powers for all [decision-making] items on that agenda. In all decisions made by the Chief Executive, each application was considered on its own merits with regard given to the development plan and any other material planning considerations. As a result, all of Planning Committee's recommendations to the Chief Executive were confirmed with the exception of this application.

The recommendation for this application was for refusal for the following reason:

"Despite the changes made since the previously refused scheme, the proposal would still fail to provide adequate off street parking to facilitate the development which in turn would lead to on street parking to the detriment of the safety and operation of the highways network. The proposal is therefore contrary to Spatial Policy 7 and Core Policy 9 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material planning consideration."

In this case, the Chief Executive sought legal guidance due to serious concerns on the soundness of the refusal on the grounds of insufficient parking, a matter which is informed by guidance, and the Council being found to have acted unreasonably at any subsequent planning appeal. The Chief Executive therefore elected to return this application to the Committee for their decision, noting that the relevant legislation is now in place to allow Members to make a decision 'remotely'. In any event, the scheme has now also been amended.

Members will recall that following the original refusal (reference 19/01790/FULM) the applicant provided additional parking spaces as well as agreed to double yellow lines being provided, subject to consultation, which overcame the concerns previously raised by Nottinghamshire County Council Highways in terms of highway safety. The application considered by Members on the 31st March was providing 177 spaces where County's parking standards required

provision of either 180 spaces (based on number of bedrooms) or between 94 and 178 (demand based). The development at that time was therefore providing either 1 or 3 spaces too few, which was not considered could be supported as a justifiable reason for refusal should an appeal be submitted. Irrespective of this, the scheme has now changed.

As a matter of procedure it is noted that a scheme on this site has failed to get the Committees support on two occasions. That said, Members must still consider the (amended) proposal before them afresh to ensure the Council is not acting '*Wednesday*' unreasonable.

Since the previous meeting, the applicant has used the opportunity to take on board the concerns of Members and has revised the scheme to show an additional 5 parking spaces to serve the development towards the western edge of the site (shown on plan reference Proposed Site Layout: General Arrangement – 19 / 2216 / SITE001 Rev. J (received 17th April 2020). The revisions are discussed in the relevant sections below and where text is altered from the previous agenda report, it is shown through bolded text.

This application is being referred to the Planning Committee under the Scheme of Delegation as the applicant is a company owned by Newark and Sherwood District Council and the Town Council object which is contrary to the Officer recommendation.

The Site

The application site is approximately 2.8 hectares in size. The site is divided into two areas; the larger of which being to the north of Lord Hawke Way and a smaller area to the south fronting Bowbridge Road.

Lord Hawke Way is a recently constructed roadway which was built to serve the Leisure Centre and Gladstone House; a recently constructed retirement village. The road will also serve the recently approved Community and Activity Village further to the east of the application site which has begun construction. Other adjacent land uses include a cemetery; the car park serving the Leisure Centre and Community and Activity Village; allotment land to the south and residential and industrial uses in close proximity.

There is an informal path which crosses the site from Bowbridge Road to the cemetery but this is not formally designated as a right of way. The northern part of the site was formally a BMX cycle track. The site is largely laid to grassland albeit there is a fence which bisects the site and has more rough and unmanaged grassland beyond.

The site is within the Newark Urban Area close to, but outside of, the designated Conservation Area by virtue of the separation distance afforded by the existing cemetery. The site forms part of the mixed use allocation NUA/MU/4 as defined by the Proposals Map of the Allocations document. The policy envisaged that the overall site would deliver around 115 dwellings as well as the new leisure centre. As is inferred above, development already delivered includes the Leisure Centre but also includes Gladstone House which was not explicitly referenced by the allocation. This provides 60 single and two bed units with associated private and communal facilities. The implications of this development on the current site will be discussed in the appraisal section below.

Relevant Planning History

19/01790/FULM - Residential development for 87 dwellings and associated works.

This application was presented to Members with an Officer recommendation of approval but this recommendation was overturned and the application was refused for the following reason:

The proposal will result in on-street parking to the detriment of other users of the highway due to insufficient off-street parking spaces being provided. In addition, the layout of the development will require soakaways under the carriageway as shown on drawing DR-C-0001-P1 which is not an acceptable system of drainage. The proposal is therefore contrary to Policy DM5 of the Allocations & Development Management Development Plan 2013.

The Proposal

The current application is a re-submission of the previously refused scheme in an attempt to overcome the reason for refusal.

The quantum and mix of development remains the same as previously considered:

| Type | No. of beds | No. of storeys | No. of units | Note |
|---------------|-------------|----------------------|--------------|---|
| A | 2 | Single (apartments) | 6 | Retirement market. Two storey apartment block |
| B | 2 | Dormer bungalows | 5 | Retirement market |
| C | 2 | Single (apartments) | 5 | Three storey apartment block |
| D | 2 | Single (apartments) | 4 | Three storey apartment block |
| E | 2 | Single (apartments) | 4 | Three storey apartment block |
| F | 2 | Single (maisonettes) | 4 | Two storey building |
| G | 2 | Two | 2 | Ground floor solely garage / undercroft |
| H | 2 | Two | 8 | Terrace arrangement |
| I | 2 | Single | 6 | Semi-detached bungalows |
| J | 3 | Two | 21 | Includes detached; semi-detached and terrace arrangements |
| K | 3 | Two | 6 | Includes semi-detached and terrace arrangements |
| L | 3 | Two | 4 | Terrace arrangement |
| M | 3 | Two | 4 | Detached |
| N | 3 | Three | 2 | Semi-detached |
| O | 4 | Two | 6 | Detached |
| Total: | | | 87 | |

The development also includes the creation of new vehicular accesses from Lord Hawke Way and the creation of a pedestrian walkway broadly down the centre of the northern parcel of land to re-create the informal footway which has established across the site from Bowbridge Road.

The key differences between the previously refused application and the current submission is the provision of 3 extra car parking spaces; other areas of configuration (i.e. clear distinction of surfacing showing access from car parking spaces to properties); and further works to drainage proposals. The applicant has submitted a covering letter detailing the justification for the proposal

which will be referenced in the appraisal below where relevant.

The application has been submitted on the basis of the following plans and documents:

- Letter from Arkwood – ‘Bowbridge Road Development – “The Avenues”’;
- Design and Access Statement – 19 / 2216 / DAS Rev. C dated September 2019 (received 14th February 2020);
- Extended Phase 1 Habitat Survey undertaken by C Barker – P1841 / 0619 – 01 dated 18th June 2019;
- Flood Risk Assessment & Drainage Strategy undertaken by bsp consulting – 19-0197 BBRN-BSP-ZZ-XX-RP-C-001-P1_Flood_Risk_Assessment dated 22nd May 2019;
- Supplementary Exploratory Investigation for Arkwood Developments by GeoDyne dated 21st January 2020.
- Transport Assessment undertaken by ADC Infrastructure – ADC1938-RP-A dated 12th September 2019;
- Travel Plan undertaken by ADC Infrastructure - ADC1938-RP-B dated 12th September 2019;
- Site Location Plan – 19 / 2216 / LP (A) dated September 2019;
- **Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. J (received 17th April 2020;**
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. I received (received 14th February 2020);
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. G (received 14th February 2020);
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G (received 14th February 2020);
- Proposed Site Layout: Materials – 19 / 2216 / SITE0005 Rev. E (received 14th February 2020);
- Type A: 2B4P Apartment (Retirement) – 19 / 2216 / A-001 Rev. B dated August 2019;
- Type B: 2B4P Bungalow (Retirement) – 19 / 2216 / B-001 Rev. B dated August 2019;
- Type C: 2B3P Apartment (Variant 1) – 19 / 2216 / C-001 Rev. B dated August 2019;
- Type D: 2B3P Apartment (Variant 2) – 19 / 2216 / D-001 Rev. B dated August 2019;
- Type E: 2B3P Apartment (Variant 3) – 19 / 2216 / E-001 Rev. C dated January 2020;
- Type F: 2B3P Maisonette (Floor Plans) – 19 / 2216 / F-001 Rev. B dated July 2019;
- Type F: 2B3P Maisonette (Elevations) – 19 / 2216 / F-002 Rev. B dated July 2019;
- Type G: 2B3P Coach House – 19 / 2216 / G-001 Rev. B dated July 2019;
- Type H: 2B4P Terraced House – 19 / 2216 / H-001 Rev. B dated July 2019;
- Type I: 2B4P Bungalow Detached & semi-detached – 19 / 2216 / I-001 Rev. B dated August 2019;
- Type J: 3B5P Linear House Semi-detached & terraced variant – 19 / 2216 / J-001 Rev. B dated July 2019;
- Type K: 3B5P Corner House Semi-detached – 19 / 2216 / K-001 Rev. B dated July 2019;
- Type L: 3B5P Linked Terraced House – 19 / 2216 / L-001 Rev. B dated August 2019;
- Type M: 3B5P Standard Detached – 19 / 2216 / M-001 Rev. B dated August 2019;
- Type N: Gateway Marker House – 19 / 2216 / N-001 Rev. B dated August 2019;
- Type O: 4B6P Standard House Detached – 19 / 2216 / O-001 Rev. B dated July 2019;
- Boundary Treatments – 19 / 2216 / GEN001 (A) dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019;
- Topographical and Utility Survey – 3109 Drawing No. 0001 dated 21.06.2019;

- Tree Survey – P1841 / 1019 – 02 dated 28th October 2019;
- Historic Environment Record Data – 19 / 2216 / HER001 received 6th December 2019;
- Drainage and Levels Feasibility – BRNK-BSP-ZZ-XX-DR-C-0001-P03.

Departure/Public Advertisement Procedure

Occupiers of 107 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 6 – Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment
- NAP1 - Newark Urban Area
- NUA/Ph/1: Newark Urban Area – Phasing Policy

Allocations & Development Management DPD

- Policy NUA/MU/4 – Newark Urban Area – Mixed Use Site 4
- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM2 – Development on Allocated Sites
- DM3 – Developer Contributions and Planning Obligations
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- SPD Development Contributions and Planning Obligations 2013
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Consultations

Newark Town Council - It was decided to sustain the Committee's original **Objections**, together with a requirement for a Traffic Impact Assessment as follows:

- i) Over intensification of the site
- ii) Type H housing falling short of Government guidelines regarding size of property
- iii) Loss of privacy for Thoresby Avenue residents
- iv) Loss of another green space
- v) Newark Town Council remains extremely concerned about this planning application; since the original application was considered it has become clear that the funding to complete the Southern Link Road (East to West) is not in place, whilst a full TIA was carried out to support the Middlebeck development, this cannot now be relied on to support this, or any other significant new housing development on Bowbridge Road or adjoining streets.

The Town Council urges the District Council, in the strongest possible terms, to commission a new TIA to model the impact of the SLR not being completed on the Town. Without this assessment, applications for significant new house building in this area should be subject to a moratorium. There can be no justification for allowing new housing development to take place without the knowledge of what the traffic impact will be on the Town, in the event that this important road is not completed as planned. If the District Council are minded to approve this application, then the Town Council would suggest that any such permission is accompanied by a condition that no development may commence until such time as the funding for the full SLR is guaranteed & in place and the road is physically completed.

NCC Highways Authority – This application is a resubmission of 19/01790/FULM, which NCC objected to on the grounds of parking and drainage issues.

The new application has made some changes to the parking arrangements and provided further justification for the number of spaces and layout. In addition, an offer has been made to formalise the no waiting restrictions that currently exist on Lord Hawke Way that should protect against undesirable on-street parking. In respect of the parking, it is therefore concluded that this issue is resolved.

In respect of the drainage issue, the proposal now includes highway soakaway under areas of verge landscaping. In principle, this is acceptable. However, details and calculations have not been provided sufficiently to demonstrate that this means and scale of soakaway arrangement can be provided in an acceptable manner. Either more details are required prior to granting permission, or a pre-start condition applied to any decision notice (see below). Either way, it will be necessary for the Highway Authority to be granted easement to maintain the soakaways including an appropriate area around the soakaways for access. A commuted sum will also be required to cover maintenance costs and this will be included in any Section 38 road adoption agreement with this Authority.

In a related matter, I note that the position of the highway drainage soakaways sometimes coincides with proposed tree planting. This will not be possible/acceptable, and will have implications on the landscape proposals. Areas of verge will not be adopted and therefore a maintenance arrangement should be agreed and protected by condition and/or Section 106 agreement.

Should the Planning Authority be minded to approve the application the following conditions are suggested:

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

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

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

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

No part of the development hereby approved shall commence until details and calculations in support of the highway drainage soakaway proposals shall be first submitted to and approved in writing by the LPA. Any proposed soakaway shall be located outside of the public highway boundary and suitable easement provided for maintenance access.

Reason: To ensure the highway drainage proposals can be accommodated and acceptably achieved within the extents shown on drainage drawing 0001/P03, and to protect the structural integrity of the highway and allow for future maintenance.

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

No part of the development hereby approved shall commence until an application has been made to the Highway Authority for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way (within the extent of the prospective public highway), and the length of new access road immediately outside plots 47,48, 61 & 62.

Reason: To prevent on-street parking that would be detrimental to the access and safety of other road users.

Note to Applicant:

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

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

NCC Rights of Way Officer – I've checked the Definitive Map of recorded Public Rights of Way and can confirm that there are no recorded Public Rights of Way crossing the site edge in red on the site location plan. This does not preclude unrecorded public rights being proven to exist at a later date. I attach a plan showing an extract of the Definitive Map of Public Rights of Way for the vicinity of the site. As the applicant has acknowledged that there is a tarmacked surfaced walking and cycling route which passes through the site. We are unaware who owns or has maintenance responsibility for the path.

The Rights of Way Team has no objection to the proposal.

NCC Strategic Planning - Thank you for your email dated 17th February 2020 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 planning 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 (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for nonminerals development fall within them.

Minerals

In relation to the Minerals Local Plan, whilst the proposed site does not lie within a MSA/MCA, approximately 100m to the East of the site, lies the boundary for the MSA/MCA for gypsum. Given the proposed development is surrounded by development, it is unlikely that there would be an

adequate site area to facilitate a viable extraction site. Therefore, the County Council does not wish to raise an objection to the proposal from a mineral 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 sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

Transport and Travel Services

The County Council request a planning obligation of £5,000 for Sustainable Travel Contribution. This would be used to provide new occupants with a 1-month smartcard bus pass, or equivalent pass, for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site.

Education

Based on current projections, there is currently sufficient capacity in both the primary and secondary planning areas to accommodate the additional pupils generated by this development. Therefore, the County Council will not be seeking any planning obligations for primary or secondary education. As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application.

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/planningand-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 the County Council may make on any future planning applications submitted for this site.

Additional response re: education received 17th March 2020:

Potential Developer Contribution in respect of the proposed development on land at Lord Hawke Way and Bowbridge Road (20/00275/FULM)

1. Background

The County Council has a statutory responsibility, under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.

In Nottinghamshire, public library services are delivered through a network of 60 library buildings and 3 mobiles. These libraries are at the heart of our communities. They provide access to books and DVDs; a wide range of information services; the internet; and opportunities for learning, culture and leisure.

The County Council has a clear vision that its libraries should be:

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.
- contain a comprehensive range of stock to meet the needs of the local community

Our libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

2. Potential development of Land on Lord Hawke Way

There is currently a proposal for a new development on land at Lord Hawke Way, this would comprise 87 new dwellings. At an average of 2.3 persons per dwelling this would add 200 to the existing libraries’ catchment area population. The nearest existing library to the proposed development is Newark Library.

We would not seek any costs towards increasing the size of the library to accommodate this population but for this development a contribution will be sought for additional library stock. An increase in population of 200 would put more demand on the stock at this library and a developer contribution would be expected to help address this situation.

The Museums, Libraries and Archives Council (MLA) publication “Public Libraries, Archives and New Development: a standard approach” recommends a standard stock figure of 1,532 items per 1,000 population.

Newark Library is currently below the MLA optimum stock level (see table on page 2) and so a developer contribution would be sought to ensure current stock levels are not put under further pressure as a result of the new development.

We would seek a developer contribution for the additional stock that would be required to meet the needs of the 200 population that would be occupying the new dwellings. This is costed at 200 (population) x 1.532 (items) x £10.00 (cost per item) = £3,064.00

Library Optimum Stock Levels

| LIBRARY | Catchment Popn Est (Census 2011) | Total Lending Stock | Ref Stock | Total Stock | Optimum Stock figure | Difference Optimum vs Actual stock |
|----------------|----------------------------------|---------------------|-----------|-------------|----------------------|------------------------------------|
| Newark Library | 37,752 | 46,067 | 6943 | 53,010 | 57,836 | -4,826 |

Ramblers Association – We wish to OBJECT to this development.

The site is crossed by a path running parallel to Thoresby Avenue. Although this path is not registered as a public right of way it is nevertheless used extensively by local residents as a pleasant pedestrian route from Bowbridge Road to the sports area at the end of Elm Avenue and thence to the SusTrans track. Building on either side of this path would result in a significant loss of green space and a less enjoyable walking environment.

NSDC Environmental Health (contaminated land) – With reference to the above development, I have previously reviewed the Supplementary Exploratory Investigation Report submitted Geodyne (dated 21.01.20) in support of the previous planning application (19/01790/FULM).

This document builds on the previous investigations and provides additional sampling across the proposed development to allow a greater density of testing and increased confidence in the data.

The results of the sampling confirm the findings of the earlier works in respect of the PAH contamination in the location of TP6 and goes on to propose appropriate remedial measures to deal with this hotspot.

The Supplementary Exploratory Investigation Report also includes sampling of a parcel of land to the South West which was not included in the previous investigative works. Following the sampling of this area, the report concludes that the made ground in this locality is contaminated.

Potential remedial options for this area are considered, either for excavation and removal of the material or for remedial capping with certified clean material. Environmental Health considers either to be appropriate, however all Nottinghamshire Local Authorities require the top metre to be free from contamination, the 600mm cap proposed in the report is not sufficient.

I shall look forward to receiving an appropriate validation report in due course.

Due to the above outstanding issues, I would recommend that the application is conditioned as follows:

'The development hereby permitted shall not begin until a scheme to deal with the contamination that has been previously identified in the Geodyne Supplementary Exploratory Investigation report dated 21st January 2020 has been submitted to and approved in writing by the local planning authority.

The scheme shall take account of Environmental Health's requirement for the top metre being free from contamination and shall propose appropriate methodology for validation of all remedial measures.

Following acceptance of the proposed remediation scheme by the local planning authority, the developer shall implement the scheme and carry out validation as agreed. A validation report shall then be produced and submitted to the LPA for approval.'

NSDC Environmental Health (noise and lighting) - I refer to the above application and have reviewed the resubmitted application and previous application. As previously requested I would strongly recommend that a lighting survey is undertaken to establish the impact the flood lighting of the YMCA sports facilities.

I have noted previous comments received from the Senior Architect for the development which state:

"I've spoken to the applicant on the issue of the YMCA lighting. As we understand it the complaints have come from the Elm Avenue direction where there has been a change from the previous recreation ground / open space to the new flood-lit sports facilities. The proposed residential development will be built within the context of these lights as existing, so any new residents will be aware of the situation: it will not be a change from the darker skys that existing residents may have enjoyed prior to the YMCA development. On that basis the applicant does not foresee any nuisance complaints arising from the new development and would not wish to undertake lighting surveys."

One could be flippant and say that the applicant would say that wouldn't they. I cannot agree with the applicant that they do not foresee any nuisance complaints arising without undertaking such a lighting survey. Lighting complaints regarding the YMCA have been received from multiple directions and it is not the point that the sky will not appear dark, it is that residents of some of the properties may find the lighting intrusive. Should complaints be received the Council must investigate and cannot negate someone's concerns with a statement that the lights were already there.

Should the planning Authority feel it is not necessary to require a lighting survey and the application is granted I would be obliged if the following conditions are applied:

Restriction on hours of operation: The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Hours of delivery: No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Limit hours of operation of machinery: No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Dust: The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

NSDC Tree Officer – No comments received.

NSDC Conservation – No comments received.

NSDC Archeological Advisor – The site is located in a potentially archaeologically sensitive area to the south-east of the historic medieval core of Newark. Numerous archaeological sites are noted within 1km of the site including two enclosures to the south of the site (HER: MNT3611 and 3610) of unknown, but possible Roman date and the parliamentary second line of circumvallation dating to 1645-1646, constructed during the Civil War. To the east of the proposed site, an isolated find spot records the location of a gold solidus of the Merovingian king, Clothar II, minted in Marseilles in approximately 625 AD. To the south-west of the site, recent work associated with the Newark South development has identified extensive, previously unknown, Roman and Iron Age settlement activity. Dense prehistoric and Roman archaeology has also been encountered to the north-west of Hawton House on the west side of Bowbridge Lane.

Recent archaeological monitoring work immediately to the south and east of the site did not record any features during construction work. However the absence of archaeology noted here does not preclude the potential for archaeology to be present on the current site.

If permission is granted, I recommend there be an archaeological condition to assess the archaeological potential for the site and to inform a further mitigation strategy. This would include, but may not be limited to, a trial trench evaluation of the site to provide information on the presence/absence/ location, depth, survival and significance of any archaeological remains

The specifications for the work should be approved by this department prior to commencement and this office will require ten days' notice before commencement of the archaeological work.

The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):

- **Part 1**

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

- **Part 2**

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

- **Part 3**

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

NPPF states that 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) publicly accessible' (para 199).

If planning permission is granted with an archaeological condition, please ask the developer to contact this office and we will prepare the usual briefs for the works.

NCC Flood – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 17 Feb 2020. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ref BBRN-BSP-ZZ-XX-RP-C-001-P1_Flood_Risk_Assessment dated 22 May 2019, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. 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.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- 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.

Informative

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

NSDC Parks and Amenities Officer – As a development of 87 units this scheme should make provision for public open space in the form of provision for children and young people (18m² per dwelling) and amenity green space (14.4m² per dwelling). I note that the proposed site landscaping drawing (19/2216/S1TE002) details amenity green space totalling 2,719m² (31.25m² per dwelling) – an over-provision of 1,466m². However none of this public open space is obviously suitable as children's playing space, with the majority of it fronting onto a busy main road.

In order to ensure that the development makes appropriate provision for children and young people then either an on-site area should be created or an off-site commuted sum should be paid to allow for the creation/improvement of new or existing children's playing space in the vicinity of the development. The nearest potential sites for improvement are Cleveland Green playing field and Sconce & Devon Park in Newark and Coronation Street Park in Balderton. There are no

obvious sites where new children’s playing space could be created within a reasonable walking distance of the development. I thus believe that serious consideration should be given to creating an area of children’s playing space on the development site. I note that 11 of the dwellings on the development are classed as retirement properties and these will not generate a need for children’s playing space. The area required should thus be in the region of 76x18=1,368m². However given the over provision of amenity green space this can be reduced to an area that will allow for an appropriate equipped play area and the necessary buffer zones.

With regard to biodiversity I note that the Design and Access Statement refers to a Phase 1 habitat survey having been carried out, however this report is not available on the planning website. Wherever possible existing wildlife-friendly features such as trees and hedges should be retained and the new areas of amenity green space should be designed to offer opportunities for biodiversity gain.

NSDC Community and Arts Manager – I have no objection to the proposed development and a development of this scale would attract a community facilities contribution in accordance with the current Developer Contributions SPD to secure improved community infrastructure. However, given the sites location and proximity to the Newark Sports and Fitness Centre and YMCA Community and Activity Village which provide significant community facilities a contribution would not be justified in this specific instance.

NHS Newark and Sherwood CCG –

| | |
|--|--|
| Impact of new development on GP practice | The development is proposing 87 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx 200 (B) (2.3 x A). |
| GP practice most likely to be affected by growth and therefore directly related to the housing development | It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <ul style="list-style-type: none"> • Fountain Medical Centre • Lombard Medical Centre • Barnby Gate Surgery |
| Necessary to make the development acceptable in planning terms | All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area |
| Plans to address capacity issues | The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards. |
| Fairly and reasonably related in scale and kind to the | As a consequence we would ask for £920 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations Details of this could be provided to the |

| | |
|----------------------------------|--|
| development. | developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period. |
| Financial contribution requested | £80,040 (87 x £920 per dwelling) |

Trent Valley Internal Drainage Board – No comments received.

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

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

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

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

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

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

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

3 letters of representation have been received which can be summarized as follows:

- The issues remain the same in terms of lack of privacy and overshadowing to neighbouring dwellings;
- Taking up yet another green space with disruption to bird population due to removal of hedges;
- The site is enjoyed by dog walkers and used by children as a play area;
- Where will the cemetery be extended;
- Overdevelopment of the area with properties being built on Middlebeck and The Bearings causing increased traffic on Bowbridge Road;
- It seems the council is intent on giving themselves permission to develop on every piece of green land with little regard for the wishes of residents;
- An extra 87 houses plus construction traffic will make the road virtually unusable due to volume of traffic;
- The care home regularly has emergency ambulances called and works traffic will hinder this;
- School children regularly walk across the site which will not be safe during building works;
- The houses will overlook the flats in Gladstone House;
- The area is clearly a zone of health and leisure and the green space should be protected;
- Not everyone can afford to pay for leisure facilities;
- The Councils community plan says it protect, promote and enhance the districts natural environment;
- The planning allocation is totally inappropriate;
- The development would lead to congestion and associated air pollution;

Comments of the Business Manager

Whilst a significant level of the following assessment will be the same as that previously presented to Members on February 4th 2020, the current application has been submitted afresh with additional information which requires consideration. Moreover, the decision of Members to refuse the last scheme is material to the current determination and therefore will be referenced where relevant below. It is also material that Members refused the last application on a single reason (albeit relating to both parking and drainage issues). It would therefore be unreasonable to introduce new reasons to resist the current scheme unless they have directly arisen through the changes between the applications.

Principle of Development

The site is within the Newark Urban Area but moreover is within a mixed use site allocation. As is referenced above, the circumstances have changed since the site was allocated insofar as part of the allocation has already delivered Gladstone House which comprises 60 no. one and two bed retirement units. Clearly, the nature of this development has taken up less land than 60 dwellings would and therefore the remainder of the site allocation (the application site) would be capable of delivering more than the remainder of the policy allocation.

The site represents a sustainable location where the principle of residential delivery would be acceptable irrespective of the site allocation. Thus the fact that the amount of development proposed by this application would lead to the total delivery of 147 units in an area initially

envisaged for around 115 is not considered to be an issue in principle. The site allocations were not intended to be a ceiling for development and in the context of the previous permission for Gladstone House there would be justification for the higher density of development in principle. This is caveated on the basis that the application would still need to meet the remainder of the Development Plan which is assessed in detail below.

Policy Requirements

As is detailed above, the site is within a mixed use site policy allocation. Policy NUA/MU/4 details that development on the site will be subject to:

- *The development of a Master Plan to address the relationship between the residential development and the new leisure centre and provide a context for any future incorporation of RHP Sports Ground within the management of leisure centre;*
- *Address issues relating to the adjacent operations of neighbouring employment sites; and*
- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required.*

The first requirement relates to the development of a Master Plan which is absent from the submission. However, the leisure uses referred to have already been brought forward since the policy allocation. The current application essentially forms the last piece of the site allocation and therefore the preparation of a Master Plan is redundant insofar as the relationship with neighbouring land uses can be fully assessed.

The submitted Design and Access Statement deals with the other two requirements. Matters of archeology are discussed within the relevant heritage section below.

The policy wording is not prescriptive in terms of the potential 'issues' relating to the nearby employment uses. My interpretation of the policy is that it relates largely to an assessment for the amenity of the proposed occupiers from the industrial uses to the south (i.e. potential noise and disturbance impacts). I would agree with the stance of the submitted Design and Access Statement that the majority of the proposed development would be separated from the industrial uses to the south of the site by the presence of the Gladstone House development. In reality therefore, the most likely affected plot would be Plot 87 on the southern edge of the site. However, this plot would still be separated by approximately 75m from the depot site to the south given the presence of the existing allotments. The landscaping plan details an existing hedge along the southern boundary of the site which would aide in mitigating impacts to this plot.

The application submission has also referred to the prevailing wind which would generally push dust and emissions away from the site. This has been discussed with Environmental Health colleagues and it has been confirmed that in broad detail the predominant wind direction is from the south west (thereby towards the north east). This does of course depend on other climatic features and can vary enormously. The direction of the prevailing wind is therefore given little weight in the assessment of this site specific application.

As part of the previous application, the agent pointed out that no noise or dust assessment was provided in the determination of the planning application for Gladstone House immediately adjacent to the site (relying again on a similar statement referring to prevailing wind and distance

from employment uses). This was accepted in the Gladstone House application partially in acknowledgement of an appeal decision at 293 Bowbridge Road where an Inspector discounted noise and dust emissions as being an issue for a care home development:

'Although a number of noise generating industrial and commercial uses exist in close proximity to the appeal site, it is apparent from the evidence before me that the dominant source of noise is from traffic along Bowbridge Road.'

'The Tarmac Topblock operation is a permitted process under local authority control as a Part B process. The Permit regulates the environmental controls required on site to prevent nuisance dust releases.'

Further discussion with Environmental Health colleagues has confirmed that there have not been complaints from the occupants of Gladstone House. Given that Gladstone House would form intervening built form between the majority of the proposed development and the nearby industrial uses, it is considered that it would be unreasonable to resist the application purely on the basis of a lack of formal noise and dust assessment.

Other neighbouring employment uses in close proximity to the site include the recently built Gladstone House and the Leisure Centre. Although Gladstone House does have facilities that take it beyond the scope of a typical C3 dwelling house, the facilities are ancillary to the extra care use and are not considered materially different to a typical residential use in terms of a neighbouring amenity relationship.

The Leisure Centre is fully operational and has been for some time. The uses are well contained within the building and in any case the building is separated from the site by Lord Hawke Way. The most likely neighbouring impact on the proposed development would be the noise and disturbance created by the use of the Leisure Centre car park immediately to the east of the site boundary. The development has been designed such that the closest element would be a private driveway and car parking spaces to serve Plots 33-40 inclusive. In respect to Plots 33-40, rear amenity space would be on the west side of the dwellings and therefore protected by the built form of the dwellings. Whilst these plots may experience a slight increase in noise and disturbance from the use of the Leisure Centre car park, I cannot envisage a more appropriate design to mitigate against this. There would be an element of the buyers beware principle for these plots and to some extent the disposition of uses is not uncommon in an urban setting such as this one. No specific harm has therefore been identified against the requirements of Policy NUA/MU/4.

Housing Mix, Type and Density

The application form refers to a site area of approximately 2.8 hectares which on the basis of 87 units would represent a density of approximately 31 dwellings per hectare thereby aligning with the aspirations of Core Policy 3.

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. The following represents an assessment of the results of the survey for number of beds for the market sector against the proposed development:

| No. of Beds | Total existing and concealed demand from the 2014 survey (%) | Split of proposal for consideration (%) |
|-------------|--|---|
|-------------|--|---|

| | | |
|--------------|------|------|
| 1 bedroom | 3.7 | 0 |
| 2 bedrooms | 33.7 | 50.6 |
| 3 bedrooms | 40.2 | 42.5 |
| 4 bedrooms | 14.4 | 6.9 |
| Five or more | 8 | 0 |

The Design and Access Statement refers to figures presented at pre-application stage when it was not explicitly clear whether the apartments would be one or two beds. Given that it is now proposed for all apartments to be two beds, the majority delivery is tipped towards two beds rather than three beds as required by the 2014 needs survey. Notwithstanding this, when assessing solely against the 2014 percentage results, the proposed three beds would exceed the proportionate split (i.e. the scheme would deliver 42.5% against the survey need for 40.2%). There is a danger in being too prescriptive to the exact percentage splits of the survey noting that the results of this survey are now over five years old and an updated survey is currently being undertaken. Essentially the applicant could partially rectify the situation by changing some of the two bed apartments to one bed apartments. However, I would be reluctant to insist upon this purely to meet the split of the 2014 survey partly because some of the secondary bedrooms to the apartments are relatively small in any case (discussed further below). It is noted that some of the two bed units are presented for the retirement market. The success of the Gladstone House scheme opposite the site in some respects represents a more up to date and site specific demonstration of demand than a report for the whole sub area conducted five years ago. The proposal would deliver a significant proportion of three bed units and the second majority demand of two bed units. On balance therefore I do not consider it would be reasonable or necessary to insist on revisions in this respect.

As is detailed by the table in the proposal section above, the proposed development incorporates numerous different house types ranging from bungalows; apartments / maisonettes; semi-detached; terraced; and detached. This varied mix is welcomed in terms of the overall development offer.

The Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA "*wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.*" Provision in a local plan can also be predicated on evidence, as the NPPG goes onto describe. In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way.

The following table is lifted from the March 2015 document:

Table 1 - Minimum gross internal floor areas and storage (m²)

| Number of bedrooms(b) | Number of bed spaces (persons) | 1 storey dwellings | 2 storey dwellings | 3 storey dwellings | Built-in storage |
|-----------------------|--------------------------------|--------------------|--------------------|--------------------|------------------|
| 1b | 1p | 39 (37) * | | | 1.0 |
| | 2p | 50 | 58 | | 1.5 |
| 2b | 3p | 61 | 70 | | 2.0 |
| | 4p | 70 | 79 | | |
| 3b | 4p | 74 | 84 | 90 | 2.5 |
| | 5p | 86 | 93 | 99 | |
| | 6p | 95 | 102 | 108 | |
| 4b | 5p | 90 | 97 | 103 | 3.0 |
| | 6p | 99 | 106 | 112 | |
| | 7p | 108 | 115 | 121 | |
| | 8p | 117 | 124 | 130 | |
| 5b | 6p | 103 | 110 | 116 | 3.5 |
| | 7p | 112 | 119 | 125 | |
| | 8p | 121 | 128 | 134 | |
| 6b | 7p | 116 | 123 | 129 | 4.0 |
| | 8p | 125 | 132 | 138 | |

The following table represents an assessment of the proposed development against the above space standards. In some cases the apartment sizes are not exactly the same (i.e. house type A varies from 68.5m² to 72m² so in these instances average floor spaces have been used.

| House Type | No. of beds | No. of persons | Floor space (m ²) | Space standard requirement (m ²) | Compliance against (+/- m ²) |
|------------|-------------|----------------|-------------------------------|--|--|
| A | 2 | 4 | 70 | 70 | Exact |
| B | 2 | 4 | 68 | 70 | -2 |
| C | 2 | 3 | 65 | 61 | +4 |
| D | 2 | 3 | 63.5 | 61 | +2.5 |
| E | 2 | 3 | 66.6 | 61 | +5.6 |
| F | 2 | 3 | 72.1 | 61 | +11.1 |
| G | 2 | 3 | 70.5 | 70 | +0.5 |
| H | 2 | 4 | 68.5 | 79 | -10.5 |
| I | 2 | 4 | 63 | 70 | -7 |
| J | 3 | 5 | 91 | 93 | -2 |
| K | 3 | 5 | 96 | 93 | +3 |
| L | 3 | 5 | 91 | 93 | -2 |
| M | 3 | 5 | 97 | 93 | +4 |
| N | 3 | 5 | 101 | 99 | +2 |
| O | 4 | 6 | 124.5 | 106 | +18.5 |

On the whole the development would comply with the National Space Standards with the majority of the house types exceeding the requirements. The greatest deficiency (and indeed the only one which falls more than 10 square metres short of the standards) is house type H. This is a terraced two storey property proposed for 8 plots (33-40 inclusive) set along the eastern boundary of the

site (adjacent to the Leisure Centre car park). The floor plans indicate that one of the bedrooms could fit a double bed in but the other would probably logistically be restricted to two single beds.

The applicant’s covering letter with the current submission has explicitly addressed how the proposals have evolved specifically to satisfy local housing needs. It is stated that:

‘Arkwood wants to stand aside from other developers by building homes that people want to live in for the longer term thereby creating sustainable and diverse communities.’

Furthermore the letter contains evidence to suggest that, *‘in general, the size of the homes are significantly larger than those that the market within Newark offers.’*

Larger – **Comparable** – **Smaller**

| Unit Type (Nat. Space Std) | Arkwood | Developer A Newark | Developer B Newark | Developer C Newark | Developer D Edwinstowe | Developer E Worksop |
|--------------------------------------|-----------------------|---------------------------|---------------------------|------------------------|---------------------------|-------------------------|
| 2 Bed apartment (70m ²) | 65 - 72m ² | N/A | N/A | N/A | N/A | 67.5 - 72m ² |
| 2 bed bungalow (61m ²) | 65m ² | N/A | N/A | N/A | 63.5m ² | 54 – 58.5m ² |
| 2 bed house (70-79m ²) | 68.5m ² | 60.5 – 62.5m ² | N/A | 59.5m ² | N/A | 65m ² |
| 3 bed house (93m ²) | 91 - 97m ² | 70.5 – 75.5m ² | 92.5m ² | 71 – 98m ² | 103.5m ² | 86 - 95m ² |
| 4 bed house (106-115m ²) | 124.5m ² | 97.5 – 109m ² | 112.5 – 125m ² | 99 – 118m ² | 156m ² | 135m ² |

Officers concur that a range of house types (including a notable 13% proportion of bungalows) would suit a diverse market. In acknowledgement of the fact that the space standards have not been adopted and indeed noting that if the plots referred to (33-40) were increased than the subsequent rear garden sizes would be decreased (without a significant re-design), the slightly reduced floor area for some house types is not considered sufficient to warrant refusal in its own right. This judgement is particularly reached when taken in the context of the above table which clearly demonstrates a number of the house types would over provide in floor space in comparison to a number of other schemes on the market.

Impact on Character and Design

Design remains high on the policy agenda as evidenced by the publication of a national design guide by the government in September 2019.

Inherently through the delivery of 15 different house types the development would give a varied mix of design which would add a sense of place and legibility within the development. The design has also incorporated other positive elements including gateway plots which address the entrance to the site from Lord Hawke Way. Notably plots 46 and 47 which are three storey properties (the only three storey properties proposed in the development other than the apartments). There would also be areas of open space at the site access and fronting Bowbridge Road which would soften the overall visual impact of the scheme.

The applicant has also directed Members towards specific design features such as open plan living areas served by natural light and flexible internal room layouts. The apartments all have internal cycle stores and garages are generally larger than other house builders.

As is detailed by the description of the site above, as existing there is a hardsurfaced pedestrian path (albeit not formally recognized as a right of way) which crosses the site. Upon site inspection this appears to be well used as a means of crossing the site. It is therefore welcomed that the proposed development seeks to incorporate this within the development. However, in order to deliver the residential development as envisaged by the policy allocation, it would now be the case that the path is crossed by vehicular accesses. There is a pedestrian diversion around the south of the private driveways which would mean that users would only have to cross one road which is overall considered to be an acceptable compromise.

The Design and Access Statement details the design principles that have been employed in the preparation of the overall site masterplan. One of these is to establish active and animated street frontages with an attractive public realm overlooked by new residents. This is evident within the development proposals, most notably along the already referenced path retained crossing the site. The plan demonstrates that additional planting would be created along the path and that the plots facing the path to the north would have soft landscaped frontages rather than featuring the hard standing of car parking spaces (the implications of which are discussed further in the Impact on Highways section below).

Being part of a mixed use site allocation, it is implicit that there are a variety of land uses in the immediately surrounding area. This includes the recently developed Leisure Centre and Gladstone House, both of which are significantly scaled buildings of modern design. The benefit of these buildings in terms of the residential delivery of the site is that there is sufficient scope to deliver a modern development approach overall including with elements of scale such as the three storey apartment blocks. This includes at the entrance of the site from Bowbridge Road where two flat storey apartment blocks would flank the entrance with the block to the north of the entrance proposed to be approximately 9m in height. Whilst a flat roof design is not necessarily an approach which would be encouraged, it does have the benefit of reducing the overall height which in turn is beneficial to the more modestly scaled dwellings behind the apartments (more akin to the amenity discussion below). The apartment blocks would be set back from the highways edge through areas of green space and have been designed with curved frontages at the entrance which would reduce their overall starkness. In the context of the existing Gladstone House and Leisure Centre buildings, and in acknowledgement that there are a variety of commercial uses in the area, I do not consider that the design of these apartment blocks is harmful in principle.

The approach for the lesser scale residential plots along the northern boundary which is shared with residential curtilages is appropriate (the amenity implications are discussed in further detail below). Each of the plot types has detailed the proposed materials (albeit with colours etc. to be agreed) with a focus on brickwork and smaller elements of cladding. This is considered acceptable to the residential context of the area and compliant with the relevant elements of Policy DM5.

Impact on Heritage and Archeology

The site is outside of the Conservation Area but is less than 70m from the boundary and therefore has the potential to affect its 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. I am conscious that the development would be visually read alongside the modern recent developments of the Leisure Centre; Gladstone House and the buildings associated with the Community and Activity Village - all of which have a large modern scale. The proposed development closest to the Conservation Area boundary would feature the rear gardens of the

proposed plots. The boundary of the Conservation Area also features dense landscaping to a degree that it is not considered the proposed development will have a perceivable impact on the setting of the Conservation Area.

The submitted Design and Access Statement includes a Heritage Assessment. This acknowledges that the policy allocation requires an archeological evaluation. It is confirmed that trial holes on the wider allocated site have not recorded archeological features or deposits. On the basis of this previous evidence (submitted to discharge conditions for the other schemes within the site allocation) it is contended that further evaluation and monitoring is not required. Having reviewed the most recent archeological watching brief undertaken for Gladstone House, it is noted that this did not include the current application site. Given the uncertainty in relation to this specific site and the scale of the development proposed, Officers requested further desk based review through the Historic Environment Records.

The applicant has consulted the Historic Environment Record (HER) and therefore has met the requirements of paragraph 189 of the NPPF. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities typically require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Members may recall that in the consideration of the previous scheme Officers advised that further archeological works would not be required given the lack of archaeological interest uncovered in the adjacent site, as well as confirmation from the County HER that no identified archaeological data points fall within the development site. However, as detailed by the consultee section above, the current scheme has been assessed by the Council's appointed Historic Environment Officer. The comments acknowledge that the site is located in a potentially archaeologically sensitive area to the south east of the historic medieval core of Newark. Ultimately the conclusion is contrary to Officers previous assessment and contends that the absence of archeological evidence on the adjacent site does not preclude the potential for archeological remains to be discovered on the application site. Clearly matters of archeology are material to the decision (and indeed are referenced in the site allocation) and in the context of these comments Officers are minded to take a different standpoint and recommend the imposition of the suggested conditions to protect any archeological potential of the site.

Impact on Amenity

Policy DM5 seeks to protect the amenity for both existing neighbouring residents but also to provide appropriate levels of amenity provision for proposed occupiers.

In terms of relationships with existing neighbours, the most likely affected properties would be those adjoining the northern boundary of the site along Thoresby Avenue. There are six plots along this boundary however only three of these (22-24 inclusive) would create back to back relationships. These plots are all single storey with minimum back to back distances of approximately 22m with the properties on Thorseby Avenue. There would be car ports at a closer distance but again noting that these would be single storey, this is considered to be an appropriate relationship.

Plot 21 would be closer to the northern boundary of the site such that the distance between this plot and the nearest neighbour at no. 4 Thorseby Avenue would be just under 19m. However, the

orientation of this plot is such that it would be the single storey gable end facing the neighbour and therefore this is not considered harmful in amenity terms.

Plots 01 and 25 would both be adjacent to the northern boundary and two storey in height. In respect of plot 01, this would broadly align with the building line of the nearest neighbour to the north albeit with a greater set back from Bowbridge Road. However, the distance between the two properties would be around 13.5m such that the plot is not considered to create an imposing or overbearing impact. Any outlook from the rear of no. 221 Bowbridge Road towards the development would be at an oblique line of site.

The distance between no. 22 Thorseby Avenue and the two storey side gable of plot 25 would be approximately 18.5m. There would be one first floor narrow window on the side gable of this plot although this is intended to serve an en-suite bathroom. It would therefore be wholly reasonable to ensure this window is obscurely glazed by condition.

There are also residential properties on the opposite side of Bowbridge Road which would share a relationship with the proposed development. This includes the apartment for house type A although this is restricted to a two storey height. Taking the distance of at least 32m across the highway into account, I have not identified any harmful amenity impacts in terms of overbearing or overlooking.

Moving then to assess the amenity relationships within the site itself, it is notable that the scheme has evolved since pre-application discussions to ensure adequate separation distances. Rear to rear distances of over 21m have now been presented on the overall site layout. The houses proposed would be allocated an area of rear garden albeit of differing extents (some relatively modest for example the Coach Houses at plots 49 and 61). This is not considered to be an issue in principle given that the variety of house types in the site give proposed occupiers choice at the time of purchase. Although the apartments would not be afforded separate private amenity provision, this is not an uncommon scenario and the overall open space within the site (discussed in further detail below) would ensure that all residents have the opportunity to enjoy areas of open space in close proximity to their dwelling.

Comments have been received from Environmental Health colleagues making specific reference to the potential for light pollution from the nearby YMCA Community and Arts Village (partially given previous complaints from existing residents).

Paragraph 182 of the NPPF confirms that where the operation of an existing business or community facility could have a significant adverse effect on new development, it falls for the applicant to consider appropriate suitable mitigation. The agent responded to the previous concern by identifying that the complaints originated from residents to the north of the YMCA facility where there had been a change to the existing site circumstances (i.e. the flood lighting sports use was imposed to existing residents). On this basis, it was argued that this application would be materially different insofar as the proposed occupiers would not have experienced the darker skies which existed before the YMCA development. Officers agree that there is merit to this argument and that occupiers would be aware of the mixed use nature of the area prior to purchase (and thereby given the opportunity to avoid the properties towards the west of the site if it were a concern).

Nevertheless it remains the case that the Environmental Health Act 1990 would require the investigation of any valid complaint received which could ultimately compromise the operations of

the YMCA Community and Arts Village (for example through requiring a restriction of the usage of the flood lights). In this instance Officers are conscious that the original complaints (from residents to the north of the YMCA facility) came at a time when the lights were incorrectly installed. This has now been rectified through enforcement negotiations. Given the intervening distance afforded by the Leisure Centre car park, it is considered unlikely that the flood lighting, as correctly installed, would impose an adverse amenity impact to the proposed occupiers of this site.

On this basis, whilst the comments of Environmental Health have been taken on board, it is not considered reasonable to insist upon further surveys in terms of lighting.

Taking all of the above factors into account, I have not identified any specific areas of amenity harm and the proposal would be compliant with the relevant elements of Policy DM5 and the provisions of the NPPF.

Impact on Flood Risk and Drainage

The site is located with Flood Zone 1 on the Environment Agency's mapping relating to flooding from rivers and sea and therefore under the definitions within the NPPF in an area of low probability for flood risk.

Given that the development forms a major application, one of the validation requirements was for the submission of a Flood Risk Assessment (FRA) and Drainage Strategy. This report states that ground levels at the site are generally level. There are however some small patches of the site which are at a low risk of surface water flooding attributed to low spots in the ground levels associated with former land uses.

In terms of drainage, the report details that the ground conditions are favorable for the discharge of surface water to ground via infiltration as evidenced through soakaway testing. Foul sewage is intended to use the existing combined sewer located in Bowbridge Road via a gravity connection.

As is detailed above, part of the reason that Members refused the last application was that the plans demonstrated soakaways under the carriageway which was deemed an inappropriate means of drainage. The covering letter with the current application states that drainage consultants have been commissioned to complete a new design to provide an on-site solution to surface water drainage. No further details of this design were submitted with the application submission. Given that this directly relates to part of the reason for Members refusing the last application, Officers have sought a more comprehensive update on this point. To address the point a drainage plan has been submitted during the life of the application. The Highways Authority have accepted the use of highways soakaways under areas of verge landscaping in principle. However, further detailed calculations are required prior to being formally agreed. The agent has confirmed that the intention is for the exact design of the soakaways and landscaping to be coordinated together, which will be developed with the contractor. These details could reasonably be secured by condition (which is an accepted approach by the Highways Authority) and therefore subject to appropriate conditions, there would be no reason to resist the current application on means of drainage.

Impact on Trees and Ecology

The Design and Access Statement details that there a number of tree specimens along Bowbridge Road and towards the eastern boundary of the site. It is suggested that the latter species are immature, planted in the last 20 years. The application has been accompanied by a Tree Survey.

The survey identified a total of 20 individual trees and two tree groups, the majority of which are along the site boundaries. A significant majority of the specimens are identified as Category B (retention is considered desirable). However, only one individual tree (a Category C Damson tree) and one group of trees (Category C comprising beech and cherry) would need to be removed to facilitate the development. The remainder would be retained with canopies protected by fencing and / or ground protection boards across the root protection area. A ground reinforcement geotextile is also intended to be used to protect the roots of T1 near the proposed access road.

Some of the retained trees would be close to plots (for example T5 and T6 to Plot 01) so I have carefully considered whether it may be desirable for the occupiers to fell these specimens despite the intention for their retention. In reality I consider this to be relatively low risk given that they are positioned to the north side of the plot and therefore wouldn't impede on the plots amenity space. There may be some requirement for pruning but this level of compromise is considered reasonable to a site of this size.

Subject to securing protection measures as outlined by the report by condition, (and indeed acknowledging that there will be additional landscaping as part of the proposals), I am satisfied that the impact on trees would be appropriate.

The site is not affected by any local or national ecological designations. Nevertheless there is a local site of nature conservation at Balderton Lake some 400m to the east of the site. The applicant has assessed the ecological potential of the site through the submission of an Extended Phase 1 Habitat Survey based on surveys in undertaken in May and June.

The site is predominantly comprised of species poor amenity grassland and species poor tall ruderals and perennials. The survey did not identify significant habitat within the site nor an indication of any rare plants or plant communities present. The site does demonstrate the potential to support nesting birds and foraging bats as well as reptiles such as Grass Snake and Toad where taller vegetation is present. No physical evidence of protected species were identified through the site survey works and therefore the report does not recommend any further survey works. It is however suggested that precautionary methods are employed including careful consideration of lighting to ensure that it is low level and shielded. These methods could be secured by suitably worded condition which would ensure the development is appropriately mitigated and compliant with Core Policy 12 and Policy DM7.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Given the number of dwellings to which the application relates, the application submission has been accompanied by both a Transport Assessment and a Travel Plan document (both undertaken by ADC Infrastructure). The development would be accessed via Lord Hawke Way with a T-junction to the north and south. This is a recently constructed roadway from Bowbridge Road developed to

enable the delivery of the site allocation including the Leisure Centre and also now the Community and Sports Hub further east.

The Transport Assessment estimates the trip generation that the development will create both in terms of sustainable modes of transport such as walking and cycling but also in terms of use from the private car. It is stated that the residential delivery of the site would generate 52 two way traffic movements in a peak hour which is considered to be immaterial to the traffic on the wider highways network.

The comments of the Town Council above suggest that the District Council should commission a new traffic model to take account of the potential implications of the southern link road not coming forward as anticipated. Whilst these concerns are noted, it would be wholly unreasonable to hold the decision of the current application on that basis (or condition that work cannot be commenced until funding is in place). As Members are aware it does not fall for individual applications to fix current issues in the highways network. The proposed development would not add sufficient traffic to severely impact upon the existing traffic conditions. The application has been accompanied by a Transport Assessment which considers the impact of the proposed scheme and allows the current application to be assessed irrespective of the Town Council's concerns in relation to the southern link road.

In respect to the submitted Travel Plan, the sustainable location of the development in the Newark Urban Area is used to demonstrate that numerous facilities will be within walking distance of the site. Nevertheless various measures and incentives are proposed to achieve targets such as a reduction in use of the private car. These measures (which could be secured by an appropriately worded condition) include appointment of a Travel Plan Co-coordinator as well as a monitoring regime.

The crux of the previous refusal was in relation to the insufficient parking provision to serve the proposed development which in turn would have led to on street parking to the detriment of the safe operation of the highways network.

Since the refusal, the applicant has met with Officers and NCC as the Highways Authority to advance this re-submission in an attempt to address the previous concerns. This is referenced in detail by the applicant's covering letter:

"The development adopts the NCC Highways guidance and exceeds the overall minimum provision of 161 spaces by 16 additional parking spaces = 177 Spaces – The development achieves an impressive 203% parking provision across the site."

The specific changes in comparison to the previously refused scheme include the provision of 3 extra parking spaces to the east of the site (2 more in the visitor parking for plots 33-40 and 1 more adjacent to the apartment blocks of plots 29-32). It is also intended that there would be double yellow lines marked along Lord Hawke Way to discourage inappropriate parking. Again the applicant has taken the opportunity to compare their proposals against other developments in the District (and one in Bassetlaw) in terms of parking provision:

Key : Parking provision when comparing similar recent developments with Arkwood design –

More – Comparable – Less

| | Arkwood Bowbridge Rd | Site A Southwell | Site B Newark | Site C Worksop |
|----------------------------|-------------------------|---------------------|------------------|-------------------|
| Units Types | 2,3 & 4 Bed | 1,2 & 3 Bed | 1,2,3 & 4 Bed | 1,2,3 & 4 Bed |
| Unit Number | 87 units | 38 units | 62 units | 80 units |
| Parking Provision (no.) | 177 spaces | 67 spaces | 117 spaces | 155 spaces |
| Parking Provision (%) | 203% | 176% | 188% | 193% |

Owing to the latest revised plan, the above table is now out of date insofar as the proposed site would now include a total on 182 parking spaces. This exceed the minimum number of spaces required on the NCC methodology of either 180 spaces (based on bus route and site accessibility) or between 94 and 178 (based on the ‘demand’ method of calculating car parking spaces).

Irrespective of which method is used, the proposal as revised would provide over the required number of spaces by at least 2 spaces. On this basis there is no tangible evidence to suggest that the development would lead to on street parking to the detriment of highways safety.

Furthermore, the National Planning Policy Framework, paragraph 109 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

It is now the case that NCC’s objection on car parking and highways has been removed (as was the case on the 31st March) and that car parking spaces provided exceed NCC standards. Officers remain of the opinion that continuing to sustain refusal on car parking grounds will likely lead to the loss of any appeal and a successful claim of costs on the ground of unreasonable behavior. This is also the case should Members introduce any new grounds not previously reasonably raised.

The case remains, as with the previous proposals, that there would be areas of parking provision which could be considered compromised in terms of their usability. For example, whilst the retained pedestrian linkage through the site is advocated in design terms, the consequence of this is that the parking provision for the adjacent plots would be positioned at the rear with car ports and spaces in front served by hardstanding turning heads. This is not ideal in terms of function insofar as the proposed occupiers would have to walk from the spaces to [probably] their rear door (indeed pathways have now been indicated on the plans to show these linkages). The concern with this situation normally is that it will lead to on street parking as occupiers seek a more convenient solution. However, the width of the turning heads would not be inviting to allow on street parking and in some respects this would not even create a more favourable position. For example, if plot 08 were to park their car on the access to the turning head then they would have to walk further than if they were to use their assigned car port / parking space. It is fully appreciated that there will be compromises for some occupiers. This must be weighed in against

the benefits of an attractive pedestrian environment which would be delivered by the retained pathway.

On the whole, the parking provision is screened from the public realm which is beneficial in design terms. Perhaps the starkest contrast to this would be the parking provision along the eastern boundary of the development to serve plots 33-40 inclusive. However, I am conscious that this is immediately adjacent to the car park for the existing Leisure Centre and therefore it is difficult to conclude that this would be harmful in itself.

Despite the elements of compromise identified above I am conscious that the site is within the Newark Urban Area which is a sustainable location well served by public transport as well as being allocated within the Plan for housing. The apartment buildings in particular have also demonstrated spaces for cycles which would encourage more sustainable transport if parking provision does become in high demand.

The revised scheme has been assessed by NCC as the Highways Authority with their comments listed in full above. The comments acknowledge the further justification and changes made in the current scheme. The encouragement of further waiting restrictions on Lord Hawke Way has also been referenced in the comments which ultimately conclude the previous parking issues have been resolved. Clearly this is a material change from the previously refused proposal.

The Highways Authority has suggested a number of condition should Members be minded to approve the application. One of these (number 24 in the recommendation list below) relates directly to the applicant making an application for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way. Officers have queried the wording of this condition given that it would not necessarily secure this coming into place. However, given the process (which is open to public consultation and could in an unlikely scenario be refused) the Highways Authority do not consider that it would be reasonable to condition the implementation of the waiting restrictions. The Highways Authority is satisfied that their suggested wording of the condition ensures best endeavors will be made to secure the restrictions. The condition meets the tests and therefore there is no issue with imposing it as suggested.

The proposal as revised would subject to the suggested conditions comply with the requirements of Spatial Policy 7 and the relevant elements of Policy DM5. The applicant has demonstrated that the revised proposal would not have an adverse impact on the highways network and the Highways Authority have confirmed that they would no longer object to the development of the site as proposed.

Impact on Land Contamination

The application submission included a Supplementary Exploratory Investigation undertaken by GeoDyne and dated 21st January 2020.

Colleagues in Environmental Health have reviewed the report and accepted that the document builds on the previous investigations of the site since the time of the Leisure Centre application. It is considered that the remedial options presented are acceptable subject to an increase from 600mm to 1m cap to be kept free from confirmation. A bespoke condition has been suggested which could be attached to any forthcoming permission.

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.

Planning obligations are usually delivered directly through the completion of a Section 106 legal agreement prior to planning permission being granted, and not through a planning condition. However, because NSDC are both the land owner and local planning authority, the legal advice states that a Section 106 legal agreement cannot be utilized. NSDC cannot enter into a planning obligation which imposes obligation upon itself as land owner enforceable by itself as Local Planning Authority. In this instance it would therefore be necessary to impose a condition which duplicates the necessary elements of a S106 legal agreement. The idea being the requirements of the condition would later form the basis of a future Section 106 legal agreement as and when the site (or elements of it) are disposed of to a third party who would then be able to enter into a legal agreement with the Local Planning Authority. This is an approach which has been previously taken by the Authority (specifically the Yorke Drive development).

Affordable Housing

The District Council sets a threshold of 30% on site affordable housing delivery. For an 87 unit scheme this would amount to 26 units.

However, in the assessment of the application of 60 Care Units at Gladstone House, the Officer report accepted that *'the use promoted would essentially forward fund the delivery of affordable housing which could be off-set against any required contribution in association with future market housing delivery on the wider site.'* Put simply 60 affordable units at Gladstone House would represent 41% affordable delivery over the entirety of the allocation site and therefore given these specific site circumstances it is no longer considered reasonable for the current application to make provision towards affordable housing.

Community Facilities

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity.

The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. This would amount to circa £120k for a scheme of this size.

However, I am mindful that the application site is immediately adjacent to existing community facilities both in the form of the recently developed Leisure Centre and also the development coming forward at the Community and Activity village. In this context, the area is well served by facilities of a high standard. In this case therefore there would be no justification to insist on a further contribution amounting from this development proposal. This has been agreed by the Community and Arts Manager.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which

generates a need for additional primary school places will be secured via a legal agreement. The application includes 11 units specifically intended to cater for the retirement market. Nottinghamshire County Council as the education authority would ordinarily discount one bedroom apartments from the education requirement (on the assumption that these are unlikely to house children which would need school places). A similar assumption could be made for apartments directed towards the retirement market but seen as these are all two bed units, it would be necessary to control their occupation by condition.

Notwithstanding the above, as is confirmed by the comments of NCC as the education authority above, there is existing capacity in the education system to support the development and therefore no contribution towards education is sought.

Open Space

As a development of 87 dwellings this application would need to make provision for public open space.

The SPD states that the scheme, at its maximum quantum, would need to provide for open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling), and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum is required as well as the potential maintenance costs that would need to be agreed as part of any legal agreement. The alternative would be to provide all open space on site with a maintenance company.

The latest plan does not show any on site provision for children and young people with the intention to make a contribution towards an existing play area in the vicinity. The open space delivered on site would amount to **2,689m²** which would meet the quantum requirements for amenity green space for 87 dwellings. **Whilst the latest plan shows five additional parking spaces within areas that were previously shown as open space, the development would still achieve around 1,436m² more amenity green space that the policy requirement of 1,253m² (i.e. 115% more than required by the SPD).**

Health

The Developer Contributions SPD details that, for a scheme of this size, a contribution to the health authority should be made for the sum of £982.62 per dwelling. Clearly this is subject to a justifiable means of spending such a contribution which is discussed in the comments of Newark Clinical Commission Group listed in full above. It is confirmed that it would be necessary for the development to make a payment of £80,040 for the investment in local health provision including Fountain Medical Centre; Lombard Medical Centre and / or Barnby Gate Surgery.

Libraries

The SPD details that library contributions can be attributed towards the costs of building / extending a library building or the costs of providing additional stock for existing facilities. NCC have commented on the need for the development to contribute towards library provisions in their comments above. Based on the anticipated increase of 200 in population from the development, a contribution of £3,064 is sought.

Transport

Contrary to the previous application, NCC Strategic Policy have requested a contribution of £5,000 for Sustainable Travel Contribution. It is stated that this would be used to provide new occupants with a 1-month smartcard bus pass, or equivalent pass, for use on the local bus network to encourage use of sustainable modes of travel, or to support other sustainable transport measures to serve the site. Officers have queried the change in position (noting that the number of proposed dwellings has not changed) and a response has been received stating that the request is justified partly given that the previous scheme was refused on the basis of parking provision. Clearly, as is outlined above, Officers are of the view that this matter has now been resolved and therefore this is not considered to form an adequate or relevant justification. It is also stated that the contribution would help achieve modal shift and reference is made to the submitted Travel Plan which includes an intention to provide a welcome pack including information of bus timetables etc. Officers consider that in this instance it would be more reasonable to condition compliance with the Travel Plan rather than seek an additional financial cost for bus tickets. The size of the scheme is below the usual threshold for a Sustainable Travel Contribution and in this case the justification provided is not considered sufficient to deviate from the norm.

CIL

The development would be required to make a community infrastructure levy contribution of £45 per internal square metre. The applicant has submitted confirmation of the total floor space for the purposes of CIL calculations.

Overall Balance and Conclusion

The proposal relates to the residential development of an allocated site within the Newark Urban Area. Although the quantum of development exceeds that originally envisaged by the policy allocation, as is detailed by the above appraisal, this is not considered fatal in principle.

The development would comprise a modern scheme with a variety of house types including single storey bungalows; apartments and two storey dwellings.

The applicant has submitted the current application as a direct attempt to overcome the previous refusal on the basis of parking and drainage issues. As is detailed above, the additional justification and revised design measures have led to the Highways Authority removing their previous objection.

Member's concerns in respect to parking provision have been noted by the applicant and the latest plan submitted demonstrates an additional 5 parking spaces to the previous iteration considered by Members. When taken in the context of the available parking provision calculations, this represents an over provision of at least 2 spaces (more depending on which method is relied on). Moreover, the applicant has already demonstrated that the level of parking exceeds that provided by numerous other schemes in the District. Weight must also be attached to the sustainable location of the site which provides significant opportunity for more sustainable modes of travel. The scheme as revised would be, subject to conditions, compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

The contributions towards the District's housing supply in a sustainable location warrants significant positive weight and in the absence of any demonstrable harm to the contrary, the

recommendation is one of approval subject to the conditions outlined below to mitigate the impacts of the development.

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:

- Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. J (**received 17th April 2020**);
- Proposed Site Layout: Landscaping - 19 / 2216 / SITE002 Rev. I received (received 14th February 2020);
- Proposed Site Layout: House Typology Key - 19 / 2216 / SITE003 Rev. G (received 14th February 2020);
- Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G (received 14th February 2020);
- Proposed Site Layout: Materials – 19 / 2216 / SITE005 Rev. E (received 14th February 2020);
- Type A: 2B4P Apartment (Retirement) – 19 / 2216 / A-001 Rev. B dated August 2019;
- Type B: 2B4P Bungalow (Retirement) – 19 / 2216 / B-001 Rev. B dated August 2019;
- Type C: 2B3P Apartment (Variant 1) – 19 / 2216 / C-001 Rev. B dated August 2019;
- Type D: 2B3P Apartment (Variant 2) – 19 / 2216 / D-001 Rev. B dated August 2019;
- Type E: 2B3P Apartment (Variant 3) – 19 / 2216 / E-001 Rev. C dated January 2020;
- Type F: 2B3P Maisonette (Floor Plans) – 19 / 2216 / F-001 Rev. B dated July 2019;
- Type F: 2B3P Maisonette (Elevations) – 19 / 2216 / F-002 Rev. B dated July 2019;
- Type G: 2B3P Coach House – 19 / 2216 / G-001 Rev. B dated July 2019;
- Type H: 2B4P Terraced House – 19 / 2216 / H-001 Rev. B dated July 2019;
- Type I: 2B4P Bungalow Detached & semi-detached – 19 / 2216 / I-001 Rev. B dated August 2019;
- Type J: 3B5P Linear House Semi-detached & terraced variant – 19 / 2216 / J-001 Rev. B dated July 2019;
- Type K: 3B5P Corner House Semi-detached – 19 / 2216 / K-001 Rev. B dated July 2019;
- Type L: 3B5P Linked Terraced House – 19 / 2216 / L-001 Rev. B dated August 2019;
- Type M: 3B5P Standard Detached – 19 / 2216 / M-001 Rev. B dated August 2019;
- Type N: Gateway Marker House – 19 / 2216 / N-001 Rev. B dated August 2019;

- Type O: 4B6P Standard House Detached – 19 / 2216 / O-001 Rev. B dated July 2019;
- Boundary Treatments – 19 / 2216 / GEN001 (A) dated September 2019;
- Garages – 19 / 2216 / GEN002 dated September 2019;
- Car Ports – 19 / 2216 / GEN003 dated September 2019;

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 and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

04

No development hereby permitted shall be occupied until the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards have been submitted to and approved in writing by the Local Planning Authority.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

05

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

06

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;

- hours/days of proposed construction.

Reason: To protect the amenity of the surrounding area.

07

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).

08

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ref BBRN-BSP-ZZ-XX-RP-C-001-P1_Flood_Risk_Assessment dated 22 May 2019, has been submitted to and approved in writing by the Local Planning Authority. 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.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- 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.

09

No unit hereby approved shall be occupied until bin storage facilities have been provided for that unit 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 any unit in accordance with the approved details and retained for the lifetime of the development.

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

10

The boundary treatments for each plot as shown on plan references Proposed Site Layout: Boundaries - 19 / 2216 / SITE004 Rev. G received 14th February 2020 and Boundary Treatments – 19 / 2216 / GEN001 (A) dated September 2019 shall be implemented in full prior to the occupation of each relevant plot. The approved boundary treatments shall be retained thereafter for the lifetime of the development.

Reason: In the interests of residential amenity.

11

The development hereby permitted shall not begin until a scheme to deal with the contamination that has been previously identified in the Geodyne Supplementary Exploratory Investigation report dated 21st January 2020 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall take account of Environmental Health's requirement for the top metre being free from contamination and shall propose appropriate methodology for validation of all remedial measures.

Following acceptance of the proposed remediation scheme by the local planning authority, the developer shall implement the scheme and carry out validation as agreed. A validation report shall then be produced and submitted to the LPA for approval prior to the occupation of any dwelling hereby approved.

Reason: To ensure that the risk to residential occupiers is fully understood and where appropriate mitigated against.

12

The first floor window opening on the northern side elevation of Plot 25 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

13

Units 77-87 inclusive as indicated by plan reference Proposed Site Layout: General Arrangement - 19 / 2216 / SITE001 Rev. I received 14th February 2020 shall be occupied by at least one person over 60 years of age or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: To define the planning permission and in line with the applicants submissions.

14

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the requirements of the submitted Extended Phase 1 Habitat Survey undertaken by C Barker – P1841 / 0619 – 01 dated 18th June 2019, specifically;

- Controlled and directional vegetation clearance to enable reptiles to move away from the site.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

15

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

Reason: In the interests of biodiversity specifically bats.

16

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 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 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.

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

17

No development shall commence until a planning obligation pursuant to Section 106 Town and Country Planning Act 1990 relating to the land subject of this consent has been made by all parties with an interest in the land has been lodged with and executed by the Local Planning Authority. The said obligation will provide for following:

| | |
|---|---|
| Open Space / Children’s Play Space | On / off site provision and maintenance as follows: Amenity Green Space Provision for Children and Young People |
| Health | £80,040 (87 x £920 per dwelling) + indexation and monitoring from January 2020 |
| Libraries | £3,064 + indexation and monitoring from January 2020 |

Reason: In order to secure the necessary infrastructure and contribution requirements in accordance in the interests of achieving a sustainable development.

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 the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas,
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on 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

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

19

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

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

20

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

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

21

No part of the development hereby approved shall commence until details and calculations in support of the highway drainage soakaway proposals have been first submitted to and approved in writing by the Local Planning Authority. Any proposed soakaway shall be located outside of the public highway boundary and suitable easement provided for maintenance access. The drainage soakaways shall be constructed in accordance with the approved details.

Reason: To ensure the highway drainage proposals can be accommodated and acceptably achieved within the extents shown on drainage drawing 0001/P03, and to protect the structural integrity of the highway and allow for future maintenance.

22

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

23

The development shall be carried out in accordance with "Section 8.0 Implementation and Monitoring" of the Travel Plan undertaken by ADC Infrastructure - ADC1938-RP-B dated 12th September 2019 specifically the role of the Travel Plan coordinator and the monitoring requirements with the exception of the references to approval from Nottinghamshire County

Council. Approval shall be sought from the Local Planning Authority.

Reason: To promote sustainable measures of travel.

24

No part of the development hereby approved shall until an application has been made to the Highway Authority for enforceable waiting restrictions on both sides of the full length of Lord Hawke Way (within the extent of the prospective public highway), and the length of new access road immediately outside plots 47, 48, 61 & 62.

Reason: To prevent on-street parking that would be detrimental to the access and safety of other road users.

25

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

26

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

27

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the

works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

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) (England) 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

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

03

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

BACKGROUND PAPERS

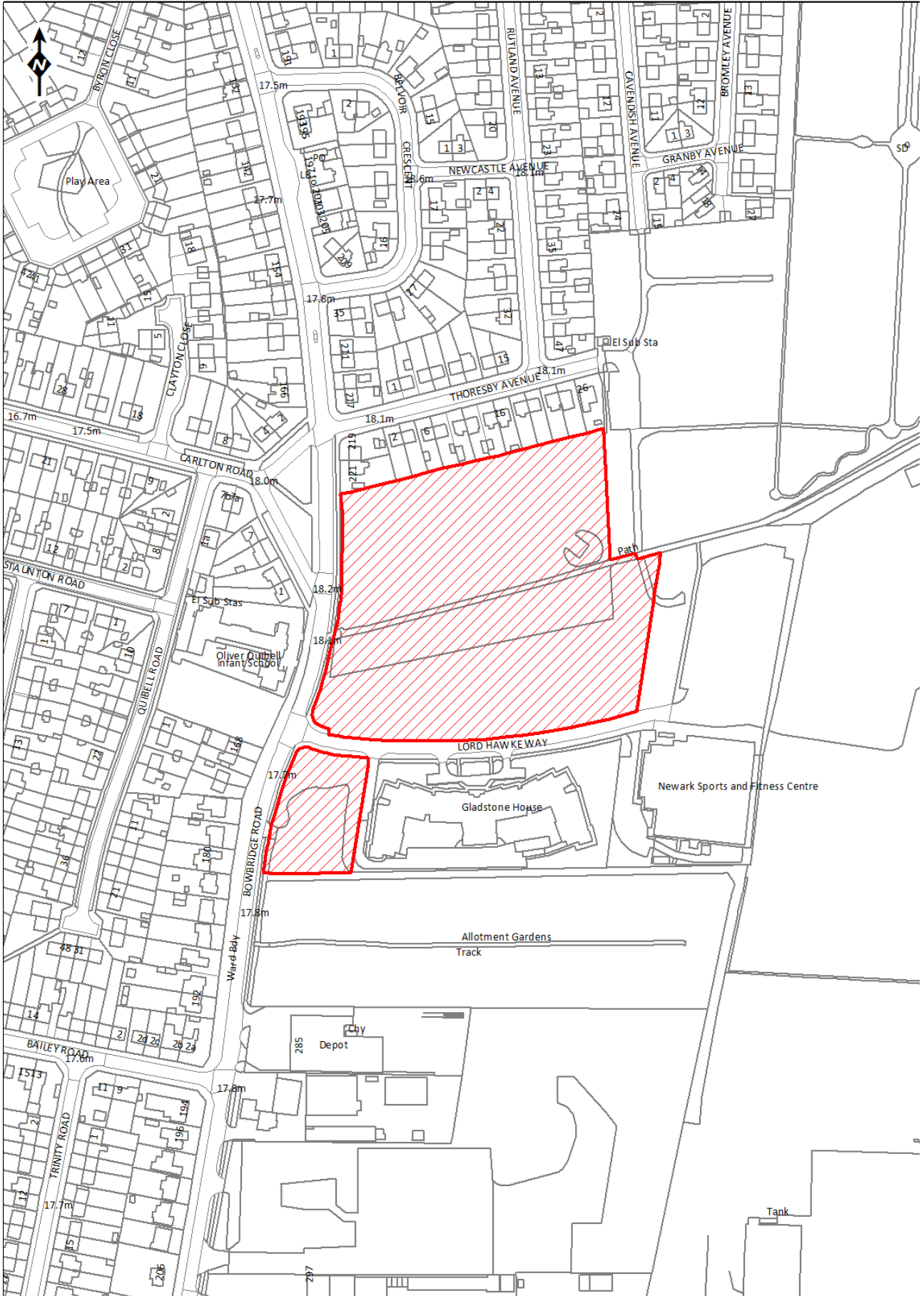
Application case file.

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 – Growth and Regeneration

Committee Plan - 20/00275/FULM



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Planning Committee – 28 April 2020.

Appeals Lodged

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.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 16 March 2020 and 14 April 2020)

| Appeal reference | Application number | Address | Proposal | Procedure | Appeal against |
|------------------------|--------------------|--|--|-------------------|-----------------------------------|
| APP/B3030/D/20/3245925 | 19/01971/FUL | 30 Tuxford Road Boughton Nottinghamshire NG22 9HU | Householder application for two storey side extension | Fast Track Appeal | Refusal of a planning application |
| APP/B3030/D/20/3246488 | 19/01611/FUL | 15 Mill Lane Edwinstowe NG21 9QY | Householder application for erection of single storey extension to front elevation | Fast Track Appeal | Refusal of a planning application |

Planning Committee – 28 April 2020

Appendix B: Appeals Determined (between 16 March 2020 and 14 April 2020)

| App No. | Address | Proposal | Application decision by | Decision in line with recommendation | Appeal decision | Appeal decision date |
|--------------|---|--|-------------------------|--------------------------------------|------------------|----------------------|
| 19/00098/ENF | Crossways Great North Road Weston Newark On Trent Nottinghamshire NG23 6TP | Without planning permission, the erection of a brick-built structure shown in figure 1. The building has not yet been completed but has been refused planning permission under reference 19/01034/FUL. The structure does not accord with the details approved under reference 18/00264/AGR. | Not Applicable | Not Applicable | Appeal Allowed | 19th March 2020 |
| 19/00127/LDC | 13 Pinfold Lane Elston NG23 5PD | Demolish porch and erect replacement | Delegated Officer | Not Applicable | Appeal Dismissed | 3rd April 2020 |
| 19/01842/LDC | The Shambles Low Road Besthorpe Newark On Trent Nottinghamshire NG23 7HJ | Certificate of Lawfulness for proposed single storey rear extension. | Delegated Officer | Not Applicable | Appeal Allowed | 26th March 2020 |
| 19/01237/FUL | Carlton Manor Mobile Home Park Ossington Road Carlton On Trent Nottinghamshire | Permanent siting of one additional park home with concrete base. | Delegated Officer | Not Applicable | Appeal Allowed | 19th March 2020 |
| 19/01515/FUL | 34 Eakring Road Bilthorpe NG22 8PY | Householder application for single storey front and side extension, canopy to entrance door and bay window (part retrospective) | Delegated Officer | Not Applicable | Appeal Dismissed | 23rd March 2020 |
| 19/01800/FUL | Rose Cottage Main Street Morton NG25 0UT | Householder application for proposed orangery | Delegated Officer | Not Applicable | Appeal Dismissed | 18th March 2020 |
| 19/01666/FUL | 10 Manor Close Bleasby Nottinghamshire NG14 7GE | Householder application for proposed ground floor side extensions | Delegated Officer | Not Applicable | Split Decision | 18th March 2020 |

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development 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 28 January 2020

by **Matthew Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/B3030/W/19/3241843

12 Carlton Manor Touring Park, Ossington Road, Carlton-on-Trent, Notts NG23 6NU

- 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 Mrs Shirley Goodman against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01237/FUL, dated 28 June 2019, was refused by notice dated 27 September 2019.
 - The development proposed is the permanent siting of one additional static caravan/park home including concrete base.
-

Decision

1. The appeal is allowed and planning permission is granted for the permanent siting of one additional static caravan/park home including concrete base at 12 Carlton Man Touring Park, Ossington Road, Carlton-on-Trent, Notts NG23 6NU in accordance with the terms of the application, Ref 19/01237/FUL, dated 28 June 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans entitled: 'Plan showing position proposed new park home', 'Model:Hayden Classic' elevations and floorplan drawing, Site Location Plan.
 - 3) The park home hereby approved shall not be sited or constructed on site until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural Matter

2. Both 'park home' and 'static caravan' are referred to in the description of development in the banner heading above. In the interests of consistency, I refer to 'park home' in my decision.

Main Issue

3. The main issue is whether or not the proposal would be in accordance with local and national planning policies relating to the location of residential

development in the District, with particular regard to the character and appearance of the area and biodiversity.

Reasons

4. The appeal site lies within a wider parcel of land which is made up of approximately 11 park homes/caravans. It is accessed off Ossington Road which lies to the north of the appeal site behind trees and vegetation. The park homes within the wider site are arranged in a fairly uniform manner around a central area of hardstanding. The appeal site, being located in the corner of the wider site, is well contained by trees, fencing, and existing park homes.
5. The appeal site is located in Open Countryside, as defined by Policy DM8 of the Council's Development Management Development Plan Document (DPD)¹. I was able to see on my site visit that the proposal would appear relatively inconspicuous from within the wider site as it would occupy a corner position and infill a gap in between existing park homes. This, coupled with its modest scale, means that it would not protrude significantly into the countryside, and whilst the openness of the appeal site itself would be reduced, this would not be at the expense of the openness of the wider countryside.
6. Moreover, the presence of trees close to the site boundaries significantly curtail views of the existing park homes and caravans, particularly from Ossington Road. Whilst the proposal would be situated relatively close to the road, most obtainable views of it would be seen against the backdrop of existing park homes. Therefore, the development would protect the intrinsic character and beauty of the countryside and wider landscape, in accordance with Core Policy 13 of the Council's Core Strategy² and paragraph 127 of the National Planning Policy Framework (the Framework).
7. However, its rural location away from a defined settlement boundary would be contrary to Spatial Policy 3 of the Core Strategy. Furthermore, whilst the proposal would have an understated appearance and there is nothing objectionable about its design given the presence and comparable style of other park homes within the wider site, it would not constitute a design of exceptional quality, nor would it meet the high design standard requirements set out in Policy DM8 of the DPD. However, it would partially meet the requirements of this policy as, in the context of its setting, the park home would represent a form of development which is a characteristic of the area.
8. In respect of the trees which flank the appeal site on two sides, the Council are concerned that some of them could be lost due to the excavation works and subsequent creation of a concrete pad, which could adversely affect the roots and health of the trees. Whilst the nearest trees lie close to the appeal site boundary, they are set away from the location of the proposed park home, beyond a boundary fence. The closest trees are clustered together to form a tree belt which reduces obtainable views of the wider park homes site from the road. To my mind it is unlikely that the proposal would significantly affect the integrity of the tree belt due to the distance involved and the fact that some of

¹ Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document 2013 Development Management Development Plan Document

² Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy March 2019

these trees lie on the opposing side of a ditch, thus limiting the likelihood of the proposal significantly affecting their roots.

9. However, even if individual trees were affected indirectly by the proposal, none of the trees are protected by a tree preservation order and the Council do not suggest that they have high amenity value. Those trees to the east of the appeal site lie further away and are even less visible from public vantage points.
10. Furthermore, the Council has not provided me with any meaningful evidence to suggest that any of the trees make a valuable contribution to local biodiversity. Based on the aforementioned, and the scale of the proposal and its location, I am not persuaded that the proposal would harm ecological assets and local biodiversity, nor that it would result in the loss of natural features of importance. Consequently, I find no conflict with Core Policy 12 of the Core Strategy or Policies DM5 and DM7 of the DPD which seek to preserve biodiversity interests and natural features of importance.

Planning Balance and Conclusion

11. The proposal would involve a form of development in the open countryside which is deemed by the local plan to be an undesirable location for housing. Despite this, the provision of one additional park home within an established park homes site would not significantly undermine the settlement hierarchy set out in Spatial Policy 3 of the Core Strategy. Moreover, the proposal would not be of exceptional design quality but would be in keeping with the prevailing character of the area and would not protrude significantly into the wider countryside or substantially diminish its openness. Consequently, there would be modest conflict with Policy DM8 of the DPD which seeks to ensure that any housing in the countryside is of the highest quality and is characteristic of the locality. There would be no conflict with Core Policies 12 and 13 of the Core Strategy or Policies DM5 and DM7 of the DPD in terms of the design of the park home and its effect on green infrastructure, biodiversity and landscape character.
12. In terms of benefits, the proposed park home plot would provide a bespoke form of housing for a specific demographic³ and I have no reason to dispute the appellant's assertion that it would be affordable in comparison with local traditional bricks and mortar housing. In addition, the additional plot would be located within an established park homes site which exudes a community feel and the future occupants would have the opportunity to contribute to the vitality of that community, in accordance with paragraph 78 of the Framework.
13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. I have applied significant weight to the foregoing benefits and find these material considerations sufficient to outweigh the modest conflict with the policies in the development plan.
14. Therefore, for the reasons given above, the appeal is allowed.

³ The submitted Design and Access Statement confirms that the wider site is occupied by persons over the age of 50.

Conditions

15. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition concerning external materials is required in the interests of the character and appearance of the area.

Matthew Woodward

INSPECTOR



Appeal Decision

Site visit made on 11 March 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/B3030/D/20/3245713

10 Manor Close, Bleasby NG14 7GE

- 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 Wilson and Mrs Ramsey against the decision of Newark & Sherwood District Council.
 - The application Ref 19/01666/FUL, dated 10 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is ground floor side extensions.
-

Decision

1. The appeal is dismissed insofar as it relates to the proposed side extension to the southwest elevation that would project towards Manor Close. The appeal is allowed insofar as it relates to the proposed side extension to the northeast elevation and planning permission is therefore granted for the erection of a ground floor side extension to the northeast elevation at 10 Manor Close, Bleasby NG14 7GE in accordance with the terms of the application, Ref 19/01666/FUL, dated 10 September 2019, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plans so far as they are relevant to the development hereby permitted: 431_2019_05; 431_2019_03 and 431_2019_04.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises a detached roughly rectangular bungalow which forms a horseshoe shape of dwellings facing inwards to a small cul de sac section of Manor Close. This results in the bungalow being side elevation onto another section of Manor Close. The side elevation is roughly in line with the front elevations of other similar bungalows that face this section of Manor Close. The distinct uniformity of the degree of set back each dwelling on this section has from the road contributes to a spacious estate of single storey dwellings, sat in generous plots with landscaped front gardens. The point at

which the south west gable elevation of the appeal building terminates relative to this street scene reinforces the sense of spaciousness.

4. Adding a side extension of a not insignificant size to the south west elevation would interrupt the designed presentation of built form to this part of Manor Close. One could legitimately argue No 10 also presents to a separate part of Manor Close which has slightly more informality about it in terms of the type, configuration and size of buildings and thus, in this context, the two extensions would probably be acceptable. However, the appeal building is also read in the context of the section I have described above and in terms of an appropriate design, it would not sit well. Breaking what is something of a uniform building line on this part of Manor Close would, for this reason, appear awkward and incongruous. There is some substantial hedging bounding the garden to No 10 adjacent the highway edge but it doesn't cover every boundary and given the height and projection of the proposed extension to this elevation it would be clearly discernible in views from both road approaches.
5. For these reasons, the proposed side extension to the south west elevation would cause harm to the character and appearance of the area, contrary to Core Policy 9 of the Core Strategy¹, Policies DM5 and DM6 of the Local Plan² and the advice set out in the Council's Householder Development SPD³. Between them and amongst other things these policies and guidance seek to ensure that new development, extensions to dwellings specifically, are of a high standard and contextually appropriate design and appearance, reflecting the character of the surrounding area and distinctiveness of the district's built form.
6. In the case of the proposed side extension to the northeast elevation, this would be considerably less obvious in the public realm. It would extend the dwelling towards its nearest neighbour at No 9 which is a larger two storey property and be noticeably subservient to both it and the existing dwelling. It would also replace an existing flat roof, resulting in a roof form more befitting of the existing bungalow. This element of the proposed development would therefore not give rise to harm to the character and appearance of the area and accordingly comply with the aforementioned policies, the objectives of which I have set out.

Other Matters

7. The appellant has drawn my attention to a number of other examples of development in both the same settlement as the appeal site and elsewhere in the district. Some are substantial in size. That is not to say however that the extension to which I have objected should be acceptable. I have not been party to the circumstances of the cases cited and each proposal is considered on its own merits, with regard to its own individual context which may differ in most cases. I have explained that context above and for the reasons I have set out the proposed extension to the southwest elevation would not be acceptable.

¹ Newark and Sherwood Local Development Framework Amended Core Strategy 2019

² Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document 2013

³ Newark and Sherwood Local Development Framework Householder Development Supplementary Planning Document 2014

8. There are areas in which the appeal scheme would, as a whole, be acceptable. Such as, for example, the proposed use of materials. Be this as it may, such a thing would amount to a lack of harm which, by definition, cannot be used to weigh against it. My conclusion is therefore unchanged.
9. The appellant mentions other dwellings that have altered roof tiles and at least one features exterior timber cladding which has, in their view, resulted in incongruous features. They may indeed be so, but such matters have occurred out of my control and, whilst again I have not been presented with the exact circumstances of each case, perhaps that of the planning system. Either way, the use of contrasting materials can create variation and add to the visual qualities of an area but would not extend to affecting the size or location of the buildings within it. Which are the main issues for the appeal scheme as I have explained.

Conditions

10. I have imposed the usual time condition as well setting out the approved plans for clarity and certainty. Explicitly referring to the development permitted only. I note the plans show an off white rendered finish to the permitted extension. The plans are referred to in condition 2. It also seems sufficiently clear from the plans that the existing dwelling would also be rendered. In any case, it does not strike me that rendering the approved extension and leaving the existing dwelling in bare brick would necessarily give rise to harm given its size and location. I am therefore content for the detail on the approved plans and covered by condition 2 to be sufficient to ensure there would be an appropriate external finish for the permitted extension.

Conclusion

11. I acknowledge the limited objection to the appeal scheme from third parties as well as some support. However, and for the reasons I have set out, I conclude that the appeal should be allowed insofar as it relates to the side extension to the northeast elevation but dismissed insofar as it relates to the side extension to the southwest elevation.

John Morrison

INSPECTOR



Appeal Decision

Site visit made on 10 March 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/B3030/X/19/3240641

The Shambles, Low Road, Besthorpe NG23 7HJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr S Atkin against the decision of Newark & Sherwood District Council.
 - The application Ref PP-08216601, dated 10 October 2019, was refused by notice dated 31 October 2019.
 - The application was made under 192(1)(b) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
 - The development for which a certificate of lawful use or development is sought is a proposed single storey rear extension.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

Procedural Matters

2. An accompanied site visit was arranged for the 10 March 2020. However, due to an error, in relation to its recording of the date of the site visit, the Council did not attend at the arranged time. Nevertheless, the appellant stated that I could access the site unaccompanied and I carried out the site visit on that basis.
3. The Planning Practice Guidance (PPG) makes clear that an applicant is responsible for providing sufficient information to support an application. It says that in the case of an application for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a Local Planning Authority to understand exactly what is involved. In that context the decision maker needs to ask: if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?
4. For the avoidance of doubt, the planning merits of the development are not relevant in this appeal which relates to an application for an LDC. My decision rests on the facts of the case, on relevant planning law and judicial authority. The test of evidence is made on the balance of probability.

Main Issue

5. The main issue is whether the Council's decision to refuse the grant of an LDC was well-founded.

Reasons

6. Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission for development within the curtilage of a dwellinghouse. Class A of Part 1 allows for the enlargement, improvement or other alteration of a dwellinghouse. (Class A)
7. The appellant seeks to establish that the building would be granted permission by virtue of Class A. Paragraph A.1 and A.2 set out limitations which proposals must adhere to benefit from the permitted development right. There is no dispute between the parties that the development falls to be considered under Class A. Nor is there any dispute that the development would adhere to the limitations under Class A set out at paragraph A.1 (a) through to (i) and (k). I have no reason to disagree with these findings.
8. Paragraph A.2(b) states that, in the case of a dwellinghouse on Article 2(3) land, development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.
9. Schedule 1, Part 1 of the GPDO defines Article 2(3) land as, amongst other things, an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal property is located within the Besthorpe Conservation Area and is thus Article 2(3) land.
10. The development would comprise a single storey extension projecting from the eastern elevation of the property. The Council states that the northern elevation of the dwelling that faces into the driveway is the principal elevation as it contains the front door which is the main entrance to the house. Therefore, it considers that the works would extend beyond a wall forming a side elevation of the original dwellinghouse and that, because of the limitation in paragraph A.2(b), it would not be permitted development.
11. The Ministry of Housing, Communities and Local Government's publication 'Permitted Development Rights for Householders' Technical Guidance (September 2019) (TG) whilst not determinative provides a useful guide to interpretation of the GPDO. It states that '*in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.*' It goes on to state that '*A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall*'.
12. The appeal property appears to once have been a barn/agricultural building. Consequently, its architectural style reflects that former use and is relatively plain in that respect. It is an 'L' shape building and a gable and an elevation to

the kitchen/dining room front onto Low Road (the western gable and elevation). Low Road is the main highway serving the house. I acknowledge that the entrance door leading to the hall and stairs is within the northern elevation. However, the western gable and elevation contain a large arched, glazed opening and double doors into the kitchen/dining room. Furthermore, the western gable with its proximity to the road, arched opening, decorative eaves and gable acts as a focal point to the property when viewed from Low Road. The name plate for the property is attached to this elevation.

13. Taking into account all of the above, I consider that the western gable and elevation can reasonably be considered to be the principal elevation and front of the dwelling. The corollary is that the eastern elevation should be regarded as the rear elevation. Consequently, I find that, on the balance of probabilities, the eastern elevation does not constitute a side elevation of the original dwellinghouse. In turn, the development would not fail to meet the limitation under Paragraph A.2(b).
14. In the absence of any evidence that the dwelling would fail to meet any other limitation under Class A, I find that the development subject of the LDC application would constitute the enlargement of a dwellinghouse for which development is permitted under Article 3, Schedule 2, Part 1 of the GPDO.

Conclusion

15. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey rear extension was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act.

D. Boffin

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 10 October 2019 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The building operations would be development permitted under the provisions of Class A of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed

D. Boffin

Inspector

Date: 26 March 2020

Reference: APP/B3030/X/19/3240641

First Schedule

Single storey rear extension as shown on the drawing No: 80/19/02/B

Second Schedule

Land at The Shambles, Low Road, Besthorpe NG23 7HJ

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

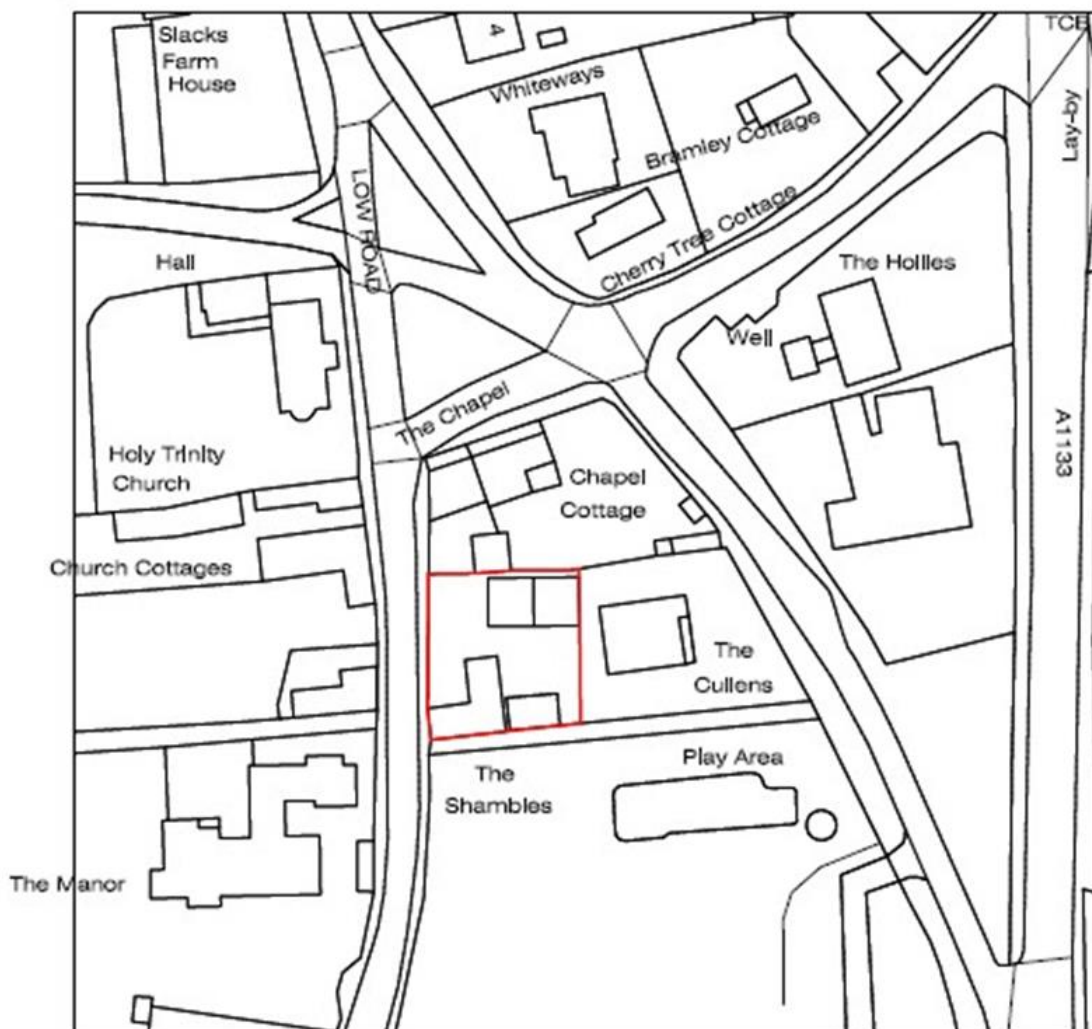
This is the plan referred to in the Lawful Development Certificate dated: 26 March 2020

by **D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

Land at: The Shambles, Low Road, Besthorpe NG23 7HJ

Reference: APP/B3030/X/19/3240641

Scale: Not to Scale





Appeal Decisions

Site visit made on 25 February 2020

by **P H Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal A: APP/B3030/C/19/3236641

Appeal B: APP/B3030/C/19/3236642

Land south of Crossways, Great North Road, Weston NG23 6TP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Peter Fendley (Appeal A) and Mrs Gillian Fendley (Appeal B) against an enforcement notice issued by Newark & Sherwood District Council.
- The enforcement notice, numbered 19/00098/ENF, was issued on 12 August 2019.
- The breach of planning control as alleged in the notice is described as, 'Without planning permission, the erection of a brick-built structure shown in figure 1. The building has not yet been completed but has been refused planning permission under reference 19/01034/FUL. The structure does not accord with the details approved under reference 18/00264/AGR'.
- The requirements of the notice are:
 - A. Remove all external red brickwork from the structure.
 - B. Remove the concrete blocks up to an external height of no more than 2 metres from ground level on the northern, southern and western elevations.
 - C. Remove all windows from the structure.
 - D. Remove concrete blocks on the eastern elevation so as to be able to install 5 roller shutter doors as approved under reference 18/00264/AGR, and reduce any remaining concrete blocks to an external height of no more than 2 metres from ground level.
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
- Appeal B is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Decision: Appeal A

1. It is directed that the enforcement notice be corrected by the deletion of the words, '*The building has not yet been completed but has been refused planning permission under reference 19/01034/FUL. The structure does not accord with the details approved under reference 18/00264/AGR*' from section 3 ('The matters which appear to constitute the breach of planning control').
2. Subject to that correction, the appeal is allowed insofar as it relates to the development as alleged in the notice, except in respect of any window, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a brick-built structure shown in Figure 1 on the plan annexed to this decision and the

enforcement notice insofar only as it relates to the building excluding any windows, subject to the following conditions:

- 1) The building hereby permitted shall be used for agricultural purposes only.
- 2) Within 6 months of the date of this decision, timber cladding, finished in green, shall be securely and permanently fixed to the upper part of the walls of the building, so that the building is in accordance with Drawing No 1B (Rev B) attached to the appellant's 'Enforcement Notice Appeal Statement' dated September 2019. The cladding shall thereafter be retained throughout the life of the building.
3. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the windows incorporated into the building as originally constructed, and planning permission is refused in respect of the windows originally incorporated into the brick-built structure shown in Figure 1 annexed to this decision and the enforcement notice, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision: Appeal B

4. I take no further action in respect of this appeal.

Application for costs

5. An application for costs was made by Mr Peter Fendley against the Council. This application is the subject of a separate Decision.

Preliminary matters

6. The second and third sentences of the breach of planning control alleged in the notice amount to an explanation of the current position rather than a description of the development which the notice is aimed at. It is important that the allegation is correct, not least because it forms the basis of the deemed planning application. I shall therefore correct the notice by deleting those two sentences, leaving the allegation as, 'Without planning permission, the erection of a brick-built structure shown in figure 1'. Since the essence of the allegation is not changed by this, and the statements to be removed are uncontroversial statements of fact, no injustice arises from this.
7. As built, the structure included a range of domestic-type windows. When I viewed the site, the window units had been removed and the openings had been blocked off with timber. The appellant accepts that the windows are inappropriate and does not seek approval for them.
8. In accordance with s177 of the Act, in determining the appeal on ground (a), I am able to grant planning permission in respect of 'the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters'. I am satisfied, as a matter of planning judgement, that the building without the windows can be regarded as 'part of the matters' alleged in the notice. Accordingly, it is open to me to consider granting planning permission for the building without the windows. Since the appellant does not take issue with the Council regarding the windows, no injustice would occur as a result of this and I have considered the appeal on ground (a) (Appeal A) with that in mind.

Appeal A: The appeal on ground (a)

Main issues

9. The main issues are:

- Whether the building should be permitted in this rural location, having regard to policies relating to agricultural need and development in the countryside; and
- The effect of the building on the character and appearance of the area.

Need

10. The appeal building is located in a farm field in the countryside. Development in the open countryside is controlled by Spatial Policy 3 of the Newark and Sherwood Core Strategy and Policy DM8 of the Council's adopted Allocations and Development Management Development Plan Document (ADMDDP). Spatial Policy 3 permits development which supports local agriculture and Policy DM8 requires the need for agricultural development to be explained.
11. Neither policy specifies in detail the information that is required to explain the need for the development, but the supporting text to DM8 says that applications should be accompanied by an explanation of the operational requirements for the development. It also indicates that the purpose of this requirement is to minimise the scale of new agricultural buildings, specifically those which are too large to fall within permitted development provisions.
12. An explanation of the need for the building was given in the application for prior approval. The site forms part of an established agricultural unit. The building is described as a '5 bay tractor shed', to be used for storing farm machinery, including tractors, trailers and cultivators. The appellant has subsequently suggested that the building could be used for other agricultural uses such as storing fodder and grain.
13. There is not complete certainty regarding precisely how the building will be used and the agricultural items that will be stored in it. Nevertheless, the level of explanation is adequate and proportionate for a building of this scale in order to indicate an agricultural use and meet the requirements of DM8, Spatial Policy 3, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). In any event, the notice does not seek the removal of the building but amendments to it. Accordingly, even if I were to dismiss the appeal and uphold the notice without change, the building could remain. Indeed, if the building were modified in accordance with all the requirements of the notice, s173(11) of the Act would then have the effect of granting planning permission for that modified building. In these circumstances, there is no reason to withhold planning permission on the basis of need.

Character and appearance

14. The extensive use of red brick is not typical of modern agricultural buildings of this scale and gives the building a rather incongruous appearance. The materials for the walls proposed in the prior approval application were concrete blocks at the base and timber above, which would have been more fitting.
15. The use of green timber cladding on the upper part of the walls, as shown on Drawing No 1B (Rev B), submitted by the appellant, would be appropriate for

an agricultural building of this type and would be a clear improvement compared to the extensive red brick currently used. However, I do not see any need to remove the existing blockwork or brickwork to achieve this change. Essentially the same visual effect could be achieved by the appellant's proposal to fix the cladding onto the existing brickwork. This has been demonstrated by a small sample of the cladding which was fixed to a wall of the building when I inspected it. I can see no merit in removing the existing masonry to achieve fundamentally the same appearance. The installation of the cladding could be secured by a planning condition.

16. The proposals shown on Drawing No 1B (Rev B) differ from what the Council seeks in two further respects. First, the drawing shows brickwork retained on the lower walls rather than the blockwork the Council seeks. However, this would not be visually harmful. The extensive wooden cladding proposed would dispel any impression of this as an oversized domestic building. With that change, the brickwork would not dilute the agricultural character of the building.
17. The second difference is that the Council seeks the provision of a total of 5 large openings for roller shutter doors compared to the 2 on the current building and shown on the drawing. However, I can see no merit in providing additional openings. While such doors are commonly used in farm buildings, the 2 large door openings in the building as it stands are sufficient to reinforce its character as a barn. There is disagreement between the parties as to whether 5 roller shutter doors were part of the prior approval scheme, but that has no bearing on my view that there is no need (in visual terms) for the building to have them.
18. For these reasons, I conclude that, with the windows now removed, and subject to the installation of wooden cladding as proposed, the character and appearance of the building is satisfactory. Consequently, in this revised form, there is no conflict with the design and appearance aims of Spatial Policy 3 and Core Policy 9 of the Core Strategy, Policies DM5 and DM8 of the ADMDPD, the Framework and the PPG.

Conclusion and conditions

19. My findings above are based on the building with the windows removed. In view of those findings, I conclude that the appeal should succeed in part. I will grant planning permission for the building without the windows, but I will uphold the notice with a correction, and refuse to grant planning permission for the windows. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.
20. I have attached a condition specifying the use of the building to provide certainty and to ensure that it is not used for purposes inappropriate to this countryside location. I have required the building to have timber cladding added to it to ensure a satisfactory appearance.
21. In view of my decision on the ground (a) appeal, and bearing in mind that the appellant has removed the windows and does not contest this aspect of the notice, the appeal on ground (f) does not need to be considered.

Appeal B

22. Appeal B is on ground (f) only and the case made out is the same as that for Appeal A. For the reasons explained in relation to Appeal A, it is not necessary to consider ground (f) further. Accordingly, I shall take no further action in respect of this appeal.

Peter Willows

INSPECTOR



Figure 1

This is the figure referred to in my decisions dated:

by P H Willows BA MRTPI

Land south of Crossways, Great North Road, Weston NG23 6TP

References: APP/B3030/C/19/3236641 and APP/B3030/C/19/3236642

Scale: Not to Scale

