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Monday, 24 June 2019

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

Members of the Committee:

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

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

MEETING: Planning Committee

DATE: Tuesday, 2 July 2019 at 4.00 pm

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

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

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

AGENDA

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19. 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.

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 4 June 2019 at 4.00 pm.

PRESENT: 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, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR
ABSENCE:

1 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R Blaney declared a personal interest in Agenda item No. 5 - Playing Field, Elm Avenue, Newark 19/00504/OUTM as a member of the Newark Sports Association. He advised that he had not made any predetermination and was not prejudiced in taking part in the discussion and voting on this application.

Councillor Mrs Dobson declared a personal interest in Agenda Item No. 17 – Land to the rear of 112 – 118 High Street, Collingham 19/00755/FUL as she was a friend of the parents of the applicant.

Councillor M Skinner declared, in relation to Agenda Items No. 5 and 10 (Playing Field, Elm Avenue, Newark 19/00504/OUTM and Site of the Bearings, Bowbridge Road, Newark 19/00681/FULM) that he had been Chairman of the Planning Committee at Newark Town Council when these two items had been considered but he came to this meeting with an open mind and would determine accordingly.

Councillor R Holloway declared a disclosable pecuniary interest in relation to Agenda Item No. 11 – Noble Foods Ltd, The Moor, Bilsthorpe 18/00931/OUTM as her property was near to the application site.

Councillor P Rainbow declared a personal interest in Agenda Items No. 6 - Land off Lower Kirklington Road, Southwell 18/01363/FULM as she knew the original applicant and in Agenda Item No. 19 – Grange Farm, Newhall Lane, Edingley 19/00408/FUL as she knew the applicant.

Councillor P Rainbow also advised that she would participate in the discussion and voting on Agenda item Nos. 7 and 8 – Springfield Bungalow, Nottingham Road, Southwell 19/00689/FUL and 19/00779/FULM give that the principle for the development at the site had been established.

Councillor J Lee declared a personal interest in Agenda item No. 5 - Playing Field, Elm

Avenue, Newark 19/00504/OUTM as a member of the Newark Sports Association and he also advised that he was a District Council representative on the Trent Valley Drainage Board which would be relevant when the body were making comments on applications.

Councillor L Goff declared a personal interest in Agenda item No. 5 - Playing Field, Elm Avenue, Newark 19/00504/OUTM as a member of the Newark Sports Association.

Councillor L Goff also declared an interest in Agenda Item No. 10 - Site of the Bearings, Bowbridge Road, Newark 19/00681/FULM as he had signed the petition which was presented to the Full Council asking for the tress bordering the site to be saved.

2 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting in accordance with the usual practice.

Councillor P Harris also declared his intention to record part of the meeting.

3 MINUTES OF THE PREVIOUS MEETING

AGREED that the minutes of the meeting held on 2 April 2019 be approved as a correct record and signed by the Chairman.

4 ORDER OF BUSINESS

The Chairman advised that Agenda Item No. 12 – White Post Garage, White Post, Farnsfield 18/02151/FUL and Agenda Item No. 15 – The Shed, Old Epperstone Road, Lowdham 19/00492/FUL had both been withdrawn from the agenda.

5 PLAYING FIELD, ELM AVENUE, NEWARK ON TRENT 19/00504/OUTM

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the residential development for nine detached houses and associated adopted road, private road and other external works.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published. One further letter of objection from an interested party had been received. The Planning Case Officer also referred to a live petition that was being signed objecting to the residential development.

Councillor Blaney stated that the application was only being considered by the Committee for transparency given it was a District Council application. If this were not a District Council application the matter would have been delegated given that Newark Town Council were not objecting to the residential development. The Members considered the scale of the proposed development and the current disused

nature of the site.

A vote was taken on deferring the application given the number of objections received and the amount of information that the new Members of the Committee had to consider. This was lost with 5 votes for and 9 against.

CLLr Skinner referred to potential changes to site layout which he would wish to come forward at reserved matters stage. However, given the outline nature of the application the principle of the redevelopment of the site was acceptable given it had not been used for many years and that the overall provision in Newark had improved in recent years with the Leisure Centre and Sports and Community Activity Village specifically.

AGREED (with 9 votes for and 5 against) that planning permission be approved subject to the conditions and reasons contained within the report.

6 LAND OFF LOWER KIRKLINGTON ROAD, SOUTHWELL 18/01363/FULM

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for proposed residential development for eighty dwellings on land off Lower Kirklington Road, Southwell.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the applicant's agent; Nottinghamshire County Council as the Highway Authority; and a local resident.

Councillor Martin representing Southwell Town Council spoke objecting to the application in accordance with the Town Council representation within the report. Councillor P Harris as local Ward Member also spoke against the application referring to the concerns of local residents, the proposal for traffic lights and the location of the affordable housing provision on the site.

Members considered the application referring to the inappropriate layout of the site, which was contrary to the Southwell Neighbourhood Plan in terms of housing mix, and the location and design of affordable housing. Concerns were also raised with a traffic lights solution for the access and the intrusive form of development this would create.

AGREED (unanimously) that contrary to officer recommendation planning permission be refused on the following grounds:

- (i) the proposal for traffic lights are inappropriate for this transitional site when approaching from open countryside;
- (ii) there is a lack of smaller dwellings or bungalow provision, contrary to the Neighbourhood Plan;
- (iii) the density and layout of the site was inappropriate with a segregation of the affordable housing provision and areas of

tandem car parking.

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	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	For

7 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL 19/00689/FUL AND 19/00779/FULM

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought retrospective planning permission for variation of conditions 2, 3, 4 and 5 of planning permission 16/01369/FUL to allow the new access junction to be constructed wholly within highway land or that owned by the applicant at Springfield Bungalow, Nottingham Road, Southwell. The Committee also considered the application for variation of condition 11 at the same site (19/00779/FULM).

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published. The Planning Case Officer advised of letters of representation received from local residents; a response from the County Council as Highway Authority to address resident's concerns and correspondence from NCNM, BPS Consulting and Browne Jacobson on behalf of the agent.

Councillor D Martin representing Southwell Town Council spoke objecting to both applications in accordance with the Town Council representation within the report. Councillor P Harris as local Ward Member also spoke against the application referring to the inadequate visibility splay, access and pavement provision.

Members considered the issues with access to the site, the visibility splays and the pavement construction which was felt was unsatisfactory in terms of the gradient and camber particularly for disabled and wheelchair users. However, the Committee noted the views expressed by the Highway Authority that the site was safe and accessible.

AGREED (with 10 votes for and 5 against) that both applications be deferred to the next cycle in order to seek clarification of the specific issues of the acceptability of the kerb radii to the site, the gradient of the footpath, the cross fall of the footpath, and the visibility splay measured on site by NCC highways.

8 LAND OFF NORTH GATE, NEWARK 18/01137/OUTM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the variation of condition 25 attached to planning permission 13/00997/OUTM for the proposed erection of Retail Development Bulky Goods/Open A1/Open A1 Convenience uses and provision of car parking to serve same. The proposed submitted was to allow the use of Unit B as A1 (non-food) at land off North Gate, Newark.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the District Council's retail consultants, Lambert Smith Hampton and also Newark Town Council who were now objecting to the application given the potential adverse impact it may have on the town centre retail economy. The Director of Growth & Regeneration referred to additional condition 28 as set out in the late item schedule.

Members considered the application and the potential impact on the retail economy.

AGREED (with 14 votes for and 1 abstention) that outline planning permission be approved subject to the conditions and reasons contained within the report, including the additional condition 28.

9 SITE OF THE BEARINGS, BOWBRIDGE ROAD, NEWARK 19/00681/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought permission to vary condition 23 of planning permission 18/00973/FULM to allow amendment of house types to plots 39-42, 23-24 and 43-44 at the site of the Bearings, Bowbridge Road, Newark. The previous application was for the erection of 62 residential dwellings including new vehicular access road and removal of eight TPO trees (TPO N313).

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published. Both Newark Town Council and the County Council as Highway Authority had responded as consultees as well as further local representations.

Councillor R. Blaney referred to the petition received at the Annual Council Meeting and the numbers of trees, shrubs, plants and hedgerow plants which were to be planted to compensate for the regrettable loss of some trees on the site.

AGREED (with 13 votes for and 1 abstention) that full planning permission be granted subject to:

- (i) the conditions contained within the report; and
- (ii) delegated authority being given to the Director of Growth & Regeneration to revise the wording of conditions 3, 9, 13 and 15 should the discharge of condition application reference 19/00663/DISCON be determined before this permission was determined.

(Having declared an interest, Councillor L. Goff left the meeting during this item).

10 NOBLE FOODS LTD, THE MOOR, BILSTHORPE 18/00931/OUTM

The Committee considered the report of the Director of Growth & Regeneration, which sought outline planning permission for up to 136 residential dwellings on the former Noble Foods egg factory site at The Moor, Bilsthorpe. The scheme would provide a mix of house types and sizes including detached properties, semi-detached properties and town houses and public open spaces.

Councillor M Ward representing Bilsthorpe Parish Council spoke objecting to the application referring to the village infrastructure not being able to sustain this increase in houses and subsequent growth in population.

Members considered the application and referred to the issue of CIL not being available to support infrastructure given the relatively low house prices. Councillor R. Blaney did refer to the developer contributions detailed in the report and the Committee noted the scheme was acceptable without the full suite of affordable housing and contributions given the application was for a brownfield site.

Cllr Woodhead made reference to the issues with the wider road network.

AGREED (unanimously) that delegated authority be given to the Director for Growth & Regeneration to grant outline planning permission subject to the conditions contained within the report and the Director negotiating with the applicant to waive the affordable housing element in order to secure meaningful infrastructure contributions, in consultation with the Chairman of the Committee and the Parish Council.

(Having declared an interest, Councillor R Holloway left the meeting during consideration of this item).

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting by a further hour.

AGREED (unanimously) that the meeting continue for a further hour.

Following this item the Chairman left the meeting leaving Councillor I. Walker as Chairman for the remainder of the meeting.

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

This application was withdrawn from the agenda.

12 COBBLERS COTTAGE, BRICKYARD LANE, FARNSFIELD 19/00168/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the erection of a second storey extension providing two bedrooms above an existing ground floor footprint at Cobblers Cottage, Brickyard Lane, Farnsfield.

Councillor B Laughton as local Ward Member spoke to object to the application referring to the proposed extension effectively doubling the size of the current property which will impact on the amenity of a neighbouring property.

Members considered the application and different options for the proposed extension including a possible cat slide roof.

A vote was taken to refuse the application but this was lost with 4 votes for, 6 against and 4 abstentions.

AGREED (with 8 votes for, 4 against and 2 abstentions) that the application be deferred in order to negotiate a revised design with the applicant with a cat slide roof.

13 SAWMILLS FARM, RUFFORD LANE, OLLERTON 19/00701/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for a replacement dwelling at Sawmills Farm, Rufford Lane, Ollerton. The proposal was for an existing single storey dwelling to be demolished and replaced with a single detached two storey dwelling.

Members considered the application and the representation from Rufford Parish Council objecting to the proposal. Concerns were raised about the design and scale of the proposed new dwelling with the significant increase in square footage. Reference was also made to the fact that the dwelling has only come about through the change of use prior approval process. Cllr Brown commented that the case law is in its infancy.

AGREED (with 9 votes for and 5 against) that contrary to officer recommendation, planning permission be refused on the grounds that the replacement dwelling was too large in terms of scale and size.

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

Councillor	Vote
R. Blaney	Not present
L. Brazier	Against
M. Brock	For
M. Brown	For

L. Dales	For
M. Dobson	For
L. Goff	Against
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	Against
K. Walker	Against
Y. Woodhead	Against

14 THE SHED, OLD EPPERSTONE ROAD, LOWDHAM 19/00492/FUL

This application was withdrawn from the agenda.

15 FIELD REF: 7600, NORTH SCARLE ROAD, WIGSLEY 19/00551/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the creation of a fish farming facility from agricultural land as a farm diversification business off North Scarle Road, Wigsley. The application was a resubmission of 17/02043/FULM which had been refused by the Committee in March 2019.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the applicant submitting additional supporting information. The Planning Case Officer also referred to a later letter from Nottinghamshire County Council advising of the removal of 2.5 tonnes of soil from the site as part of the proposal.

Members considered the application and the objection made by Wigsley Parish Meeting. Concerns were expressed about the proposals for permanent buildings and noise and vehicle movements. It was also considered that some of the environmental issues had not been addressed following the previous refusal of permission.

AGREED (with 13 votes for and 1 abstention) that contrary to officer recommendation planning permission be refused on the following grounds:

- (i) that the reasons for refusal of the application 17/02043/FULM in March 2019 had not been addressed;
- (ii) the extent of the material being removed from the site;
- (iii) concerns about vehicle movements; and
- (iv) the loss of agricultural land.

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	Not present
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	Abstain
I. Walker	For
K. Walker	For
Y. Woodhead	For

16 LAND TO THE REAR OF 112 - 118 HIGH STREET, COLLINGHAM 19/00755/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the erection of a dwelling on land to the rear of 112 – 118 High Street, Collingham. The application was a re-submission of 18/01863/FUL which had been refused by the Committee in January 2019.

Members considered the application and largely welcomed the application welcoming the design and having the view that it would not be visible.

AGREED (unanimously) that planning permission be approved contrary to officer recommendation, subject to the imposition of appropriate conditions being delegated to officers.

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

Councillor	Vote
R. Blaney	Not present
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For

Y. Woodhead	For
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In accordance with Rule No. 30.1, the Chairman indicated that the meeting had been ongoing for a further hour so a motion was required to be proposed and seconded to extend the meeting by another hour.

AGREED (unanimously) that the meeting continue for a further hour.

17 11 MAYPOLE ROAD, WELLOW 19/00473/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for a two storey rear extension, detached annex accommodation in the rear garden and associated works at 11 Maypole Road, Wellow.

Members considered the proposal for the annex which fell outside the scheme of delegation to officers and the Parish Council had raised an objection to this element.

AGREED (with 9 votes for, 4 against and 1 abstention) that planning permission be approved subject to the conditions and reasons contained within the report.

18 GRANGE FARM, NEWHALL LANE, EDINGLEY 19/00408/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the demolition and replacement of an existing dwelling and the refurbishment and conversion of a traditional stone barn building to form two holiday let accommodation units at Grange Farm, Newhall Lane, Edingley. The proposal also incorporated the partial demolition of a portal building and the demolition of a partially collapsed outbuilding.

Councillor D Poole representing Edingley Parish Council spoke in support of the application referring to the near derelict site of the existing property and this application would benefit the local economy.

Members considered the application and made reference to the structural survey which had recommended demolition of the existing building and how the proposal would support rural regeneration. Cllr Rainbow commented that the bowing of the existing building was clearly evident on site.

Members acknowledged the benefit of additional overnight tourism to the District.

The Committee also considered the proposed design and visual impact of the new dwelling. Councillor Skinner commented that the proposed dwelling was not necessarily in keeping with the barn conversion and Cllr Dobson also stated that the proposed replacement design should be more in keeping with the existing dwelling.

AGREED (with 10 votes for and 4 against) that contrary to officer recommendation planning permission be approved subject to appropriate conditions being imposed (specifically not to condition the removal of permitted

development rights).

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	Not present
L. Brazier	For
M. Brock	Against
M. Brown	For
L. Dales	For
M. Dobson	Against
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	Against
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	Against

19 LAND ADJACENT TO FORMER WHITE LION PUBLIC HOUSE, MAIN STREET, BLIDWORTH 19/00571/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought permission for the variation of condition 2 attached to planning permission 17/02149/FUL to amend the approved plans to allow changes to the boundary and location of the retaining wall at land at the former White Lion Public House, Main Street, Blidworth.

Members considered the application and as the local Ward Member, Councillor Y Woodhead advised she could not support the proposal and referred to the Parish Council objection.

AGREED (with 12 votes for, 1 against and 1 abstention) that planning permission be approved subject to the conditions and reasons contained within the report.

20 FOX INN PUBLIC HOUSE, MAIN ROAD, KELHAM 18/01414/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the retrospective change of use of vacant land to pub garden and permission for the placement of timber modular play equipment in the pub garden and alterations to the existing access points to the Fox Inn Public House, Main Road, Kelham.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from a neighbour raising concerns.

Members considered the application and the potential for increased noise outside of the premises. Given that they considered it was appropriate to request the applicant to erect notices advising patrons to be mindful of residents of neighbouring properties.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and subject to requesting the applicant to display appropriate notices to respect the residential area.

21 CONFIRMATION OF TREE PRESERVATION ORDER - TPO N366

The Committee considered the report of the Director of Growth & Regeneration, concerning 12 individual trees on land at Priory Farm, Nottingham Road, Thurgarton which were protected by virtue of their location within the designated conservation area.

A S211 notification was submitted on 5 December 2018 to remove a total of 17 trees from the site, including a mixture of species including Ash, Horse Chestnut, Norway Spruce, Scots Pine and Sycamore. Those trees were shown to be retained in planning permissions granted for further development at the site.

Due to the number of trees proposed for removal, the Local Authority's tree officer undertook a site visit to assess the works. During the site visit, it was established that a number of trees warranted protection by Tree Preservation Order (TPO). Further discussion took place with the applicant and it was agreed with the owner to proceed with the protection of those trees.

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

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

22 LOCAL DEVELOPMENT FRAMEWORK TASK GROUP

The Committee were asked to nominate three Members of the Planning Committee to sit on the Local Development Framework Task Group.

AGREED (unanimously) that Councillors R. Blaney, M. Skinner and T. Smith be appointed as the Planning Committee representatives on the Local Development Framework Task Group for 2019/20.

23 APPEALS LODGED

AGREED that the report be noted.

24 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 8.58 pm.

Chairman

PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00551/FULM (MAJOR)	
Proposal:	Creation of a Fish Farming Facility at Wigsley from Agricultural Land as a Farm Diversification Business (resubmission of 17/02043/FULM).	
Location:	Field Reference 7600 Off, North Scarle Road, Wigsley, Nottinghamshire	
Applicant:	Float Fish Farm - Mr Dale Hudson	
Registered:	01 April 2019	Target Date: 01 July 2019

Update

Members will recall that this application was presented for determination at the 4th June 2019 Planning Committee with a recommendation for approval. Members resolved to refuse the application for the same reasons as previously refused.

However following the committee meeting and before the decision was issued, it became apparent that a late item submitted by the applicant was not clearly presented to Members that could have influenced the decision. As such the matter has been brought back to the Committee. I offer my unreserved apologies that the implications of the late item were not properly explained to Members that has resulted in the application having to be brought back to Committee.

The late item in question was from the applicant received after the agenda had gone to print. This provided additional supporting information by way of a Planning Statement specifically in relation to the removal of materials from the land. However contained within this submission was a letter from a second professional, a Chartered Accountant that validated a previous submission from a Chartered Quantity Surveyor confirming that the volume of material to be removed from the site is now accurate. I would remind Members that NSDC officers and those from Nottinghamshire County Council (Minerals and Waste) have previously confirmed that they were comfortable that the figures were accurate and they had previously confirmed that no minerals and waste (on one piece of correspondence there was a typo as the word 'no' was omitted which is an error) would be extracted as part of this application.

Credibility

Clearly this matter is material to Members decision making in that the credibility of the volume of materials to be removed from the site have been a concern. However the applicant has sought to provide assurances to Members in order to address this issue. Members should be aware that if this matter remains as a reason for refusal, contrary evidence will need to be provided to demonstrate how this matter is incorrect and an appropriate external consultant would likely be required to be engaged. Officers advice is that this reason for refusal will now be difficult to defend on appeal. Officers are advised that the applicant is intending on submitting an appeal to the first refused scheme.

Other elements of the reason for refusal

I consider it worth exploring the other components of the proposed refusal reason to be crystal clear on their robustness.

Highways

If Members were to accept that the volume of material to be removed from the site is now accurate, there would be no unacceptable impacts upon the highways network, a matter which the Highways Authority have been consistent on. My advice is therefore that this reason essentially would fall away.

Sports Fishing

The applicant has clarified that it is not the intention for sports fishing to take place on the site and therefore it is not necessary to consider any cumulative impacts in terms of traffic and disturbance which Members previously cited as a concern. Members could impose a condition to limit or prevent this if they were to consider it to lead to a specified environmental harm.

Amended Phasing and Impact on Landscape

The report presented at the June meeting (below) sets out how the phasing has been amended to address concerns. Officers remain satisfied that the amended phasing scheme would help with concerns over part implementation and the impact this could have on the landscape. It remains for Members to take a view on whether this is acceptable and specifically identify what remains unacceptable.

Sequential Test for Flooding

Members previously refused the scheme on the grounds that the applicant had failed to demonstrate the Sequential Test for flooding. The applicant has provided further details as part of this revised scheme on this matter and officers are now satisfied that the Sequential Test is passed for the reasons set out in the report below. If Members are minded to disagree with this, clear and precise reasons as to why this fails the test will be required. For an appeal we would be required to offer contrary evidence that shows there are other appropriate sites available at a lesser flood risk.

The remainder of this report remains as previously published with additional text in bold and omitted text in ~~striketrough~~ for ease of reference.

This application was previously presented to the Planning Committee in line with the Council's Scheme of Delegation as Wigsley Parish Meeting has previously objected to the application (which has not been withdrawn) which differs to the professional officer recommendation.

The Site

The site lies in the open countryside to the south-east of Wigsley village, a small rural settlement to the north of our district. The landscape is low lying and relatively flat. The

site is located on the eastern side of the B1133 North Scarle Road and extends to the border with North Kesteven District Council.

The site is located c4.3km west of the River Trent and following recent modelling works undertaken by the Environment Agency the entire site falls within flood zone 2 (as it was previously) and part of the site (3.65h or c14%) to the north-east is now also within flood zone 3. The area is locally identified as being prone to surface water flooding.

The site comprises c26 hectares of arable fields and scrub land which was formally part of a former airfield and agricultural land to the east. Grassland in the north west of the site has areas of exposed hard standing; a large sedum mat has formed on one area. To the west of the strip there is a large (0.5 ha) spoil heap which has been wrapped in plastic. Scrubland in the central north of the site has developed on made ground with rubble piles; this is raised from the surrounding area. The scrub in the north west of the site is on the former air strip. There are trees and hedgerows within the site, mainly around the periphery of the site boundaries but also a hedgerow that runs east to west through the centre of the site.

A biological SINC (Site of Important Nature Conservation) known as 'Wigsley Dismantled Airfield' lies to the south-west with a very small part of the designation forming part of the application site. This is recognised as a mosaic of diverse habitats on an abandoned airfield.

There are a number of deep field drains and ponds in the local area, including Wigsley Drain which forms the eastern boundary of the site. This is a steep sided, 3m deep drain with slow flowing water. There is a broken hedge line along the top of the bank which is on the site side of the ditch.

The nearest property is approximately 200m away to the north.

Relevant Planning History

17/02043/FULM – 'Creation of a Fish Farming Facility at Wigsley from Agricultural Land as a Farm Diversification Business' on same site as the current proposal. This application was refused by the Planning Committee in March 2019 (contrary to officer recommendation) for the following reason:

"As a matter of fact the amount of material to be removed from the site during the construction period of the development has changed substantially during the lifetime of the application; from over 102 tonnes to less than 2 tonnes without a compelling explanation. In the opinion of the Local Planning Authority the application has failed to demonstrate credibility and enforceability regarding this, the consequences of which could give rise to significant impacts on the environment including the associated vehicle movements which may not be properly mitigated. The application has given rise to uncertainty regarding the impact of the sports fishing taking place on site (and whether this did indeed form part of the final proposal or not) and whether proper regard had been had in terms of the cumulative assessment of traffic and disturbance impacts associated with this element. The application also failed to demonstrate that the scheme could be appropriately phased, or its implementation be guaranteed in order to avoid a part completed development and avoid visual harm to the landscape. The application

also fails to demonstrate how the scheme passes the sequential flood risk test. Taking all matters into account, it is concluded that the development has failed to demonstrate its acceptability in terms of the following policies of the Development Plan. These are from the adopted Newark and Sherwood Core Strategy; Spatial Policies 3 (Rural Areas) & 7 (Sustainable Transport), Core Policies 9 (Sustainable Design), 10 (Climate Change) 12 (Biodiversity and Green Infrastructure) and 13 (Landscape Character) and from the adopted Allocations & Development Management DPD; Policies DM5 (Design), DM7 (Biodiversity and Green Infrastructure), DM8 (Development in the Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) as well as the National Planning Policy Framework 2019 and its associated Planning Practice Guidance. There were no material considerations that outweighed the failure to demonstrate the above matters.”

18/SCR/00012 - The application has been screened against The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that an Environmental Statement is not required in this instance.

12/00757/FULM - Replacement of an extant permission 08/02274/FULM for the creation of lake and growing ponds with utility building for use as a fish farm. Approved 3rd August 2012. The scheme has not been implemented and has now time expired.

08/02274/FULM - Creation of lake and growing ponds with utility building for use as a fish farm. Approved 3rd June 2009. This related to land that set back from the highway and approximately 1/3 of the land that forms this latest planning application.

07/01794/FUL - Erection of 3 utility buildings and excavations for ponds in connection with use of land as a fish farm. This application relates to a smaller part of the site now being considered to the site frontage. Application withdrawn 31st March 2008.

06/01597/FULM - Fish farm development for ornamental, angling and food purposes comprising erection of 3 utility buildings, new vehicular access, engineering works to provide fish stock pools and moat and landscaping. This matter was referred to the County Council given that it transpired that it would constitute a county matters application due to the amount of land being removed from the site.

Background and Proposal

Members will recall the planning application under reference 17/02043/FULM was refused at the March 2019 Planning Committee. There are a number of matters that have changed which are material to you as decision makers in this resubmission for the creation of a fish farming facility.

Firstly the site was previously identified as being in flood zone 2 (at medium risk of flooding) and in an area prone to surface water flooding according to Environment Agency (EA) maps. However following recent modelling works undertaken by the EA, new data has been released showing that 3.65h of the north-eastern part of the site is also within flood zone 3 (at highest flood risk) and it continues to be located in an area prone to surface water flooding. This matter will be discussed further in the relevant section of this report.

Secondly the amended Core Strategy has now been adopted and carries full weight. This will be discussed where necessary throughout the report.

The Proposal

The applicant already operates a fish farm (Float Fish Farm, which started trading in 2007) which is located at Farcet near Peterborough comprising 8 lakes on a 21ha site which has a mix use of fish farm and leisure fishing. The applicant has stated that business has outstripped capacity and a second site is needed in the East Midlands area to focus the core business (the fish farm) which would allow the Peterborough site to focus on the company's leisure arm.

Full planning permission is now sought to create a fish farm. The fish farm would breed and rear freshwater species of fish to supply the ornamental and sport fishing market. The applicant has clarified that there is no leisure or sport use in the proposal and has advised that once fully operational, at year 6 the facility would be capable of supplying around 11,500kg of live fish per annum.

Three single storey utility buildings towards to the site entrance would be located on site which would house breeding/hatching tanks and a water circulation plant. These would each measure approximately 15.56m in length by 5.58m in depth to a height of 5.38m to ridge and 2.48m to the eaves. The proposed buildings are finished with timber cladding on the walls and shingle tile on the pitched roof.

This development would involve the creation of a range of engineered growing ponds, fish stock ponds/lakes and a reed bed filtration pond which would act as a natural water cleaning system.

Four fishing lakes (from 9,251m² to 1.89ha) to depths of 1.5m with varying bank gradients and eleven fish growing ponds (for rearing the fish bred on site) ranging from 2450m² to 484m² in size with depths of between 0.9m and 1.5m are proposed. The development would involve engineering operations to dig and clay line the growing ponds that can be filled, drained and netted and sterilized each season. The applicant indicates that no minerals or waste material will need to be exported from the site and only excess topsoil will be sold off with the income used to balance the cost of excavation and earth moving around the site.

Access to the site is from the B1133. Stone access tracks would be laid that weave around the proposed engineered lakes and ponds with the provision of hardstanding areas provided for car parking around the site.

A range of enhanced and new habitat, including woodland is proposed as part of this proposal which equates to c20% of the site.

The applicant has now indicated that the farm would take up to four years to complete.

The applicant envisages that once fully operational the farm would provide employment for around 8 people; 5 full time people and 3 additional part time seasonal workers during busy summer months.

A phasing plan shows the scheme would be developed in 4 phases (in broad quarters);

- Phase 1 would comprise of the access point and access road leading centrally through

the site to the south-eastern part of the site where one fish stock pond (FP2) would be created along with reed beds and a growing pond (GP11), 1 area for vehicle parking plus the 3 x utility buildings towards the site frontage;

- Phase 2 to the north eastern part of the site would comprise retained scrubland habitat, 10 growing ponds (GP1 – GP10) and one area of parking;
- Phase 3 to the southwestern part of the site would comprises two fish stock ponds and associated reed bed, scrub habitat and 3 areas for vehicle parking;
- Phase 4 to the north-west part of the site would comprise a fish stock pond (FP1), a reed bed (feeding into FP3 and FP4) and scrub habitat.

The application is accompanied by the following plans and additional information which has been updated on several occasions during the application. For the avoidance of doubt the application has been assessed on the basis of the following list of submissions:

- Drawing Number: DH/400/17 – Location Plan – dated 6 September 2017;
- Drawing Number: DH/401/17 Rev C – Site Layout dated 12 March 2019;
- Drawing Number: DH/402/17 – Plan of the Proposed Buildings, dated 5 September 2017;
- Drawing Number: DH/403/17 – Cross Sections, dated 8 June 2018;
- Drawing Number: DH/404/17 – Cross Sections, dated 8 June 2018
- Drawing Number: DH/405/17 – Topographical Survey, dated 19 February 2018;
- Drawing Number: DH/407/17 – Cross Sections, dated 7 June 2018;
- Drawing Number: DH/408/17 Rev A – Phasing Plan, dated 12 March 2019
- Supporting Statement (including Design and Access Statement) – dated 12 March 2019 with the following appendixes:
 - Construction Management Plan;
 - Documents relating to excavation;
 - Flood Risk Assessment – updated May 2018 (author: Geoff Beel Consultancy), submitted 29.11.2018;
 - Ecological surveys;
 - Agricultural Land Classification – dated November 2018 (author: Soil Environment Services, Reference: SES/FFF/WFF/#1); and,
 - Landscape & Visual Assessment – dated March 2018 (author: Collington Winter, reference CW067-RPT-001).
 - **Further planning statement and Letter from Chartered Accountant verifying Chartered Quantity Surveyors previous conclusions.**

Departure/Public Advertisement Procedure

Occupiers of four 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 expiring on 2nd May 2019.

Planning Policy Framework - The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of

Growth Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment
Profile Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 11: Rural
Accessibility
Core Policy 12: Biodiversity and Green
Infrastructure Core Policy 13: Landscape
Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green
Infrastructure Policy DM8 – Development in the
Open Countryside
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Landscape Character Assessment SPD
- Agricultural Land Classification: protecting the best and most versatile agricultural land, Natural England, TIN049, 19/12/2012

Consultations

Wigsley Parish Meeting – (22.04.2019)

Objection approved at Wigsley Parish Meeting on 09/04/2019

“It is noted that the previous planning application 17/02043/FULM was refused but only contrary to officer recommendation. Wigsley Parish Meeting thanks Councillors on the Planning Committee for their careful consideration of the refused application and the uncertainty about many aspects of the application which they recognised. This is a very significant major application adjacent to a small village and there is no room for any uncertainty about what is proposed because of the potential impact on residents.

In addition, having reviewed the committee report for the refused application and assessed the resubmitted scheme, we continue to object to the application on the following grounds:

1. Noise and disturbance from excavations over a 4 year time period on 6 days per week. There is still no proper noise assessment. This would be quite simple to carry out. First of all, measure existing background noise levels. Then set up noise monitoring equipment at the nearest noise-sensitive premises and carry out some excavations at the closest point over the course of a day using the actual excavators. There are many companies that the applicant could engage to produce such a report which the District Planning Authority could then check. Alternatively, Environmental Health Officers at the District Council should be capable of doing the same.

The response of the District Council Environmental Health Officers in the committee report is

simply not detailed enough. The proposed Construction Management Plan is of no value if the actual excavations are too noisy and result in disturbance to the residential amenity of villagers. There is no empirical evidence upon which the Environmental Health Officers have based their response.

It is also noted that the Construction Management Plan put forward by the applicant does not take account of the recommendations of the Environmental Health Officers in terms of hours nor the condition recommended in the committee report. Thus, the suggested hours by the District Council were:

07:30 to 18:00 on Mondays to
Fridays In contrast the applicant
proposes: 07:00 to 17:50 on
Mondays to Fridays

Clearly, there is greater potential for noise and disturbance at 7:00 am in the morning and so we again object to the applicant's suggested hours of construction.

Although the applicant states that favourable weather conditions may reduce the construction period to 2.5-3 years, it has to be recognised that the site is within the Flood Zone.

Consequently, during winter months the water table is invariably very high with very heavy ground as a result, so the Parish Meeting has little confidence that the construction period will be reduced.

It is also noted that, although the overall levels of projected vehicle movements are modest, there could be peaks and troughs which may add to the noise and disturbance from the scheme to the further detriment of residential amenity.

2. Flood Risk - Sequential Test still not carried out. The Parish Meeting highlighted this issue previously and it formed one of the reasons for refusal of the previous application. However, the applicant has again failed to address the matter. The protestations of the applicant in the committee report are far too vague and it has to be acknowledged that North Scarle Road/former Wigsley Airfield has been notable for its flooding at times of heavy rain.

3. Limited scope for frontage landscaping. Whilst there are some modest improvements in this regard, extending the development close to North Scarle Road means that the landscaping will have an artificial, unnatural quality in this countryside location. Given the very large size of the site, avoiding fish ponds close to the road would allow for a greater depth of planting allowing the scheme to be more sensitively assimilated into the landscape.”

NCC Highways Authority – (17.04.2019)

The NCC Highway comments dated 17 December 2018 contained within the Applicant’s supporting statement (Appendix 5, document 5.7) which raised no objection to the amount of proposed lorry movements was based on information entitled ‘Wigsley Site Lorry Movements Proposed’ that suggested:

- Total Loads to export from site = 167 Loads over 4 years
- Year 1 – Nil loads

- Year 2 April - October 13 weeks x 5 loads Out;
- Year 3 April - October 8 weeks x 5 loads Out
- Year 4 April - October 12 weeks x 5 loads Out plus 1 week x 2 Loads Out

This is approximately 1 load, or 2 HGV trips (1 in & 1 out) per day, but only during certain periods. This is not considered excessive and is not perceived to significantly compromise highway safety or capacity.

Therefore, the highway Authority raises no objection to the application subject to a condition for the submission and approval of details of the site access and for a schedule of construction lorry routeing arrangement should be agreed by planning condition.

NCC Planning; Minerals and Waste/Ecology - (09.04.19)

Our comments would remain the same as the previous comments made on the 17/02043 application, with our latest comments on further information provided in December 2018. The previous comments are noted below.

NCC Minerals

Following concern raised in the previous consultation response in relation to Minerals and Waste- extraction activity and the now additional information the County Council now has the following comments to make.

In relation to excavating material, the supporting statement and muck balance calculation/spreadsheet/lorry movements set out the quantities of materials that would be excavated and how they would be used within the development. It confirms that most materials would be retained for re-use within the application site with approximately 2,511 tons of top soil removed from the site which would be sold. It confirms sand and gravel (mineral) would be removed from the site. For the purposes of mineral planning, the soils removed from the site are a surplus spoil material and not a mineral resource. Cross sections have also been supplied which identifies the depths of the excavation which was previously unclear.

On the basis of this information the County Council is satisfied that the development does not need a separate planning application for minerals extraction, but the County Council would recommend that Newark and Sherwood District Council impose a planning condition to ensure that the level of material excavation/re-use and off-site disposal accords with the information that has been submitted. It is considered the additional information addresses the concerns that have previously been raised by Nottinghamshire County Council and therefore consider we can withdraw our mineral planning objection to the development.

NCC Ecology

Some, further, ecological information has been provided, specifically in relation to great crested newts. Comments as follows:

- A Great Crested Newt Mitigation Report (dated October 2018) has been submitted, which proposed a precautionary approach in the absence of surveys of 'Pond B', to which access Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP was not obtained. It is unclear if it is proposed that further surveys of this pond are expected to take place (which could negate the need for a mitigation strategy). However, the approach set

- out in the Great Crested Newt Mitigation Report appears to be appropriate.
- However, it is assumed that no further ecology report has been provided to address the other, previous comments about gaps in the original ecology report – it cannot be seen on the NSDC website. Questions remain about the presence (or otherwise) of reptiles on the site, and it is unclear whether the existing badger setts are to be directly affected by proposals or not.
 - The site layout has been amended, showing the retention of the existing hedgerow which bisects the site in an east-west direction, which is welcomed.
 - It remains unclear about the raising of land in areas that currently support scrub (to be retained) – the note on the Site Layout plan does not really clarify this.
 - As before, standard conditions will be required in relation to the control of vegetation clearance during the bird nesting season, and the use of temporary protective fencing to protect retained areas of vegetation and watercourses during construction.
 - A condition should be used to require the submission of a detailed landscaping scheme, to include the use of native species of tree and shrub, establishment methods, and the provision of a wildlife pond (in the event that a great crested newt pond is not required).

NCC Lead Local Flood Authority – 05/04/2019:

Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

Natural England – (05.04.2019):

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published under the [Standing Advice](#) for protected species for local authorities. However, advice can be sought from ecology services available.

Nottinghamshire Wildlife Trust – 08.04.2019:

Our comments are based on the following ecological information:

- Ecological Scoping Survey (Prime Environment January 2018)
- Float Fish Farm Lt., Great Crested Newt Mitigation Report (Prime Environment October 2018)
- eDNA Survey Report, Float Fish Farm Ltd (Prime Environment 21/07/2018)

Amphibians

The Ecological Scoping Survey reveals that a second pond, 39m north-west of the site on private land could not be accessed during the survey. The applicant's ecologist states that a survey for great crested newts should be undertaken in spring to determine the presence or absence of newts. In the event that ponds in proximity to the site support great crested newts, mitigation will be required to ensure that newts are not harmed during works and that the newt population can be sustained in the long term. Great crested newts are European Protected Species (EPS) and are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended by the Countryside & Rights of

Way Act 2000. The legislation provides protection to great crested newts, their breeding ponds and terrestrial habitat. Within the Float Fish Farm Ltd. Supporting Statement (revised 12th March 2019) Section 3.3 Ecology states: “We have therefore provided a Newt Mitigation Strategy so as to deal with any newt habitats that might exist and during the spring of 2019 we will commission a Newt DNA survey for this additional pond area not on our site”. Ideally, the updated Newt eDNA survey results should have been submitted with this application. The results of this survey may have a bearing on the design of the proposed development site. Without these results we are of the opinion that the Local Planning Authority is not in a position to make an informed decision about the ecological impacts of this proposal. The presence of great crested newts would be a material planning consideration.

The Nottinghamshire Wildlife Trust have had sight of the Newt eDNA survey and provides the addendum comments:

We fully support the mitigation proposed for great crested newts in the ecological report Prime Environment, Float Fish Farm (October 2018). Mitigation is required because in the event that it's not possible to survey a pond, Pond B in this instance, it has to be assumed that a small population of great crested newts could be present. Mitigation is required to ensure that newts are not harmed during works and that the newt population can be sustained in the long term. Great crested newts are a European Protected Species (EPS) and are protected under the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981, as amended by the Countryside & Rights of Way Act 2000. The legislation provides protection to great crested newts, their breeding ponds and terrestrial habitat. The methodology given in Section 3 of the report should be secured by way of planning **condition**, should the application be approved. You may wish to use the following wording:

“All mitigation works shall be carried out in accordance with the details contained in Section 3 of Prime Environment, Float Fish Farm (October 2018) already submitted with the planning application and agreed in principle with the local planning authority prior to determination.”

The newt mitigation should ideally be incorporated into the Construction Plan or attached to it so that all site personnel are familiar with it.

Reptiles

The applicant's ecologist considers the site suitable for grass snake, slow worm and common lizard. In order to establish whether reptiles are present at this site a survey to industry standard should be undertaken prior to the commencement of work. If reptiles are found, mitigation will be required. Surveys should be undertaken between March and September and require a minimum of seven survey visits (and one visit to set up survey refugia across the site). These species are protected via part of Section 9(1) of the Wildlife & Countryside Act 1981 (as amended) against intentional killing and injuring. We strongly recommend that the LPA ensures that this survey is undertaken before the planning application is decided.

Water Vole

The applicant's ecologist considers that the bank and watercourse of Wigsley Drain and the wet ditch to the north of the site could support a population of water voles. The internal ditches were not considered suitable for water vole at the time of survey, but it is stated that they could be colonised if they regularly hold water. If work is proposed within 5 m of the bank, a survey should be conducted to establish whether water vole burrows are present. If they are,

appropriate mitigation may be required. Water voles and their places of shelter are protected under the Wildlife and Countryside Act 1981 (as amended).

Badgers

Signs of badger activity were recorded within the Site. Sett 1 (Figure 2) was recorded on the site-side bank of the ditch in the north east corner (SK 86665 69554). One of the sett holes had fresh earth around it with scrapings and 'snuffle holes' close by. Sett 2 was recorded in the south west corner (SK 85813 69532), where the applicant's ecologist considers that badgers have been using a wide drain pipe as a sett. Several latrines were noted in the field close by and a significant number of tracks were recorded through the long grass at this location, plus scrapings and snuffle holes. In order to protect badgers from disturbance 30m buffer zones are required around both setts to provide protection to them. Prior to works commencing, the site should be subject to a further survey for active badger setts because it is possible that animals will dig new setts, or abandon existing ones. Where a sett is within 30m of the proposed works (including movement of vehicles, storage of materials and excavation work) the applicant should consult their ecologist and Natural England because a protected species licence may be required. Under the Protection of Badgers Act 1992 it is a criminal offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.

Bats

All trees within the site were considered to have low bat roost potential. However, this does not mean that they have no potential for roosting bats and further inspection of these trees will be necessary should they be impacted by the development. All bat species are statutorily protected from reckless killing, injuring and disturbance, and damage and obstruction to roost sites by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 (as amended). Note that even if bats are not present, their roosts are protected all year round. The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

Breeding Birds

No vegetation clearance works to be conducted during the bird breeding season (March to mid-September inclusive) except under the guidance of a suitably qualified ecologist. All birds, their eggs and nests are protected by the Wildlife and Countryside Act 1981 (as amended).

This level of survey work is required in order to allow the LPA to make a fully informed decision, as stated in Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force): 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.' The Natural Environment & Rural Communities (NERC) Act 2006 places a duty on authorities to have due regard for biodiversity and nature conservation during the course of their operations.

Protection of Local Wildlife Site

We have lingering concerns about the impacts of this proposal on Wigsley Dismantled Airfield

Local Wildlife Site (LWS 5/205). When comparing the Phasing Plan to the location of the LWS it would appear that the northern tip of the LWS will be adversely impacted by the proposal. We ask the LPA to ensure that the whole of the LWS is protected from development.

<https://maps.nottinghamcity.gov.uk/insightmapping/#>

If this proposal will lead to the loss or damage to the LWS then we would have to reconsider our position. In addition, there possible indirect effects that will need to be addressed to ensure protection of the LWS. We are concerned about the potential impacts from run-off from areas of impermeable surface. Run-off from roads and hard standing can be contaminated by oil, rubber, chemicals, etc. We request assurances that the issue of run-off from the site will be thoroughly assessed and appropriate mitigation put in place as it is of the utmost importance that contaminated water does not enter and degrade nearby water courses, ponds and the adjacent LWS. LWS are selected for their substantive nature conservation value. Their selection takes into consideration the most important threatened species and habitats within a national, regional and local context.

LWS receive protection within Newark and Sherwood's Amended Core Strategy (March 2019). Core Policy 12 Biodiversity and Green Infrastructure states:

*"The District Council will seek to conserve and enhance the biodiversity and geological diversity of the District by working with partners to implement the aims and proposals of the Nottinghamshire Local Biodiversity Action Plan, the Green Infrastructure Strategy and the Nature Conservation Strategy. The District Council will therefore: • Expect proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. With particular regard to sites of international, national and **local significance**, Ancient Woodlands and species and habitats of principal importance identified in Section 41 of the Natural Environment and Rural Communities Act 2006 and in the Nottinghamshire Local Biodiversity Action Plan."*

Landscape Proposals (General)

A Site Layout plan (Drg No. DH/401/17) has been submitted and general landscaping proposals are included in the Supporting Statement. (See sections 2.2.10 – 2.2.31). In **Section 2.2.16** it states *'Float Fish Farm Ltd propose to provide an establishment aftercare provision for the woodlands, wetlands and species rich grassland. These habitats will be managed sensitively for nature conservation for 5 years.'* We are of the opinion that a detailed **"Landscape Design Plan" and Ecological Management Plan (EcMP)** are required so that it is absolutely clear what landscaping will be implemented and the management work that will be undertaken in the future. Within the EcMP we would expect to see details of habitat retention, creation (including methodology and species), any additional enhancements, as well as detailed information of the long term management of these habitats to a high standard in order to maximise biodiversity opportunities. Critical to the scheme delivering real biodiversity benefits is that retained and created habitats should be **managed in perpetuity in accordance with the agreed EcMP** and that a monitoring strategy be implemented that includes a summary of management undertaken to date, an assessment of the effectiveness of the management against plan objectives, together with any recommendations for any amendments to the management prescriptions. We are happy to discuss the precise level of effort required for monitoring with the applicant's ecologist. Production and implementation of the EcMP should be secured

through the planning system by way of a suitably worded condition.

Plant stock used in the landscaping scheme should be of guaranteed native genetic origin and ideally of local provenance, in order to maximise the nature conservation benefits of the proposal. The following species are suitable for this part of the county;

Woodland – Pedunculate oak *Quercus robur*, silver birch *Betula pendula*, Scots pine *Pinus sylvestris*, crack willow *Salix fragilis*, rowan *Sorbus aucuparia*, small-leaved elm *Ulmus minor*, wych elm *Ulmus glabra*. Shrub layer – blackthorn *Prunus spinosa*, hawthorn *Crataegus monogyna*, dogwood *Cornus sanguinea*, holly *Ilex europaeus*, hazel *Corylus avellana*, guelder rose *Viburnum opalis*

Carr woodland – goat willow *Salix caprea*, grey willow *Salix cinerea*, Osier *Salix viminalis*, hawthorn *Crataegus monogyna*, guelder rose *Viburnum opalis*, dog wood *Cornus sanguinea*

Reed bed establishment could be aided through the introduction of rhizomes/plant material that could be obtained through the local Internal Drainage Board as a result of their routine ditch management work. This strategy would hasten the benefits to wildlife and the operation of the reedbed filter system. We are of the opinion that plant material from garden ponds is not suitable as this may contain non-native invasive plant species that could colonise rapidly to the detriment of native species.

We also request that newly created grassland areas are seeded with a grassland/wildflower mix in order to enhance the biodiversity of the site. The following seed supplier will be able to provide an appropriate native wildflower seed mix of local provenance for this part of Nottinghamshire.

Naturescape

Maple Farm

Coach Gap

Lane Langar

Notts

Tel: 01949 860 592

Web: www.naturescape.co.uk

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged.

We also note that an area of the LWS (but outside the planning application area) is under the applicant's control. We would be happy to provide advice on appropriate management for this area if that would be helpful.

Please do not hesitate to contact Nottinghamshire Wildlife Trust if you wish to discuss our comments. I would be grateful if you would keep us informed about the progress of this planning application."

Environment Agency - (15.04.2019)

The proposed development will only meet the National Planning Policy Framework's

requirements if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref GCB/HUDSON and dated May 2018 compiled by Geoff Beel Consultancy) and the following mitigation measures it details, namely:

1. Finished floor levels are set no lower than 6.30m above Ordnance Datum (AOD).
2. Resilience measures must be utilised to a minimum of 6.60m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice to LPA

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

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

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

Trent Valley Internal Drainage Board – (02.04.2019)

The site is outside of the Trent Valley Internal Drainage Board district and catchment. There are no Board maintained watercourses in close proximity to the site. No comments to make in respect of this consultation.

Upper Witham Internal Drainage Board - (18.04.2019)

The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment. However should anything change in relation to the method of surface water disposal and/or in relation to the flood risk assessment then this Board would wish to be reconsulted. It is noted:

- an access strip of at least 6m has been left adjacent to Wigsley Pump Drain (Board maintained watercourse, 23000)
- any discharges will be limited to the greenfield rate
- Board Byelaw consent will be required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance (6m) of the top of the bank of a Board maintained watercourse (Wigsley Pump Drain)

North Kesteven District Council – No comment received

NATS – (10.04.2019) no safeguarding objection.

NSDC (Environmental Health) – No observations in relation to contaminated land.

NSDC (Environmental Health) – comments relating to 17/02043/FULM:

(10.12.2018) – ‘I have looked at the Construction Management Plan and provided they implement it, I do not for see any problems.’

Previous comments (in respect of earlier CMP) 24.09.2018 – ‘I would comment that section 2.3.6 deals with construction hours, the quoted hours are too long. We would expect 07:30 till 18:00 Monday to Friday, 08:00 till 13:00 Saturday with no Sunday or bank Holiday working.’

One representation has been received (forwarded on by the applicant) which states:

“In response to your conversation regarding the drainage on Wigsley Old Air Field. We have farmed either side of your land, that you are trying for planning permission on, since 1996 and have never had the fields flooded. In response to the highway flooding, it was quite severe in the winter of 2011/2012. This has been rectified by Notts Highway by cleaning out the old taxiway drains at the side of the road, And by digging a new ditch system to join onto the existing ditch network. I cannot see any problems going forward as long as the ditch, that you now own, is kept well maintained.”

Comments of the Business Manager

The main issues for consideration in this application assessment are:

- The Principle of Development including the Loss of Agricultural Land;
- Excavation Impacts/Viability/Engineering Operations;
- Effect of Phasing;
- Traffic implications & Highway Impacts;
- Impact on Residential Amenity;
- Impacts on the Countryside and Landscape;
- Impact on Trees;
- Impact on Ecology;
- Flood Risk; and,
- Planning Balance and Conclusions.

The Principle of Development including the Loss of Agricultural Land

Section 336 of the Town and Country Planning 1990 Act defines agriculture to include:

“...the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of the farming of the land)...”

The proposal seeks full planning permission for a fish farm at the site. According to the information submitted by the applicant the proposed development would produce fish for

sports fishing, angling and ornamental purposes.

As such it is considered the proposal is not an agricultural use as defined by the Act. However, Policy DM8 makes clear that development in the countryside will be strictly controlled and limited to certain types of development which includes rural diversification. More specifically Policy DM8 states Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they contribute to the local economy. DM8 continues by advocating proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.'

The existing site does not appear to form an active farming business, albeit some of the land is arable. Part of the land is a former airfield which has assimilated back to agricultural use over a number of years. There is no existing business as such to diversify. On the face of it, the proposal fails this element of the policy. However the NPPF, which is a material consideration (at paragraph 83) supports both the 'sustainable growth and expansion of all types of business in rural areas, through conversion of existing buildings and well-designed new buildings' and 'the **development** and diversification of agricultural and other land-based rural businesses (emphasis added).

It is recognised that agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.

Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 5 land and very limited amounts of Grade 4 land which is located north of Girton and Besthorpe and near North Clifton. Of the Grade 3 land, there is no database to distinguish between whether a site is formed by Grades 3a or 3b land. However the applicant has at our request undertaken a soil analysis which shows the site to be within Grade 3a, falling within the best and most versatile land.

The NPPF sets out at paragraph 170 that planning decisions should contribute to the natural and local environment by ' (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland..*' emphasis added.

The loss of c26ha of Grade 3a agricultural land is a negative factor in the overall planning balance. However without knowing what proportion of other land within the district is 3a and 3b it is difficult to quantify its true impact. Nevertheless, the proposal is a new business which is supported by the NPPF and is a land based business requiring a rural area which would contribute to the local economy through providing jobs and diversifying the rural economy. Notwithstanding the ecological implications (discussed later in the report) it is considered the proposal accords with the spirit of both national and local level policy objectives.

Excavation Impacts/Viability/Engineering Operations

It is noted the development involves excavation of material to create the fish and growing ponds. The applicant has confirmed and it has been corroborated by a Chartered Quantity Surveyor that the amount of material to be brought off site would equate to 2,511 tonnes which would comprise primary material (screened top soil).

The NCC Minerals and Waste Team commented on the previous application and assisted with calculating the volume of materials to be removed and were broadly satisfied. Given this application proposes to remove the same amount of material from the site it would be reasonable to consider their view would remain in broad satisfaction.

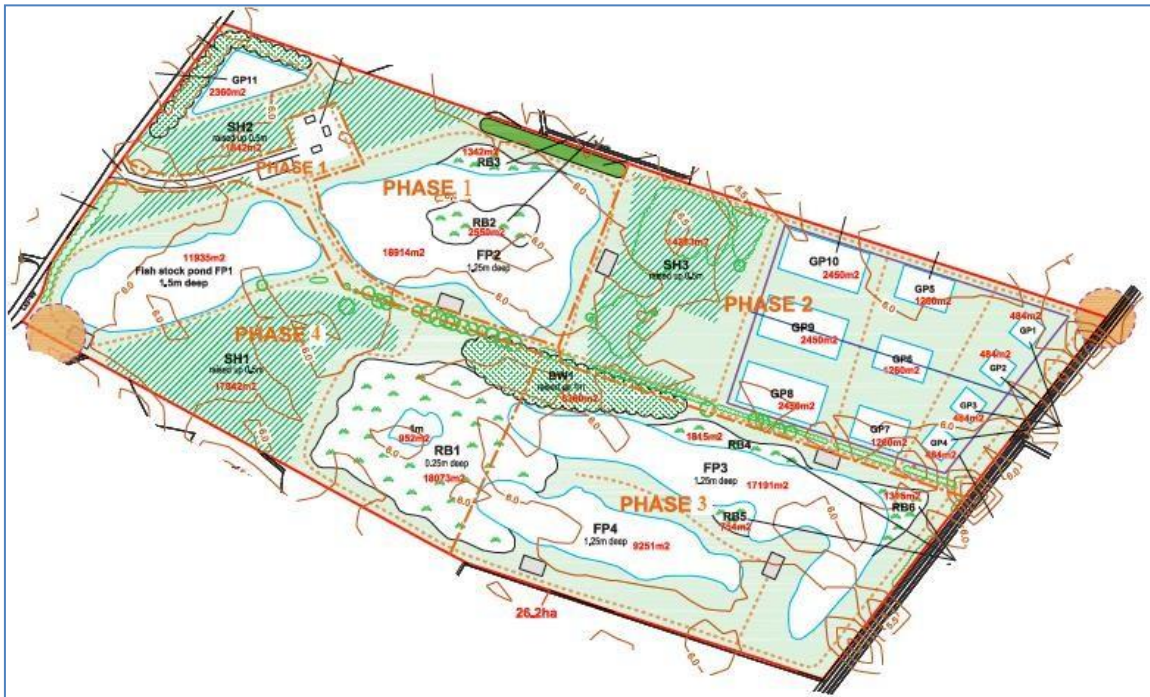
To reiterate NCC confirmed that they were satisfied that the previous proposal would not constitute a minerals or waste operation but rather given the depths involved would amount to an engineering operation that is a district planning matter. This application involves the same amount of excavation and as such it would be difficult to reach a different view other than an engineering operation which would still rest with the District Planning Authority. However, taking into account the previous comments and the depths of the digging it is considered expedient to control this matter by planning condition to avoid extraction of minerals such as sand if Members are minded to support the scheme.

In respect of the completion of the works to avoid a despoiled site which would be harmful to the environment it is noted the development sees a reduction in the amount of material taken off the site compared with previous schemes. Given the development would be undertaken in four phases this cumulatively reduces the cost and ultimately the risk to the site being completed. The application proposes that none of the material will need to be removed, other than sold and through a planning condition can ensure the development is completed in phases (with not more than one phase being developed until the previous is substantially complete) which would minimise the risk of leaving the site in an state which would harm the environment.

This application now proposes a significantly lower level of excavated material to be taken off site, which inevitably reduces the amount of traffic movements. On the basis of the level of excavation over the four year construction period, it is expected to result in an average of 1 HGV tipper load per week. In addition, given the control on the phasing of the development this is unlikely to be significant.

Phasing

A phasing plan shows the scheme would be developed in 4 phases (in broad quarters);



Developing in phases is sensible in order to control the level of excavation. The proposed phasing would follow a natural clockwise direction where the development would commence near to Scarle Road providing the buildings, small growing pond (GP11) and a fish pond. This would then set the direction of the service roads enabling the continuation of the site over the three remaining phases, finishing back at the site's entrance. Although the RB1 which is mainly in Phase 4 crosses over into phase three, it is envisaged that FP3 and FP4 can be completed before incorporating RB1. Nevertheless, this matter can be rectified through a planning condition which would require a detailed phasing plan is submitted prior to works commencing on the site.

Traffic implications & Highway Impacts

SP7 requires development to provide safe and convenient accesses, be appropriate to the highways network in terms of the volume and nature of traffic generated, ensure that the safety of, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking provision and ensure that the traffic generated would not create or exacerbate existing issues amongst other things. Policy DM5 reflects this.

The number of lorry loads taking soil off the site is set out in the section above and this is not considered to be significant. In terms of materials to be brought on to the site, the applicant has confirmed that the ponds do not require clay lining as the soil composition is heavy and clay based to adequately line the ponds. Given the water table in the whole area is relatively high and there would not be excessive downward pressure enticing water to escape and therefore the retained on site sub soils will hold water.

Once fully operational the development is expected to employ around 5 full time members of staff plus additional seasonal workers when required. Deliveries would likely be made by courier two or three times a week. Deliveries out by their own vehicle will be two or three times a week increasing to four times a week during spring, when demand is higher. Parking for visitors would be made within each phase at appropriate points off the access track around the site such that

adequate parking provision on site would be provided.

NCC Highways Authority have commented the number of lorries and profile is not excessive and they raise no objection subject to lorry routing being agreed and details of the vehicular access including visibility splays. The suggested lorry routing condition has been reworded from a pre-commencement condition, which are to be avoided where possible given the applicant does not need to bring materials on to the site and that it would still achieve the required outcome by agreeing the routing prior to any materials from being taken off site.

Overall it is considered that the volume of traffic created by this development is unlikely to be excessive or to cause disturbance and annoyance to neighbouring occupiers by HGV's travelling through the village. The Highways Authority has raised no objections to the scheme and overall it is considered that the traffic implications are acceptable in line with Policy SP7 and DM5.

Impact on Residential Amenity

CP9 sets out an expectation that development is of a high standard and that contributes to a compatible mix of uses. Policy DM5 requires that all proposals be assessed to ensure that the amenity is not adversely affected by surrounding land uses and where this cannot be mitigated should be resisted.

The nearest residential dwelling is located north of the site c185m away from the nearest point of the site. Once fully operational, there would be a small number of deliveries per week and it is not anticipated that the activities would have a detrimental impact on residents. It is not anticipated there to be any odour from live fish at this farm.

The main impact to residential properties is likely to arise from the construction phase of the development in terms of noise and general disturbance. To this end the applicant has provided a Construction Management Plan.

This sets out the proposed construction practices with the construction hours indicated as 0700 to 1900 Mondays to Fridays and 0800 to 1300 Saturdays with no construction work to take place on Sundays or Bank Holidays.

Taking into account open nature and the comments from the Environmental Health Section on the previous application it is considered the construction hours would lead to a loss of amenity given the noise associated with the machinery to excavate the site. It is therefore considered more appropriate for works to commence from 0730 Hours until 1800 Hours on weekdays and from 0800 Hours to 1300 hours on Saturdays. A condition can be imposed to restrict construction to during these hours. The Parish Meetings comments on the matter of noise have been noted, however this is a matter that officers are satisfied can be made acceptable through planning condition and noise was not a matter that Members raised as a concern in their refusal reason in

March.

There is no associated external security lighting and as such there would be no light impacting on amenity.

Therefore it is considered that the scheme accords with CP9 and DM5 in terms of amenity and allowing existing residents acceptable living conditions during both the construction and

operational phases.

Impacts on the Countryside and Landscape

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

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

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

The landscape character of the area is very flat and open. A key consideration is therefore the impact of the development upon the character of the area visually. The site falls within the East Nottinghamshire Sandlands. Policy Zone 02 (Wigsley Village Farmlands with Plantations) of CP13 applies which gives landscape condition as poor with low sensitivity resulting with a policy action of 'create'.

The materials dug out of the proposed ponds are largely to be re-used on the site by raising land levels across the site. A number of sectional drawings have been provided to show the impacts on this. These show that much of the regrading and levelling works will be imperceptible across such a large site. From long distance views the proposed ground works would assimilate into the wider setting and given that the landscape is poor and the sensitivity is low, there is scope to develop the site in this manner. The areas of woodland and habitat that will be created also comply with the policy action of 'create' for this area. It is therefore considered the development would have an acceptable visual impact upon the landscape character and appearance of the area in compliance with the above identified policies.

The applicant has submitted a Landscape and Visual Assessment Impact in support of the scheme and concludes that *'whilst the sensitivities of the visual public receptors are considered to be high from the public rights of way to the west of the site, the site is seen within the context of its wider landscape setting and once developed, it is considered that the nature of the development and proposals to reduce likely visual effects by the planning of native tree and hedgerow species within the site and along the boundary, will reduce any adverse effects upon public visual amenity.'*

Taking into account the application site and its setting it is considered the visual amenity of the area would not be adversely affected by the proposed development.

The scheme proposes three single storey utility buildings to be grouped together from the roadside. The applicant advises that these are required to house the site office, breeding/hatching tanks (of varying shapes and depths) and a water circulation plant. The proposed buildings are domestic in scale and the general design is considered appropriate in its setting. Notwithstanding the details described on the application form, it is considered expedient to require the submission of the finishing materials by planning condition to ensure they complement the visual amenity of the surrounding area.

The appearance and scale of the 3 buildings, subject to the use of appropriate materials, is considered acceptable per se. However I remain concerned that given these buildings are needed within phase 1 and they are of domestic scale that should the business fail for any reason, there would be 3 domestic scale buildings in a countryside location that could be converted to dwellings in an unsustainable location where they would normally be resisted. If Members are minded to approve the scheme I consider that either the application should enter (1) into a Section 106 Agreement to agree that in the event that the scheme is no longer operational or where they has been no activity on site within a 6 month period that these buildings are removed from the site; or (2) that the scheme is amended to propose a single agricultural-style building instead. Members give not give a view on this at the last meeting and the scheme remains as previously presented in this regard.

Impact on Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

An Arboricultural Survey and Impact Assessment have been submitted in support of the scheme. The survey identifies 40 individual trees and 25 groups of trees or hedgerows are present on site with good native species diversity and a mix of ages. Of these 1 is categorised as retention category 'A' (very high quality and value with good life expectancy) 20 are 'B' category (good quality and value with significant life expectancy) and 44 are category 'C' (low or average quality and value).

The vast majority of the trees and hedgerows would be retained as part of this scheme. One tree (T4 – an early mature Hawthorn) plus sections of two groups of wooded vegetation; G45, an early mature hedgehow of Hawthorn & Elder and G63 semi-mature Willow Oak Elm would be lost as a direct result of the proposals. However in all 3 cases the wooded vegetation are categorised as C, which have a lower level of significance and in the case of the group vegetation only small sections are to be removed, to allow for access roads for example. Whilst the losses of trees are regrettable, it is considered the losses are acceptable given the size of the application site. The subsequent loss can adequately be compensated by appropriate re-planting within the site and can be secured through a soft landscaping scheme.

It is acknowledged that the health of trees can suffer if the soil around the trees and roots are significantly changed. The site plan shows the central track and BW1 would be raised by 1 metre above the existing ground level. However, the plan does annotate that an area around the existing trees would be kept at the existing level. Clearly, this would require further investigation. In order to protect the retained trees, root protection fencing is proposed during the construction phase and a no-dig type of construction method with porous surface is also

suggested in order to safeguard the trees from the laying of the proposed stone access roads where they encroach close and to the edge of retained trees. It is considered these matters are reasonable and necessary and as such can be controlled by condition.

Impact on Ecology

Policy DM7 specifies that: "On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP."

The proposed construction works will disturb most of the site. Although the hedgerow and most trees will be retained, areas of scrub and grassland will be lost. Meadow grassland as denoted on the plans is not intended to be disturbed. Most of the scrub falls within areas where the levels will be raised. The woodland would be raised by 1 metre above the existing ground level.

The site currently comprises arable fields, scrub, rough grassland, hedgerows and trees as well as some exposed hardstanding with Wigsley Drain (3m deep with slow flowing water) to the eastern boundary. As such an ecological scoping survey was submitted with the application.

Mitigation is proposed by removing the habitat that would be lost during construction (such as removal of long grass, scrub, shrubs and trees) outside of the bird breeding season and also by replacing this, which would also need to be secured through condition. Subject to a condition there is no objection to the proposal in this respect furthermore it would bring some longer term ecological enhancements as more habitats (as opposed to arable fields) would be created.

The impact on protected species has been considered. There is the potential for Great Crested Newts to be present on site; particularly in Pond B. Best practice requires consideration of ponds within 500m of a development that may be able to support a population of newts. In this case two ponds are within 250m of the site; an accessible pond 25m to the south and a pond 39m north- west on third party land.

The southern pond was considered to be unlikely to be a suitable habitat given it is well stocked with fish. An eDNA test of the water within this pond has been provided which shows the pond does not support GCN, a matter accepted by the LPA and NWT. However the north-western pond could not be ruled out as providing suitable habitat and as such further information was requested resulting in the submission of a Great Crested Newt Mitigation Report (dated October 2018) which proposes a precautionary approach and mitigation strategy in the absence of surveys for this pond. The County Ecologist has confirmed that the approach set out in the Great Crested Newt Mitigation Report appears to be appropriate which should be conditioned. Subject to a condition that assesses the impacts upon GCN it is considered the impact on the protected species has been fully considered and adequately mitigated. Reptiles could be present on the site and it is recommended that further surveys are undertaken of the site prior to commencement of development.

Water voles and otters have also been considered, given the wet habitat of the Drain to the north of the site. Water voles could be supported although was not present at the time of the

survey. In order to ensure that adequate protection is made, it is recommended that before any works are undertaken within 5m of the bank, a survey should be conducted to establish if water voles are present which could be controlled by condition. This is acceptable and can be secured by planning condition.

The impact on badgers has been found to be acceptable. It is recommended that prior to works commencing on site, a fresh survey be undertaken for active badger setts which can be secured by a suitable condition which also requires mitigation where necessary.

The trees on site were assessed for bats and found to have low potential.

The creation of wetlands within the arable landscape is likely to result in a net gain in biodiversity. The ponds themselves will be well stocked with fish, which will naturally reduce the ecological benefit of the ponds, but measures can be undertaken to provide genuine benefits to wildlife from the scheme. For example, the open water areas of the ponds will provide opportunities for natural colonisation by a variety of aquatic flora and fauna. This process could be augmented by the addition of indigenous plant material generated from the routine maintenance of local ponds. The wetlands will be shaped to provide a range of bank angles and heights. Gradients will vary from 15°-35° from horizontal and will be enhanced by the excavation of embayments and spurs. This will create differing conditions of light and temperature and will thus encourage diversification in the flora and associated fauna. Water depth will vary thus warm shallows for the developing larvae of amphibians created. The shallowest areas will grade into an expanse of seasonally wet mud that may encourage feeding by a variety of wildlife.

In line with Core Policy 12 and DM7 it is recommended that the landscaping and management plan is written with a wildlife conservation focus which can be conditioned. The project provides an opportunity to secure a net biodiversity gain once impacts are mitigated and compensated, by providing additional wildlife habitats and sensitive management.

Therefore in summary it is considered that the impact of the tree and vegetation loss to be low and can be mitigated through the planting of native species elsewhere. The impact on ecology is also found to be acceptable and can deliver enhancements which is a positive for the scheme.

Flood Risk

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 and Policy DM5 along with the revised NPPF set out a sequential approach to flood risk.

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

Paragraph 158 of the NPPF states that 'The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Development should be not allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide a basis for applying this test. The sequential approach should be used in areas known to be at risk now or

in the future from any form of flooding.’

The site now lies primarily within Flood Zone 2 (being at medium risk of flooding) with parts of the eastern area in Flood Zone 3 according to the Environment Agency Flood Maps. The applicant has submitted a Flood Risk Assessment (FRA) in support of their application. The FRA is supported by an addendum statement which sets out the following:

1. After applying a sequential approach the FRA confirms the development is water compatible and suitable for location in Flood Risk 2. Therefore there is not a requirement to carry out the exception test. In any event when the exception test is applied it results in a form of development that is in an appropriate location under NPPF flood risk policy.
2. 11 agencies have been contacted in the Nottingham Area enquiring whether land is available in parcel lots of around 80 acres. The Agents have confirmed that size of land was not coming up for sale and when parcels of this size did come up they were mostly sold prior to coming to the open market.
3. Using searches through Right Move website the land available as of 12/03/19 were too small in size except one which then shows to be in a NVZ (Nitrate Vulnerable Zone) This negates this land in this area as it is not compatible with fish breeding and rearing.

In this instance it is considered the applicant has demonstrated a sequential approach taking into account the size of the application site. Where the sequential test has been passed, the NPPF advises local planning authorities in their decision making to take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

In terms of flood vulnerability, it is considered the proposed use would fall under the ‘less vulnerable’ category of developments which relates to land and building used for agricultural or forestry where development in FZ2 is considered appropriate. Therefore the Exception Test is not required. Notwithstanding this, the development needs to be safe for its lifetime.

The proposal has been assessed in relation to flood risk with the EA raising no objections to the proposal subject to conditions. Upper Witham Drainage Board has requested a condition to ensure that drainage does not contribute to flooding which is reasonable. It is therefore concluded that the development would be safe for its lifetime in terms of flood risk and it would not increase flood risk elsewhere.

Planning Balance and Conclusion

It is acknowledged that the loss of c26ha of Grade 3a agricultural land is a negative that weighs against the scheme.

The level of material to be excavated from the site remains as was previously reported to the Planning Committee in March. A Chartered Quantity Surveyor continues to corroborate that this is accurate and NCC Minerals and Waste team were also satisfied that this was reasonable. The application has demonstrated the scheme passes the Sequential Test in terms of flood risk. Given the proposed use is ‘less vulnerable’ in flood risk terms, the exception test is not required and that the scheme would be safe for its lifetime as demonstrated through a FRA.

The proposal is a new business which is supported by the NPPF and is a land based business requiring a rural location. The business would contribute to the local economy through providing jobs and diversifying the rural economy which in my view accords with the spirit of both national and local level policy objectives. As such substantial weight must be given to the economic role of sustainability.

Whilst the loss of grade 3a agricultural land is a negative, the scheme will bring some ecological gains which also weigh in favour of the scheme. No other harm that cannot be mitigated has been identified.

Taking all the factors into account it is considered the proposal tips the balance towards an approval and as such it is recommended that the permission is granted subject to the attached conditions.

RECOMMENDATION

Approve, subject to the following condition(s) and the applicant either:

(a) entering into a Section 106 Agreement to agree that in the event that the scheme is no longer operational or where they has been no activity on site within a 6 month period that the 3 utility buildings are removed from the site;

or

(b) that the scheme is amended to propose a single agricultural-style building instead. It is requested that officers to be given delegated authority to resolve this issue with the applicant, and impose suitable associated conditions as appropriate.

Conditions

1 (Time for Implementation)

The development hereby permitted shall be begun within three years from the date of this permission.

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

2 (Require Revised Phasing Scheme)

Notwithstanding the Phasing Plan (Drawing Number: DH/408/17 Rev A) submitted 29.11.2018, no development shall commenced unless and until, a detailed phasing plan has been submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be implemented in accordance with the approved phasing plan with not more than one phase being implemented until the previous phase has been substantially complete.

Reason - In order to safeguard the land against being blighted by the development in the event

that the scheme is not completed and in order to show fish pond number 3 being within a single phase.

3 (Approved Plans)

Unless otherwise specified within a separate condition, the development hereby permitted shall not be carried out except in accordance with the following approved plans:

- Drawing Number: DH/400/17 – Location Plan – dated 6 September 2017;
- Drawing Number: DH/401/17 Rev C – Site Layout dated 12 March 2019;
- Drawing Number: DH/402/17 – Plan of the Proposed Buildings, dated 5 September 2017;
- Drawing Number: DH/403/17 – Cross Sections, dated 8 June 2018;
- Drawing Number: DH/404/17 – Cross Sections, dated 8 June 2018
- Drawing Number: DH/405/17 – Topographical Survey, dated 19 February 2018;
- Drawing Number: DH/407/17 – Cross Sections, dated 7 June 2018;

Reason - For the avoidance of doubt and to ensure a satisfactory standard of development

4 (Details of the Access)

No part of the development hereby permitted shall commence until details (to include visibility splays, access width, drainage, and radii) of the vehicle access have first been submitted to and approved in writing by the Local Planning Authority.

The approved access shall thereafter be constructed in accordance with the approved details prior to the development being brought into use. The visibility splays shall thereafter be kept free from obstruction for the lifetime of the development.

Reason - In the interests of highway safety.

5 (Lorry Routing – Phase by Phase)

No material shall be removed from any phase of the development (pursuant to Condition 2) until details of construction lorry routeing has been first been submitted to and approved in writing by the Local Planning Authority, and such details adhered to during the construction period.

Reason - In the interests of highway safety.

6 (Levels of Excavation)

The level of excavation of the site shall not exceed the details and depths as shown on drawing number Site Layout, DH/401.17 Rev C.

Reason - In order to ensure that no minerals are extracted from the site in the interests of amenity and to ensure that the impact upon the highway network is as has been mitigated for.(Bird Breeding Season Restrictions)

There shall be no pruning, the removal of hedgerows, vegetation or trees during the bird breeding season (March to September inclusive) unless an ecological survey has first been

submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting.

Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason - In order to afford protection to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

7 (EA Flood Risk Condition)

The development shall be carried out in accordance with the submitted flood risk assessment (ref GCB/HUDSON and dated May 2018 compiled by Geoff Beel Consultancy) and the following mitigation measures it details:

1. Finished floor levels are set no lower than 6.30m above Ordnance Datum (AOD).
2. Resilience measures must be utilised to a minimum of 6.60m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To reduce the risk of flooding to the proposed development and future occupants.

8 (EA Evacuation Plan)

No part of the development shall be brought into use until a flood warning and action plan has been submitted to and approved in writing by the local Planning Authority. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how users of the site would be evacuated.

Reason - To safeguard future users of the site against the risk of flooding.

9 (Construction Hours)

Notwithstanding the Construction Management Plan contained within the Supporting Statement revised 12 March 2019, construction or development (including excavations) shall only take place between the hours of 0730 Hours until 1800 Hours on Mondays to Fridays inclusive and between 0800 Hours and 1300 Hours on Saturdays.

Reason - In the interests of residential amenity.

10 (Construction Environmental Management Plan)

No development within each phase of the site pursuant to Condition 2 shall take place unless and until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Details of any lighting required during the construction phase;
- Details of how areas of retained habitats will be demarked on site and safeguarded (with relevant buffer zones) to prevent extracted soil from being stored within these areas;
- Details of the precise areas and their extent of where extracted soil from each phase will be stored so that it is not located on the local wildlife site, SINC or affects any existing habitat.

The development shall thereafter be carried out in accordance with the approved CEMP.

Reason - In order to ensure the protection of retained habitats within the site, the adjacent LWS and to ensure that development work is carried out in accordance with protected species legislation.

11 (Water Vole Survey)

No development shall take place within 5 meters of the bank of the water body/drain to the north of the site until a Water Vole Survey has been carried out by a suitably qualified person or body to establish if water voles and their burrows are present. The Survey, its findings together with the means of any required mitigation and its timings shall be submitted to and approved in writing by the Local Planning Authority prior to development within 5m of the bank taking place. The mitigation measures approved shall be carried out in accordance with the agreed details and timetable.

Reason - To protect the water vole and its habitat within and adjacent to the development site.

12 (Reptile Survey)

No development shall commence within any phase pursuant to Condition 2 until a Reptile Survey has been carried out by a suitably qualified person or body to establish if reptiles are present. The Survey, its findings together with the means of required mitigation and its timings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development within that phase. The mitigation measures approved shall be carried out in accordance with the agreed details and timetable.

Reason - To protect the reptiles that may be present on site and in accordance with the Ecological Scoping Survey, PRJ423 Rev 1 by Prime Environment January 2018, which forms part of the submission.

13 (Great Crested Newts Survey)

In the event that Great Crested Newts are found to be present on site, development shall cease immediately and shall not recommence until the mitigation measures set out in the Great Crested Newt Mitigation Report (author: Prime Environment, Project No. 423) V1 October 2018 have been carried out in full on site.

Reason - In order to provide adequate protection adopting a precautionary approach to GCN.

14 (Badger Survey)

No development shall commence within any phase pursuant to Condition 2 until a Badger Survey has been carried out by a suitably qualified person or body to establish if any active badger setts are present on site. The Survey, its findings together with the means of required mitigation for any development within 25m meters of proposed works and its timings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development within that phase. The mitigation measures approved shall be carried out in accordance with the agreed details and timetable.

Reason - To protect the badgers that may be present on site.

15 (Ecological Enhancements)

Prior to the development within each phase pursuant to Condition 2 being first brought into use, an Ecological Enhancement Strategy together with timings for implementation shall be submitted to and approved in writing by the Local Planning Authority. This could include but is not limited to:

- Creation of vegetated shallows within the ponds where invertebrates and amphibians may be safe from large fish
- Light management of areas of the Site to create a mosaic of rough grassland and scrub (in particular in the areas which will be raised to compensate for losses during construction).
- Seeding and management of areas at the periphery of the Site for wildflowers.
- Selection of native species for all landscape plants.
- Erection of bird and bat boxes on retained trees and / or on ancillary buildings (12 of each). Boxes should include a range of shapes made from long lasting materials (i.e. Woodcrete or Stonecrete).

The development shall be implemented on site in accordance with the approved details and timetable embedded within it.

Reason - In order to provide ecological enhancements which are required and which have been given weight to in the determination of this application, without which permission may not have been granted.

16 (Arboricultural Method Statement)

No works or development within each phase that contains retained trees, pursuant to Condition 2, shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows identified within the Arboriculture Survey and Impact Assessment, PRJ423 Rev 1 by Prime Environment has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of measures (including sections where necessary) to protect the trees from soil being tipped onto tree roots working methods to protect the root protection area of any retained tree/hedgerow on or adjacent to the application site.

- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed (such as no-dig type) for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

17 (Surface Water Disposal)

No development shall be commenced within any phase pursuant to Condition 2 until a scheme for the provision, implementation and maintenance of regulation system for any surface water discharge to the surrounding drains/watercourses has been submitted to and approved by the Local Planning Authority. 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 maximum discharge rate should not exceed that of a green field site. The approved scheme shall thereafter be implemented on site to an agreed timescale. All drainage routes through the site should be maintained both during the works on site and after their completion

Reason - To prevent an increased risk of flooding and to prevent adjoining land and property from having an increased risk of flooding.

18 (Hard & Soft Landscaping and Long Term Management Regime)

Prior to the development being first brought into use within each phase pursuant to Condition 2, a hard and soft landscape scheme together with an associated management plan including the long-term design objectives, management responsibilities and maintenance schedules for all areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail the extent of new native planting (to include the proposed species, their numbers, density, disposition and establishment measures);
- Be designed having considered all of the sites external ground surfaces, and the treatment proposed for these surfaces (including any materials);
- Detail the treatment of site boundaries and/or buffers around water

- Detail the maintenance/management regimes
- Detail all hard landscaping (which should be permeable where possible) including vehicle parking areas and boundary treatments;
- Detail minor artefacts and structures for example, any furniture, refuse bins, signage, etc.

The scheme shall be implemented on site in accordance with the timetable set out in Condition 19 and shall thereafter be maintained for the lifetime of the development in line with the regime, which shall also be agreed as part of this condition.

Reason - This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with the NPPF and CP12 and to enhance the appearance of the development.

19 (Landscaping Implementation)

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

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

20 (Materials of proposed building(s))

Notwithstanding any description of materials in the application and the requirements of condition 3 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason - To ensure use of appropriate materials which are sympathetic to the character of surrounding area in the interests of visual amenity

21 (Storage of Material)

No excavated materials shall be stored on site for a period of more than 12 months.

Reason - Should works cease on site, the material should be removed in the interests of visual amenity.

Note to Applicant

01

In order to carry out the access works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need Highway Authority authorisation to carry out the works and such works will need to comply with Highway Authority standards/specification. Please contact hdc.north@nottscc.gov.uk for further details.

02

This site is within the River Trent at Spalford, Wigsley and Harby Flood Warning Area which can be signed up to at: <https://www.gov.uk/sign-up-for-flood-warnings>. Information regarding appropriate flood resilience measures can be found here: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

03

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

04

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

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

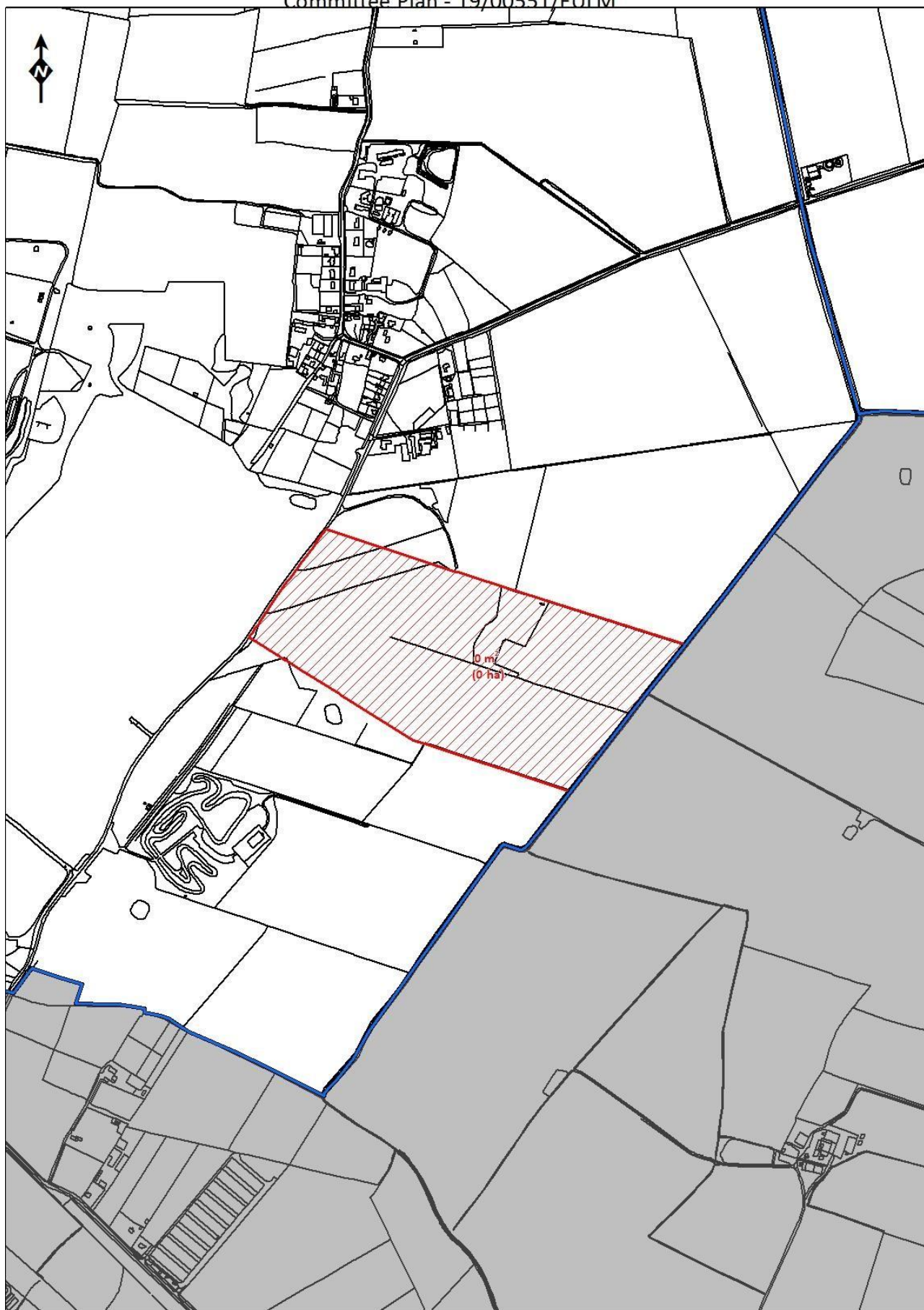
Background Papers

Application case file.

For further information, please contact Richard Byrne on richard.byrne@nsdc.info

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

Matt Lamb
Director Growth & Regeneration



PLANNING COMMITTEE – 2 JULY 2019

Application No:	16/01900/FULM	
Proposal:	Proposed new multi-faith (non-denominational) burial ground at Badgers Field, Bishop's Drive, Southwell	
Location:	Land At Memorial Drive Southwell Nottinghamshire	
Applicant:	Mr Chris Gascoine	
Registered:	14th November 2016	Target Date:13th February 2017
	Extension of Time Agreed until 5th July 2019	

This application is being referred to the Planning Committee given the officer recommendation of refusal on ecology grounds is contrary to Southwell Town Council's support.

The Site

This application relates to 1.25 hectares of vacant land known as Badgers Field bounded by mature hedgerow. The site is located adjacent to an existing cemetery to the east, sports and recreation facilities to the north and Minster School playing fields to the west with agricultural land to the south.

The site falls within an area identified as a Main Open Area for Southwell and within an area of land identified as a Strategic Landscape Buffer within the proposals map of the Allocations and Development Management DPD.

The site also falls just to the southern boundary of the Southwell Conservation Area. The majority of the site falls within Flood Zone 1, although a small section of the site to the northern boundary (circa 0.0023ha) falls within Flood Zone 2. A public right of way adjoins the eastern boundary which then cuts south-west across the site (Southwell Footpath 7).

Relevant Planning History

There is no planning history in relation to the site.

The Proposal

The application seeks full planning permission to change the use of the land to a multi denominational burial ground in the northern section of the site together with an area for green burials in the southern part of the site in order to meet a need for such a facility in the settlement.

The proposed burial ground would be accessed from Westgate along Bishops Drive and then Memorial Drive, an unadopted road which serves a recreation ground, a playground and car park and the existing cemetery.

The proposed development would comprise a walkway constructed of permeable materials. The existing PROW would be fenced.

A canopied gated access would be formed at the access to the site which would reflect the design, appearance and scale of the existing gated access to the adjacent cemetery to the east. This would have a maximum height of circa 4.5m, a width of 4.7m and depth of 4.9m. The gates would be solid wood with a height of 1.3m.

The application has been assessed on the basis of:-

- Proposed Site Plan drg. no. 244 2016 02
- Proposed Entrance canopy drg. no. 244 2016 03
- Revised site location Plan deposited 20.12.16
- Revised PROW Plan deposited 20.12.16
- Ecological Appraisal (Peak Ecology Consultants dated 26.09.16)
- Flood Risk assessment (FRA) (envireau water dated November 2016)
- Heritage Desk Based Assessment (Cotswold Archaeology dated October 2016 part 1 and part 2)
- Planning Support Statement (November 2016)
- Transport assessment (AECOM dated October 20116)
- Revised Applications form deposited 20.12.16

Departure/Public Advertisement Procedure

Occupiers of 37 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (2015-2026)

Policy SD1 – Delivering Sustainable Development
Policy E3 – Green Infrastructure and Biodiversity
Policy TA4 – Parking Standards
Policy CF1 – Identified Assets
Policy CF2 – Green and Open Spaces and Burial Grounds

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (Online Resource)
- Historic England Good Practice Advice Notes

Consultations

Southwell Town Council - Comments received 12.01.17 - Support the proposal

Comments received 08.12.16 - Support the proposal

Southwell Civic Society - Comments received 03.01.17

We have no objection to this application subject to there being a full archaeological survey.

NSDC Conservation - Comments received 15.12.16

The site identified for a potential extension to the burial grounds is directly adjacent, but not in, the Southwell Conservation Area. It abuts the Minster Character Area, as identified in the Southwell Conservation Area Character Appraisal.

Development in this area has the potential to affect the setting of the Conservation Area as well the landmark listed structures of Holy Trinity Church and the Minster. Having visited the site and looked at the Southwell Landscape Setting Study, in conjunction with the nature of the development proposed, I do not believe the proposed development is likely to affect the setting of the Archbishop's Palace, the Workhouse or any other listed building.

The site sits between the existing cemetery and the playing fields of the Minster School. The land slopes gently uphill away from the town and has a quite strong green boundary around it. The site is historically located within land once comprising the Archbishop's medieval hunting park. This is expressed today within the large amount of open land in this area in the form of public parks, the school grounds and the fields leading up to Brackenhurst.

The contribution of the field to the setting of the Conservation Area and main heritage assets is as a part of the general greenery and open land which surrounds Southwell and forms part of its important landscape setting. Running through the site is a footpath which provides attractive views back towards the town and its main heritage assets. The importance of this viewpoint has been identified in the Southwell Landscape Setting Study (Nov 2013) and is identified as View 4 on Figure 8 in this report. From this path views are offered in one direction towards the spire of Holy Trinity with the Minster School in the foreground, and in another direction towards the tower and spires of the Minster. The significance of Southwell Minster in this view is identified as its central position within Southwell, its dominance within the landscape and the contribution of the former

deer park within the wider setting of the Minster. Similarly I would also identify that the importance of Holy Trinity in this view as being its dominance over the surrounding townscape. There are also attractive views back to the heritage assets of Southwell from Crink Lane, which may well take in the proposal site in the foreground.

The existing burial ground directly adjacent gives a reasonable impression of what this site would look like if developed for a burial ground. The adjacent site has retained a strong green border and despite repeated graves has a largely green, open and informal character, although it is accepted that the whole area probably greens over with time.

I think if these qualities were replicated at the adjacent site there would be no harm to the setting of the Conservation Area or any of the identified designated heritage assets by this proposal. In height the development would be so low that it would not create structures to rival or block the landmark structures and they would retain their dominance in the views. If the site remained predominantly green in general ground cover and borders then the sense of open land relating to the former deer park would also be retained. The overall sense of the rural setting of Southwell and its heritage assets would also be maintained. In this respect I believe the proposal will comply with the So/PV policy specific to Southwell views.

I have also considered the proposed new entrance canopy; as this is a largely permeable, mostly open structure and to be located on lower land at the town end of the site, it will not urbanise the site in any way. If this mirrored the appearance of the canopy of the existing cemetery this would be acceptable.

The potential for archaeological remains have been flagged up in the Heritage Statement and hopefully the County Council can provide comments in relation to archaeology.

Subject to conditions securing the low scale of grave structures (unless this is already secured under permitted development rights?), an overall green and natural surface treatment, a green and natural boundary treatment and a similar treatment of the proposed canopy to that existing on the adjacent site, then I have no objection to this application, which I think will preserve the setting of the various heritage assets of Southwell.

Natural England- Comments received 10.01.17

Natural England has no comments to make on this application.

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

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

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

making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Nottinghamshire Wildlife Trust- Comments received 24.01.17

We'd recommend that the required Great Crested Newts survey work is undertaken prior to determination, in accordance with circular 06/05 this will help to inform any necessary mitigation to avoid impacts during works.

Comments received 25.01.17:

Regarding GCN, full standard survey methodology includes six survey visits mid-March to mid-June, with half of the surveys completed between mid-April and mid-May. If the applicant decides to start with eDNA sampling (a positive result would mean additional survey work would then be required), the survey window is mid-April - end June as Government advice regarding timing for eDNA surveys is as follows:

Environmental DNA surveys

You can use eDNA surveys to find out if newts are present and whether to conduct population size class surveys on ponds and other waterbodies.

Make one visit in the daytime, during the period when the newts are likely to be present (this depends on location and conditions like the weather). Natural England will only accept eDNA survey results from samples collected between 15 April and 30 June each year. Follow the methods in the technical report that accompanies Defras research project into eDNA, and use quantitative polymerase chain reaction testing

More detail can be found at <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigationfor-development-projects>

NSDC Environmental Health (contaminated land)

Comments received 03.01.17 - No additional comments in relation to this latest consultation. Please refer to my comments 16.11.16

Comments received 16.11.16:

This application falls outside the scope of Environmental Health and protection of human health. However there are potential risks to the water environment from burial grounds and cemeteries, I would therefore refer the planning officer and future operator of the site to the Environment Agency publication on this subject which is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290462/scho04_04bg_la-e-e.pdf

Historic England - Thank you for your letter of 13 December 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer

any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Archeological Advisor - Comments received 03.01.17:

I am pleased to see that the archaeological issues are understood and taken seriously. I am aware of the need for the development and I also appreciate the current state of the site. The agent has suggested geophysical survey followed by trial trenching. Trial trenching is a technique for evaluating buried archaeological remains, not for mitigating the impact of a development on those remains. So, if we are to sort the archaeological issues out post determination I would recommend we specify that there will be evaluation followed by suitable mitigation measures. Gedling have used this condition to achieve the necessary;

“No development shall take place within any phase of the site until the applicant has secured the implementation of a programme of archaeological work for the relevant part in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The WSI shall include:

- the results of a geophysical survey
- the statement of significance and research objectives
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- the programme for further mitigation, post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.”

Comments received 20.12.16:

The site is a relatively short distance away from the substantial Roman buildings which underlay the old Minster School. This is recognised by the Heritage assessment. So although no archaeological remains are currently known from the application site, this does not mean the site has no archaeological potential. Accordingly I recommend that the applicants be requested to provide additional information before the application is determined, in the form of a geophysical survey of the site. This is a cost effective way of assessing the site’s potential, and the work may demonstrate that an archaeological field evaluation in the form of trial trenching is required, which again may need to be completed in advance of a planning determination.

Nottinghamshire County Council Lead Local Flood Authority - Comments received 11.06.19

I cannot see any issues for surface water flooding from these proposals at all.

Environment Agency - Comments received 03.01.17

I have no further no comments to add to my letter dated 28 November 2016.

Comments received 28.11.16:

I refer to the above application which was received on the 15 November 2016.

The Agency has no objections to the proposed development but wishes to make the following comments.

The site is underlain by superficial geology of Glaciolacustrine deposits (clays and silts) classified by the Environment Agency as a Secondary (undifferentiated aquifer) which are in turn underlain by solid geology of the Radcliffe Member (mudstone) classified as a Secondary (B) aquifer. There are no groundwater receptors in the vicinity of the proposed site.

The Potwell Dyke lies immediately to the north of the site. As such we would like to provide the following information to the applicant.

- No burials shall take place within 30 metres of any spring, ditch or watercourse.
- No burials shall take place within 250 metres of any well, borehole or spring used for potable supply. The applicant will need to satisfy themselves that there are no private water supplies within 250m of the proposed burial ground. The local authority environmental health department should have up to date information on this.
- No burials shall take place in saturated ground.

Trent Valley Internal Drainage Board - Comments received 06.01.17

No further observations further to our letter dated 1st December 2016.

Comments received 01.12.16:

The site is outside of the Board's district but within the extended catchment area.

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

The Board are aware of substantial flooding in Southwell in recent years which should be considered by your Authority and the Lead Local Flood Authority when determining the application.

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.

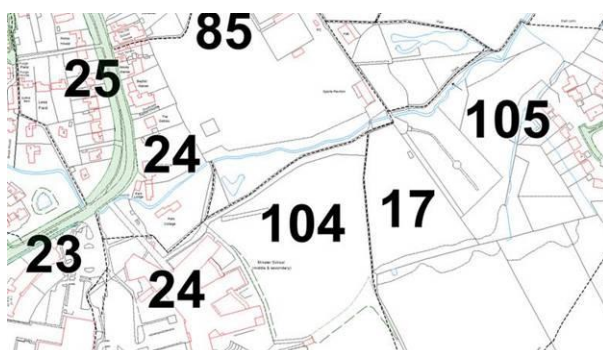
NCC Highways - Comments received 11.06.19

This application is for the provision of a burial ground off Memorial Drive adjacent the existing cemetery. This is a private drive off Bishops Drive and is a Public Right of Way (footpath). The Transport Statement submitted states that an average of 30 burials per year are expected (Paragraph 2.6). There is an existing car park approx. 100m from the application site which can accommodate approx. 30 vehicles and is used jointly by Southwell Memorial Park, Southwell Scouts and visitors to the existing cemetery.

Taking into account the expected low number of vehicles expected for this proposal, the Highway Authority would not wish to raise objection. It is strongly recommended that the Rights of Way Officer for VIA/NCC be consulted for advice/approval prior to any permission being granted.

NCC Rights of Way - comments received 13.06.19

There is lots of confusion but the path was diverted by NSDC under a TCPA for Southwell Minster for new playing fields which have never been built. The order was ultra vires (not completed properly) as the owners of the land had not been consulted and NSDC have diverted it back to the original line which is as per the plan below and takes the footpath outside of the application site. The order has been recently confirmed by your legal team. As it is not in the application site we do not have any comments to make.



Comments received 25.11.16:

The line of Southwell Footpath No. 17 is incorrectly shown on the application plan. Please contact Nottinghamshire County Council Rights of Way Section for a plan showing the correct route.

Comments received 23.11.16 and 02.12.16:

Southwell public footpath 17 runs in an East-West direction towards the Southern boundary of the site. Unrestricted public access should be maintained at all times. The applicant should consult the Rights of Way team to establish the exact line of the path and discuss any restrictions prior to planning the layout of the site.

Nottinghamshire Ramblers - Comments received 20.01.17

Our comments on this application remain as those made in our previous submission dated 03/12/16. Also, may we draw your attention to the comments made by the Rights of Way Section at NCC dated 25/11/16 pointing out the line of Southwell Footpath No.17 is incorrectly shown on the application.

Comments received 03.12.16:

This site is crossed by Southwell Footpath 17 which was blocked earlier in the year with fencing and barbed wire. An unauthorised diversion was set up but the path was restored to its correct line after local residents alerted Nottinghamshire County Council.

It is reassuring that the application acknowledges the existence of this right of way but is essential that during and after any development unrestricted access is maintained to Southwell FP 17. Any

fencing of the footpath to separate it from the cemetery must be carried out to the satisfaction of NCC's Rights of Way Team.

Nottinghamshire County Council Policy - Comments received 20.12.16:

Thank you for your letter dated 6th December 2016 concerning the revisions as set out above. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make specifically on the change, in addition to those made by the County Council at previous stages. Unless otherwise stated, comments made during previously still stand. These comments have been agreed with the Chairman of Environment and Sustainability Committee.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Area for brick clay. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan (Submission Draft, consultation Feb 2016) sets out a policy (DM13) concerning these areas. Although not yet adopted, its provisions should be given some weight as a material consideration (in line with NPPF paragraph 216) as the plan is at a fairly advanced stage. As it currently stands, DM13 requires that applicants for planning permission to demonstrate that the non-minerals development will not unnecessarily sterilise the mineral resource in the area. Where this cannot be demonstrated, or where the need for the non-mineral development is clear and demonstrable, the County Council would require that the practicality of prior extraction be fully investigated.

There are two brick works within the County, at Kirton and Dorket Head (Arnold). A recently permitted extension to Dorket Head means that the site now has reserves sufficient until 2034. This does not provide the 25 year landbank as set out in the National Planning Policy Framework, however, the operator has not identified any further reserves for allocation as part of the development of the Minerals Local Plan. An extension to Kirton is allocated in the Minerals Local Plan Submission Draft which provides reserves sufficient to provide more than a 25 year landbank.

Given the location of the development, close to existing residential properties and the current situation at the two existing brick Works, the County Council is of the opinion that the proposed non-minerals development would not be inappropriate in this location providing there is a sound argument that identifies a clear and demonstrable need for the non-minerals development. However, the County Council would expect the applicant to demonstrate that they have considered the practicality of prior extraction. This is particularly pertinent in this instance given the nature of the mineral. Guidance on this can be given through contact with the Planning Policy Team at the County Council (development.planning@nottsc.gov.uk). The prior extraction of the brick clay has the potential to not only prevent the sterilisation of the mineral, but may also be of benefit to the developer.

In terms of the Waste Core Strategy, there are no existing waste management facilities in close proximity of the proposed development to raise any issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10 of the Waste Core Strategy). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 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.'

Transport and Flood Risk Management

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

Archaeology

The site is a relatively short distance away from the substantial Roman buildings which underlay the old Minster School. This is recognised by the Heritage assessment. So although no archaeological remains are currently known from the application site, this does not mean the site has no archaeological potential. Accordingly NCC recommend that the applicants be requested to provide additional information before the application is determined, in the form of a geophysical survey of the site. This is a cost effective way of assessing the site's potential, and the work may demonstrate that an archaeological field evaluation in the form of trial trenching is required, which again may need to be completed in advance of a planning determination.

Travel and Transport

Due to the nature of the planning application and the closest bus stops being within a sensitive conservation area it is unlikely that we would be able to carry out any improvements. The bus stops (NS0162 and NS0763) are in an area very close to the Minster and are set on a narrow footway fronting dwellings which have limited or no off street parking. With this in mind Transport and Travel Services will not request any improvements at this time.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will continue to work with the applicant and the Local Planning Authority to ensure all requirements are met.

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.

NSDC Access and Equalities Officer - Comments received 05.01.17:

There are no further observations beyond those previously advised.

Comments received 29.11.16:

It is recommended that the developer be advised to give consideration to inclusive access and facilities all people, with particular reference to disabled people as part of the proposals. Independent access from the edge of the site and around the cemetery should be carefully considered together with provision of suitable facilities which are accessible and can be used by all people. (e.g. gates that are easy to open and negotiate, carefully designed seating with arms to allow visitors to sit and rest, space for wheelchair users alongside and baby buggies etc.) It is further suggested that any pathways be of an adequate width and surfaced using a suitable material that is compact/firm, stable, non-slip and obstacle free to permit inclusive access around the site. It is recommended that any parking arrangement include provision for disabled motorists. It is further advised that the developer's attention be mindful of the provisions of the Equality Act.

Five letters of representation have been received from local residents/interested parties which raise the following concerns:-

- Acknowledgment of the need for burial space in Southwell is made;
- Impact on protected species - There are badger setts and substantial badger activity on this site and in the area – local authorities are not obliged to provide burial facilities;
- A license would be required for removal of any setts – no mention is made of this in the application. NWT and other such organisations should be notified before any consideration is given. Relocation and maintenance would be extremely difficult to achieve or maintain;
- There are errors in the technical survey carried out by Envireau Water deposited with the application in terms of geology;
- There are also defects in the Cotswold Archaeology's Heritage Desk Based Assessment – no reference is made to the Potwell Dyke Flood Plain;
- There is fly tipping in the area;
- This is an unsuitable site – alternative sites have not been objectively evaluated;
- Concern over water pollution;
- Guidance from the EA would not have favored the existing cemetery had it been available at the time – not sensible in terms of rotting corpses/cadavers to be placed in waterlogged ground;
- Details of land registry titles and land ownership have been forwarded to the Council.

Comments of the Business Manager

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types

of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

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

The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages.

The site falls to the southern edge of the built up area of the settlement with open countryside to the south, south-east and south-west. As such it is considered that it falls within open countryside and therefore the proposal is assessed against Policy DM8 of the Development Management DPD. The change of use to a burial ground does not fit neatly within any of the types of development outlined by Policy DM8. The category of development it aligns closest with would be the allowance for 'Community and Leisure Facilities.' Policy DM8 does not define community facilities but Spatial Policy 8 of the Core Strategy in relation to the protection of existing community facilities confirms that places of worship are included within the definition. Again there is no explicit mention of burial grounds but it is a logical conclusion that a burial ground in connection with an existing place of worship would extend an existing community facility.

Policy DM8 confirms that community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements which this application would conform with. It goes on to require proposals to demonstrate that they would meet the needs of communities and in particular any deficiencies in current provision. This proposal would allow an additional burial ground to that which exists on an adjacent site. It is noted that the SNP identifies a need for the additional space in order to meet the needs of the settlement and as such this would be a benefit to the community. Indeed Policy CF2 of the SNP states that in a general sense *'Development proposals and/or schemes which help address the deficiency of burial ground facilities within the ecclesiastical parish of Southwell will also be looked upon favourably.'*

The site falls within an identified Main Open Area of Southwell as identified by Policy So/MOA in the ADMDPD. As such this site specific policy provides that planning permission would not normally be granted for built development in this location. The site also falls within an identified Strategic Landscape Buffer which provides a landscape transition between the built up area of the settlement and the open countryside to the south. However, officers are mindful of the subtext of Policy CF2 of the Southwell Neighbourhood Plan which although acknowledges the importance of maintaining green open space within the town also identifies the need to encourage the provision of an additional burial ground in the settlement.

On the basis of the above discussion, when taking a pragmatic approach to the wording of Policy SP8, DM8 and CF2, the principle of the proposal is considered to conform to the policy and constitute an appropriate form of development.

Impact on Character including Heritage Setting

In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving the special architectural and historic interest of listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision making process.

Paragraph 193 of the NPPF provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

Paragraph 194 of this document adds that any harm to or loss of a designated heritage asset would require clear and convincing justification.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9. This requires that development must promote local distinctiveness and protect heritage assets (including their setting). Policy DM9 of the DPD also states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment and, where necessary a field evaluation. This is mirrored by paragraph 189 of the NPPF.

The proposed use is relatively low key which would allow for the retention of a largely rural and open character to the site. It is noted that a gateway entrance is proposed at the entrance to the burial ground, which would reflect the existing gateway at the entrance to the adjacent burial ground which is modest in scale and of appropriate design for its heritage setting. Although it is likely that the site will feature gravestones to mark the individual plots these would be modest in their size (which can be secured by condition) and would reflect the character of the adjacent burial ground

The 3rd party comments received from a local resident in relation to archaeological interests are noted. As is referenced within the consultation section above, the Council's independent Archeological Advisor has confirmed that the site falls in an area of archeological potential being close to the substantial Roman buildings which underlay the old Minster School. The Heritage Statement deposited with the application concludes that no heritage assets were recorded within the site. However given that the site formed part of the wider estate of the roman villa to the north east there is potential for buried agricultural remains which could be of local or regional significance.

Although no archaeological remains are currently known from the application site, the archaeological consultant is of the view that this does not mean that the site has no archaeological potential and has recommended that a geophysical survey of the site is undertaken and the results are submitted to the Local Planning Authority for consideration. The latest comments received advise that this could be secured by condition should permission be granted which is considered a reasonable approach.

Subject to condition, the proposal is therefore considered to comply with policies CP14 of the

Amended Core Strategy, policies DM9 and DM5 of the AMDDPD and DH3 of the Southwell Neighbourhood Plan.

Impact on Flooding and Groundwater

The site is within Flood Zone 2 according to the Environment Agency maps. The NPPF adopts a Sequential approach to flood risk with the overall aim of directing development to areas at the lowest risk of flooding (Flood Zone 1). This is reflected in the Development Plan, including DM5. However, paragraph 164 of the NPPF states that applications for minor development or changes of use (to which this application would be) should not be subject to the sequential or exception tests but should still meet the requirements for site specific flood risk assessments set out in footnote 50.

The application has been accompanied by a Flood Risk Assessment which confirms that burial grounds are considered as a less vulnerable use in Flood Risk terms and therefore the proposal is appropriate development in Flood Zone 2.

The Lead local Flood Authority has raised no issues with regards to surface water flooding. The Environment Agency has advised that the proposed use as a burial ground would fall within a less vulnerable use within the Flood Risk Vulnerability Classification.

The use of land for burials is required to meet strict environmental conditions established by the Environment Agency in order to safeguard against groundwater pollution. The comments of the Environment Agency listed above confirm that there are no objections to the proposed development but does offer additional comment in respect to the geology of the area, restrictions in terms of the location of burials. There is also Environment Agency online guidance for cemeteries. I consider it would be useful to add this information as an informative if permission were to be forthcoming.

In conclusion there are no grounds for refusal in terms of flood risk.

Ecological Impact

Policy E3 of the SNP requires that development proposals must aim to protect and enhance sites as well as complying with Natural England Standing Advice for Protected Species. It goes on to say that 'Where it is apparent or becomes apparent during the course of a planning application that a site has significant ecological value, development proposals must include a base line assessment of the habitats, species and overall biodiversity value for the site, where appropriate, expressed in terms of the biodiversity accounting offsetting metric, advocated by the Department for the Environment, Food and Rural Affairs (Defra), proportionate to the size of the development. The assessment must demonstrate how biodiversity will be conserved and enhanced by the development...Where the loss of habitat cannot be avoided, the proposal should include appropriate offsetting to create a compensatory habitat to ensure that there is no loss of biodiversity...Development proposals that fail to mitigate or compensate for loss of important habitat for wildlife species will not normally be granted planning permission....As part of development proposals, provision should be made for the long term maintenance of any retained or created habitats, existing historic landscape or ecologically valuable vegetation and buffer strip provisions.'

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the

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

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

The site currently comprises trees, hedgerow, scrub and improved grassland. A Preliminary Ecological Survey has been undertaken in 2016 and deposited with the application. This found evidence of some protected species on the site. Impact on badgers has been assessed and the Survey notes that measures must be put in place to ensure legal compliance with the Wildlife and Countryside Act (1981) and the Protection of Badgers Act (1992). A number of recommendations have been made in the applicants own surveys including the requirement for some additional surveys of badgers and greater crested newts. Mitigation measures noted within the Survey include tree protection, clearance of invasive non-native species, avoidance of vegetation clearance during bird breeding season, the provision of a dark corridors for bats, the undertaking of good working practices in relation to hedgehogs and the implementation of a management plan to aid and enhance the site for wildlife.

The comments of the Wildlife Trust are noted with regards to Great Crested Newts (GCN) in that they requested that the required GCN survey work should be undertaken prior to determination of the application in accordance with Circular 06/05 in order to identify any necessary mitigation required to avoid impacts during works.

Additional surveys have been repeatedly requested from both the agent and the applicant on numerous occasions during the lifetime of this application but these have never been nor appear likely to be forthcoming.

Furthermore I am mindful that the Ecology Survey deposited with the application was produced in 2016 and would now be considered to be out of date given the length of time that has elapsed whilst awaiting the additional surveys.

The NPPF states at paragraph 175 that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Equally I am note that paragraph 99 of Government Circular 06/2005 states that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."

Being mindful of the status of the ecology survey submitted with the application and in the absence of appropriate additional survey works prior to the determination of the application on protected species (including the Greater Crested Newt, a European protected species) which are

protected by law, officers are not able to properly evaluate ecological impact (and by the applicants own submission suggests there is likely to be one) and this is not considered to be a matter that could be left to a pre-commencement planning condition.

As such the proposal fails to demonstrate that the impacts on the ecological value of the site would be acceptable and is unable to demonstrate that the impact can be mitigated or compensated for, contrary to the Development Plan and to material planning considerations.

Impact on Highways

Policy TA4 states that non-residential development must take into consideration accessibility, the type of development, availability of public transport and the number of visitors at peak times in determining the acceptability of proposed parking. It goes on to say that all new parking must be designed to ensure that it is in keeping with the local character of Southwell. A mixture of different types of parking will be fully supported providing it is kept within the confines of the site and does not overspill onto neighbouring streets. Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

A Transport Statement has been deposited with the application which outlines that it is expected that the proposed burial ground would accommodate approximately 30 services per year (less than 1 a week) and that the level of traffic generated would not significantly increase beyond that currently experienced. There is a car park some 120m from the site which provides 34 spaces (which includes 4 disabled spaces).

I note the comments of the Highway Authority. Given the proximity of the public car park to the north and the low number of vehicles expected to access the site it is not considered that the proposal would raise any highway safety issues.

Impact on Amenity

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

The closest residential properties to the site are along Bishop Drive some 270m to the north-west. Although there would be additional traffic using Bishops Drive given the very low level of activity proposed on the site, and taking into account the solemn nature and short time span of the activities taking place I do not consider that significant issues of disturbance would arise.

Other Matters

Land ownership

I note the comments received with regards to land ownership. Although these raise no specific objections this would fall outside of the remit of the planning process. As such I am satisfied that determination of the application can be made.

Rights of Way

I note the comments received from the Rights of Way Officer and the Ramblers with regards to the inaccuracies of the site layout plan in terms of position of the Public Right Of Way (Southwell Footpath no. 17 confirmed in 2006). However since the original comments were made in 2016 the footpath has formally been diverted back to its original line as confirmed by an Order in July 2018 and it now falls outside of the application site and therefore would not be affected by the proposal.

Overall Planning Balance and Conclusion

The principle of the development is considered acceptable and no adverse harm has been identified in terms of heritage impact, highway safety or amenity.

The provision of an additional community burial ground is a public benefit which weighs in favour of the scheme and indeed is supported as a matter of principle in the Development Plan.

However, the applicant has failed to properly demonstrate through appropriate ecological surveys that the proposal would not have an adverse impact on the ecological value of the site and protected species. Indeed the initial ecological information suggests that there may well be harm unless this is adequately mitigated. The lack of appropriate assessment as required by Policies E3, CP12 and DM7 of the Development Plan and by paragraph 175 of the NPPF and Circular 06/2005 must be afforded significant weight which in Officers view tilts the overall balance to a recommendation of refusal as outlined below.

RECOMMENDATION

That planning permission is refused for the following reason:

Given the site's location in a rural area and that the site is currently overgrown with the presence of mature vegetation, hedgerows and trees there is a potential for the site to support protected species. A Preliminary Ecological Survey undertaken in 2016 deposited with the application found evidence of some protected species on the site and required further surveys to be undertaken which despite repeated requested have not been provided. In the opinion of the Local Planning Authority the application has failed to demonstrate the impact of the development upon the ecological value of this site and therefore it is not possible to adequately minimise, avoid or mitigate any harm. The application is therefore contrary to Policy E3 (Green Infrastructure and Biodiversity) of the Southwell Neighbourhood Plan (adopted 2016), Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (adopted 2013) which together form the relevant parts of the development plan as well as paragraph 99 of the NPPF and Government Circular 06/2005 both of which are material planning considerations.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the

Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location and no floor space would be created by this development.

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. The applicant has confirmed that they do not wish to submit trial trenching which could potentially overcome the reason for refusal.

Background Papers

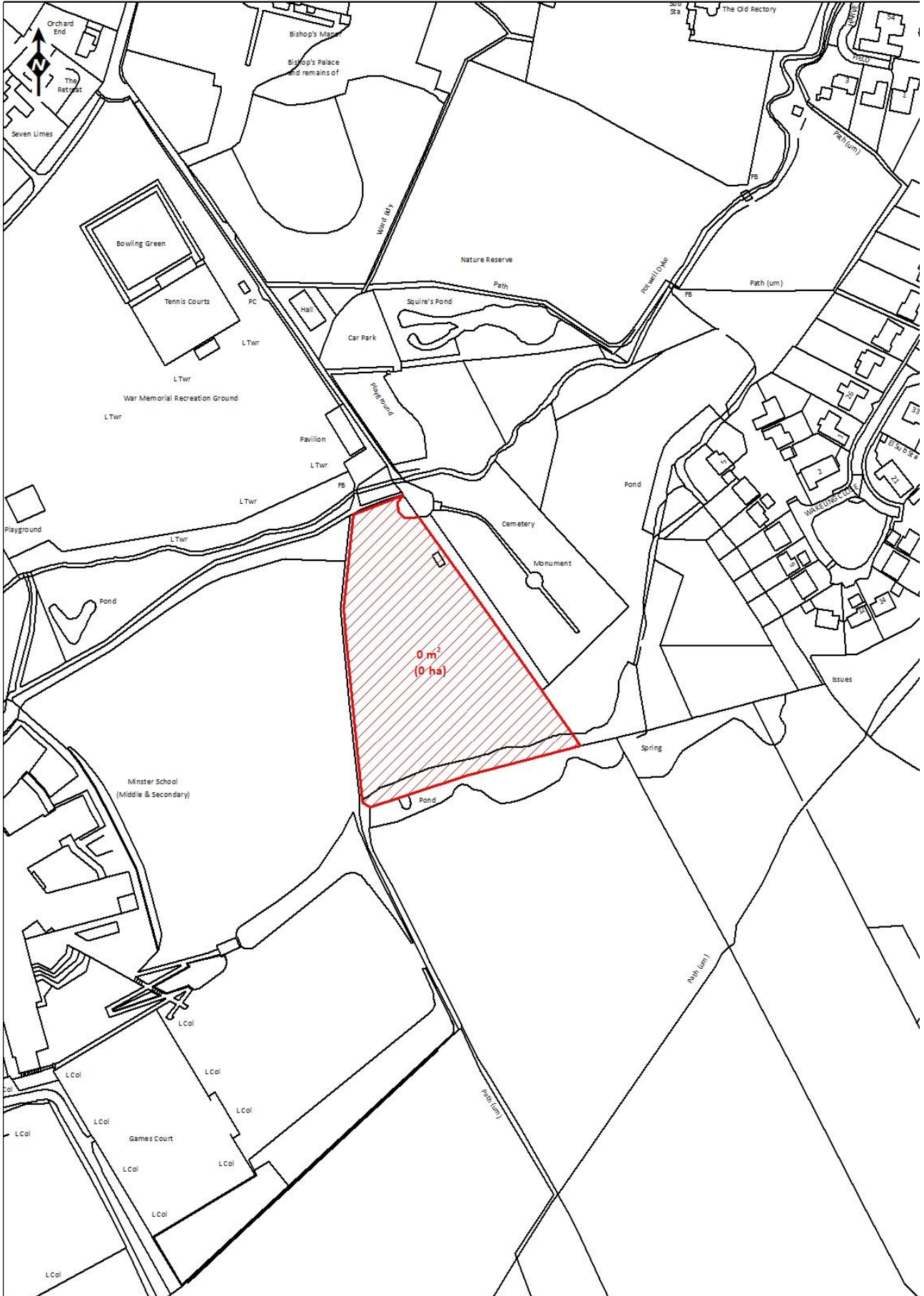
Application case file.

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

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

Matt Lamb
Director Growth & Regeneration

Committee Plan - 16/01900/FULM



PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00814/FUL		
Proposal:	Variation of condition 2 and removal of condition 7 attached to planning permission 18/00279/FUL		
Location:	Lowdham Cars, Lowdham Road, Gunthorpe, Nottinghamshire, NG14 7ER		
Applicant:	Ms Hibbitt		
Registered:	30.04.2019	Target Date: 25.06.2019	Extension agreed to: 05.07.2019

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Jackson) due to concerns regarding over intensification of the site and impact on highways safety.

The Site

The application site is located to the east side of Lowdham Road outside the built-up area of Gunthorpe within a ribbon of mixed development washed over by the Green Belt. The entire site also lies within Flood Zone 3 as defined by the Environment Agencies Flood Mapping.

North of the application site, Lowdham Road is characterised by large residential properties but around the site there are a number of commercial uses comprising caravan sales and garage sites, including the Lowdham Cars site itself, as well as residential uses.

The northern half of the site has a car sales unit and forecourt and a dwelling approx. 25 m from the proposed car wash site. The southern section of the site is not hard bound like the car forecourt but has two squares of concrete hardstanding that have been regularized through the application 18/00279/FUL and now comprise the area approved for car wash use.

The application site is set back from the road with hardstanding to the access on to Lowdham Road. Car parking is currently available at the front of the site. Across the highway is the Lowdham Motorhome and Caravan Sales site which has a palisade and chain link fence perimeter to the site with the highway and has a large forecourt displaying motorhomes with a large warehouse unit towards the west.

Relevant Planning History

18/01465/FUL - Variation of conditions 2 and 7 of planning permission 18/00279/FUL to increase the number of car sales from 30 to 50 car sales – Permitted 03.10.2018

18/01777/DISCON - Requesting for confirmation to discharge condition 4 attached to planning permission 18/00279/FUL - Retrospective consent for the installation of engineering operations for site drainage. Consent for the change of use of the land from car sales to car sales and car wash and the erection of fencing – Condition 04 Part Discharged 25.09.2018

18/01229/ADV - 1 x Illuminated flex face Fascia and 1 x Non Illuminated Totem sign – Withdrawn 24.07.2018

18/00279/FUL - Retrospective consent for the installation of engineering operations for site drainage. Consent for the change of use of the land from Car Sales to Car Sales and Car Wash and the erection of fencing – Permitted 04.07.2018

13/01812/FUL – Erection of Single Storey Extension to Existing Garage Workshop (Resubmission of 13/01325/FUL) – Permitted 10.02.2014

07/00630/FUL – Change of use from fuel filling station to car sales – Permitted 05.2007

07/00188/FUL – Demolition of existing petrol filling station and house. Erection of new sales building, car wash and petrol filling station development – Withdrawn 2007

05/01594/FUL – Demolition of existing filling station & house. Erection of new sales building, car wash & petrol filling station (Re-submission) – Permitted 2005

05/00835/FUL - Demolition of existing filling station and house. Erection of new sales building, car wash and petrol filling station – Withdrawn 2005

The Proposal

For the avoidance of doubt this application has been forthcoming as a result of ongoing enforcement investigations on site.

Full (retrospective) planning permission was originally sought and granted for the installation of engineering operations for site drainage along with consent for the change of use of the land from car sales to car sales and car wash and the erection of fencing in July under reference 18/00279/FUL.

Following enforcement action relating to the number of cars being displayed for sale a Section 73 application was approved to vary the condition (no.2) relating to the submitted drawings to the original application along with condition no. 7 which restricted the number of vehicles permitted to be displayed for sale on the site to increase this from 30 to 50.

Similarly following further and ongoing enforcement action this current Section 73 application now seeks to remove the condition restricting the number of vehicles permitted to be displayed for sale and vary the approved site plan to reflect this, whilst still demarcating staff and visitor parking spaces.

Existing Visitor Spaces: 6

Proposed Visitor Spaces: 6

Existing Staff Parking Spaces: 4

Proposed Staff Parking Spaces: 4

Existing Parking Spaces for the House on Site: 3

Proposed Parking Spaces for the House on Site: 3

Allotted Vehicle Sale Spaces: 13 (along the NW frontage of the site)

Forecourt Vehicle Parking – SE side of the plot – no proposed demarcations or formal parking layout. This space will accommodate c.80-90 cars (although this is not to be restricted as part of this application) and will be managed and operated by the applicant as part of day to day operations.

There remains a demarcation between the car sales forecourt and the permitted car wash area to the SE and a 6.2 m gap in the southern corner of the car forecourt to permit car circulation between the two sites if required. The car wash area as permitted required 2 areas of 10m x 10m, but the remaining site width is in excess of 11.9m which facilitates these two areas.



Approved 18/01465/FUL



Proposed 19/00814/FUL

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter with the consultation period expiring on 03.06.2019.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 4B: Green Belt Development

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM10 - Pollution and Hazardous Materials

Other Material Planning Considerations

- National Planning Policy Framework 2019

- Planning Practice Guidance 2014

Consultations

Gunthorpe Parish Council – No comments received.

NCC Highways Authority – “This application is for the variation of conditions 2 and 7 of 18/00279/FUL, regularising the site layout, as shown on site plan 372(08)S10 Rev. E, instead of 372(08)S10 Rev. D as previously approved.

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

NSDC Environmental Health – “As this application does not relate to the operation of the car wash, I have no comments to make”

NSDC Contaminated Land - “No observations in relation to conditions 2 and 7 of 18/00279/FUL”

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

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

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

Trent Valley Internal Drainage Board – “The site is within the TVIDB district. The Board maintained Hall Drain, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFRA and the LPA.”

Comments of the Business Manager

Principle of Development

Following enforcement action relating to the number of cars being displayed for sale exceeding the restrictive condition, this Section 73 application seeks to vary the condition (no.2) relating to the submitted drawings to the original application and remove condition no. 7 which restricted the number of vehicles permitted to be displayed for sale on the site to 50 (following the approval of the Section 73 application ref. 18/01465/FUL). The applicant seeks to remove this restrictive condition so that they can park an unrestricted number of cars on the forecourt area to the SE

with no proposed demarcations or formal parking layout. It is anticipated that the space would be able to accommodate c.80-90 cars (although this is not to be restricted as part of this application) and will be managed and operated by the applicant as part of day to day operations. The number of customer, staff and residents parking is not proposed to be altered as part of this application.

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

The principle of development is therefore considered acceptable subject to an assessment of site specific issues including impact on visual amenity, character of the area, residential amenity, and highway safety issues.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

The Core Strategy outlines the spatial strategy for the District aiming to direct new development to the more sustainable areas of the District such as the Newark Urban Area or principal villages such as Lowdham. The application site lies within Gunthorpe parish, to the south of Lowdham in a strip of commercial units on Lowdham Road. Gunthorpe itself is considered to be an 'Other Village' within the Core Strategy albeit the site lies outside of any settlement within the Nottinghamshire-Derby Green Belt. Spatial Policy 1 clearly states that, where development falls within the designated Green Belt, proposals will be assessed against Spatial Policy 4B. This policy in turn directs assessment to the relevant paragraphs of the NPPF.

Impact on Green Belt

Section 13 of the NPPF (2019) discusses the national policy stance for controlling development on green belt land.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 regards the construction of new buildings within the Green Belt as inappropriate, and by definition harmful to the Green Belt, with the exception of six listed circumstances, one of which is:

“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

The application to vary condition 02 and remove condition 07 of the 18/00279/FUL permission seeks to remove the restriction on the number of vehicles permitted to be displayed for sale on the site and to vary the approved site plan to set out the parking spaces for the vehicles for sale along the front NW boundary, customers, staff members and for the dwelling on site but leave the

SE forecourt area free of demarcation. The amendments sought are all within the confines of the existing site and include no construction works or additional hardstanding being laid. The proposal could therefore be considered as the partial redevelopment of a previously developed site (which does not exclude sites in continuing use). I therefore deem that the principle of development in the Green Belt could be considered acceptable subject to it not having a greater impact on the openness of the Green Belt and the purpose of including land within it.

Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. It can be considered as meaning an absence of built development. I accept that the site as existing does not have an open character due to the existing buildings and the storage of cars. The proposal constitutes an expansion of the existing business through the increase in number of cars permitted to be displayed on the site for sale within the confines of the existing site and on existing hardstanding. The development would be set within a strip of commercial units along Lowdham Road (that notably also include the storage of vehicles). The interpretation of the increase in vehicles is therefore considered to be marginal and in turn would not have a greater impact on the openness of the Green Belt.

The openness of the Green Belt has a spatial aspect as well as a visual aspect and therefore assessing openness should not to be limited to measuring the volume of the existing and proposed structures on the site - many factors are relevant to assessing openness such as how built-up the Green Belt is currently and how built-up it would be if the proposed development went ahead (Court of Appeal judgement *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466 and *Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489). The impact of the removal of condition 07 to allow an unrestricted number of vehicles to be displayed for sale in the SW will be an increased density of vehicles on the site; however these will be contained within an existing site that is already built up to a degree within this Green Belt location – I must consider whether the effect of an additional 30/40 vehicles will preserve the openness of the Green Belt and I consider that this additional number of vehicles will result in a similar visual effect to the situation as approved given how built-up the site already is, the natural restriction in vehicle capacity by virtue of the site area and the containment of the development within the clearly fenced boundaries of the site.

Therefore having considered the purposes of the Green Belt listed at para. 134 of the NPPF I see no credible reason to conclude that the proposal would not conform with the objectives of the NPPF. The proposal is therefore not considered to constitute inappropriate development within the Green Belt.

Impact on Flooding

I acknowledge that the site lies within Flood Zone 3 however the application does not seek to install any additional hardstanding onto the site that is not already in existence – instead the application seeks to increase the number of cars permitted to be displayed for sale on site and to maintain the regularised parking arrangements. Given there is no increase in built form on the site or installation of additional hard surfacing that would impact the capacity for the flood plain I conclude that the proposal would not cause an unacceptable flood risk from fluvial or pluvial flooding in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF.

Impact on Amenity

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

I am satisfied that the proposed amendments would not result in any unacceptable over-bearing impact or over-shadowing of the neighbouring properties given it does not seek to construct any additional built form. The additional cars permitted to be displayed for sale will not cause an unacceptable impact on neighbouring occupiers by virtue of separation distance and the stationary nature of vehicles being displayed for sale. There would be no material detrimental impact on the amenities of proposed occupiers of the site as a result of this alteration to the approved site layout plan and is in accordance with Policy DM5 of the DPD and the NPPF.

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 appropriate parking provision. The site plan has been revised so that circulation between the car forecourt and the approved car wash area to ensure that there are not increased movements onto the highway from the access point.

The Highways Authority has commented on the application advising that the proposed removal of the restrictive vehicle condition and concurrent variation of the approved site plan is not expected to have a significant impact on the public highway; therefore, there are no highway objections. The removal of this condition will not impact the movement of vehicles onto the public highway as they will be stationary on site when displayed for sale. The circulation space between the car forecourt and car wash area has been maintained on the proposed site plan, which was initially requested from NCC Highways to lessen the movements entering and exiting onto the highways from this site, however NCC Highways never requested to be conditioned as part of any previous application as both access points were existing prior to the submission of any application on the site and as such there is limited control over the use of these access points.

In any case, NCC Highways Authority have raised no objection to the proposed increase in number of vehicles to be displayed for sale on site and have concluded that the number of spaces and the layout proposed raises no highways safety concerns. In conclusion it is considered that the proposal will not result in a detrimental impact upon the highway in accordance with SP7.

Relevance of other conditions attached to the original permission (18/00279/FUL)

The contaminated land phased condition (no. 4) has been part discharged through the discharge of conditions application reference 18/01777/DISCON – Part D of the condition remains outstanding and as such the condition has been varied to reflect this, but it is considered that all other conditions still remain necessary.

Conclusion

As concluded above, the amendments sought are not considered to constitute inappropriate development within the Green Belt in accordance with the objectives set out by the NPPF. The

development is not considered to unduly impact the openness of the Green Belt or wider area, given its existing context, or impact the amenity of any neighbouring residents. In addition the development is also not considered to have a detrimental impact on highway safety. Accordingly I recommend that planning permission is granted.

RECOMMENDATION

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

Conditions

01

The development hereby permitted comprising the erection of the fence and the change of use shall not begin later than three years from 4th July 2021.

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

02

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

- Site Location and Block Plans – 372(02) S10
- Revised Proposed Site Plan - 372(08)S10 REVISION E (29.04.2019)
- Surface Water Layout Plan
- Drainage Layout

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

Unless otherwise agreed by the Local Planning Authority, the car wash use must not commence until Part D of this condition have been complied with (noting that Parts A-C have been discharged under 18/01777/DISCON):

Part D: Reporting of Unexpected Contamination

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

be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

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

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

05

No infiltration of surface water drainage into the ground where contamination is present (as identified within condition 04) is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the NPPF.

06

The vehicle sales and car wash premises shall only be open to the public between the hours of 08.30 am and 6pm.

Reason: In the interest of residential amenity.

07

~~There shall be no more than 50 vehicles for sale displayed on the premises at any time unless otherwise approved in writing by the Local Planning Authority.~~

~~Reason: To ensure that the site remains in a tidy condition and there is adequate customer and staff parking areas and to protect the openness of the Green Belt.~~

08 07

There shall be no outside storage or paraphernalia associated with the car wash facility erected on the site unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the openness of the Green Belt.

Notes to Applicant

01

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

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

02

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

03

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

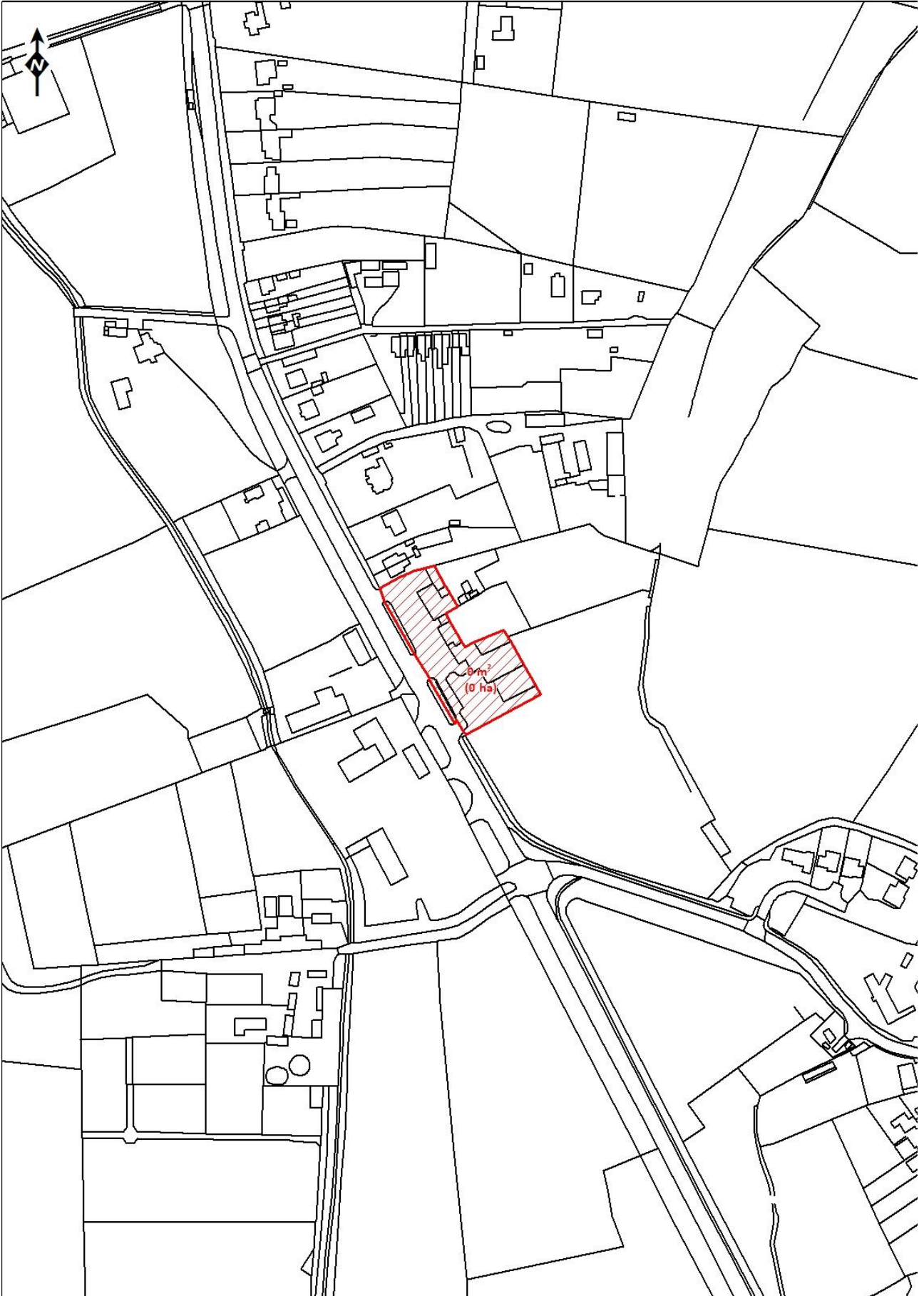
BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

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

Matt Lamb
Director Growth & Regeneration



PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00708/FUL	
Proposal:	Householder application for addition of 4 rooflights over kitchen area	
Location:	Manor Farm Barn, Beck Street, Thurgarton, Nottinghamshire, NG14 7HB	
Applicant:	Mr R Foster	
Registered:	11th April 2019	Target Date: 6th June 2019

The application is reported to committee at the request of Councillor Roger Jackson for the following reasons:

- The application has the full support of the Parish Council;
- Manor Farm barn is not a listed building;
- The building also has 17 rooflights already in its roof and the 4 new ones are the smallest that Velux company make for conservation area houses.

The Site

The application site comprises a converted barn which previously formed part of the wider Manor Farm estate. Manor Farm House is grade II listed and the barn, whilst now a residential unit, forms part of the listing and is identified as an 'exemplary residential conversion' in the listing appraisal. There is also a cart shed to the front of the site and a pigeon cote to the rear of the site which are grade II listed in their own right.

The dwelling is set back from the public highway and is F-shaped in plan form with a single storey converted cartshed (now forming the kitchen area) extending forward from the main two-storey barn. Neighbouring properties lie to the west and south-east of the site with the highway to the south-west and the boundaries with these are largely open with low boundary treatments.

The site also lies within the Thurgarton Conservation Area and within flood zones 2 and 3 of the Environment Agency Flood Risk maps.

Relevant Planning History

19/00709/LBC - Addition of 4 rooflights over kitchen area (pending consideration)

18/01468/FUL & 18/01469/LBC - Replacement of existing gates to courtyards with new solid hardwood gates (applications withdrawn)

12/00089/LBC - Alterations to existing including a proposed canopy, adjustment of windows and doors, raising of internal floor level and replacement materials (permitted 13.03.2012)

11/01735/FUL - Householder application for alterations to existing outbuilding including a proposed canopy, adjustment of windows and doors, raising of internal floor level and replacement materials (permitted 13.03.2012)

10/01318/FUL - Householder application to erect two oak posts and oak farm yard style gate to match existing between garden wall and outbuilding (permitted 19.11.2010)

09/01703/FUL - Householder application for proposed outbuilding (permitted 27.01.2010)

06/01955/FUL - Creation of a wildlife pond (permitted 03.04.2007)

06/01933/FUL - Erection of outbuilding (permitted 02.03.2007)

06/01937/LBC & 06/01939/FUL - Single storey lean-to extension onto rear of existing barn, pedestrian gate to existing stone wall (permitted 28.02.2007)

06/01264/FUL - Retention of stone wall to rear (permitted 16.10.2006)

06/01156/LBC - Retention of stone wall to rear of existing barn (permitted 27.09.2006)

01/00376/FUL & 01/00377/LBC - Proposed conversion of farm buildings into dwelling with ancillary office/annexe (permitted 17.08.2001)

The Proposal

The proposal seeks full planning permission for the installation of 4no. Velux conservation-type rooflights in the north-west (NW) and south-east (SE) roofslopes of the former cartshed attached to the main barn. The rooflights would measure 550 mm(h) x 980 mm(w) with conservation flashing and sash with the frame finished in black.

Submitted Documents

The following plans and documents accompany the application:

- MFB001 v3.0 – Location Plan
- MFB002 v2 – Site/Block Plan
- MFB003 - Design and Access Statement

Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter. A site notice has also been

posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Thurgarton Neighbourhood Plan (adopted May 2017)

Policy 1: New Development

Policy 6: Historic and Natural Environment

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

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Householder Development SPD 2014
- Conversion of Traditional Rural Buildings SPD 2014
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Thurgarton Parish Council – Support the proposal

NSDC Conservation Officer –

Legal and policy considerations

Legal and policy considerations Sections 16 and 66 of the Planning (Listed Buildings and conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

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

Significance of heritage asset(s)

Manor Farm House is grade II listed (1045566) designated in March 1986. The listing description advises;

‘THURGARTON BECK STREET SK 64 NE (north side) 4/94 Manor Farm House G.V. II Farmhouse. Mid C18 with some C19 alterations. Red brick. Slate roof. 2 gable and single ridge red brick stacks. Raised, brick coped gables with kneelers. Dentil eaves. 2 storeys plus garret, 6 bays. First floor band. Having from left to right a single glazing bar sash under a segmental arch, a doorway with part glazed door with evidence of a former opening with segmental arch over, a single similar sash and arch, a doorway with part glazed door flanked by single rusticated brick buttresses, a single glazing bar Yorkshire sash under a segmental arch and a single C20 glazing bar tripartite casement. Above are 3 glazing bar Yorkshire sashes under segmental arches, to the right is a single small oval glazing bar casement and further right 2 similar Yorkshire sashes under segmental arches’.

The site is also located in Thurgaton Conservation Area which was designated in 1983. The appraisal was reviewed in 2008. The property is located on Beck Street, the appraisal describes the street as a

‘Beck Street is a very attractive Street where access is gained to the cottages on the north side of the Road by stone and brick bridges over the beck’

'The regularity of the row on Beck Street suggests an early date, and possibly a deliberate phase of planning along Beck Street. Also before Nottingham Road was re-routed, Beck Street was the road to Nottingham, and as such would have provided a suitable focus for settlement'

'The view to the east along Beck Street is picturesque and idyllic where the beck runs along the side of the road with the attractive traditional cottages behind. The scene has almost a "chocolate box" quality'

The appraisal mentions Manor Farm House 'Manor Farm House at the top of Beck Street is prominent and imposing and forms part of the Manor Farm Group. The barns relating to the House are an exemplary residential conversion but the pigeon cote and cart shed remain original. The whole group makes a positive and significant contribution to the street scene'

Assessment of proposal

The application is for four rooflights on the cartshed range that projects south from the principle barn. The rooflights will be very visible within views along Beck Street due to the openness of the area. As the cartshed is single storey this will mean the proposed rooflights will be even more in the eye line.

The proposal will harm to the character and appearance of the conservation area and the listed building. The proposal therefore is contrary to the objectives of preservation required under sections 66 and 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

Third party representations - a letter has been received in support of the application from a local resident.

Comments of the Business Manager

Principle of Development

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

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

The proposal relates to a householder development which is accepted in principle by Policy DM6 subject to an assessment against a number of site specific criteria including the impact of the proposal on visual amenity including the impact on the listed building and Conservation Area.

Impact upon Character of Area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In addition, section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of the character, appearance and setting of Listed Buildings and the preservation of the special character of Conservation Areas. Policy DM9 of the DPD requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the desirability of preserving the architectural or historic interest of Listed Buildings.

Manor Farm Barn is a prominent building along Beck Street and is highly visible from the public realm owing to the low boundary treatments to the front and side of the site. The building is curtilage listed with separate listed buildings also within the site (pigeon cote and detached cartshed). The barn was converted in c.2002, having previously formed part of Manor Farm House, and within the appraisal for the farm house on the National Heritage List for England, the converted barn is praised for its exemplary residential conversion and as such any proposal to detract from the current standard of conversion is unlikely to be considered appropriate as it would not preserve or enhance the setting of the listed building or conservation area, as required by Policy DM9 of the DPD and Core Policy 14 of the Amended Core Strategy.

Policy 6 of the Thurgarton Neighbourhood Plan makes reference to preserving the ‘picturesque qualities of Beck Street’ and the views along the beck which runs alongside the highway.

The setting, as defined by the NPPF, is relative to the importance of the heritage asset and its surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage; due to the proximity of various listed buildings and the designated conservation area, I consider the setting of Manor Farm Barn to be sensitive; paragraph 13 sets out the importance of setting.

In accordance with the Council’s Conversion of Traditional Rural Buildings SPD, alterations to existing fabric must be kept to the minimum necessary to facilitate the use and the introduction of flush rooflights would only be acceptable where they are used with restraint and placed in discreet positions. If the overall effect of a particular proposal destroys the essential character of the building, then it is unlikely to be not be supported by the LPA.

I note that the building currently has several small rooflights. These were considered necessary to facilitate the conversion back in 2002. Looking through the previous Officer’s report, these were considered the minimum required and amendments had been requested to reduce the number of rooflights during the course of the application to ensure that minimal fabric was disturbed, with a balance between heritage issues and building regulations being met.

The proposal put forward seeks to install windows above a kitchen area which already benefits from full height glazing in the former cartshed openings and as such I am of the view that the proposed rooflights would result in more openings than necessary for the building, which would fail to accord with the SPD guidance. The openings would be readily visible from the public realm and cumulatively would, in my view, have a significant impact upon the traditional character of the building when taken in to account with the existing openings and as such would erode the historic significance of the building. The visibility of the rooflights is also a concern for the Council's conservation team and thus it is considered that the proposal would not preserve the character and appearance of the historic setting and thus it is considered that the proposal would fail to preserve the character and appearance of the historic setting, thus failing to comply with paragraph 13 of the NPPG.

Paragraph 196 of the NPPF where a development would lead to less than substantial harm to the significance of a heritage asset (which I believe the proposal does) the harm should be weighed against the public benefits of the proposal. No justification for the rooflights has been put forward by the application and as such I can see no public benefit that would outweigh the harm to the listed building, as required by paragraph 196 of the NPPF. I am therefore of the view that the proposal would be contrary to Core Policy 14 of the Amended Core Strategy, Policy DM9 of the DPD and the NPPF.

Impact upon Residential Amenity

Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

The proposed rooflights would be installed on a single storey element which is set some distance from neighbouring properties. Given the height at which they would be installed and the separation from neighbouring properties, I would not expect the proposal to have any adverse impact upon neighbour amenity.

On the basis of the above, I am satisfied that the proposal complies with Policy DM6 of the DPD, however this does not outweigh the harm to the listed building identified above.

Impact upon Flood Risk

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

As the proposal relates solely to new window openings, with no additional floorspace proposed, I do not consider the proposal to have any implications for flood risk.

Planning Balance and Conclusion

The proposal is for the installation of 4no. rooflights to the existing dwelling. The proposal is also assessed under listed building consent application 19/00709/LBC.

The proposal is considered to be unacceptable in terms of its impact upon the integrity of the listed building and its surrounding historic setting as further window openings to the former barn would result in a cluttered appearance and would be highly visible from the public realm. The additional windows are also considered to result in openings that are more than the minimum necessary for the residential use, thus eroding the historic significance of the building, with no justification for the rooflights that would outweigh the harm identified and therefore does not meet the requirement of paragraph 196 of the NPPF.

The proposal therefore fails to accord with Sections 66 and 72 of the 1990 Act, along with Policy 6 of the Thurgarton Neighbourhood Plan, Policy DM9 of the DPD and Core Policy 14 of the Amended Core Strategy and as such is recommended for refusal.

Recommendation

That full planning permission is refused for the following reason;

Reason for Refusal

01

In the opinion of the Local Planning Authority the proposed rooflights would result in alterations to the fabric of the building which go beyond the minimum required for the residential use of the former barn and would therefore result in a cluttered appearance that would erode the historic significance of the building. The additional openings would result in less than substantial harm to the significance of this designated heritage asset and there is no public benefit identified that would outweigh this harm, as required by paragraph 196 of the NPPF. The proposed development would therefore be contrary to Policy 6 of the Thurgarton Neighbourhood Plan (2017), Core Policy 14 of the Newark and Sherwood Amended Core Strategy (2019), Policy DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document (2013), which together form the Development Plan as well as being contrary to the Newark and Sherwood Conservation of Traditional Rural Buildings Supplementary Planning Document (2014) and the National Planning Policy Framework (2019) which are material planning considerations.

Notes to Applicant

01

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

02

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

03

This permission should be read in conjunction with listed building consent reference 19/00709/LBC.

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb

Director Growth & Regeneration

Committee Plan - 19/00708/FUL



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PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00709/LBC		
Proposal:	Addition of 4 rooflights over kitchen area		
Location:	Manor Farm Barn, Beck Street, Thurgarton, Nottinghamshire, NG14 7HB		
Applicant:	Mr R Foster		
Registered:	11th April 2019	Target Date:	6th June 2019

The application is reported to Committee at the request of Councillor Roger Jackson for the following reasons:

- The application has the full support of the Parish Council
- Manor Farm barn is not a listed building,
- The building also has 17 rooflights already in its roof and the 4 new ones are the smallest that Velux company make for conservation area houses.

The Site

The application site comprises a converted barn which previously formed part of the wider Manor Farm estate. Manor Farm House is grade II listed and the barn, whilst now a residential unit, forms part of the listing and is identified as an 'exemplary residential conversion' in the listing appraisal. There is also a cart shed to the front of the site and a pigeon cote to the rear of the site which are grade II listed in their own right.

The dwelling is set back from the public highway and is F-shaped in plan form with a single storey converted cartshed (now forming the kitchen area) extending forward from the main two-storey barn. Neighbouring properties lie to the west and SE of the site with the highway to the SW and the boundaries with these are largely open with low boundary treatments.

The site also lies within the Thurgarton Conservation Area and within flood zones 2 and 3 of the Environment Agency Flood Risk maps.

Relevant Planning History

19/00708/FUL – Householder application for addition of 4 rooflights over kitchen area (pending consideration)

18/01468/FUL & 18/01469/LBC - Replacement of existing gates to courtyards with new solid hardwood gates (applications withdrawn)

12/00089/LBC - Alterations to existing including a proposed canopy, adjustment of windows and doors, raising of internal floor level and replacement materials (permitted 13.03.2012)

11/01735/FUL - Householder application for alterations to existing outbuilding including a proposed canopy, adjustment of windows and doors, raising of internal floor level and replacement materials (permitted 13.03.2012)

10/01318/FUL - Householder application to erect two oak posts and oak farm yard style gate to match existing between garden wall and outbuilding (permitted 19.11.2010)

09/01703/FUL - Householder application for proposed outbuilding (permitted 27.01.2010)

06/01955/FUL - Creation of a wildlife pond (permitted 03.04.2007)

06/01933/FUL - Erection of outbuilding (permitted 02.03.2007)

06/01937/LBC & 06/01939/FUL - Single storey lean-to extension onto rear of existing barn, pedestrian gate to existing stone wall (permitted 28.02.2007)

06/01264/FUL - Retention of stone wall to rear (permitted 16.10.2006)

06/01156/LBC - Retention of stone wall to rear of existing barn (permitted 27.09.2006)

01/00376/FUL & 01/00377/LBC - Proposed conversion of farm buildings into dwelling with ancillary office/annexe (permitted 17.08.2001)

The Proposal

The proposal seeks listed building consent for the installation of 4no. Velux conservation-type rooflights in the north-west (NW) and south-east (SE) roof slopes of the former cartshed attached to the main barn. The rooflights would measure 550mm (h)x 980mm(w) with conservation flashing and sash with the frame finished in black.

Submitted Documents

The following plans and documents accompany the application:

- MFB001 v3.0 – Location Plan
- MFB002 v2 – Site/Block Plan
- MFB003 - Design and Access Statement

Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Policy Framework

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- *National Planning Policy Framework (NPPF) July 2019*
- *Planning Practice Guidance (PPG) published April 2014*
- *Historic England's Good Practice Advice Note 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets*
- *Historic England Advice Note 2 – Making Changes to Heritage Assets*
- *Newark and Sherwood Conversion of Traditional Rural Buildings Supplementary Planning Document 2014*

Consultations

Thurgarton Parish Council – Support the proposal

NSDC Conservation Officer –

Legal and policy considerations

Legal and policy considerations Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

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

Significance of heritage asset(s)

Manor Farm House is grade II listed (1045566) designated in March 1986. The listing description advises;

‘THURGARTON BECK STREET SK 64 NE (north side) 4/94 Manor Farm House G.V. II Farmhouse. Mid C18 with some C19 alterations. Red brick. Slate roof. 2 gable and single ridge red brick stacks. Raised, brick coped gables with kneelers. Dentil eaves. 2 storeys plus garret, 6 bays. First floor band. Having from left to right a single glazing bar sash under a segmental arch, a doorway with part glazed door with evidence of a former opening with segmental arch over, a single similar sash and arch, a doorway with part glazed door flanked by single rusticated brick buttresses, a single glazing bar Yorkshire sash under a segmental arch and a single C20 glazing bar tripartite casement. Above are 3 glazing bar Yorkshire sashes under segmental arches, to the right is a single small oval glazing bar casement and further right 2 similar Yorkshire sashes under segmental arches’.

The site is also located in Thurgaton Conservation Area which was designated in 1983. The appraisal was reviewed in 2008. The property is located on Beck Street, the appraisal describes the street as a

‘Beck Street is a very attractive Street where access is gained to the cottages on the north side of the Road by stone and brick bridges over the beck’

‘The regularity of the row on Beck Street suggests an early date, and possibly a deliberate phase of planning along Beck Street. Also before Nottingham Road was re-routed, Beck Street was the road to Nottingham, and as such would have provided a suitable focus for settlement’

‘The view to the east along Beck Street is picturesque and idyllic where the beck runs along the side of the road with the attractive traditional cottages behind. The scene has almost a “chocolate box” quality’

The appraisal mentions Manor Farm House ‘ Manor Farm House at the top of Beck Street is prominent and imposing and forms part of the Manor Farm Group. The barns relating to the House are an exemplary residential conversion but the pigeon cote and cart shed remain original. The whole group makes a positive and significant contribution to the street scene’

Assessment of proposal

The application is for four rooflights on the cartshed range that projects south from the principle barn. The rooflights will be very visible within views along Beck Street due to the openness of the area. As the cartshed is single storey this will mean the proposed rooflights will be even more in the eye line.

The proposal will harm to the character and appearance of the conservation area and the listed building. The proposal therefore is contrary to the objectives of preservation required under sections 66 and 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.

No other letters of representation have been received from third parties.

Comments of the Business Manager

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 193 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

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

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

Manor Farm Barn is a prominent building along Beck Street and is highly visible from the public realm owing to the low boundary treatments to the front and side of the site. The building is curtilage listed with separate listed buildings also within the site (pigeon cote and detached cartshed). The barn was converted in c.2002, having previously formed part of Manor Farm House, and within the appraisal for the farm house on the National Heritage List for England, the converted barn is praised for its exemplary residential conversion and as such any proposal to detract from the current standard of conversion is unlikely to be considered appropriate as it would not preserve or enhance the setting of the listed building or conservation area, as required by Policy DM9 of the DPD and Core Policy 14 of the Amended Core Strategy.

The setting, as defined by the NPPF, is relative to the importance of the heritage asset and its surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage; due to the proximity of various listed buildings and the designated conservation area, I consider the setting of Manor Farm Barn to be sensitive; paragraph 13 sets out the importance of setting.

In accordance with the Council's Conversion of Traditional Rural Buildings SPD, alterations to existing fabric must be kept to the minimum necessary to facilitate the use and the introduction of flush rooflights would only be acceptable where they are used with restraint and placed in discreet positions; if the overall effect of a particular proposal destroys the essential character of the building, then it is unlikely to be supported by the LPA.

I note that the building currently has several small rooflights. These were considered necessary to facilitate the conversion back in 2002. Looking through the previous Officer's report, these were considered the minimum required and amendments had been requested to reduce the number of rooflights during the course of the application to ensure that minimal fabric was disturbed, with a balance between heritage issues and building regulations being met.

The proposal put forward seeks to install windows above a kitchen area which already benefits from full height glazing in the former cartshed openings and as such I am of the view that the proposed rooflights would result in more openings than necessary for the building, which would fail to accord with the SPD guidance. The openings would be readily visible from the public realm and cumulatively would, in my view, have a significant impact upon the traditional character of the building when taken in to account with the existing openings and as such would erode the historic significance of the building. The visibility of the rooflights is also a concern for the Council's conservation team and thus it is considered that the proposal would not preserve the character and appearance of the historic setting, thus failing to comply with paragraph 13 of the NPPG.

Paragraph 196 of the NPPF where a development would lead to less than substantial harm to the significance of a heritage asset, (which I believe the proposal does) the harm should be weighed against the public benefits of the proposal. No justification for the rooflights has been put forward by the application and as such I can see no public benefit that would outweigh the harm to the listed building, as required by paragraph 196 of the NPPF. I am therefore of the view that the proposal would be contrary to Core Policy 14 of the Amended Core Strategy, Policy DM9 of the DPD and the NPPF.

Taking the above into account, I do not consider the proposal to be acceptable in terms of its impact upon the integrity of the listed building as further window openings to the former barn would result in a cluttered appearance that would also be highly visible from the public realm. The additional windows are also thought to result in openings that are more than the minimum

necessary for the residential use, thus eroding the historic significance of the building, with no justification for the rooflights that would outweigh the harm identified and therefore does not meet the requirement of paragraph 196 of the NPPF. The proposal is also contrary to paragraph 13 of PPG as the rooflights would have a detrimental impact on the setting.

The proposal therefore fails to accord with Section 16 of the 1990 Act and as such is recommended for refusal.

Recommendation

That listed building consent is refused for the following reason:

01

In the opinion of the Local Planning Authority the proposed rooflights would result in alterations to the fabric of the building which go beyond the minimum required for the residential use of the former barn and would therefore result in a cluttered appearance that would erode the historic significance of the building. The additional openings would result in less than substantial harm to the significance of this designated heritage asset and there is no public benefit identified that would outweigh this harm. The proposed development would therefore be contrary to paragraph 196 of the National Planning Policy Framework (2019) and the paragraph 13 of the NPPG, as well as non-compliant with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also be contrary to the Development Plan and the Council's Supplementary Planning Document which are material planning considerations.

Notes to Applicant

01

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

02

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

03

The consent should be read in conjunction with planning application reference 19/00708/FUL.

BACKGROUND PAPERS

Application case file.

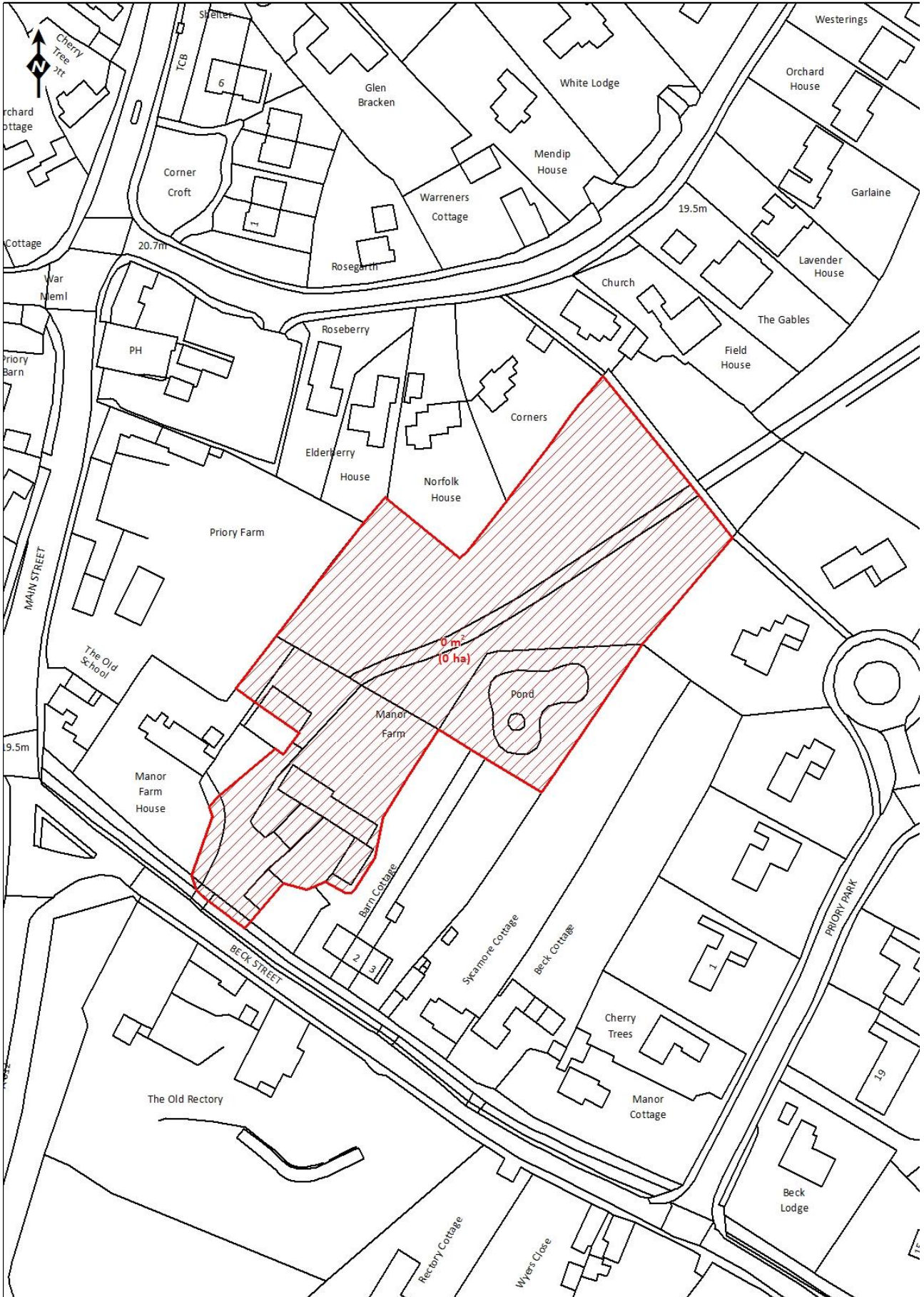
For further information, please contact Nicolla Ellis on Ext 5833.

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

Matt Lamb

Director Growth & Regeneration

Committee Plan - 19/00709/LBC



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PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00246/FUL	
Proposal:	Householder application for demolition of original rear extension and erection of new single storey rear and side extension to dwellinghouse	
Location:	5 Plantation Cottages, Main Street, Epperstone, Nottinghamshire, NG14 6AG	
Applicant:	Ms Gaynor Mallinson	
Registered:	11th February 2019	Target Date: 8th April 2019 Extension of time agreed

The application is reported to Committee at the request of Cllr Roger Jackson. His reasons for calling the application to Planning Committee are that:

1. the Parish Council are in full support;
2. it is felt that it does not infringe on the green belt and;
3. the size is only because a two-storey would take light and views away from neighbouring houses who have no objections.

The Site

The application site is located within the village of Epperstone which is washed over by the Nottingham-Derby Green Belt and lies within the village's Conservation Area. The site comprises a semi-detached two storey dwelling of C20th construction which is one of 8 dwellings forming Plantation Cottages that previously were Police accommodation associated with Epperstone Manor. The dwellings are set back from the highway, on land significantly higher than Main Street, and are accessed via a footpath running to the south-west of the properties with parking to the rear (north-east).

The dwelling benefits from an ample sized front garden as well as private amenity space to the rear and has an existing rear off-shoot that appears to be original. The adjoining neighbour lies to the south-east with the neighbour to the north-west separated by respective accesses to the rear of the properties and is of a similar design as no.5. Boundary treatments are mostly fencing approximately 1-1.5m in height along with hedgerow to the rear and north-eastern boundary, although the boundaries are relatively open from all aspects.

Relevant Planning History

No relevant site history.

The Proposal

The application seeks planning permission for the demolition of an existing single storey rear offshoot (footprint of 12m²) followed by the erection of a rear single storey side and rear extension comprising a snug, bedroom, utility, shower room and extension to the existing kitchen/dining room. The extension would have a footprint of approximately 56.5m² and would wrap around the NW corner and rear of the dwelling with a projecting wing.

The extension to the kitchen/dining room would measure 1.7m in length and 4m in width with a lean-to roof measuring 3.5m in height. Rooflights are proposed in this extension. It is proposed that materials would match those of the existing dwelling.

Attached to this rear extension would be the projection to the rear of the site, replacing the existing offshoot. This part of the development would measure 9.7m in length, a maximum of 5.5m in width and a maximum ridge height of 4.5m, stepping down to 4.2m towards the rear of the extension. It is proposed that the extension would be constructed of brick and tile to match the host dwelling to the front half of the addition, with timber cladding and tiles to the rear section. 1 no. rooflight is proposed on the western elevation with a pitched roof canopy to the eastern elevation.

The side extension is proposed to the western elevation and would measure 2.7m in width, 3.3m in length and would have a lean-to glass/lead or glass/zinc roof measuring 3.5m in height. The principal elevation of this extension would have full height glazing with the walls proposed to be constructed of brick to match the host dwelling.

Submitted Documents

The following documents accompany the application:

- Location Plan – (10)001 P00
- Site Plans – (10)002 P00 (received 21st February 2019)
- Existing Layouts – (20)001 P00
- Proposed Layouts – (20)002
- Existing Elevations – (21)001 P00
- Proposed Elevations – (21)002 P00
- Planning and Heritage Statement dated February 2019
- Summary Statement dated 7th May 2019

Departure/Public Advertisement Procedure

4 neighbouring properties have been consulted by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Policies relevant to this application:

Spatial Policy 4B: Green Belt Development

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

DM5: Design

DM6: Householder Development

DM9: Protecting & Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2018

Planning Practice Guidance 2014

Householder Development Supplementary Planning Document Adopted November 2014

Consultations

Epperstone Parish Council – Support the proposal but feel that the neighbours should be consulted as it is being built on adjoining boundary.

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

Heritage assets affected

The proposal site is situated within Epperstone Conservation Area (CA). Although not directly adjacent, Epperstone Manor (Grade II listed), the landmark Church of the Holy Cross (Grade I) and associated former Rectory (Grade II) are all situated a little way to the east of Plantation Cottages. Although much redeveloped as part of an enabling project on the south side of the main road, the former pleasure grounds of Epperstone Manor, a mid-18th century polite house remain legible and is otherwise identified as an unregistered park and garden.

The main issue in this case is what impact the proposals will have on the character and appearance of Epperstone CA with special regard to the historic buildings and mature park landscape which contribute positively to the special significance of this part of the designated area.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. It should be noted that the Newark & Sherwood Amended Core Strategy DPD has been through examination and determined to be sound. It therefore carries material weight in the decision-making process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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

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

Significance of heritage asset(s)

Epperstone CA was first designated in 1972, and reviewed in 2006 when the area was extended. The adopted Epperstone CA Appraisal (2006) provides a useful assessment of the CA, including its origins, settlement layout patterns and architectural interest.

Plantation Cottages are former late 1950s/early 1960s houses, possibly associated with the Police HQ in the Manor.

Assessment of proposals

Conservation has no objection to the proposed development.

The host property is set back on rising land to the north of the roadway, forming part of a group of 4 semi-detached cottages. The cottages have a pleasant character, being constructed in red brick with plain tiles roofs, matching box bay windows, gabled porch canopies, cottage casement windows and chimneys. Nevertheless, Plantation Cottages are modern and are considered to make a neutral contribution to the character and appearance of the CA.

The proposal seeks to demolish a rear single storey extension and re-build with larger dimensions, as well as a new lean-to element on the side elevation. The general design references the brick and tile form of the host property, but there is an element of modern interpretation in the use of some timber cladding and glazing features.

The design and appearance of the extension sits comfortably in this context and causes no harm to the character and appearance of the CA or setting of any other heritage asset. Although the development will be partially visible from the road, the simple lightweight glazing design on the south elevation and modest scale perceived in the lean-to form ensures that the development is not unduly prominent.

Recommendation

The proposal will cause no harm to the character and appearance of Epperstone CA or the setting of any other heritage assets. The proposals therefore accord with sections 66 and 72 of the Act. The proposal also complies with heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.

If approved, precise details of the lean-to roof should be agreed before they are installed (we are content with either option presented), as well as further details on the glazing in the lean-to in the south elevation.

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

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

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

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

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

No other letters of representation have been received.

Comments of the Business Manager

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

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate in Green Belt although there are exceptions. One such exception does allow for some development such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is under this stipulation that the appropriateness of the proposal will be assessed further below.

Additionally, the site lies within the Conservation Area for Epperstone. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and setting of the Conservation Area.

Impact upon Green Belt

The NPPF states that substantial weight is given to any harm to the Green Belt although there are exceptions to this including that any extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, could be considered acceptable.

Under current policy there is no definitive percentage of increase considered to be appropriate development within the Green Belt and as such, it is one of judgement for the Local Planning Authority. Generally, and as a rule of thumb where other local planning authorities have set

thresholds within development plan policies these ‘typically’ range between 30 to 50% (footprint, floorspace and/or volume increase) in determining whether householder extensions are disproportionate to the original dwelling.

Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate (by reason of being disproportionate to the original building) it is useful to understand the size of the proposed extensions compared to the original dwelling as shown in the table below:

	Original dwelling	Proposed extensions	Proposed demolition	% Increase (proposed extension - demolition)
Floorspace	109.7m ²	56.5m ²	12.3m ²	40.3%
Footprint	61.7m ²	56.6m ²	12.3m ²	71.6%
Volume	330.3m ³	143m ³	34.4m ³	32.9%

(Officer’s calculations are measured externally)

Looking at the calculations above, it is clear that the proposed extension would add substantial built form to the building. I acknowledge that the proposed floorspace and volumes are below a ‘typical’ 50% threshold. However, the proposed footprint does go beyond this quantum. The difficulty therefore in this case is to what degree one should consider a ‘breach’ of a rule of thumb threshold on one of three metric calculations goes to the heart of a conclusion of a disproportionate addition.

I am mindful that neither the NPPF nor the policies within the Core Strategy set out a specific percentage when considering what constitutes an addition to an existing building being disproportionate. I equally note that there is no guidance as to how an addition should be measured, relative to whether one can have regard (and the degree to which a decision-maker should have regard) to footprint, volume, and floorspace. The applicant’s agent has made strong representations that there are limited examples of cases where footprint alone is a valid reason to conclude a disproportionate addition and thus inappropriate development in green belt terms.

Contrary to this view, officers consider as a matter of principle that footprint alone is capable of being of relevance in making a determination on disproportionality. In this case officers conclude that the proposal is, as a matter of judgement a disproportionate addition to the original dwelling. As a matter of policy the proposal therefor represents inappropriate development in the Green Belt.

Plantation Cottages lie on the edge of the village, and whilst they do form a cluster of built form on the edge of the village, the experience of a receptor in this area is one of a rural and open character. Indeed this is what Green Belt designations seek to retain through limiting further development. Whilst there is surrounding built form, this does not mean that additional building is acceptable in principle.

The proposed addition would in part replace an existing offshoot which sits subservient to the host building and is small in scale. The replacing structure would be considerably larger and would extend half the depth of the original dwelling and along almost the entire length of the rear garden afforded to the property, as well as across the entire width of the dwelling. This in my view would significantly reduce the openness of the site and alter the appearance of the site within this row of dwellings. I appreciate that the extension would be largely to the rear of the dwelling, and thus visibility from the public realm is much reduced. However the addition would still have a bulky appearance that would dominate the garden to the rear and leaves a reduced private garden area for the property which in my view is a symptom of the overdevelopment of the plot.

The side addition would also be visible from the front of the property and would be substantial in size, particularly when compared with the adjacent properties. This increase in built form within the site would in my view tip the balance of acceptable development within the Green Belt. I do attach weight to the surrounding built form, but as mentioned in the previous paragraphs, this does not mean that development is acceptable in principle simply because the building is located within a built up part of the Green Belt designation. A modest addition to the building, much reduced from that submitted, could be considered appropriate given the surroundings. However no amendments to reflect officer concerns have been forthcoming from the applicant.

Allowing the application with a footprint of 71.6% increase would in my view set a precedent for what is considered by this Authority as 'proportionate'. If this was repeated (something which we would find very difficult to resist) to all of this row of dwellings the appearance of this part of Epperstone would be greatly altered to the detriment of the aims of the Green Belt designation. Notwithstanding this however, I consider the application on its own to be harmful to the openness of the Green Belt and further additions in this area would only result in further harm.

During the lifetime of the application, officers have been in discussions with the applicant's agent regarding the size of the extension. The applicant's agent has referred to previous extensions in Epperstone that the LPA have permitted when the floorspace of the additions have been greater than 50%. Having looked at these applications, officers have weighed up the impact upon the openness of the Green Belt against other factors, with proposed increases being less than that proposed as part of this application. I am therefore satisfied that there are material differences between these cases.

The applicant's supporting letter dated 7th May 2019 provides commentary on some of the discussions held and also references officers' advice that there are no direct comparisons to the proposal at 5 Plantation Cottages. This is correct in that recently refused applications within the Green Belt have resulted in the floorspace also being greater than 50% along with footprint whereas the application under consideration now only has a footprint larger than 50%. This does not however suggest that the current application is acceptable as footprint is given the same weight as floorspace in indicator calculations; it is simply the individual circumstances of the application that have led to only one calculation being over the threshold and Members will be mindful that the LPA must assess each application on its own merits.

I also think it is worthy to note that with regards to the lack of 'similar' (my emphasis added) planning applications, Officers are proactive in seeking to reduce unacceptable applications before they are determined where there is scope to amend and as such many applications are amended to reduce floorspace and footprint rather than receive a refusal decision. Recent applications which have been negotiated by Officers include a reduction in footprint of a single storey rear extension to 50% at 8 The Green, Lowdham, determined under planning application reference 18/01879/FUL; a negotiated reduction in footprint on a dwelling from 72.5% to under 50% at Malvern, Main Street, Oxtun under planning application reference 18/00784/FUL and a reduction in proposed footprint at 31 Elmcroft, Oxtun from 62% to 33% under planning application reference 18/00936/FUL. Officers have made attempts to seek amendments to this scheme however the reductions informally proposed by the applicant did not go far enough to overcome the issues relating to the Green Belt.

On the basis of the above, I am of the opinion that the proposal is contrary to the aims of Paragraph 145 of the NPPF and therefore would not preserve the openness of the Green Belt.

Visual Impact (including the impact upon the character of Epperstone Conservation Area)

Core Policy 9 and Policy DM6 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. The NPPF also states that good design is a key aspect of sustainable development.

In addition to the above, the site is located within Epperstone Conservation Area. Proposals should therefore be sensitively designed so as to not harm the setting of these heritage assets in accordance with Section 16 of the NPPF along with Core Policy 14 of the Core Strategy and DM9 of the DPD.

In terms of its impact upon the Conservation Area, Members will note the comments from the internal Conservation Officer raising objection to the scheme, and from a design perspective I would concur with this view. I would agree that the dwelling makes a neutral contribution to the Conservation Area and thus a well-designed extension to the building is unlikely to be harmful to the character and appearance of the dwelling within the historic setting. If Members are minded to approve the application, I would draw their attention to the conditions suggested by the Conservation Officer with regards to materials.

In addition to the above, the proposed extension would be subservient in height to the host dwelling and whilst the addition would somewhat sit at odds with the main dwelling in terms of its design with the use of modern materials and larger glazing elements, I am of the view that the extension largely references the host building and the modern elements are carefully built in to the design so as not to become overbearing upon the host dwelling.

Weighing up the assessment above, I am of the view that whilst the proposal would take up a substantial amount of the properties private garden area to the rear of the property, overall I consider that the design of the proposal is acceptable, preserving the character and appearance of the Conservation Area and as such I do not consider the land take to the rear to be so detrimental so as to warrant the refusal of the application on this basis. However, it is my view that this acceptable design does not outweigh the concerns regarding the impact upon the Green Belt.

Impact on Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed extension would be located along the boundary with the neighbouring property (no.4) to the west and would almost adjoin the neighbouring property to the east (no.6).

Turning first to no.6, this property has an existing rear extension that is similar in length to that proposed along the rear elevation of no.5 and therefore I would not expect this element to have a detrimental impact upon this neighbouring property. There would also be a separation distance of approximately 4m from the side of the larger proposed rear offshoot to no.5 and the eastern boundary with no.6 which given the single storey nature of the proposal, I consider to be sufficient to limit any overshadowing or overbearing impacts. I am mindful that 2no. full height windows are proposed on the eastern elevation of the extension which would serve a bedroom. There is a hedgerow separating the properties, although when I visited the site in February 2019 this is sparse in places. Whilst not an ideal relationship, these windows are at ground floor level where side windows are, through permitted development, acceptable and as such I think it would be difficult to defend a decision of refusal on the basis of the impact of these windows. If Members are minded to approve the application, they may wish to discuss whether it would be appropriate to condition these windows to be obscurely glazed to protect amenity.

With regards to the neighbouring property to the west, the proposed extension would extend along the shared boundary for 13m with a maximum ridge height of 4.5m. The boundary treatment along this boundary is currently a low picket fence and thus the properties have an open feel to them which is enjoyed along the row of Plantation cottages. Whilst the roofslopes would slope away from the boundary, this maximum height would be fairly substantial along the boundary, although I am mindful that some of the proposed extension would have lower ridge heights of 4.1m and 3.5m. Much of the extension would however have a ridge height of over 4m which I consider likely to have an overbearing impact upon the neighbouring property, particularly as it would extend along the majority of the shared boundary, with the exception of approximately 3m at the very rear of the boundary. I acknowledge that the gardens are north-east facing and as such receive little sunlight during the day, meaning that the extension is unlikely to result in overshadowing of the neighbouring property. However I consider that this length and height of extension along the boundary is likely to have a detrimental overbearing impact upon neighbour

amenity through the bulk and length of the built form. This could be addressed through reductions, however as detailed above, reductions have not been forthcoming from the applicant, although I will stress that these discussions regarding amendments have been centred around Green Belt impacts. I therefore consider the impact upon the neighbouring property at 4 Plantation Cottages to be contrary to Policy DM6 of the DPD in respect of protecting the amenities of neighbouring properties, which is also reiterated within the NPPF.

Planning Balance and Conclusion

The proposal seeks consent for the demolition of an existing rear offshoot followed by the erection of side and rear extension to the dwelling which is located within the Nottingham-Derby Green Belt and Epperstone Conservation Area.

In this instance, it is concluded that whilst the proposal would have no significant impact upon the character and appearance of the Conservation Area, the proposal is disproportionate in Green Belt terms, proposing an increased footprint of 71.6%. For this reason, I conclude that the proposal would represent inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful and should not be approved except in very special circumstances. There are no very special circumstances in this case. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

Alongside the impact upon the Green Belt, the proposal, by virtue of this overall length and proposed height along the shared boundary with 4 Plantation Cottages to the east of the site, would have an overbearing impact upon this neighbouring property that it considered to be detrimental. The proposal would extend almost the full length of the neighbour's rear garden, creating a large expanse of blank wall along this boundary which is currently open with a low picket fence. As such, it is concluded that the proposal fails to accord with Policy DM6 of the DPD with regards to neighbour amenity.

In conclusion, it is considered that the proposal is contrary to local and national planning policy and Officers therefore recommend to Members that the application is refused.

Recommendation

That full planning permission is refused for the following reasons;

01

In the opinion of the Local Planning Authority the proposed extension would result in a disproportionate addition to the original dwelling that would harm the openness of the green belt. It would therefore constitute inappropriate development within the Green Belt. There are no very special circumstances to outweigh this harm by reason of inappropriateness. The proposed development would therefore be contrary to Spatial Policy 4B (Green Belt Development) of the

Newark and Sherwood Amended Core Strategy (2019) and the National Planning Policy Framework (2019), a material planning consideration.

02

In the opinion of the Local Planning Authority, due to the scale, massing and siting, the extension is considered to result in an unacceptable overbearing impact upon the adjacent property, 6 Plantation Cottages, to the detriment of the occupiers. As such the proposal is considered to be contrary to Core Policy 9 (Sustainable Design) of the Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM6 (Householder Development) of the Allocations and Development Management DPD adopted 2013 as well as Chapter 12 of the NPPF (2019) and adopted Newark and Sherwood Householder Design Guide SPD which are material planning considerations.

Notes to Applicant

01

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

02

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

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb
Director Growth & Regeneration



PLANNING COMMITTEE - 2 JULY 2019

Application No:	19/00242/OUTM
Proposal:	Demolition of existing buildings and subsequent erection of up to 16 dwellings with associated highway access off Woodhill Road
Location:	Tector Ltd, 27 Woodhill Road, Collingham, Newark, NG23 7NR
Applicant:	Mrs A Lodder & Ms J Tushingam
Registered:	07 February 2019 Target Date: 09 May 2019
	Extension of time agreed in principle.

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

The Site

The site is approximately 0.66 hectares in area of previously developed land to the north of Woodhill Road.

The site is located within the Collingham village envelope and residential area as defined within the Council's Allocation and Development Management DPD. The site is located just beyond the Collingham Conservation Area boundary. The southern half of the site is located within Flood Zone 1 (low risk of fluvial flooding) and the northern half is located within Flood Zone 2 (medium risk of fluvial flooding) as defined by the Environment Agency Data maps. The site is also at risk from surface water flooding as defined by the Environment Agency data.

The application site comprises existing single storey brick buildings with areas of hardstanding. There are two vehicular accesses to the site off Woodhill Road which are gated with a 1m high gate. The southern boundary of the site features a boundary hedge and a mixture of mature trees. Of these mature trees is a Copper Beech which is protected by a recent Tree Preservation Order (N368).

Beyond the northern boundary of the site the land is undeveloped and undulating with a row of poplar trees to the extreme northern boundary.

To the west and east of the application site are existing residential developments at Rio Drive, Rue De Lyonne and Shaftesbury Way to the west and Nixon Way and no. 47 and 49 Woodhill Road to the east. Beyond the northern boundary of the site are open fields which are beyond the defined village boundary within the DPD.

Relevant Planning History

18/01066/OUTM - Outline application for proposed demolition of existing buildings and subsequent erection of 26 dwellings with associated highway access off Woodhill Road (all matters

reserved except for access) – Refused under delegated authority on 23.08.2018 for the following reasons.

01

The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Chapter 14 of the National Planning Policy Framework (NPPF 2018) sets out the due process for assessing new residential development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail to accord with the Sequential Test as the Council considers there are other more preferable sites at lower risk from flooding within the District to permit housing, and indeed the Council considers it also has a proven 5 year housing land supply so is not reliant on approving such windfall sites which are at risk from flooding. As such the proposal is contrary to Chapter 14 of the NPPF (2018), PPG (2014), Core Policy 10 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

02

The application site contains a Copper Beech tree which is subject to a Tree Preservation Order (N364 2018) and has been assessed as providing a high degree of public amenity value. The tree is located within the application site boundary and it would be at risk from the development proceeding. The scheme put forward, due to the proposed loss of the tree, would fail to accord with Core Policy 12 of the Core Strategy and policy DM7 of the ADMDPD which state development should maximise the opportunities to conserve, enhance and restore biodiversity.

03

Paragraph 189 of the NPPF (2018) states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.” The applicant although they have undertaken limited work with regard to archaeological impact, due to the settlement of Collingham being a medieval settlement, there is potential for archaeological significance which has not been fully explored to the satisfaction of the County Archaeologist. As such the proposal could result in irreplaceable harm to the unseen archaeology which is contrary to the NPPF and PPG, Core Policy 14 and Policy DM9 of the Development Plan.

04

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. The proposal is in outline with access for consideration. It is

considered that the overly wide access point would result in an unnecessary wide highway for pedestrians to cross which could lead to pedestrian – vehicle conflict which is not appropriate and conflicts with Spatial Policy 7 and policy DM5. In addition, the proposal includes the removal of the existing bus stop and no details have been submitted on the relocation of this stop. Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD state that proposals should minimise the need for travel and emphasise non-car modes of transport as a means of access to services. Policy DM5 gives consideration to the creation of links to the public transport network. As the proposal includes the loss of such a facility it is also considered to fail to accord with Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD.

PREAPP/00141/17 - Re-development of site for residential purposes – Negative advice given due to the proposal failing to address the sequential test for the housing located within Flood Zone 2 - 14.07.2017

771055 - Change of use from educational to light industrial of existing buildings (playing field not included) – Approved 07.02.1978

The Proposal

The revised proposal relates to developing the southern half of the site around the existing buildings with the demolition of the existing buildings and the erection of up to 16 dwellings with access for consideration and matters of scale, layout, landscaping and appearance reserved matters.

The northern part of the site (which is located within Flood Zone 2) remains in the ownership of the applicant (within the land edged blue) but is outside of the red outlined application site. The planning case officer has asked about the future use/maintenance of this land, potentially as open space but the applicant has stated that it will be for any future owner of the site to decide what to do with this land. As it is not required in order to make the housing development on the southern part of the site acceptable in planning terms, the application is brought to Members for determination with the future use/maintenance of the northern part of the site currently unknown, although it would be in the interest of the developer of the southern part of the site to carry out appropriate future maintenance.

The proposal relates to the following plans:

DRWG no. 100_C Site location plan;
DRWG no. 17-0237/003 Rev E Access arrangements & visibility splays;
DRWG no. 110_H Proposed site layout;
DRWG no. 0001 Sheet 1 of 1 Topographical survey;
DRWG no. 17-0237/004 Rev B Refuse vehicle tracking 11.85m long;
DRWG no. 17-0237/006 Rev A Turning head tracking 11.85m refuse vehicle;
DRWG no. WRC01 Rev A Tree constraints plan;
DRWG no. WRC01 Rev A Tree survey;
Archaeological report;
Geophysical Survey Report December 2018;
Design and Access Statement Rev B (29.01.19);
Flood Risk Assessment (11.05.2018);
Phase 1 Desk Top Study Report ref: 17-0237-Rev B 01 June 2018;

Ecological Appraisal March 2018;
Landscape & Visual Assessment EK/MJ – Issue 2 Jan 2019;
Planning Statement February 2019;
Draft Heads of Terms for S106.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter, a notice has been displayed at the site and in the local press.

Planning Policy Framework

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 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;

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

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy;
Policy DM3 – Developer Contributions and Planning Obligations;
Policy DM5 – Design;
Policy DM7 – Biodiversity and Green Infrastructure;
Policy DM9 – Protecting and Enhancing the Historic Environment;
Policy DM10 – Pollution and Hazardous Materials;
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2019
Planning Practice Guidance 2014
Affordable Housing SPD 2014
Developer Contributions and Planning Obligations SPD 2013

Consultations

Collingham Parish Council –

The Parish Council considered the application 19/00242/OUTM for outline permission for 16 dwellings with associated highway access off Woodhill Road at the meeting of 28 February 2019

The Parish Council resolved unanimously to Object to this Proposal on the following grounds:

- **NSDC Plan Review Preferred Approach – Sites and Settlements** currently published clearly identifies that Collingham has more than the required amount of housing for the plan period of 2006 to 2026 of 142 dwellings. This is taking into account all houses built since 2006 and sites which have planning permission which results in an additional 158 dwellings. The figures quoted do not include the 60 C2 units identified on the Breamar Farm Development where additional land has also been identified alongside Co/MU/1 for future development
- Collingham is the only principal village in the district which has an A class road (High Street) through the middle. Each and every junction off High Street is substandard and any additional traffic is a highway safety concern for all users
- No mention is made as to how the existing infrastructure e.g. doctors, school etc. will cope with these additional properties
- The Parish Council has received many representations from residents from all parts of the village, expressing their concerns about this development and the impact this would have on the environment. All of the comments received are supported as they are relevant material planning considerations
- This proposed development is adjacent to that of the Millennium Green, which is an award winning site. It is felt that the proposals are likely to lead to contamination of the underground water systems installed on each of those properties. Should NSDC be minded to permit this application a condition should be imposed that similar rainwater harvesting solutions should be used on the site. This would be in line with much of Core Policy 9; Sustainable Development.
- There is evidence of regular flooding of this site (annually), the removal of the mature trees on the site to facilitate the density housing proposed, will remove some of the ability of the land to drain as effectively as it currently does and therefore this development is going to be subject to regular flooding of properties. This appears to be in contravention of Core Policy 9: Sustainable Development and Core Policy 10: Climate Change
- Material Planning Consideration: The cumulative impact on the village in terms of both traffic and flooding are not acceptable and don't appear to have been considered sufficiently.
- Material Planning Consideration: recent planning history of the village with other large development applications being withdrawn (Oaklands)
- Material Planning Consideration: Design – The design appears to be overly intensive use of the land available. Spatial Policy 9: Selecting Appropriate Sites for Allocation, this site is not currently included within the areas of allocation for the Parish and the proposed density is not appropriate to the surrounding properties.
- Material Planning Consideration: Privacy - It is not clear if the proposal meets with Core Policy 3: Housing Mix, type and density.
- Material Planning Consideration: Access – with the provision of an additional access point onto Woodhill Road at the location indicated, would result in too many junctions too close together. Spatial Policy 6: Infrastructure for growth, refers to local infrastructure that is essential for development to take place, but there has been no mention of any additional infrastructure for the village due to the development.
- Material Planning Consideration: Ecology – The site is currently wild in nature and supports a wide variety of creatures. The existing hedge at the South Eastern edge of the site provides a good source of food and cover for animals to move along. The varied species of trees on the site also provide a wide variety of habitats, although sadly a number of these have already been felled.

The Parish Council feel that as the currently published LDF does not to include this area of land for development, this is in line with that policy and therefore planning should not be granted for that reason.

The Parish Council continues to be pleased to see that the developer has marked the ancient Pinfold as "Existing area and memorial bench position fully retained" as the Parish Council owns and maintains this land for the benefit of all parishioners. This land was seeded to provide a wildflower meadow and this links with the existing wildlife corridor through the development site to the Fleet.

Nottinghamshire County Council Highways – 11.03.2019 'This is an outline application with access to be determined. As such the internal road layout and other matters have not been considered in depth.

The dimensions of the access road, visibility splays, radii and footway widths are acceptable as shown on drawing no. 17-0237-003C.

The proposed access point is sufficiently remote from Nixon Way so that visibility splays do not cross. The access also removes the existing partial layby and necessitates the re-siting of the existing bus stop. The resiting of the bus stop by about 8 metres has been agreed with this Authority.

The principle of the development is acceptable and there are no objections raised subject to the following condition:

No other part of the development hereby permitted shall be commenced until the mouth of the access on to Woodhill Road has been provided and works to remove a layby and resite a bus stop have been completed in accordance with drawing 17-0237/003/C to the satisfaction of the LPA and Highway Authority.

Reason: In the interests of highway safety.

However, when it comes to submission of reserved matters the applicant should be made aware of the following:

1. It is expected that 2 & 3 bedroom dwellings should have at least 2 car spaces, and 4 and 5 bedroom dwellings should have at least 3 car spaces.
2. Generally, it is expected that a full width footway will surround all of the adoptable carriageway.
3. Careful attention will be required to ensure that visibility splays from car spaces are adequately provided and kept clear of any obstruction over 0.6m.. This may affect the road alignment and/or housing layout.
4. Road layout details should comply with the Highway Authority's design guidance

Notes to Applicant:

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

Nottinghamshire County Council Transport & Travel Services – 01.03.2019:

We have looked into the recent changes to the local bus services operating along Woodhill Road in Collingham.

I can confirm that the bus operator does now use the layby at the bus stop for layover purposes following recent changes to the operating timetable. Due to a lack of alternative provision for such layovers to be carried out elsewhere locally, Transport & Travel Services would prefer that the layby remains in situ and ask that this be taken into consideration when the planning application is assessed.

04.06.2019 As discussed in the recent meeting with the site owner, it was thought that the large amount of off street parking in that area meant that parking in the layby was minimal and therefore we decided against requesting a clearway.

However, with the safety concern in mind, could we request a planning condition that states that the parking situation would be monitored for 12 months after the bus stop amendments

are made, and should a safety issue become apparent then the developer would be required to fund an enforceable clearway?

If this is not possible I think it would be suitable to request one is installed based on highways safety concerns. This would then mean that the Council is not liable for the cost of providing a clearway should it be necessary in the future.

NSDC Environmental Health (Contaminated Land) - With reference to the above development, I have received a Phase I Desktop Study report submitted by BSP Consulting acting on behalf of the developer.

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

The report identifies potential contaminants from the sites previous uses and concludes with a series of recommendations including a scope of targeted soil sampling to be carried out. This investigation is necessary in order to fully characterise any contamination at the site and then determine the level of remediation (if any) required.

As such I would recommend the use of our full phased contamination condition.

NSDC Tree Consultant – ‘The proposal and indicative layout is achievable with minimal adverse tree impact. Any tree loss can be mitigated by the provision of a robust soft landscaping scheme within the site. I would recommend any approval has attached conditions pertaining to tree protection and soft landscaping.’

Conditions are recommended requiring an Arboricultural Method Statement (see Condition 5 of the recommendation where repeated verbatim). Conditions are also recommended requiring details of all trees to be planted along with their maintenance. These are more appropriate for reserved matters stage so have not been included in the officer recommendation.

Environment Agency – 27.03.2019 Following further information from the applicant and the Environment Agency, the EA confirmed that due to the accuracy of the topographical data by the applicant and the way the EA achieves their data by LIDAR the applicants data would mean that part of the site within the red line in FZ2 would mean it is technically within FZ1.

(21.02.2019) The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed...

(They then go on to require set out conditions they wish to be included in the permission which are set out verbatim as conditions 11, 15 and 16 of the recommendation below).

Note for Local Planning Authority

Land within the red-outline boundary lies within Flood Zone 2, according to Environment Agency maps.

NSDC Archaeology Consultant - This site does have some archaeological potential, for prehistoric, medieval and some World War archaeology, which has been identified within the archaeological not submitted with the application.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing

by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

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

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

NSDC Community, Sports & Arts Development - This proposal if approved would require a community facilities contribution in accordance with the Developer Contributions SPD. The contribution would be used to improve community facilities in Collingham in consultation with Collingham Parish Council.

NSDC Parks and Open Spaces - As a development of more than 10 properties this scheme will need to make provision for public open space in the form of provision for children and young people. The site layout does not appear to show any designated children's playing space and this should thus either be included or an appropriate contribution towards the provision/improvement and maintenance of children's playing space in Collingham should be provided.

I note that the site contains wildlife habitats in the form of meadow, trees and hedges and that the Design & Access Statement refers to a Phase 1 Ecological Survey – however I cannot see that this is listed in the documents. Any recommendations from the survey should be conditioned as part of any consent given.

Nottinghamshire County Council Lead Local Flood Authority - No objections subject to the following:

- 1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to

remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Nottinghamshire County Council Policy – Make a number of observations in relation to waste Waste and Minerals which are considered irrelevant. They make the following comments also:

Transport

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

Education provision

Paragraph 94 of the NPPF states that:

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

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

Healthy communities

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

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

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to

incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Transport

The County Council does not have any strategic transport planning observations to make.
Developer Contributions

The County Council would be seeking contributions to mitigate the impact from the proposed development. These are detailed in appendix one. In summary, the contributions being sought are:

Transport and Travel Services:

Bus Stop Improvements: Request for Planning condition to be added

Education:

Primary: £40,968

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

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.

Transport and Travel Services

Bus Service Support

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

Bus Stop Improvements and Installations

The proposed access point appears to be from a new entrance onto Woodhill Road, the nearest current bus stops are approximately 50 metres from the centre of the site on Woodhill Road. The developer has been in contact with the County Councils Highway Development Control and Transport & Travel Services teams regarding the position of the bus stop fronting the site and have agreed a minor relocation.

It is agreed that the developer will carry out the works themselves. Therefore, the County Council request that a Planning Condition be added to state the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation and enhancements to the bus stop on Woodhill Road (NS0882) have been made to the satisfaction of the Local Planning Authority and shall include raised boarding kerbs.

Reason: To promote sustainable travel.

Justification

The current bus stops are located close to the proposed site access and require a minor relocation. Bus stop NS0492 also currently sits in a small layby which will require filling as part of the site access works. The introduction of raised boarding kerbs will provide improvement to bus accessibility for new and existing residents.

The improvements are at the nearest bus stops which are situated adjacent to the site, so are relevant to the development and enforceable, precisely specified, and fairly and reasonably related in scale and kind to the development (16 dwellings).

Education

Primary

The development is located within the catchment of John Blow Primary School and would generate 3 additional places. As can be seen in the table below; based on the 2018 projections the catchment school has no capacity to accommodate the additional places. As a result, the County Council would seek a primary school contribution of £40,968.00 (3 places x £13,656 per place)

School	Planning Area	Net Capacity	Average 5 Year Projection	Housing	Local Plan Housing 5 yrs	Local Plan Housing 6-10 years	Local Plan Housing 10+ years	Surplus or Insufficient Places
John Blow Primary School, Collingham	Rural	210	208	32	0	0	0	-30
	Total:	210	208	32	0	0	0	-30

Secondary

The delivery of secondary school places is via the District Councils Community Infrastructure Levy (CIL)

NSDC Strategic Housing –

Summary

- The affordable housing requirement on this site is 4 affordable units (out of a total of 16 units) based on the District Council's Core Policy
- Housing need in the Collingham area indicates demand for smaller units i.e. 1 - 2 bedrooms as evidenced in the Council's Housing Market and Affordability Study (2014). Therefore the Council will seek housing of this type as part of the proposal.
- The applicant is providing 30% on site affordable housing. The Council will seek a tenure breakdown of 60% social/Affordable rented housing and 40% intermediate housing (usually shared ownership).
- A proposed type and tenure is offered for discussion:-

Type	Aff Rent	S/O
2 Bed House/Bungalow	1	1
3 Bed House	1	1
	2	2

NB: Collingham is a designated protected area (by map) and the proposed affordable rental units will be exempt from the Right to Acquire and the shared ownership/intermediate rent units will

be subject to a staircasing restriction of 80% or buyback by the Registered provider. The District Council's Legal Department will provide further details in the Section 106 Agreement.

Main housing policy considerations

16 Dwellings (2, 3 and 4 beds) at Woodhill Road, Collingham

Housing Need

The application site is located within the village of Collingham which is defined as a principal village in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy (March 2019).

The DCA Housing Needs Study (Sub Area Report 2014) provides evidence of market demand for housing in the Collingham Area for 194 dwellings. The Development Plan demonstrates that for the village of Collingham, and the wider Newark Area in which it lies, sites already allocated for housing together with those that have planning permission combine to provide a 5 year supply and, beyond this, sufficient supply for the remainder of the plan period. Consequently, the plan proposes no new housing allocations in Collingham. It therefore follows that there is currently no need for the proposed development in terms of delivering housing supply. The last local housing needs survey was commissioned in 2006 and carries minimal weight in the planning process.

Affordable housing requirements

Should the Council recommend a consent for the proposal, there would be a requirement for 4 dwellings designated as affordable housing delivered as follows:-

Type	Affordable Rent	Intermediate (S/O)	Total
2 Bed	1	1	2
3 Bed	1	1	2
	2	2	4

Preferred Tenure

The overwhelming need in the district is for social/affordable rented accommodation, however, in the interests of meeting the needs of the residents and to promote a balanced housing market an element of intermediate housing will be considered. Further to analysing the housing need in the Collingham locality the proposed affordable tenure split for this site and each unit types should be 60% social rented and 40% intermediate housing. Given the low numbers required this has been equalled to 50% of each tenure.

Additional Information

In terms of occupancy, nominations etc, reference should be made to the Affordable Housing Supplementary Planning Document 2013 and an agreed eligibility criteria would have to be drawn up with the Council's input in terms of marketing the shared ownership units, and the allocation of the rented dwellings.

Ramblers Association - The topography here is such that the nearest public right of way (N Collingham FP16) will be separated from the development by a small stream. We have no objection.

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

The Board maintained Scaffold Drain, an open watercourse, exists on the northern boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). Any planting undertaken at the site must be carried out in such a way to ensure that the planting does not encroach within 9 metres of any Board maintained watercourse when fully matured. Under the Land Drainage Act the Board are permitted to deposit arisings from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management Regulations may be required from the Environment Agency.

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

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

Trent Valley Internal Drainage Board
Water Management Consortium

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.

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

Natural England – No comments to make, standing advice applies.

NSDC Access & Equality Officer: Observations relating to inclusive access and facilities and ensure development in accordance with Approved Document M of Building Regulations.

NSDC Conservation – No comments received

NCC Rights of Way – No comments received

NCC Leisure Services – No comments received

Nottinghamshire Wildlife Trust – No comments received

NSDC Waste – No comments received

Fourteen letters of representation have been received which can be summarised as the following points:

- Trees T4 and T6 have been removed meaning the tree plan is out of date. T5 is still standing today but for how much longer? The proposed access will almost certainly damage the root system and there is a likely requirement for some limbs to be removed for access;
- Application has not altered objections raised on 18/01066/OUTM;
- Collingham has more than enough development ongoing for the future, close proximity of road junctions off Woodhill Road has not altered, the impact on local facilities like schools and doctors may be slightly less;
- Access should be from Shaftsbury Way;
- No objections to demolition of the existing buildings & erection of 16 dwellings;
- Concerns on the type & position of dwellings;
- Responsibility of the maintenance of the hedges is clearly defined in the conveyances and site plan;
- Impact on privacy and light from position of dwellings;
- One neighbour provided details of the history of the site;
- Flood risk concerns;
- Traffic safety with the junction off High Street is substandard;
- What will be done with the land to the north, could it be landscaped creating an amenity space which could be enjoyed by the community?;
- Not identified within DPD as land for residential development;
- Density doesn't reflect the area;
- More trees required;
- Proposed garages too close to Nixon way;
- On part of a greenfield site;
- Impact on the wildlife;
- Provisions put in to prevent on street parking;
- Increase in noise and pollution;
- How will the boundaries be treated?
- Impact on local facilities, GPs & School;
- Loss of flood plain.

Comments of the Business Manager

Principle of Development

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

The adopted Development Plan for the district is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by Inspectors through recent appeal decisions.

The NPPF states that the "purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future

generations to meet their own needs” (para 7). At the heart of the NPPF is a presumption in favour of sustainable development (para 10). Paragraph 11 goes on to state that this means for decision-taking, approving development that accords with the development plan without delay.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing.

Spatial Policy 1 of the Council’s Amended Core Strategy (ACS) defines the settlement hierarchy for the district. Collingham is defined within the settlement hierarchy as a Principal Village where it has a good range of day to day facilities and its duty is to act as a secondary focus for service provision and to assist rural accessibility. Therefore as the site is located within the defined area of Collingham, I am satisfied that the location is sustainable and the range of service provision is capable of supporting further residential development.

Indeed, the principal villages are expected to accommodate 10% of the overall housing growth within the district and Collingham is expected to take 20% of this; an increase on 10% from the previous Core Strategy that only expected 10% of principal village growth to be delivered within Collingham.

It is noted that a number of concerned residents have raised the issue that Collingham has received a considerable number of dwellings already which indicates that Collingham has exceeded its allocation of housing numbers. However, housing requirements (whether at a District-wide or settlement level) within the Amended Core Strategy do not represent upper limits to development, and where proposals for additional growth are policy compliant, then they should be supported.

In this case, the site is within the settlement boundary, and so in line with Policy DM1 and as such the principle of housing development would be acceptable. However other material considerations should be accounted for and these are outlined in the ensuing report.

Flooding and Surface Water Impact

The National Policy Framework (the NPPF) provides guidance on dealing with development within Flood Zones 2 and 3. Chapter 10 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and

- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations (paragraph 100).

Paragraph 101 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

This is reflected in Core Policy 10 which states that when determining development proposals, the Council will apply a sequential approach to its location and will steer new development away from those areas at highest risk of flooding and will seek to secure strategic flood mitigation measures as part of new development.

Policy DM5 of the Allocations and Development Management DPD contains similar provisions, confirming that the Council will aim to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, proposals will also need to satisfy the Exception Test where applicable by demonstrating they would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

Both the Core Strategy and the Allocations and Development Management DPD have outlined the preferred settlements for further residential development within the district taking into account matters of flooding.

The application site falls within Flood Zones 1 and 2 according to the Environment Agency flood zone mapping (see plan below). Flood Zone 1 does cover the majority of the southern half of the application site with Flood Zone 2 covering the north. The proposed use of residential dwelling houses would be considered as 'more vulnerable' according to the Planning Practice Guidance of the NPPF.

Figure 1

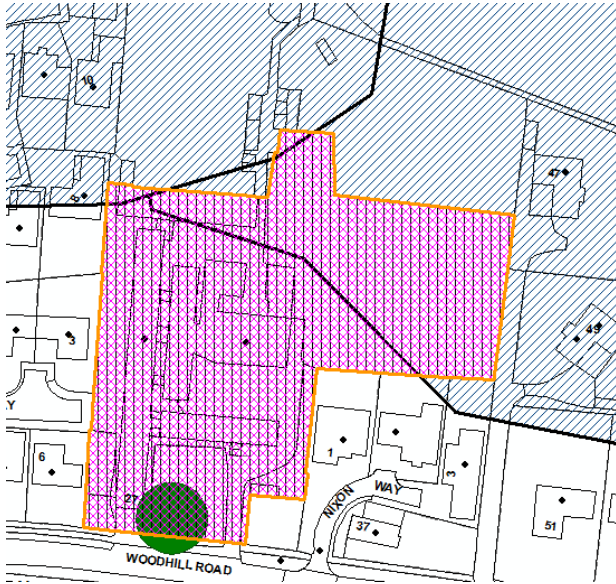


Figure 2

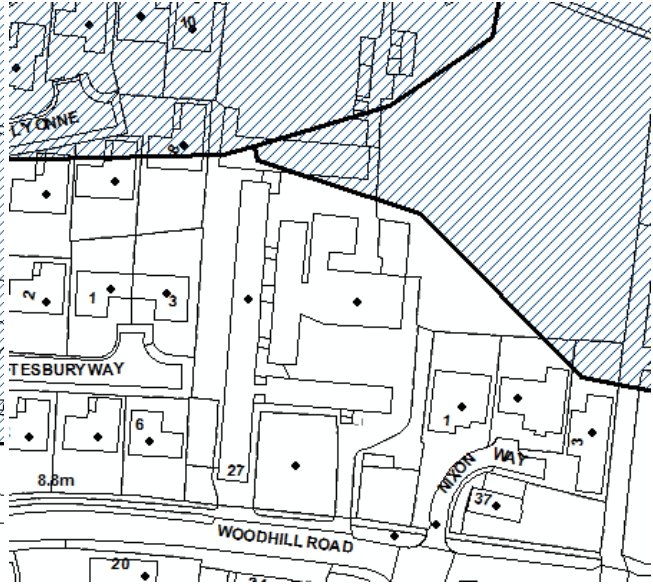


Figure 1 shows site outline whilst figure 2 shows just the extent of Flood Zone 2 by hatching, Source Uniform data mapping

The application is a resubmission of a previously refused application which included built development on the wider site, which all fell within Flood Zone 2 (according to the Environment Agency current data maps) and as such failed to pass the Sequential Test due to the availability of land within Flood Zone 1.

However within this re-submission, the agent has submitted details of topographical data collection whereby accurate land levels have been shown. The way in which the Environment Agency collect their data is by LIDAR which is a flown survey technique and therefore is not as accurate as an on-site survey. This survey has revealed more accurate land levels which have effectively demonstrated that the land at the southern part of the site is in fact not within Flood Zone 2 (at medium risk of flooding) but actually within Flood Zone 1 (at lowest risk of flooding). Whilst the EA's records remain as showing part of the site within Z2, they accept that the date effectively removes this part of the site from the flood zone to all intents and purposes. Therefore due to the accurate data gathered by the Applicant and its corroboration by the EA, I consider that the proposed development, located wholly within Flood Zone 1, would no longer be subject to the Sequential Test.

The Environment Agency have requested the imposition of conditions relating to water contamination. Having considered these against those conditions requested by the Council's Environmental Health for land contamination I still consider these necessary to be imposed as they deal with two separate elements and require different remediation measures.

It is considered that on the basis of the evidence presented within the on-site survey, the application is no longer subject to the Sequential Test as set out in para 157 of the NPPF. The development is also considered to be in accordance with Core Policy 10, Policy DM5, Chapter 14 of the NPPF, and Planning Practice Guidance: Flood Risk and Coastal Change.

Impact on the Character of the Area

Policy DM5 of the ADMDPD states that the character of the area and the District's local distinctiveness should be reflected in the built form through scale, form, mass, layout, design,

materials and detailing of proposals.

Paragraph 124 of the NPPF (2019) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes on to state that the LPA should ensure developments create places that are safe, inclusive and accessible.....with a high standard of amenity for existing and future users....optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks.

The application is only in outline form and thus the detailing of the layout of plots and house types have not been submitted for consideration. An indicative layout has been submitted which although provides details of the number of bedrooms each dwelling has and its position, no indicative elevation or material treatments are included as appearance and scale are also reserved for future consideration. Thus at this stage I am confident that a scheme of up to a maximum of 16 dwellings could be developed which responds to the local character which in itself in this area of Collingham is varied in the scale and design of dwellings.

Heritage and Archaeological Impact

Archaeology

Paragraph 184 of the NPPF (2018) states *“Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”* Paragraph 189 of the same document states *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Paragraph 189 of the NPPF advises a proportionate level of detail to inform determination of applications. The application has been accompanied by an archaeological statement carried out by Cotswold Archaeology to appraise and articulate the likely impact of the development upon the known and potential buried archaeological resource within the site, and to identify an appropriate archaeological mitigation strategy if required. A desk based review of information has been considered, including consulting the Nottinghamshire Historic Environment Record. These desk based records identify potential for buried archaeological remains of pre-historic and historic land use within the site however, a further on-site geophysical survey has revealed a high degree of modern structures/services but no anomalies to indicate any potential for archaeology remains within the site.

Nonetheless the advice given to this authority by our consultant is that based on the desk top data evidence there is potential for prehistoric, medieval and some World War archaeology. Therefore

they suggest a condition to be attached to any approval requiring the developer to submit a scheme of archaeological works in accordance with a written scheme of investigation. This would involve monitoring of all groundworks with the ability to stop and fully record archaeological features as and when required.

Therefore subject to the imposition of a suitably worded condition, the proposal is considered to adhere with the NPPF and PPG, Core policy 14 and DM9 of the Development Plan.

Conservation

The application site is not located within a Conservation Area and does not contain any listed buildings or buildings of local interest. 24 Woodhill Road opposite the site is however recognised as a Local Interest Building (MNT22208).

As already stated, limited information has been submitted as the application is in outline form only with access being the matter to be approved. Given that the proposed access allows for the retention and appropriate setting of the TPO tree at the entrance to the site, I do not consider that the proposal would have any harm upon the character or appearance of the setting of the Conservation Area or indeed the Local Interest Building opposite.

Housing Density/Mix/Affordable

Core Policy 3 of the Amended Core Strategy states the Council will expect good quality housing design in line with the provisions of Core Policy 9 (Sustainable Design). The LPA would normally expect developments to achieve a density of no lower than 30 dwellings per hectare net. However specific site circumstances can introduce some flexibility in this. This site introduces a density of 24 dwellings per hectare which although lower than the policy requirement of 30 dwellings, I consider is appropriate given its edge of settlement location, adjacent to open countryside.

The proposal includes a varied mix in the scale of properties ranging from 2 beds to 4 beds spread across the site which I consider to be acceptable, although any reserved matter application should reflect the needs set out within Core Policy 3 of the Core Strategy and the district wide 2014 Housing Needs, Market and Affordability Study.

Core Policy 1 of the Amended Core Strategy states for new housing development proposals the LPA would seek to ensure a 30% Affordable Housing provision within the development. On a site of this scale this would equate to 4 units. Within the Draft Heads of Terms submitted at the time of validation, it is stated that this will be provided on site and this is accepted by the LPA. No details of viability have been brought in to question throughout the application processing and it is therefore, in this respect, policy compliant.

Impact on Highway Safety

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The application is in outline form with access the only consideration, meaning that the access to and from the site proposed would, if acceptable, be fixed moving forward to Reserved Matters stage. The access must be considered for its safety and suitability given the maximum number of dwellings it would serve and in conjunction with other accesses nearby.

The application has been carefully assessed by the Highway Authority and the siting of the junction initially was acceptable subject to the relocation of the bus layby. However it came to light during the processing of the application that the bus timetable/servicing has subsequently changed meaning the layby in the existing position was required to remain as is.

Therefore following direct discussions between all parties on how to move forward it was agreed that the layby would remain however with adjustments to it to allow the proposed new access to be inserted. However it is pertinent for Members to note that the existing site has two vehicular accesses which could be opened up tomorrow and the site could operate as a commercial use, despite the siting of the bus layby which crosses both accesses.

Nonetheless as part of the proposal, it has been agreed that one of the vehicular accesses would be blocked up and the kerb reinstated and the bus sign moved.

A stage 1 safety audit has been carried out on the new arrangement and whilst this has not raised an issue with the proposed arrangement for the layby and access point they have suggested introducing a bus stop clearway to prevent use by other vehicles. However there is no known issue to suggest that it is necessary and they suggest a monitoring condition for 12 months to check if this is required or not. However I do not consider this is necessarily related to planning nor passes the tests of planning conditions as set out in the NPPG. I understand the reasoning for the suggestion however I consider that the monitoring and the requirement for a clearway should be carried out under other obligations relating to the Highways Act. Highways have stated that the need for monitoring would be reviewed throughout the Road Safety Audit process as any recommendation from previous audits would be reviewed at subsequent stages. For reference the subsequent stages are 2: Detailed design, 3: construction prior to opening, 4: 12 months following completion of the highway works.

Therefore subject to the conditions suggested by the Highways on the construction of the access, I consider that the proposed access to the site is acceptable and accords with Spatial Policy 7 and DM5 of the Development Plan Documents and the NPPF and PPG.

Impact on Residential Amenity

Consideration of amenity impacts is required by virtue of Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Given the outline nature of the proposal it is not possible to assess all amenity impacts in detail, however, issues of loss of privacy through overlooking have been raised by a number of residents adjacent to the site. From the indicative layout it appears that properties located to the east and west within the proposed site would offer a degree of separation of approximately 10-16m to the site boundary, which in some situations is considered to afford an acceptable degree of separation to avoid overlooking or overbearing impacts due to the orientation of the properties. However in some locations within the site, due to the layout, the relationship is tight at only 10m from the shared boundary and would result in a harmful impact due to the close proximity and direct overlooking opportunities which would be afforded upon private amenity spaces. As permission for

appearance, layout and scale have not been sought within this outline application, I am unable to consider this as a reason for refusal. However as this layout has not been applied for I have not sought to seek such amendments whereby it is the ideal layout moving forward, but I am confident due to the scale of the site and that the proposal is outline for up to 16 dwellings, that a scheme could be achieved which ensured an acceptable development that would not result in harm to neighbour amenity.

As such even though amenity is considered unacceptable and fails to accord with policy DM5 of the ADMDPD and appearance, scale and layout have not been applied for, I am confident that an acceptable layout could be achieved moving forward.

Ecology

Core Policy 12 of the Amended Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The overgrown site can often provide a habitat for a variety of species, some of which may be protected by law and indeed concern has been expressed by residents that the site does contain such species. Therefore the applicant has sought to undertake an Ecology report to establish the impact of the development upon potential inhabitants of the site.

Paragraph 175 of the NPPF (2019) states that when determining application, authorities should apply the following principles;

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or 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 NPPF (2019) states proposals should identify and pursue opportunities for securing measurable net gains for biodiversity (para 174).

An Ecological Appraisal has been submitted with the application which has been carried out by FPCR (March 2018). The report states the site has low ecological value and the redevelopment provides some opportunity to enhance its biodiversity (para 4.7). There is a ditch located to the north of the site which there is provision to include native planting to enhance the faunal movement.

Bats

The report states that no evidence of bats were observed during the external and internal surveys

although a brown long-eared bat feeding perch was recorded in one of the buildings. A number of bat access points and potential roosting sites were noted in association with some buildings and so a nocturnal survey was undertaken. No evidence of bats using the buildings for roosting were recorded during the dawn re-entry survey and combined with the low potential roosting habitat it was concluded that bats do not pose a statutory constraint.

Reptiles

Due to the site circumstances it was deemed unlikely that the site would be capable to support habitats which would be deemed acceptable to reptiles.

Breeding Birds

The report does not state any indication of breeding birds only that the site will be inspected by a suitably qualified ecologist prior to construction/clearance if undertaken during the bird breeding season (March to August).

Great Crested Newts

A survey has been completed of the pond located on the site and it confirmed the absence of great crested newts together with no suitable off-site waterbodies means that they are not a statutory constraint to the development.

Other Protected Species

No evidence of water vole or other species were observed on site during the survey. The ditch to the north of the site would be unsuitable as a water vole or otter habitat due to the limited water depth and therefore it is not to be an ecological constraint.

During the consultation process residents have stated that the Ecological Survey makes no reference to Kingfishers, Herons or Egrets which they have evidenced as using the site. Kingfishers are protected species so too are Purple Herons. Grey Herons are only protected species in Northern Ireland and Little Egrets are only protected on the Isle of Man. Nonetheless all birds are protected during the breeding season anywhere in Britain and Ireland. The Ecological Appraisal submitted is a snapshot in time and if the ecologist didn't see them using the site or see evidence of their habitat/nest then he would not be able to report them as using the site. I therefore do not discount their presence but without evidence of them being on site I cannot accept or contradict the information thus.

On the basis of the information submitted and the evidence before me from the Ecological Appraisal I am satisfied that the proposal would not cause harm to the habitats of local wildlife and that appropriate measures can be placed on the development to secure a biodiversity enhancement. As such the proposal is considered acceptable from an ecological perspective and accords with Core Policy 12 of the Amended Core Strategy and policy DM7 of the ADMDPD as well as the NPPF and PPG. In the spirit of the NPPF moving forward I consider it necessary to condition ecological enhancements through the submission of bird/bat boxes within the site and such a scheme should be submitted at reserved matter stage and measures incorporated in to the design.

Rights of Way

There is an identified ROW located to the north of the site, North Collingham Footpath 16. The proposal is not considered to impede the use of this.

Trees

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development site should, wherever possible, be protected and enhanced.

Representations have been received stating that some trees have been removed from the site prior to the submission of this application. However the site is not located within a conservation area and prior to the submission of the first application in 2018, no trees on the site had a preservation order on them. Pursuant to the first application (which was refused) an analysis of the site was taken by our Tree Consultant and found that the Copper Beech tree on the southern boundary was worthy of a TPO and thus one was served and subsequently confirmed in July 2018 (N364-2018).

Therefore removing trees within the site has not been carried out unlawfully in the opinion of the Authority.

The Council's Tree Consultant has not raised any objections to the proposal subject to conditions pertaining to tree protection and soft landscaping. Therefore it is considered that the impact on the TPO tree especially during construction could be mitigated for. Moving forward, landscaping is a reserved matter and a scheme of such would be submitted at a later stage should Members resolve to approve this application.

There are other trees within the site which were assessed by the Tree Officer at the same time and whilst they afforded some merit, due to their condition, species or location they were not worthy of the imposition of a TPO.

It is therefore considered that the proposal would not have a harmful impact upon the longevity of the trees or the character of the area and the proposal accords with policy DM5 of the ADMDPD.

Developer Contributions

Spatial Policy 6 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

The agent has submitted details of a Draft Heads of Terms S106 which states they agree to the following contributions;

- provision of 30% on site affordable housing;
- Off-site contribution in lieu of community facilities;
- Off-site contribution in lieu of the provision of school places;
- Off-site contribution towards or on-site provision of children's play area.

Although it states the list is not exhaustive additional matters and the level of contribution would be subject to viability testing.

Below is the expected level of contributions based on a delivery of 16 dwellings. It must be noted that this has been agreed through the Draft Heads of Terms and the applicant is not claiming

viability against such contributions. The proposal is therefore considered policy compliant in this respect.

Table 1: Developer Contributions

Affordable Housing	<p>4 units of affordable housing are required on site for a maximum development of 16 units. The split should be as follows:</p> <table border="1" data-bbox="592 353 1361 562"> <thead> <tr> <th>Type</th> <th>Affordable Rent</th> <th>Intermediate (S/O)</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2 Bed</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>3 Bed</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td></td> <td>2</td> <td>2</td> <td>4</td> </tr> </tbody> </table>	Type	Affordable Rent	Intermediate (S/O)	Total	2 Bed	1	1	2	3 Bed	1	1	2		2	2	4
Type	Affordable Rent	Intermediate (S/O)	Total														
2 Bed	1	1	2														
3 Bed	1	1	2														
	2	2	4														
Community Facilities	<p>£1384.07 x 16 = <u>£22,145.12</u> (indexed to 2016) The contribution would be used to improve community facilities in Collingham in consultation with Collingham Parish Council. Equal payments upon 1st, 9th and 12th occupation</p>																
Public Open Space	<ul style="list-style-type: none"> • A commuted sum in lieu of on-site Children’s and Young Peoples Space based on £927.26 per dwelling for provision and £1,031.30 per dwelling for maintenance equating to £1958.56 x 16 dwellings = <u>£31,336.96</u> and; • A commuted sum in lieu of Natural and Semi-Natural Green Space, based on a contribution of £102.66 per dwelling for provision and £102.66 per dwelling for maintenance equating to £205.32 x 16 dwellings = <u>£1,642.56</u> <p>(Indexed to 2016) Phil Beard has advised that monies could be spent towards the provision/improvement and maintenance of children’s playing space in Collingham. Equal payments upon 1st, 9th and 12th occupation</p>																
Education provision	<p>The development is located within the catchment of John Blow Primary School and would generate 3 additional places. Based on the 2018 projections the catchment school has no capacity to accommodate the additional places. As a result, the County Council would seek a primary school contribution of <u>£40,968.00</u> (3 places x £13,656 per place).</p>																
Total in contributions based on 16 units	£96,092.64 (not including the 30% onsite affordable housing provision)																

I am satisfied that securing the above contributions would mitigate the impact of the development in terms of pressure upon existing infrastructure and services in line with the requirements of the Development Plan and the Council’s SPD on the matter of developer contributions.

Conclusion

The site is located on brownfield land within a defined sustainable settlement identified as a Principal Village. The site is bounded on either side by existing residential development and located within a highly residential area. The use of the site as commercial, as was its former use, could reopen using the two existing vehicular accesses and could have the potential to result in a greater amenity and highway impact than is proposed here.

Nevertheless the proposal here is for outline permission for up to 16 dwellings with only vehicular access for consideration. The site is considered, due to the accurate site data, to pass the sequential test in terms of flood risk, the access point and the impact upon the surrounding highway network is considered acceptable and the agent has been involved in considerable consultation with Nottinghamshire County Council Highways and the Transport department with regards to the impact upon the bus layby and the proposed access has passed the Stage 1 safety audit.

The application has been accompanied by an ecological survey to ensure the proposal would not have any impact upon the surrounding ecological population and a tree survey has been submitted to ensure works do not result in harm to the TPO tree and others within the site.

Therefore I am satisfied that despite neighbour objections to the proposal, a suitable layout can be achieved within the site for up to 16 dwellings whereby an acceptable impact to neighbours could be achieved whereby there is an acceptable design and relationship to existing occupiers.

Having taken the resident's concerns on board through the processing of this application I conclude that the proposal is acceptable, is able to mitigate for any pressure upon services and facilities in the village and would result in a positive development and enhancement to the area that would contribute to the delivery of housing, both market and affordable housing, to the surrounding area.

RECOMMENDATION

That outline planning permission is approved subject to the following conditions and the signing and sealing of a s106 agreement to agree all matters set out within Table 1 of this report:

Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

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

DRWG no. 100_C Site location plan;

DRWG no. 17-0237/003 Rev E Access arrangements & visibility splays (insofar as the access point with Woodhill Road);

DRWG no. 0001 Sheet 1 of 1 Topographical survey;

DRWG no. 17-0237/004 Rev B Refuse vehicle tracking 11.85m long;

DRWG no. WRC01 Rev A Tree constraints plan;

DRWG no. WRC01 Rev A Tree survey;

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

Reason: So as to define this permission.

04

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

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

05

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.

- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

06

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme required under condition 05.

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

07

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

08

Development shall be carried out in full accordance with 4.19-4.24 of the Ecological Appraisal undertaken by FPCR Environment and Design Ltd dated March 2018 unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of ecology and biodiversity.

09

No demolition of buildings or works to trees/hedgerows shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless the site has first been inspected by a suitably qualified ecologist.

Reason: In the interests of ecology and biodiversity.

10

Prior to any groundworks taking place the developer should commission and submit for approval to the local planning authority, a Scheme of proposed Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)). Development shall thereafter take place in accordance with the written scheme of investigation submitted to and approved in writing by the local planning authority unless otherwise agreed in writing.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

11

No development shall commence until a scheme for foul and surface water disposal has been submitted to, and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The surface water drainage system shall include details of the provision, implementation and future maintenance of the system. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and in the interests of flood risk and disposal of surface water

12

No other part of the development hereby permitted shall be commenced until the mouth of the access on to Woodhill Road has been provided and works to modify the adjacent layby and other minor highway and bus stop works shown on drawing 17-0237/003/E has been completed to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of highway safety

13

The reserved matters submission shall include details and locations of bird and bat boxes within the site.

Reason: In the interests of maintaining and enhancing biodiversity.

14

Development shall be carried out in full accordance with Section 5 (recommendations) of the Flood Risk Assessment and Drainage Strategy undertaken by BSP Consulting dated 11 May 2018 which sets the minimum ground floor levels of 9.43m AOD and other recommendations.

Reason: In the interests of managing flood risk.

15

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

16

Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Notes to Applicant

01

Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in Environmental Health at Newark and Sherwood District Council on 01636 650000.

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at: <http://www.hse.gov.uk/asbestos/regulations.htm>.

For further information on this subject please visit our website at: <http://www.newark-sherwooddc.gov.uk/asbestos>

02

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

03

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

When it comes to submission of reserved matters the applicant should be made aware of the following:

1. It is expected that 2 & 3 bedroom dwellings should have at least 2 car spaces, and 4 and 5 bedroom dwellings should have at least 3 car spaces.
2. Generally, it is expected that a full width footway will surround all of the adoptable carriageway.
3. Careful attention will be required to ensure that visibility splays from car spaces are adequately provided and kept clear of any obstruction over 0.6m.. This may affect the road alignment and/or housing layout.
4. Road layout details should comply with the Highway Authority's design guidance

04

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

05

This application shall be read in conjunction with the S106 agreement.

06

The Lead Local Flood Authority advice of the following:

- Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

BACKGROUND PAPERS

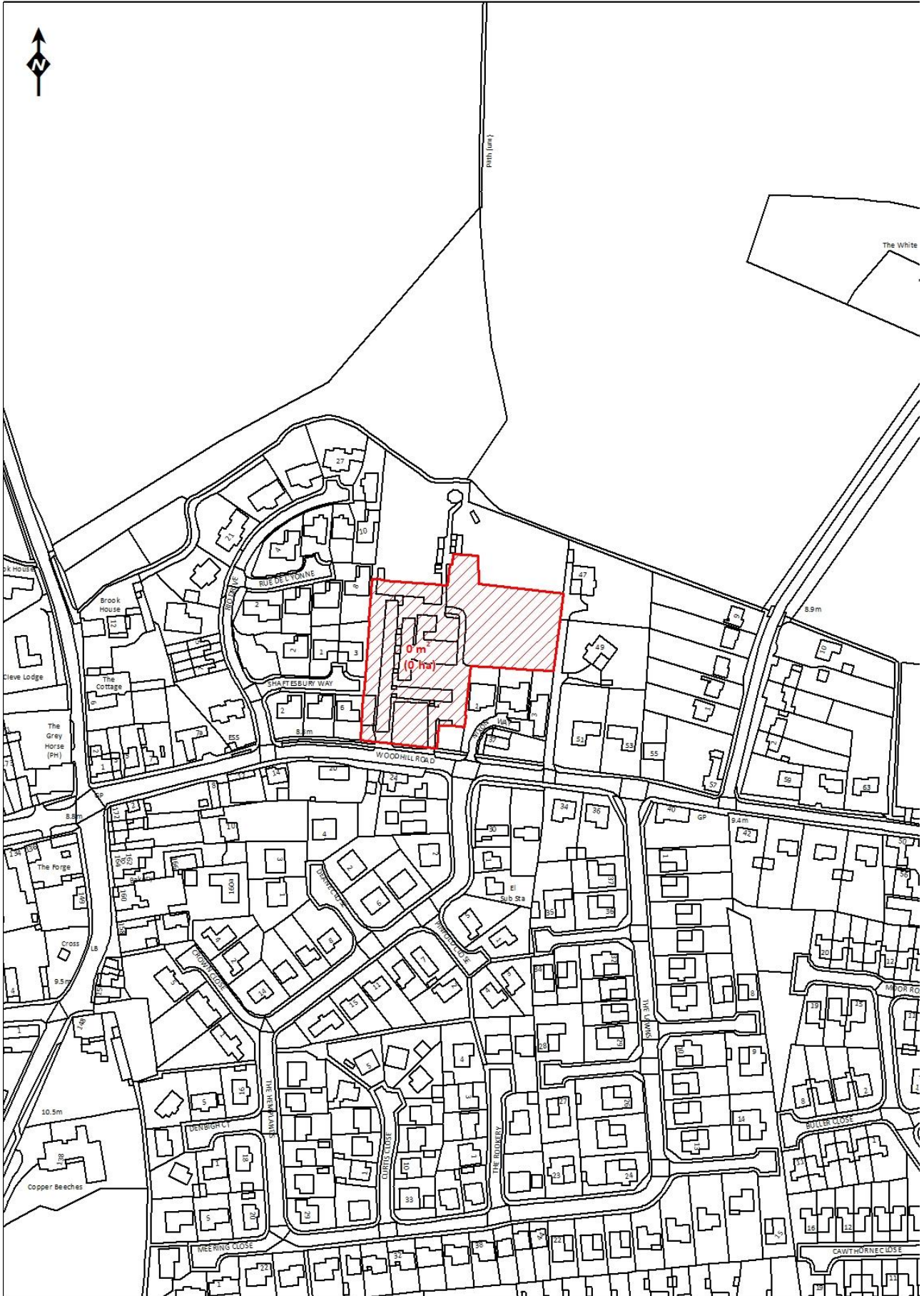
Application case file.

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.

Matt Lamb
Director Growth and Regeneration

Committee Plan - 19/00242/OUTM



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PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00537/FUL	
Proposal:	New two storey house with built in garage, new driveway from existing access off Station Road to be shared with existing house	
Location:	5 Oakdene Cottages, Station Road, Collingham, NG23 7RA	
Applicant:	Mr John Gelsthorpe	
Registered:	25.03.2019	Target Date: 20.05.2019
		Extension of Time Agreed: 03.07.2019

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation is contrary to the view of the Parish Council.

The Site

The application site is an approx. 0.10 Ha parcel of land to the rear of No 5 Oakdene Cottages located on the north side of Station Road within the defined village envelope of Collingham. The site also lies within the Collingham Conservation Area.

The land currently forms part of the rear garden area of No 5 Oakdene Cottages and is accessed from a driveway off Station Road which currently serves No 5 Oakdene Cottages. No 1 Station Road is located to the west of the main part of the application site and a newly constructed dwelling at No 7a Station Road is located to the east. Collingham Health Centre and wider commercial centre including Co-Op store and library is located to the north of the site.

The west boundary of the site is defined by a 1.8 metre high approx. close boarded fence with the remaining boundaries predominately consisting of hedgerows and trees.

Relevant Planning History

Relevant to the site:

2077563 Building a new house for a domestic dwelling – refused August 1977

2077564 Building of new bungalow for a domestic dwelling – refused August 1977

Relevant to the adjacent site 7a Station Road:

14/01190/FUL Two Storey Dwelling and Garage – Refused under delegated powers 28.08.2014 for the following reason:

In the opinion of the local planning authority the proposal would result in backland development which is an inappropriate form of development within this area of Collingham. The proposal would significantly erode the medieval field pattern which is an established characteristic of the conservation area, in addition to detrimentally impacting upon the significance and setting of the Victorian Villa (no.7). The proposed development would be an alien and uncharacteristic addition

to the setting and it would detrimentally impact upon the character of the conservation area. As such it is considered to fail to accord with Core Policy 9 and 14 of the Adopted Core Strategy, Policy DM5 and DM9 of the Adopted Development Management DPD and the National Planning Policy Framework and Planning Practice Guidance.

The decision of the Council was appealed and allowed by the Planning Inspectorate on 04.02.2015.

The Proposal

Full planning permission is sought for the erection of a part two storey and part 1.5 storey dwelling with an integral garage on the land to the rear of 5 Oakdene Cottages. The first floor would contain a workshop for railway models, two bedrooms with en suites, a bathroom and a changing room. The ground floor would contain another workshop, living room, study, lounge, a lift and kitchen with utility room.

The dwelling would have a 'H' plan form and would measure 18.3 metres in length and 11 metres wide (at its widest point) with a maximum ridge height of 7 metres with varying eaves heights of between 2.4 - 4.5 metres high. The dwelling would be positioned approx. 1.4 metres away from the west boundary with No. 1 at its closest point and approximately 6.2 metres away from the east boundary with No. 7a. The east facing elevation of the proposed dwelling would form the dwelling main frontage and contain a porch feature.

The main area of private amenity space would be provided towards the north of the dwelling and would measure approx. 17 metres x 18 metres.

The application form states that the dwelling would be constructed from brick with plain tile roof and UPVC doors and windows. A post and rail fence would be located immediately to the north of the existing conifer line to separate the proposed plot from No. 5. All other boundaries would be retained as existing with the exception of the route of the proposed driveway which would require some tree/hedgerow loss along the east boundary of the site to accommodate the extended and widened driveway.

Officers discussed the potential for amending the proposed plans during the lifetime of the application with the Applicant and Agent. Despite the Applicant confirming that they would reduce the footprint of the building marginally, Officers advised that amendment would not go far enough to overcome the concerns raised and set out in full below. As such, the Applicant requested that the planning application be considered as originally submitted which includes the following submission documents:

- Tree Report including Tree Layout Drawing
- Design and Access/Planning Context Statement
- Site Location Plan
- Proposed Site Plan Elevations Option 13 L(08)10
- Proposed Plans Option 13 L(08)10 Rev A

Departure/Public Advertisement Procedure

9 neighbours have been notified by letter, a site notice has been displayed close to the site and a notice has been placed in the local paper.

Planning Policy Framework

The Development Plan

NSDC Amended Core Strategy Adopted 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

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

NSDC Allocations and Development Management DPD Adopted July 2013

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

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2019

National Planning Practice Guidance 2014

Collingham Conservation Area Appraisal

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Collingham Parish Council – Support the proposal.

NCC Highways – The existing access is to be widened and surfaced to allow two vehicles to pass one another near the entrance on to Station Road. As part of this a street light will need relocating. Drawing L(08)10 is acceptable and shows details of these measures (although the new location of the street light will be subject to further assessment by, and the agreement of the Highway Authority).

No objections are raised subject to the following conditions:

The dwelling hereby approved shall not be occupied until the vehicle access is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the public highway boundary. The surfaced access 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.).

The dwelling hereby approved shall not be occupied until the existing dropped kerb footway crossing has been improved/widened; made available for use, and; constructed in accordance with

the Highway Authority specification to the satisfaction of the Local Planning Authority. For the sake of clarity this will include the relocation of a lamp column.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

Notes to Applicant:

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

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

NSDC Conservation Officer –

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Significance of heritage asset(s)

Collingham is predominantly a residential village, with several commercial buildings along the High Street, and a developing range of retail and service sector facilities in a small shopping centre close to the centre of the village off the High Street. Like most Nottinghamshire villages Collingham is predominantly a red brick and pantile village. The conservation area was originally designated in

1973. The designation was reviewed in 1989 and 2006. The most recent review extended the boundary, this included the incorporation of numbers 3-7 Station Road due to their architectural and historic interest and contribution to the character of Collingham.

The application site is located in the 'Eastern Edge' character area. The appraisal describes Station Road as:

'Station Road is a wide tarmac road, giving it more in common with High Street than other side roads. The development of this road seems to be from the C19 with some attractive late Victorian and Edwardian buildings on the north side, before giving way to early C20 buildings of a standard form, many of which have lost their original detailing. Development on the south side seems to be all late C20. Unlike most of the other roads in Collingham the enclosure of the street front here is mostly provided by hedgelines'.

Assessment of proposal

Although development to the rear of properties traditionally this would have been subservient in scale, plan form and use. A building located in the rear would be ancillary to the principle/host property. For example an outbuilding as suggested in the Design and Access statement. The proposed dwelling is larger than an outbuilding and the architectural design does not reflect an ancillary building.

A modest building, such as no. 5 Station Road would have had a modest ancillary outbuilding. The proposed dwelling is of significant scale. Although the ridge line of the proposed dwelling is no higher than the host property with a footprint of 147 square metres it is considerably bigger than 128.5 square meters of no. 5 (house and detached garage).

There has been a recent approval for a dwelling in the rear of no.7 Station, the conservation team objected to the proposal due to the harm to the conservation area. The appeal decision concluded that there would be no harm on the conservation area due to the character of piecemeal development within. Notwithstanding this it has resulted in an unusual relationship where a backland development is larger than the host property, contrary to traditional development patterns and an awkward relationship that dominates a building that positively contributes to the character of the conservation area. This proposal will result in a similar awkward relationship.

The proposed dwelling is larger than the dwelling approved at no.7, which is approximately 137 square meters. The dwelling will be clearly visible from the High Street and the commercial centre of Collingham.

The proposal will harm to the character and appearance of the conservation area due to its scale. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

NSDC Tree Officer - A basic tree survey has been submitted with this application but there is no constraints plan show scaled representations of trees on/adjacent to site have not been evaluated.

The only comment that can be given on the current submission is that out of the 22 trees that been surveyed 15 (10 B category and 7 C category) are to be removed. The remaining trees have recommendations within the tree survey for 3 to be felled. This leaves only 4 trees retained(3 B cat and 1 C cat) on the site none of which have RPAs shown so I cannot calculate any potential adverse impact on trees or vice versa.

I would have expected a full constraints plan (including hedgerows and any adjacent trees) to be submitted and given the scope of removal an indication of some mitigation planting.

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

It is recommended that inclusive access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration. An obstacle free accessible pedestrian route that is clear of parked vehicles and suitably surfaced so as to be firm, even, smooth enough to be wheeled over, is not covered with loose laid materials such as gravel and shingle, and ‘traffic free’ is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive access be considered to garden areas, amenity spaces and external features.

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

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

Two comments from neighbours or interested parties have been received to date. Main issues raised include:

- Relevant utility connections can be delivered to the new build;
- the new boundary between the new property and No. 5 should be the existing line of tall Leylandii trees in line with the rear boundary of No. 3. Currently the back of the Leylandii tall hedge/trees is an enormous compost of a heap of lawn cuttings accumulated over the last 17 years and has been allowed to pile up against the boundary fence, ruining the fence.

Comments of the Business Manager

Principle of Development

The Council is of the view that it can robustly demonstrate a 5 year housing land supply. 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 Development Plan (detailed above) is considered to be up to date for decision making purposes.

The site is located within the main built up area of Collingham. Collingham is defined within the Adopted Newark and Sherwood Core Strategy (2019) as a Principal Village where there are a good range of facilities to support further housing. In settlement terms the site is therefore considered to be in a sustainable location for a new dwelling. As such, the proposed development is considered acceptable in principle subject to an assessment of site specific considerations including the impact of the proposed dwelling upon the character and appearance of the Conservation Area, trees and ecology and the impact on the living conditions of neighbouring dwellings as explored further below.

Impact upon the Character and Appearance of the Conservation Area

The site is located within Collingham Conservation Area and Collingham Conservation Area Appraisal identifies No 5 as a Building of Local Interest. As such, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with special regard also given to the setting of No 5.

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

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. It further states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, the cumulative effect of which would be to harm the established character and appearance of the area.

The Conservation Officers' comments are set out in full in the 'Consultations' section above. The Conservation Officer has noted that development to the rear of properties like No. 5 would traditionally have been subservient in scale, plan form and use. The proposed dwelling is a large 2 storey/1.5 storey detached dwelling within a footprint and overall floorspace considerably larger than that at No. 5 and an architectural design that does not reflect a typical outbuilding in its design. This would result in a proposed development that would not be subservient in scale, plan form and use. On this basis, the Conservation Officer objects to the proposal and also notes that the proposed dwelling would be clearly visible from wider parts of the Conservation Area including the High Street and the commercial centre of Collingham.

I note that a new dwelling allowed at appeal was recently constructed on the adjacent plot to the east of the site and the site itself has similar characteristics to that of the application site. I agree with the view of the Inspector that *'Whilst this would result in backland development, there are other examples of backland development within Collingham, along Station Road and off High*

Street and Low Street within the conservation area'. As such, whilst I accept the principle of a backland development on this site for the same reason, I concur with the view of the Conservation Officer and consider the proposal to result in a development which is out of keeping with the general character and density of existing development of the area by virtue of its scale and plan form.

The Inspector further stated that *'I recognise that the existing substantial rear garden adds to the setting of the villa and that the proposed new dwelling would be seen from the street. However, the appeal proposals would retain a significant depth of garden for the villa, along with much of the existing mature landscaping and the new dwelling would be seen at a distance within this landscaped setting'*. He further states that *'the design of the proposed dwelling would also be sympathetic to the character and appearance of the villa and conservation area. The proposed use of a steep roof pitch, gables, bay windows, red facing bricks and brick detailing to the eaves and window and door headers reflect the style of the Victorian and Edwardian properties fronting Station Road. Accordingly, the proposed development would not cause harm to the significance or the setting of the Victorian villa'*.

However, I respectfully disagree with the view of the Inspector in coming to this particular view and agree with the view of the Conservation Officer that the adjacent *'dwelling as constructed has resulted in an unusual relationship where a backland development is larger than the host property, contrary to traditional development patterns and an awkward relationship that dominates a building that positively contributes to the character of the conservation area'*.

Whilst the proposed dwelling has a lower ridgeline than the adjacent dwelling, its larger footprint, floorspace and more complex 'H' shaped planform and mass would result in an awkward relationship that would dominate No 5. In addition, the principle elevation of No. 5 faces towards the proposed driveway serving the proposed dwelling and the segregation of the access from No 5 would result in subdivision of the plot which would further erode its setting. Whilst the plot boundaries are defined by mature hedgerows and trees, I am concerned about the potential adverse impact upon these features (as set out in more detail in the 'Impact on Trees and Ecology' section below).

In conclusion I am of the view that the proposed dwelling on land to the rear of No 5 would unduly harm the character and appearance of the surrounding conservation area and as such is contrary to Core Policy 9 and 14, Policies DM5 and DM9 of the DPD and Section 16 of the NPPF. Although the harm would be considered to be less than substantial, no clear and convincing justification has been presented and there are no public benefits that would outweigh this harm. The proposal is also considered to fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact Upon Living Conditions

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The side elevation of No 1 faces towards the application site and contains what appears to be a first floor bedroom window facing into the application site at a distance of approximately 5.5 metres to the boundary. A smaller window and door are also located at ground floor level. The boundary between the application site and this dwelling is relatively open save for the single

storey outbuilding located within the rear garden of No 1 and close boarded fence that runs along the boundary. The nearest part of the side elevation of the proposed dwelling would be located approximately 7.5 metres away from the centre point of this window and its rear elevation which faces No 1 would be double the depth of this dwelling. This separation distance in my opinion falls below best practice separation distances between main habitable room windows and blank elevations which normally advise a separation gap of 11-12 metres. As such, I consider a loss of outlook and overbearing impact would result upon the occupant of No 1 by virtue of this close relationship. Whilst the windows facing No. 1 could be conditioned to be obscure glazed and non-opening, this would not reduce the perception of overlooking likely to be experienced by the occupiers of this dwelling.

The side elevation of No 7a contains an obscure glazed window at first floor level and patio doors at ground floor level and is located approximately 13 metres away from the front elevation of the proposed dwelling. The front elevation of the proposed dwelling would contain three first floor windows serving a workshop and bedrooms and two further rooflights serving an en-suite and landing area. Views towards the private amenity area of No 7a from the proposed dwelling may be achievable however it is considered likely that the existing mature hedge which runs along this boundary would screen the majority of these views.

Whilst an adequate area of private amenity space would remain to the rear of No 5, it is noted that the amenity space to the side of this dwelling would be reduced as a result of the proposed access to the new dwelling. The side elevation of No 5 also contains a number of habitable room windows and front door and it is likely that the increased number of comings and goings to the proposed dwelling would be discernable to the occupiers of No 5. However, given the low number of vehicles likely to serve a single dwelling, it is not considered that an unacceptable adverse impact upon the occupants of No 5 would result by virtue of any noise and disturbance issues.

Overall, I am of the view that the proposed dwelling proposal would result in an adverse impact upon the living conditions of neighbouring dwellings by virtue of an overbearing and perceived overlooking impact contrary to Policy DM5 of the DPD.

Impact upon Highway Safety

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

The proposal is for the erection of a house served from an existing access that already serves one dwelling. The proposed site plan shows that there would be sufficient space within the site for a parking area and space for maneuvering within the site. The existing access would be widened and surfaced to allow two vehicles to pass one another near the entrance on to Station Road. As part of this a street light would need relocating and a small section of hedgerow removed. The Highways Officer raises no objection to the application subject to conditions relating to surfacing and improvements/widening of the existing dropped kerb.

As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety in accordance with the aims of Spatial Policy 7.

Impact upon Trees and Ecology

Mature trees and hedgerow often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 requires proposals to take into account the need for continued protection of the District's ecological assets. Policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The site is currently used as garden and contains a number of mature trees and hedgerow along its boundaries. A basic tree survey has been submitted with this application but there is no constraints plan show scaled representations of trees and trees adjacent to site have not been evaluated. The Tree Officer raises concern in relation to the loss of the trees and states that *'out of the 22 trees that been surveyed 15 (10 B category and 7 C category) are to be removed. The remaining trees have recommendations within the tree survey for 3 to be felled. This leaves only 4 trees retained (3 B cat and 1 C cat) on the site none of which have RPAs shown so I cannot calculate any potential adverse impact on trees or vice versa'*.

Category B trees are trees of moderate quality and should be retained where possible. The trees to be removed have not been marked on the Proposed Plans and nor have the RPAs of trees or hedgerows proposed for retention. The siting and scale of the dwellings itself would necessitate the removal of one Category B tree and 3 Category C trees. All of the proposed trees along the driveway would be removed and I am not convinced that no harm to the hedgerow along the boundary would result given the lack of information submitted. Some of the trees proposed for removal are visible from Station Road and contribute positively to its setting and the character and appearance of the Conservation Area.

Given the extent of tree removal, I am also concerned there could be some adverse impact on protected species as a result and it has not been demonstrated through the submission an ecology survey in the form of a Phase 1/Walkover Survey that this would not be the case.

I am aware that paragraph 99 of Government Circular 06/2005 states that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."

Overall, given the concerns raised in relation to the size of the proposed dwelling, I am not convinced that the proposal has maximised the opportunities for conserving existing trees on site and nor has it been demonstrated that RPAs of trees and hedgerows proposed for retention would not be indirectly harmed by the development. In addition, it is considered that the applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

Conclusion

The principle of new residential development in Collingham is acceptable as a matter of principle. However in this case I consider that this proposal is out of keeping with the general character and density of existing development and would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village by virtue

of its design, scale and plan form. Although the harm would be considered to be less than substantial, no clear and convincing justification has been presented and there are no public benefits that would outweigh this harm.

In addition, I consider the proposed dwelling to result in an unacceptable relationship with the neighbouring dwelling and would result in an adverse impact upon the living conditions of the adjacent occupiers to the west by virtue of an overbearing and perceived overlooking impact.

Furthermore, the proposal has failed to maximise opportunities for conserving existing trees on site and it has not been demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development which could result in a negative impact upon the visual amenity and biodiversity of the area. The potential ecological impacts of the development in relation to its impacts upon any protected species on site (or immediately adjacent) are unknown, particularly resulting from the proposed removal of trees. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development.

In this case the harm cannot be mitigated and as such I conclude that this application should be refused.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

In the opinion of the Local Planning Authority, the proposed development is considered to be out of keeping with the general character and density of existing development and would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village by virtue of its design, scale and plan form. As such, it fails to meet the minimum requirement in statute (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) of preservation and rather would erode the character and appearance of this part of Station Road. Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by any public benefits of the proposal. The siting and scale of the dwelling would also result in an adverse impact upon the living conditions of the adjacent occupiers by virtue of an overbearing, loss of outlook and perceived overlooking impact. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Amended Core Strategy (2019) and Policy DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD (2013).

02

In the opinion of the Local Planning Authority the proposal has failed to maximise opportunities for conserving existing trees on site and it has not been demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development which could result in a negative impact upon the visual amenity and biodiversity of the area. No ecological appraisal has been submitted with the planning application. As such the potential ecological impacts of the development in relation to any protected species on site (or immediately adjacent) are unknown, particularly resulting from the proposed removal of trees. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse

ecological impacts arising from the development. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 12 (Biodiversity and Green Infrastructure) of the Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (adopted July 2013).

Notes to Applicant

01

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

02

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

Background Papers

Application Case File

For further information, please contact Helen Marriott on ext. 5793.

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

Matt Lamb

Director Growth & Regeneration

Committee Plan - 19/00537/FUL



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PLANNING COMMITTEE – 2 JULY 2019

Application No:	18/02151/FUL		
Proposal:	Demolition of the existing garage and bungalow and the erection of a new vehicle sales garage, showroom and office accommodation with associated car parking		
Location:	White Post Garage, White Post, Farnsfield		
Applicant:	Minster Developments Ltd		
Registered:	19.11.2018	Target Date:	14.01.2019
	Extension of time agreed: 05.07.2019		

This application is referred to Planning Committee as the application involves a commercial proposal which could potentially deliver significant rural employment opportunities and the application would otherwise be recommended by officers for refusal.

This application was on the printed committee agenda for June. However before the meeting the applicant requested that the application be withdrawn from the agenda to allow them the opportunity of potentially revising the scheme. No such revisions have been forthcoming despite requests for confirmation of intentions. Given the agreed target date is only until the day after the July committee the application is presented for consideration by members. The report that follows is unaltered from its previous form.

The Site

The site lies outside of the village of Farnsfield (E) to the south-west of the traffic island with the White Post Inn on the south-eastern side, White Post Farm to the north-east, White Post Cottage to the north and a small group of dwellings to the west. The site fronts onto Mansfield Road to the north and Old Rufford Road to the east. The garage building is the northern most building on the site and is single storey, fronted with traditional large-scale commercial garage doors. The bungalow is adjacent and has a hipped roof under rendered walls. The vehicular access is in between these buildings with a second access off Mansfield Road. Parking is to the front of the site and to the south of the buildings. To the west the land is open to countryside including improved grazing land divided into small fields by trimmed hedgerows.

The site has a noticeable gradient, especially nearest the A614 roadside. This slopes down towards the roundabout (highest point is at the south and lowest at the north). The same can be said of the approach from the North, with limited visibility of the site until within 150 metres.

Relevant Planning History

07/01277/FUL - Three replacement dwellings and parking and external areas also access alterations to the White Post Garage - Refused 19.11.07

07/00228/FULM - 60 bedroom hotel and restaurant, three replacement dwellings, parking

landscaping & access (Re-Submission) - Refused 28.06.07

06/01381/FULM - Demolition of existing garage and 3 No. dwellings, erection of 60 No. bedroomed hotel, themed restaurant, 3 No. replacement dwellings and associated access, parking and landscaping – Withdrawn 30.11.06

The Proposal

The application seeks permission for the demolition of an existing vehicle sales garage and 2 bedroom bungalow and erection of a new vehicle sales garage, showroom and office accommodation with associated car parking. Proposed use: sui generis and B1 office.

The proposal would site the vehicle sales garage adjacent to the access off Old Rufford Road with the offices to the south of this. The Land to the rear of the buildings would be used for access and parking. The access of Old Rufford Road would be for entry only with the access on Mansfield Road for entry and exit. The vehicle showroom would have a partly curved façade and would be used to accommodate vehicles for sale with plant and office accommodation to the rear. The office building would have open office accommodation and ancillary rooms on the ground floor with offices above. The showroom would be single-storey and of a modern design with render and glazing for the walls and a projecting flat roof. The office building would be two-storey with an oversailing first floor and would be of cladding and glazing.

The building is proposed to be set back c. 10 m from the edge of Old Rufford Road which would be landscaped.

Site Area: 3090m²

Materials

Walls - Monocache Render (white). Rockpanel cladding - Chamelon (two tone colour).
Roof - Flat roof - single ply membrane (grey). Rockpanel - Chameleon cladding (two tone).
Windows - Powder Coated Aluminium (grey).
Doors - Powder Coated Aluminium (grey).

Floorspace:

Existing Gross Internal Floorspace m ²	Gross internal floorspace to be lost by change of use or demolition m ²	Total gross new internal floorspace proposed (including changes of use) m ²	Net additional gross internal floorspace following development m ²
281 + 103	384	691.7	307.7

Explained:

Existing Footprint: 384m²

Footprint Proposed: 492m²

Total Increase in footprint: 108m²

Employees: Existing: 4 full time employees. Proposed: additional 15 full time and 5 part time employees. Total: 24.

Opening Hours: Monday – Friday 8:00-18:00, Saturday and Sundays: closed.

Cars: Existing number of spaces: 20, total proposed: 33 (13 additional).

- Site Location Plan - 18/2177/LP
- Proposed Site Layout - 18/2177/001A
- Proposed Floor Layouts - 18/2177/002A
- Proposed Elevations - 18/2177/003A
- Topographic Survey – 001
- Concept Visualisation – (V)002
- Concept Visualisation – (V)001
- Photomontage – 03
- Ex and Pro Photomontage - 04
- Travel Plan
- Transport Assessment
- Tree Survey
- Protected Species Survey
- Landscape and Visual Impact Assessment
- Design and Access Statement
- Biodiversity Survey and Report

Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter and a site notice posted.

Earliest decision date - 25.12.2018

Planning Policy Framework

The Development Plan

Farnsfield Neighbourhood Plan

FNP4 - Local Employment Opportunities

FNP5 - Creating A Thriving Parish

FNP7 - The Quality Of Development

FNP8 - Landscape

NSDC Amended Core Strategy - Adopted 2019

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

NSDC Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Considerations

National Planning Policy Framework 2019

National Planning Practice Guidance 2014

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Farnsfield Parish Council: No objection

Highway Authority: “This proposal is for the development of a new vehicle sales garage and associated offices following demolition of the existing vehicle sales garage and bungalow. The applicant has confirmed by email that the offices are to be part of the vehicle sales garage and not a separate entity.

The site layout plan submitted, dwg. no. 18/2177/001 Rev. A, demonstrates 33 parking spaces within the site, which includes 2 disabled spaces.

There are two existing access points into/from the site – Mansfield Road and A614 Old Rufford Road. The information submitted states that these are to be retained, and dwg. no. 18/2177/001 Rev. A indicates the access onto the A614 Old Rufford Road is to be ‘left turn entry only. No exiting’. In practice, this cannot be strictly controlled. It is, therefore, recommended that this access point be closed off altogether and the site operate solely from the access on Mansfield Road.

Therefore, subject to the following conditions, the Highway Authority would not wish to raise objection:

1. No part of the development hereby permitted shall be brought into use until the existing site access on Old Rufford Road that has been made redundant as a consequence of this consent is permanently closed and the access reinstated as verge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, ref. 18/2177/001 Rev. A. The parking areas shall not be used for any purpose other than the parking of vehicles. Reason: In the interests of highway safety.

Note to applicant

In order to carry out the offsite works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore, land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for further details.”

Environmental Health: The previous use of the application site is a motor vehicle garage with MOT servicing. Furthermore, the application documents (design and access statement) shows photographic evidence of petrol pumps being present. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then request that our standard phased contamination conditions are attached to the planning consent.

Access Officer: It is recommended that the developer be advised to give consideration to access and facilities for all, with particular reference to disabled people. BS8300:2018 - Design of an accessible and inclusive built environment - Buildings and external environment - Codes of practice contains useful information in this regard as well as minimum Building Regulations standards described in Approved Documents M and K. Access to, into and around the proposal and on all floors along with the provision of accessible features and facilities, should be carefully considered together with access from the boundary of the site and from car parking where carefully laid out provision for disabled motorists should be available carefully marked out and signed. BS8300 gives details in this regard including proportion of spaces etc. A safe segregated 'traffic free' pedestrian route should be considered from car parking and other areas of the site. A separate enquiry should be made regarding Building Regulation requirements and it is further recommended that the developer be mindful of the provisions of the Equality Act

No letters have been received from neighbouring occupiers.

Comments of the Business Manager

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

Following public consultation and independent examination, at its council meeting on 10th October 2017 Newark and Sherwood District Council adopted the Farnsfield Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Farnsfield. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Principle of Development

The site is currently in use as a plant hire and sales operation and was formerly a vehicle (including MOT) garage. The proposal would use the site for vehicle sales and office use. I consider the main issues to be whether the location is suitable for the proposed use with regard to the Council's development strategy; the effect of the proposed development on the character and appearance of the area; and whether there would be any adverse highways safety impact.

Spatial Policy 1 of the Amended Core Strategy (ACS) sets out the settlement hierarchy for the district by identifying those settlements that are central to delivering the spatial strategy and the roles of settlement in this. Spatial Policy 2 sets out the spatial distribution of growth for the district. The site lies outside of the built up area of the 'principal village' of Farnsfield as a matter of fact. As the site is located outside of any settlement boundary, the proposal would fall at the bottom on the settlement hierarchy and falls to be assessed against Policy Spatial Policy 3 (Rural Areas) of the ACS. Policy SP3 advises that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting, these proposals are to be considered against policy DM8 of the Allocations and Development Management DPD. DM8 explains the types of development that will be considered acceptable in the open countryside.

Core Policy 6 of the ACS supports the economies of the rural community and seeks to direct most growth to the Sub-Regional Centre of Newark, followed by Service Centres and Principal Villages. The policy does support the rural economy through rural diversification that will encourage “tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.”

I note that the agent has contested that the site is situated within the “Open Countryside” explaining how they consider it to be ‘semi-rural’, whilst I appreciate their interpretation of the context of this site I must consider the policy designation of the area and the approach taken towards development within the open countryside which is strictly controlled to afford protection to rural locations.

Policy DM8 of the ADMDPD covers the replacement of non-residential buildings; stating that “Where they (replacement buildings) are related to established uses or proposed uses enabled by other criteria of this policy, planning permission will be granted for the replacement of nonresidential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve”.

Whilst the conversion of existing buildings is encouraged by DM8, the replacement with a new building is not precluded. This is however subject to the buildings being of permanent design and construction and of no architectural and or historical interest – the supporting text to this policy recognises that, where permanent buildings serve a beneficial purpose in relation to a nonresidential use, their replacement can lead to operational and environmental improvements.

However the policy text also states that in order to minimise the visual impact on the countryside, replacement buildings should be of similar size and siting to their predecessor. Proposals for buildings of substantially greater size or difference in siting will only be supported where operational or environmental improvements outweigh any visual impact (which will be considered further below). I consider the replacement building would not represent proportionate expansion of the existing buildings on site and there are no operational or environmental improvements that would outweigh this. This part of DM8 also specifically relates to the replacement of nonresidential buildings and I note that one of the buildings subject to this application is a residential bungalow. As such I consider it appropriate to assess this application against point 8 of DM8 ‘Employment Uses’.

Policy DM8 seeks to limit development in the countryside to that including proposals to diversify the economic activity of rural business where it contributes to the local economy, business should be complimentary and proportional to the existing business in nature and scale and be accommodated in existing buildings where possible. Point 8 of DM8 states that small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test.

The proposal would replace the existing buildings with a new showroom and office building and would be for vehicle sales. The site has a history of motor related operations and historically was a repair garage and petrol station. The current use is for plant hire and sales. There is general support in the Development Plan for the growth of the rural economy and it is acknowledged that the existing site is in a vehicle based commercial use. However, this current use utilises the historic buildings which are relatively small scale and an established part of the character and appearance of the site and locality. The theme running through DM8 is that proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. To minimise the visual impact on the countryside, existing buildings should be re-used wherever possible.

The proposal would represent a substantial development on the site and an expansion over the existing operation; it would not reuse the existing built form but seeks to completely replace the existing premises. It would be for vehicle sales and offices that are not directly related to rural employment or economy or fall within the above employment categories within CP6 – in fact the NPPF defines businesses of this nature as a ‘Main Town Centre Use’ that do not require a rural location. I acknowledge that the use of the site has evolved from a local garage to plant hire and sales which serves the local community, however the proposed use is for vehicle sales and office accommodation; this is not a use that specifically requires a rural location.

DM8 states that proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment, in discussions with the agent it has been confirmed that the business currently employs 4 people full time. The redevelopment of this site would seek to employ an additional 15 employees full time and 5 part time, however a justification for this expansion has not been provided. It has been queried whether the office part of this proposal is intended to operate separately from the car sales business given the scale of the expansion and the separate entranceways proposed to serve both parts of the building, whilst the agent has confirmed that this is not the intention I consider it to be an expansion of the function of the current business and the significant increase in employment figures would lead me to question whether this is a genuine expansion of solely the existing business. Whilst I note that this is a significant proposed increase in rural employment opportunity for the area I consider this level of business expansion to be disproportionate.

In addition to this, the expansion of the business with this new development would result in a 307.7 m² net additional gross internal floorspace which I do not consider to be proportionate to the small scale buildings currently in situ. As such the proposal fails to comply with the intentions of policies CP6 or DM8 which support the rural economy but seek to limit development to that which requires a rural setting to mitigate the impact on the countryside and rural areas. The disproportionate expansion of businesses within rural locations is not considered to accord with the provisions of the NSDC Amended Core Strategy or the NPPF which, when considering rural employment, promotes the diversification of agricultural or other land-based rural business and the conversion of existing building to facilitate business expansion.

Whilst I am mindful that the NPPF also promotes the sustainable growth and expansion of all types of business in rural areas through well-designed new buildings I consider the proposal to be disproportionate to the existing business function and location. Whilst I appreciate the needs of the business and recognise that in some cases expansion is necessary to support the economic activity of the rural business, it should be recognised that the expansion of any given site is likely to be limited at some point by its impacts on the countryside and particularly for this proposal that the rural sustainability of the proposed expansion is acceptable.

In any case, the policy states that when considering development within the open countryside, even expansions of existing businesses should be complimentary and proportionate to the nature and scale of the existing business. The building as proposed exceeds the proportions of the existing buildings present on the site in terms of net additional floor space. The visual impact will be considered further in the section below. Overall, a case has not been made in this application that this expansion requires such a large scale redevelopment of the site and it is therefore considered that the proposal is not acceptable in principle.

Policy FNP4 'Local Employment Opportunities' of the Farnsfield Local Plan advises that development which includes new employment opportunities will be supported within the village envelope of Farnsfield. The NSDC Allocations and Development Management DPD identifies the application site to lie outside of the village of Farnsfield and as such this policy cannot be applied. Policy FNP5 'Creating A Thriving Parish' outlines that development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail, cultural, leisure and tourism, where it is within the village envelope. Outside of the Village Envelope, uses will be supported that contribute to tourism and rural diversification, where they are in accordance with the wider policies of the Neighbourhood Plan, in particular FNP8 which will be discussed in more depth in the section below. As commented earlier, this proposal is not considered to fall within a use which requires a rural location or consider to be rural diversification and therefore the proposal is not considered to accord with policy FNP5 of the NP.

Impact upon the Character of the Area (Including Design)

Policy CP9 requires development to have a high standard of design and be of an appropriate form and scale to its context and to be complimentary to the existing landscape environment. Policy DM5 requires development to reflect local distinctiveness and character and states permission will only be granted for development where the rich local distinctiveness of the landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of new development proposals.

Policy DM8 of the A&DMDPD states rural development proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible to minimise the visual impact on the countryside.

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

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

The area is characterised within Policy 'S PZ 7 – Oxtun Village Farmlands' of the Newark and Sherwood Landscape Character Assessment SPD as a Conserve and Create Area. The area is described as having a gently undulating topography with moderate visibility in and out of the area. The guidance specifically states that "threats to the area include expansion further of leisure activities at White Post Farm, further break down of field pattern by new roads, the loss of trees to

agricultural intensification and expansion of urban centres of Bilsthorpe and Farnsfield into the area.” The policy goes on to state that the detracting features of the area are the busy roads and concentration of commercial and leisure facilities around the White Post Farm area and advises that to conserve the integrity and rural character of the landscape new development should be concentrated around the existing urban fringe of Bilsthorpe and Farnsfield. The existing field patterns should also be conserved by locating new small scale development within the existing field boundaries and proposals should be of a sensitive design and appropriate siting.

Given that the landscape character appraisal (LCA) specifically cites the area surrounding the busy roads and commercial and leisure facilities around the White Post Farm roundabout as a threat to the landscape character I am mindful of the potential visual impact of this proposal. The LCA also advises that new development should be concentrated around the existing urban fringe which would not apply to this location. Whilst I am mindful that the proposal seeks to replace existing built form, the buildings on site are of a relatively small-scale and appropriate to the rural context of the site. They are not of such merit that the retention could be insisted upon and the demolition is therefore acceptable in principle.

DM8 states that new buildings in these locations should be sited and designed to reflect their location and in the interests of minimising visual impact, new buildings should be restrained to the minimum necessary to sustain the business, and in accordance with the NPPF, should respect the character of the countryside. The proposal is to construct a contemporary style building subdivide into a car sales garage which is single storey and office accommodation which is two storey. The single storey element of the building is in a similar location to the existing bungalow however the replacement building repositions the built form within the site along the eastern site boundary. The existing bungalow is 5.1m in height and the single storey element of the new building proposed in a similar location is 4.3m. The two storey element of the building would be sited on a part of the site that is currently devoid of built form – this would increase to 7.3m in height and whilst this is only 0.3m higher than the existing two storey building on site I note that the existing building is sited adjacent to other two storey properties to the NE such that it assimilates with the existing massing. This proposal would relocate the two storey built form to the south of the site along the eastern boundary where the built form is notably lower with the existing bungalow. There is also no other built form further south such that I consider this two storey portion of the building would be prominent within the site and wider area.

The site slopes upwards from north to south (south being the higher point). The site is proposed to be levelled locally in the south east corner to facilitate the building but the above measurements have been taken from the proposed ground level such that I still consider the building will be prominent within the site. The design and access statement states that the new building would be significantly lower than the surrounding parameters of the White Post Inn building (E) which they state is 2 m higher, however I consider this point to be irrelevant in the appraisal of this new building given the characteristics of the site are different. The application site comprises low level buildings along the SE side such that this two storey replacement would not visually integrate into the existing built form within this corner of the roundabout which is clustered to the NW.

It is acknowledged that surrounding the roundabout there is substantial built form of varying style and design. However I also note that towards the south-west, past the application site, is an open field that buffers the distance between residential properties c.72m south, to the west the area is characterised by open agricultural fields. I therefore consider that the demolition of small scale traditional buildings appropriate to the rural context with a larger scale (in part two storey) overtly contemporary building would conflict with the rural character of the area and result in a significant expansion within the open countryside.

The proposed buildings would represent a substantial increase in the size and scale of buildings on the site (an increase in footprint by 108m² and net additional gross internal floor space by 307.7m²), would introduce a two storey building further south on the site where this is currently not two storey built form and an overall large-scale re-development in a rural location. The buildings would be based on a modern design approach using flat roofs, render, cladding and an oversailing first floor office building. A curved wall with full height glazing fronting the roundabout is proposed to act as a focal point for the car sales garage. Although no objection is raised to this modern approach in principle the proposal would result in a substantial change to the site which currently is appropriate to the rural context. The proposal would introduce a larger scale development of a modern appearance which would be at odds with the rural context. The design is not considered appropriate to this established rural location and by reason of size, scale, design and massing, would not reflect the local distinctiveness of the site or wider rural landscape. The site is a prominent one at a busy junction in an area which is characterized by sporadic incremental development which is largely small scale and appropriate to the rural environment. The proposal would dominate the site and surroundings and would not be sympathetic to the rural setting.

Whilst the agent references other nearby developments around the round-about junction I would maintain the view that the replacement building would exceed the scale and proportions of the existing site which is not of a similar context to some of the larger scale agricultural buildings that are present further north. The agent refers to a 12.4% to 16% increase in built footprint with the new proposal; however I would dispute these calculations which differ within the application form and D&A statement, I do however note that the building is proposed to increase to two-storeys on a part of the site where 2 storey built form is not clustered which would greatly increase the massing and scale of the development here. The agent explains how the current buildings on site are untidy and the proposed building would improve the visual aesthetic of the area. I would contest that these lower profile, previously residential buildings are 'untidy' and would instead note that these reflect the small scale development form that is appropriate in this location that is proportionate to the rural setting.

FNP7 of the Farnsfield Neighbourhood Plan discusses the quality of developments and advises how developments must demonstrate how it has taken into account the character of the village and its impact upon the landscape. FNP8 'Landscape' of the Farnsfield Neighbourhood Plan advises that development proposals located within or adjacent to a Landscape Policy Zone ('S PZ 7 – Oxtou Village Farmlands') should ensure they have considered and appropriately responded to the implications of the zone and demonstrates that the meeting of the landscape conservation enhancement aims would be contributed towards. In this case the proposal is not considered to be in accordance with the aims within the Landscape Policy Zone and would have an unacceptable impact on the character and appearance of the open countryside and surrounding area.

As a result of the proposed design, materials of building and scale in relation to the existing buildings that are visible on the site I am of the view that the building will not assimilate into the landscape and would be unduly prominent within the surrounding rural area contrary to Policy DM8. I do however note that the applicant has shown clear willingness to negotiate on the design of the building as this has been raised as a concern throughout the course of the application. The decision however was taken that given there was an in principle objection to the proposal and the re-design of the scheme would not have afforded the opportunity to overcome these problems, any negotiation on design would have given a false sense of hope and incurred the applicant further unnecessary time and/or expense. Should the committee disagree with the objection in principle to the proposal the applicant is willing to reconsider the design.

In conclusion, the addition of an overtly contemporary building with extensive levels of glazing, render, cladding and prominence of location and overall scale of the building would make it unduly prominent from the surrounding rural area in contrast with CP13, Policies DM5 and DM8 of the Development Plan Document and the NPPF.

Impact on Neighbouring Amenity

Policy DM5 requires development to have a satisfactory relationship with neighbouring properties and land uses. The site has historically been used for motor-based activities and is situated on a busy road. Therefore, the continuation of use for appropriate commercial operations can be supported in principle in terms of residential amenity. It is not considered the proposed use have any greater harmful impact on the amenity of local residents that the existing or historic operations.

The north the site borders the highway and the nearest neighbouring property would be set to the north of Mansfield Road. The proposed buildings would be set off the northern boundary and would have no undue adverse impact on this property. To the north-east and east the site is bordered by the highway with the nearest neighbouring buildings being the children's nursery and the pub. The buildings would be significantly separated from these sites and would have no undue adverse impact. To the south there are no immediate neighbours. To the west the neighbouring properties would be adjacent to the proposed vehicle parking with a significant separation distance to the proposed buildings.

As such, the proposal complies with the above policies and guidance and is acceptable in terms of residential amenity.

Impact upon Highway Safety

Policies SP7 and DM5 require the provision of safe and inclusive access, appropriate parking provision and seek to ensure that there should also be no adverse impact on the highway network as a result of the proposal.

A Transport Assessment has been submitted which states the following:

- The applicant expects the number of people using the new development to increase by around 7,200 per annum due to the addition of a new office building. The existing vehicle sales garage to be replaced with a new vehicle sales garage is not expected to generate any more staff or visitors. An estimated total of 38 visitors per day are expected for the proposed site, which translates into an estimated maximum of 9,880 visitors per year to the site (excluding weekends). However according to the TRICS data obtained, the site could generate as much as 192 vehicular trips per day. This taken into account, the maximum impact that the development will have on the existing highway is thought to be minimal, as this increase comprises less than 1% of the existing traffic at the roundabout;
- The predicted traffic generated by the proposals to redevelop a vehicle sales garage and office building will result in an increase in traffic within the local highway; however, the capacity assessment shows the White post Roundabout junction with Old Rufford Road and Mansfield Road can accommodate the additional vehicular traffic and as such the increase can be absorbed into the surrounding network without any discernible impact to the acceptable flow of traffic;

- The addition of “keep clear” markings at the access(es) would ensure any queuing on Mansfield Road east and the A614 Old Rufford Road south would not impact on the free flow of traffic moving into the site due to the proximity to the roundabout, in particular right turns into the site from the A614 Old Rufford Road south;
- Investigations into the number and severity of accidents recorded in the vicinity of the site are not indicative of defects in the highway layout and design. Given the volume of traffic at the White Post Roundabout is on average around 20,463 vehicles per day (between 07:00-20:00), an accident rate of 0.4 per year in the last 5 years 5 months is considered to be minor and does not highlight any specific problems with the safety record of the local highway network. Any additional traffic to be generated by the development is unlikely to impact the existing road safety within the study area.

The proposed drawing demonstrates 33 parking spaces within the site, which includes 2 disabled spaces. There are two existing access points into/from the site – Mansfield Road and A614 Old Rufford Road. The information submitted states that these are to be retained and access onto the A614 Old Rufford Road is to be ‘left turn entry only. No exiting’. In practice, this cannot be strictly controlled. The Highways Authority has therefore recommended that this access point be closed off altogether and that the site operates solely from the access on Mansfield Road. As such, the Highway Authority have raised no objection subject to conditions. These conditions are reasonable and could be imposed in the event that the application is approved. As a result it is considered that the application is acceptable on highway safety grounds.

Land Contamination

The site has been used for vehicle repairs, sales etc. for many years and includes the provision of petrol pumps. A condition would be required in the event of permission being granted to address any potential residual land contamination to prevent harm to human health and the environment.

Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Whilst the site is not considered to have significant ecological potential given the lack of vegetation and brownfield nature the site is located within a pSPA 5km buffer zone for nightjar and woodlark. Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory 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.”

A Protected Species Survey has been submitted with this application which confirms that there is no breeding bat or bird potential in the buildings, nor is there any evidence of past roosts. The grassland surrounding the site is also not considered to harbor any significant locally rare plants or

plant communities and as such it is considered that the proposal is unlikely to have any detrimental impact on local biodiversity in accordance with CP12 of the Amended Core Strategy (2019). With regard to the SPA I note that given the developed nature of the site there are no surrounding trees that are proposed to be impacted as a result of the development, nor would the development be located next to any trees such that, in my opinion I do not consider the proposal would result in a direct impact on the pSPA. The proposal therefore complies with the aims of Core Policy 12, Policy DM5 and the guidance in the NPPF.

Other Matters

The agent has submitted an additional statement which, amongst other things, refers to CP9 and the point within this policy that stated that the LPA will support development proposals that demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes the existing built landscape and environments. In referencing this, the agent has stated that this proposals presents an opportunity to provide a thermally efficient, low carbon building constructed from modern materials and the latest construction techniques. Whilst I acknowledge the applicants desire to construct a well-performing building that utilizes modern techniques to improve sustainability this should not be at the expense of the character and appearance of the area or sustainability of the rural location which I consider that this would be.

The agent has submitted a letter referencing an application 14/01797/FUL (the Marston's public house at the A6075/A616/A614 roundabout). The agent explains how this application sets a precedent for the application at hand. Firstly I would note that every application must be assessed on its own merit and without prejudice. Nevertheless I have reviewed this approval and would note that this application was for the replacement of a Pub and Restaurant in which the officer report notes how policy DM8 confirms that visitor based tourism development will be permitted in rural locations in order to meet identified need, where it will support local employment and community facilities. To this end I consider the application at hand to be materially different to the above referenced application in that it does not represent a visitor based tourism business but a vehicle sales premises that does not require a rural function or support visitor based tourism – which I would also note that the majority of the surrounding business within the surrounding locality do.

Conclusion

Overall, I do not consider the proposal to represent sustainable development in an open countryside location as a matter of principle; the applicant has not justified the requirement for this scale of expansion in a location away from the settlement and it is considered that the replacement of this residential and non-residential property for a business purpose that does not require a rural location does not fit with the requirements of policy DM8. The proposal would introduce a relatively large-scale commercial operation in replacement of a small-scale existing former-residential building which would be inappropriate in this rural context. It is considered that this proposed building would represent an incongruous replacement addition which would be harmful to visual amenity given it would disproportionately exceed the existing proportions of the site in this particular location and would be therefore contrary to Policies CP9, DM8 & DM5 of the DPD. As such, the proposal is contrary to Policies SP3 and DM8. Furthermore, the proposal is not considered to be appropriate visually to its rural environment and is contrary to policies CP9 and DM8.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

The proposal is considered to represent an unacceptable form of development in principle in an open countryside location which would detract from the rural character of the countryside. The need for this particular rural location or its contribution to the local rural economy has not been demonstrated in this instance. Overall, it is considered likely that such an expanded business of the commercial nature proposed would be more sustainably be located elsewhere in accordance with the aims of the Spatial Strategy for the District. Furthermore, the size, scale, massing, design and materials of the proposal are not considered appropriate to the rural context of the site and surroundings and would result in unnecessary encroachment in to the open countryside.

The application therefore amounts to unsustainable and visually unacceptable development contrary Core Policy 6 (Shaping our Employment Profile), Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the adopted Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management Development Plan Document (July 2013) as well as the provisions of the NPPF (2019).

Notes to Applicant

01

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

02

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

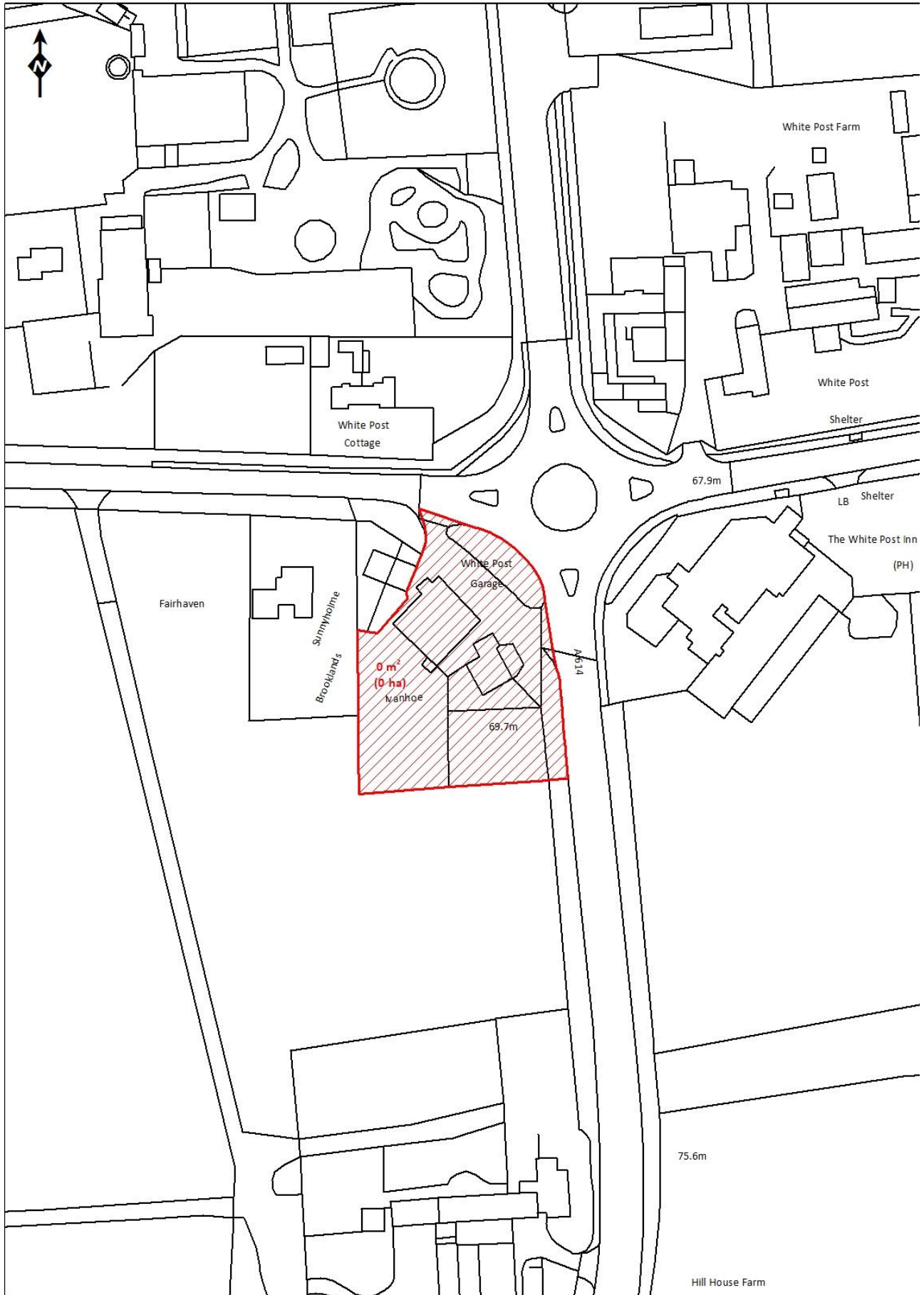
Background Papers

Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

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

Committee Plan - 18/02151/FUL



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PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00868/FUL	
Proposal:	Erection of 4(No.) Dwellings and Associated Garages (Re-submission of 18/00599/FUL)	
Location:	Land To The Rear Of 8 Main Street Sutton On Trent Nottinghamshire	
Applicant:	Mr & Mrs C & L Beeby	
Registered:	08.05.2019	Target Date: 03.07.2019

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

The Site

The application site is a broadly rectangular plot of approximately 0.36 hectares in extent to the west of, and accessed via, Main Street in the village of Sutton on Trent. The site is within the designated Conservation Area and is immediately adjacent to a Main Open Area as defined by the Proposals Map for the Village. Other constraints affecting the site include designation within Flood Zone 2 according to the Environment Agency maps. There is a public right of way along the southern boundary of the site and trees protected by Preservation Order on land to the west (part of the Main Open Area) but neither of these affects the site itself.

The site access from Main Street continues some 55m between residential curtilages before reaching the main portion of the site (the residential curtilage to the south of the access known as Holly House Farm is within the applicant's ownership as shown by the site location plan). The site as existing constitutes a vacant field with dispersed tree cover around the boundaries. The site is predominantly laid to grass and gated at the access. It is understood from the submitted Planning Statement that the site has served as a paddock but at the time of site visit the north eastern corner contained storage of miscellaneous materials.

Relevant Planning History

The following applications relate to the site and are considered relevant to the determination of the current application:

18/00599/FUL - Erection of 4(No.) Dwellings and Associated Garages. *Application refused May 2018 on the basis of two reasons as follows:*

01

The application site is within Flood Zone 2 according to the Environment Agency maps. The delivery of four residential units within Flood Zone 2 would necessitate the application of the Sequential

Test as per the advice at para. 101 of the NPPF. Despite attempts through the application submission to demonstrate that the Sequential Test has been passed, the Local Planning Authority remain of the view, as per previous refusals, that the development fails the Sequential Test and therefore should be resisted in accordance with Core Policy 10 (Climate Change); Policy DM5 (Design); Chapter 10 of the NPPF; and Planning Practice Guidance: Flood Risk and Coastal Change. There are no other material considerations that outweigh this view.

02

In the opinion of the Local Planning Authority this scheme of 4, five bedroom detached dwellings does not provide for an appropriate mix and does not reflect local need. The proposal is therefore considered to be an unsustainable form of development that is contrary to Core Policy 3 (Housing Mix, Type and Density) of the Newark and Sherwood Core Strategy DPD (Adopted March 2011), and Policy DM12 (Presumption in Favour of Sustainable Development) of the Newark and Sherwood Allocations and Development Management DPD (Adopted July 2013) which together form the Development Plan. It is also contrary to the National Planning Policy Framework (NPPF), a material planning considerations.

The application was subsequently dismissed at appeal.

14/01926/FUL - Erection of Residential Development: 4(No.) Houses and Associated Garages (Resubmission of 13/00998/FUL). *Application refused December 2014 for two reasons relating to the flood risk of the site and a lack of provision for affordable housing.*

13/01012/CAC - Demolition of North Range of Outbuildings to Facilitate Access and Erection of Residential Development: 4(No) Houses and Associated Garages. *Application approved.*

13/00998/FUL - Demolition of North Range of Outbuildings to Facilitate Access and Erection of Residential Development - 4(No.) Houses and Associated Garages. *Application refused October 2013 for three reasons relating to the flood risk of the site; impacts on the designated Conservation Area and a lack of provision for affordable housing.*

95/51681/FUL - Erect five dwellings and demolish outbuildings. *Application refused September 1995.*

The Proposal

The current application forms a re-submission of the aforementioned refused application in 2018 albeit with design changes. Primarily the proposed development now relates to the consideration of four single storey bungalows arranged with their principle orientations around a shared courtyard with a central vehicular access. The proposal would deliver:

- Plot 1 – 2 bed property;
- Plot 2 – 2 bed property;
- Plot 3 – 3 bed property;
- Plot 4 – 4 bed property.

The maximum pitch heights proposed would be approximately 5m with eaves of around 2.4m. The design of the dwellings is intended to follow a traditional agricultural building style with red facing brick and natural clay pantiles.

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

- Planning Statement, Design and Access Statement and Heritage Impact Assessment dated May 2019;
- Local Housing Need dated May 2019;
- Flood Risk Assessment Sequential Test dated May 2019;
- Flood Risk Assessment dated 16th March 2019 – WFR-FRA-2018/02/Q23;
- Site Location Plan;
- Topographical Survey – 11 / 61 / 2010 dated 20th August 2012;
- Site Plan – 347 P 05 dated May 2019;
- Floor Plan – 347 P 06 Rev. A dated May 2019;
- Elevations – 347 P 07 Rev. A dated May 2019;
- Landscaping Site Plan – 347 P 08 dated May 2019.

Departure/Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter, a site notice has been displayed and an advert 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 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 10A – Local Drainage Designations
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019;
- Planning Practice Guidance (online resource);

- Inspectors Decision on previous scheme APP/B3030/W/18/3204709 dated 10th October 2018.

Consultations

Sutton on Trent Parish Council - At a meeting of the Parish Council held on Tuesday 11th June, the members voted unanimously to object to this application on the grounds as stated on previous applications for this site, namely flood risk (Flood Zone 2) and poor access onto Main Street.

Environment Agency – Environment Agency Position

The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included (*included in recommendation below*).

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

The Board maintained Cuckstool Dyke, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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

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

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

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

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

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

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

NSDC Conservation –Original comments received 5th June 2019:

Legal and policy considerations

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

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

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

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

Significance of heritage asset(s)

The land to the rear of 8 Main Street is located in the Sutton on Trent Conservation Area, first designated in 1992. The backland of Main Street of Sutton on Trent has been somewhat undermined by the development of late C20 and early C21 houses set back extensively from the street frontage. As such the application site, which once belonged to the wider arrangement of open fields and countryside, is now almost entirely enclosed by new houses, most prominently from Rose Farm Drive, accessed off Palmer Road.

Assessment of proposal

The conservation team did not object to the previous scheme (18/00599/FUL). The proposal is similar, four units placed around a courtyard, however the design of the units has been altered.

The overall design approach is more successfully reflects an agricultural/stable courtyard development. However, it is considered that there are some fundamental elements that require amendments, which could significantly improve the overall design of the development.

There has been greater success with the courtyard side elevations compared to the external elevations. The external elevations have considerable number of patio doors that do not relate to

a traditional agricultural form. In some parts the external elevations of the courtyard are going to be more visible. For example Unit 1 & 2 the patio doors will be highly visible.

Integrated garages is not a high quality design approach. The garage openings do not reflect a traditional building form. These would be more suitable in the cartshed. In addition, the openings to the cartshed would have been to the internal elevation of the courtyard rather than the external.

Tarmac is proposed in front of the garages. Block paving as proposed for the other areas would produce a high quality finish and what is expected for a traditional agricultural courtyard.

Landscaping plan doesn't provide much information regarding areas marked as 'M', will this be grassed, hard surface? Vertical close boarded boundary between the plots is not appropriate for this type of development. It creates a domestic characteristic on a development that is following an agricultural design approach. Any boundary should be post and rail or soft landscaping.

NSDC Strategic Housing - The District Council's Core Strategy (2019), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (NPPF) on all new housing development proposals on qualifying sites. The requirement on the proposed site (Main Street, Sutton on Trent) does not meet the threshold for affordable housing delivery (10 units and above) therefore there is no requirement to provide affordable housing (subject to site size).

I shall refer to the applicant's consideration of housing need for the Sutton on Trent area below.

Housing Need

The application site is located within the village of Sutton on Trent which is defined as a principal village allocated to deliver 5% of the district's growth in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. These villages seek to address identified local housing need in a sustainable manner and promote and protect the roles of the service centres and principal villages as locations for local services and facilities.

In 2016 Sutton on Trent Parish Council commissioned a Parish Housing Needs Survey. The survey aimed to establish a picture of housing need and demand/preferences in the parish of Sutton on Trent. The survey identified there was a need for 4 affordable homes and 16 open market (sale) homes for local people enabling them to be suitably housed within the community. These are detailed below:-

- 4 were assessed as being in need of affordable housing for rent and shared ownership
 - 2 x 2 Bed Houses – affordable rented
 - 2 x 2 Bed Bungalows – affordable rented

- 16 were assessed as being in need of open market housing (for local people) to purchase
 - 2 x 1 Bed Flats
 - 7 X 2 Bed Houses – open market
 - 3 x 4 Bed Houses – open market
 - 2 x 2 Bed Bungalows – open market
 - 1 x 3 Bed Bungalow – open market
 - 1 x 4 bed Bungalow – open market

I turn to the issue of demonstrating 'proven local need'. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. For market housing, it is usual to refer to any 'need' as a preference or demand. Where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Sutton on Trent has a good supply of this type of housing and they appear on the open market for sale. Currently there are a range of existing and new build 2, 3, 4 and 5 bedroom houses for sale that would contribute to meeting demand. I acknowledge that there are no bungalows for sale currently.

There is a requirement/preference for two units of two and three bedroom bungalows for households wishing to downsize to smaller accommodation on one level to meet the needs of residents with mobility issues. (the requirement for a four bed bungalow is a preference). Whilst, in my view a preference for market housing does not constitute need, respondents requiring property to meet the needs of disabled people could be considered as being in need if they prefer to remain in the local area for support networks. However, my main concern would be the issue of affordability. The proposed development may exceed affordability for those identified in need and therefore the issue of meeting need is irrelevant.

I note the survey is now three years old and the needs of some respondents may have changed substantially and I would perhaps consider an update to the survey to provide up to date information. For information I have attached below the sub area report (2014) from the District Wide Housing Market and Needs Assessment.

NCC Highways - The proposal will provide 4 new dwellings with associated garages, served by an access that, in the most part, is 5m wide. This narrows down to 4.25m at a pinch point by the corner of the existing house. The existing access already serves two homes and some land to the rear. Whilst it would be ideal to have a 5m wide access along the whole length of driveway it would appear unreasonable to insist on this when the ability for one car to pass another can still occur, albeit slowly. In the worst case scenario one car would wait for another to pass, but this can be achieved outside of the public highway boundary, and at a location that provides good inter-visibility between drivers.

It is also noted that visibility for drivers emerging from the access is less than the normally accepted standards to the north/left. However, the same access has been used by two sets of residents with no recorded accidents in the last 5 years. It is also recognised that Main Street, in the vicinity of the access, is particularly wide – there is space for parking on both sides and still allow the free passage of two-way traffic. This means that cars leaving the access can safely edge forward to the carriageway, where visibility increases, with negligible risk of collision. Visibility in the more critical direction to the south/right is adequate.

Refuse vehicles would not be expected to enter the site, and carry distances should not be greater than 25 metres. So, it is recommended that a refuse collection point be provided within the scheme to allow easy collection.

The proposal provides adequate parking provision and a turning area.

The proposal is acceptable subject to the following conditions:

The access shall be constructed and surfaced in a bound material in accordance with submitted drawing 347 P 08, and no part of the development shall be occupied until the access has been completed in accordance with that drawing.

Reason: To prevent loose material being deposited on the public highway and to provide adequate, safe access.

No part of the development shall be occupied until a refuse collection point has been provided within the site curtilage, and not within the highway, in accordance with details that have first been submitted to and approved in writing by the LPA.

Reason: To ensure waste collection bins do not obstruct the highway.

NOTE TO APPLICANT:

During construction please note that it is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Ramblers Association – No comments received.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

- The proposal is over development of the site with limited access, which has been refused before;
- The potential for up to 8 vehicles accessing Main Street from the site and the loss of soakaway next to a watercourse in a flood risk areas raises environmental issues;
- There are already numerous highways accesses along this stretch of the road;
- There is an existing issue with on street parking which puts pedestrians at risk;
- The road is very busy at peak times;
- Access to the site for emergency or delivery and refuse vehicles would be difficult;
- There are building projects already taking place resulting in extra vehicles;
- Extra development would put pressure on amenities and resources and loose open space valuable to wildlife;
- The site plan encroaches onto neighbouring land on a shared access triangle such that neighbouring land forms part of the application;
- The owner of the land will object to the vehicles driving over the land;
- The access is not wide enough for the number of dwellings;
- The FRA is too difficult for a layman to understand but the disclaimer is concerning;
- Welcome a meeting with highways / planning to discuss concerns;
- The applicant has recently cut down trees to the northern boundary of the proposed site showing disregard for the conservation setting of the site.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and

Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan *unless* (emphasis added) material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by Inspectors through recent appeal decisions.

The application site is located within the urban boundary of Sutton on Trent which is defined by the Settlement Hierarchy as a Principal Village expected to accommodate around 5% of the overall Principal Village growth. The principle of development within the site is therefore accepted albeit it nevertheless remains that the application would need to satisfy the remainder of the Development Plan in terms of impacts etc. This includes in respect of heritage; character; and amenity impacts, but more notably given the planning history on the site, impacts on flood risk and housing mix.

Housing Mix and Density

Core Policy 3 outlines the expectations of the Development Plan in respect to housing mix, type and density seeking good quality housing design in line with the provisions of Core Policy 9. It states that development densities in all housing development should normally be no lower than an average 30 dwellings per hectare. Densities below this will require site specific justification. The Planning Statement submitted to accompany the application states that the proposal represents a density of just 12 dwellings per hectare (when access area is discounted). It is notable that this falls significantly below the aspirations of CP3 but in some respects I would concur with the presented position that these densities would reflect the low density character of the surrounding area. To insist on an increased density would have potentially greater character and amenity impacts given the location of the site within the Conservation Area and bounded by residential curtilages in all respects except to the west. It is also notable that the Inspector did not dispute this density on the previously refused appeal scheme.

It is necessary to draw attention to the Inspector's decision on the previously refused application noting that the second reason for refusal referred specifically to housing mix.

24. The Sutton on Trent Housing Needs Report (HNR) was finalised in March 2016 after the determination of the previous applications at the site. The appellant has drawn my attention to appeals in other parts of the country where such evidence was afforded limited weight. Nonetheless, the Inspector conclusions were clearly influenced by the differing methodologies and age of the specific documents in each case and therefore, the HNR cannot be disregarded solely on the basis of those appeal decisions.

25. The HNR intends to assess the requirement for both affordable housing for rent and shared ownership, together with open market housing. However, the evidence before me indicates that the HNR does not form part of the evidence in the examination library for the Amended Core Strategy. Furthermore, the needs identified relate to only the views of a specific number of respondents to the survey, which reflects only a limited number of the overall households in Sutton on Trent and a snapshot in time where personal circumstances can change. As such I cannot find

that it represents robust or reliable evidence of current local needs upon which a mix of housing types should be restricted in the context of Core Policy 3 of the CS or the Framework.

26. The 2015 Strategic Housing Market Assessment identified a need for different sizes of homes across the Nottingham Outer Housing Market Area, including 10% of market housing to consist of 4+ bed. The 2014 Housing Needs, Market and Affordability Study also found a need for a significant proportion of dwellings of 3 bedrooms or more in the District. Whilst it is evident that the existing commitments in Sutton on Trent include a significant proportion of larger family housing, there is no evidence to suggest that there would no longer be a requirement for such housing in the wider Newark & Sherwood District. Consequently, I find no specific conflict with Core Policy 3 of the CS as the proposal falls within the definition of family housing of three bedrooms or more that would address the wider housing need of the District.

Notwithstanding the stance of the Inspector, the applicant has presented a fundamentally different housing mix to the previous scheme which sought for two storey properties all with five bedrooms. As is detailed in the proposal section above, the proposal now seeks for a varied mix of bungalows claiming to be based on the outstanding housing needs of the village.

The results of the HNR confirms a need for 16 open market dwellings including four bungalows. The current application has directly replicated this need in the proposal and therefore would now demonstrate a scheme which meets a locally identified need. This has been reflected in the comments of the Strategic Housing Officer and therefore should weigh positively in the overall planning balance.

Despite the planning history referred to above, as with the previous application, it remains that the scheme would not be required to deliver an affordable housing contribution. This was also addressed through the Inspectors decision as below:

23. Paragraph 63 of the Framework has subsequently altered the thresholds, by stating that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). The definition of major development in the Framework for housing consists of development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The site is not in a designated rural area and the proposal falls below the thresholds in the Framework. Consequently, provision of affordable housing is not required as part of the proposal.

Impact on Flood Risk

The site is entirely within Flood Zone 2 on the basis of the latest Environment Agency maps. The maps on which the current decision is based were provided by the Environment Agency in November 2017.

The National Policy Framework (the NPPF) provides guidance on dealing with development within Flood Zones 2 and 3. Chapter 10 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations (paragraph 100).

Paragraph 101 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The above guidance is reflected in Core Policy 10 of the Newark and Sherwood Core Strategy which states that when determining development proposals, the Council will, informed by national guidance and the District's Strategic Flood Risk Assessment, apply a sequential approach to future development and will work with partners to secure strategic flood mitigation measures as part of new development.

Policy DM5 of the Allocations and Development Management DPD contains similar provisions, confirming that the Council will aim to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, proposals will also need to satisfy the Exception Test where applicable by demonstrating they would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

Clearly matters of flooding have been raised as an issue through assessment of previous applications on the site amounting in refusals of development on this basis. The Inspector in the latest decision commented specifically on the LPA's application of the Sequential Test:

11. With regard to the above, the Environment Agency did not comment specifically on the sequential test as part of the application and I can afford little weight to its undated and archived guidance. Nonetheless, to my mind, a District-wide approach would be reasonable as a starting point where there is an absence of alternative up-to-date guidance relating to the area of search for the sequential test within an SFRA, unless policies of the CS or A&DM indicate otherwise. In that respect, when having regard to the settlement hierarchy in Spatial Policy 1 of the CS and its approach of subdividing settlements into Areas of the District, to my mind, there is scope to reduce the area of search upon which the sequential test should be applied.

15. The assessment of housing proposals relative to Spatial Policy 2 of the CS and Policy DM1 of the A&DM is necessarily subject to the requirements of Policy DM5 where flood risk is a constraint. The sequential test provided is based upon an area of search focused upon Sutton on Trent only and on that basis, identified no other land that would be suitable, available or deliverable at a lower flood risk than Flood Zone 2. However, in the particular circumstances of this case, I consider that such an area of search is unnecessarily restrictive for additional market housing that would exceed the residual housing requirement for the settlement to be met in Spatial Policy 2 of the CS.

The case presented through the current application is that the scheme has been specifically designed to meet the unmet local need for market bungalows not secured through the allocated site development and therefore the Sequential Test area can be limited to the Parish of Sutton on Trent.

It is notable that (as acknowledged by the current submission) such restriction of area in the application of the Sequential Test has been applied elsewhere in the District, specifically a scheme in North Muskham (18/00597/FULM - Proposed development of 12 affordable homes and 4 market bungalows (Re-submission of 16/01885/FULM). The applicant referenced this application in their Appeal submission for the previous refusal prompting the Inspector to comment as follows:

[17.] The appellant has also referred to a more recent Council decision in North Muskham where the sequential test was also applied at a settlement level. However, based on the evidence before me, the development in that case included affordable housing that met identified local needs which reflects different circumstances to the proposal before me.

Clearly, the applicant has attempted to address the above point by ensuring that the current development would meet a local housing need and thus would better align with the circumstances of the North Muskham proposal (albeit still would not be in relation to an affordable housing scheme).

The position of the Inspector (paragraph 25 listed in full above) is clear that the HNR does not represent robust or reliable evidence of the current local housing need of the village. It is equally notable that the comments of the Strategic Housing Officer make clear that in respect of market housing, it is appropriate to refer to the results of the survey as a preference rather than an explicit need (albeit in this specific survey some of the responses referred specifically to wanting single storey properties for mobility issues which moves back towards becoming a need).

It is appreciated that this specific case is not exactly the same as the North Muskham case referred to above. However, the proposal as revised does now align with the results of the HNR which could only reasonably be delivered in Sutton on Trent. In the interests of consistency, Officers find it reasonable to apply the Sequential Test at the village level. As is commented by the Inspector at paragraph 15 (listed in full above) the applicant has confirmed that there are no other suitable, available or deliverable sites at a lesser risk of flooding within the village and therefore the Sequential Test is considered to be passed.

Buildings used for dwelling houses are classified as a more vulnerable use in flood risk terms. More vulnerable uses are considered appropriate in Flood Zone 2 without the need to pass the Exception Test. The Environment Agency have not objected to the application subject to the development being carried out in accordance with the mitigation measures outlined by the submitted Flood Risk Assessment.

Impact on Character (including the Heritage Context)

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic

environment and ensure that heritage assets are managed in a way that best sustains their significance.

As is identified by the description of the site, the built form of the proposed development would be set back a significant distance from Main Street. On this basis it is considered appropriate to consider the development as backland. Policy DM5 states that proposals creating backland development will only be approved where they would be in keeping with the general character of the area. As with the previous assessment on the site, I am mindful that there is existing development set back from Main Street and Rose Farm Drive to varying degrees both immediately north and south and of the site boundary. On this basis I do not consider that the backland nature of the development would be harmful in principle.

Noting the Conservation Area context of the site, the design has been appraised by the Council's conservation expertise. The Conservation Area is predominantly characterised by historic farmsteads and cottages laid out within historic plots perpendicular to the street. No 8 Main Street is regarded as a positive building in the Conservation Area. As a farmhouse, it would seem logical that any proposals for the rear site make reference to this. The courtyard shown on the submitted plan is suggestive of a crew yard, which is positive. The comments of the Conservation Officer (as listed in full above) raise no objection to the proposal noting that the overall design approach reflects an agricultural / stable courtyard development. However, recommendations for revisions to improve the overall design were offered including in respect to the exact detailing of patio doors and the used of integrated garages with inappropriate doors. Comments were also made in respect to indicated hard surfacing and landscaping.

The agent has responded to the comments largely referencing similarities with the previous schemes which were not resisted on design and character grounds. To be clear however, the comments of the Conservation Officer do not advance to an objection as such; merely recommendations to improve the design. Some of the changes have been taken on board in the revised plans received but not all. Specifically there remains an intention to use tarmac drives and close boarded timber fences (the latter retained by reference to the recent development on the Charles Church scheme).

Officers consider that the agent makes a valid point in respect to the use of tarmac and timber fencing in that this has not been raised as an issue in previous application determinations on the site. I agree with the stance of the agent that the use of timber fence and tarmac would not be dissimilar to the ongoing developments in the village or indeed with the boundary relationships which exist surrounding the site. On this basis Officers do not consider this to be sufficient reasoning to resist the application (again noting the Conservation Officer has not objected / identified heritage harm). Conditions in respect to materials, finish and landscaping could be attached to any approval as agreed with the agent.

Impact on Amenity

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

The application site boundaries adjoin the residential curtilages of 5 dwellings and thus there is significant potential for the proposal to impose on neighbouring amenity. Nevertheless, given the

depth of the site, the rear elevations of Plots 1 and 2 would be at least 55m away from the rear elevations of the adjoining properties fronting Main Street (the host dwelling Holly House Farm and Pear Tree House). It is my view that the most likely affected neighbouring dwellings would be the property known as 1 The Vines to the north and 17 Rose Farm Drive to the south.

To deal firstly with the dwelling to the south, the development would be intervened by the existing public footpath. There is also an existing hedgerow and dispersed trees along this boundary. Plot 3 would share the closest relationship with 17 Rose Farm Drive with an approximate distance between the two properties of 9m at the closest point. The majority of the bulk of the dwelling at Plot 3 would be in line with the foot print of the adjacent dwelling. Notwithstanding this, the single storey nature of the development would reduce its overall impact to one which could be adequately mitigated through an appropriate boundary treatment which is shown on the landscaping plan to be the retention of an existing hedgerow. On this basis I do not consider that the proposal would amount to a detrimental amenity impact to the neighbouring property to the south.

Moving then to assess the relationship with 1 The Vines, the distance between built form of Plot 2 would be approximately 6.4m from the side elevation of the neighbouring dwelling at the closest point. The same appraisal applies in that the built form of the development would be single storey. I am however mindful that the development proposals would extend some 45m from the rear elevation of the neighbouring property into the application site. Whilst extending some distance to the rear of the neighbouring dwelling, I do not consider that there would be overbearing impacts that would be sufficiently harmful to refuse the proposal on amenity grounds. The development retains a distance of at least 3.4m from the site boundary and the built form would be single storey which would be partially screened by the existing fence boundary treatment. It is also notable that the Inspector did not raise matters of amenity as a concern in the previous assessment which was in relation to a two storey scheme.

Policy DM5 also requires assessment in respect to the amenity provision for the proposed occupiers. Owing to the low density delivery of the site each plot is afforded a generous level of amenity space with is deemed commensurate to the dwelling size.

Impact on Highways

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is noted that part of the reason for the Parish Council's objection is on the basis of the site access. Indeed the comments of NCC Highways Authority do reference that the access has some compromises both in terms of its width at a pinch point but also its visibility. However, Officers are minded to agree with the pragmatic approach of the NCC Highways comments which reference that the access has already been used for residential access without cause for concern. It is equally the case that the pinch point would still allow two vehicles to pass, albeit slowly. Without an objection from the Highways Authority it would be extremely difficult to resist the application purely on a highways access basis (especially noting this has not been raised as an issue in previous refusals / Inspector decisions) and therefore the conditions as suggested by the Highways

Authority are considered sufficient mitigation to allow the proposal to be compliant with Spatial Policy 7 and the relevant aspects of Policy DM5.

Other Matters

There are trees and hedges along the development site boundaries. Having visited the site, I do not consider that the development as proposed would unduly affect these specimens and therefore it is not considered reasonable to request a Tree Survey. Comments have been received during the consultation process stating that trees have already been removed without the necessary conservation area approvals. This was already brought to the LPA's attention through separate enforcement processes and it has been concluded that it would not be expedient to take further action in this case. If approval were to be forthcoming then exact details of proposed landscaping could be agreed by condition.

Neighbour comments were received to state that the application plans were incorrect in respect to the access arrangements encroaching on to neighbouring land. I have contacted the neighbouring party in question to clarify interpretation of their comments and it has been confirmed their view is that the red line site location plan dissects a triangle of shared ownership land. The agent has been asked to confirm that the red line is correct in respect to ownership on this basis and confirmation has been received that the entire red line site is within the applicant's ownership which is satisfactory in terms of confirmation to allow the determination of the application to proceed. Matters of permission to cross land would be a separate private legal matter. I am satisfied that the applicant has served the appropriate ownership notices and do not consider it necessary to withhold determination on this basis.

There is a public footpath immediately to the south of the site. I do not consider that the development would affect the efficient usability of this footpath. Equally I do not consider that the development would affect the trees protected by Preservation Order in the immediate site surroundings.

Conclusion

For the purposes of decision making, the Development Plan is up to date. The site lies within the village of Sutton on Trent where development is accepted in principle. However, the site is subject to other constraints notably that it falls within Flood Zone 2 according to the Environment Agency maps. This has been a cause for concern in previous assessments of development within the site which the current re-submission has attempted to address through an entirely different housing mix.

The development as now presented would provide four bungalows which meet the requirements of Sutton on Trent HNR. On this basis, the proposal is now considered to pass the Sequential Test in flood risk terms contrary to other decisions on this site. It is fully acknowledged that the dwellings would still be for open market and would not make a contribution towards affordable housing (as the application does not meet the trigger) but the delivery of bungalow accommodation is supported particularly in the context of the nearby allocated site which does not include any single storey accommodation.

The applicant has revised the scheme during the life of the application to address some of the concerns raised by the Conservation Officer which is welcomed. No heritage harm has been identified subject to conditions which is equally the case for matters of amenity and highways

impacts. On this basis, the housing delivery of four bungalows holds determinative weight and the recommendation is one of approval as outlined below.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site Plan – 347 P 05 dated May 2019;
- Floor Plan – 347 P 06 Rev. A dated May 2019;
- Elevations – 347 P 07 Rev. A dated May 2019;

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

Reason: So as to define this permission

03

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

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

Treatment of window and door heads and cills;

Reason: In order to safeguard the character and appearance of the designated Conservation Area.

04

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been

submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in order to safeguard the character and appearance of the designated Conservation Area.

05

Prior to the occupation of the development hereby permitted, the boundary treatments shown on the approved plans Site Plan – 347 P 05 dated May 2019 shall be implemented on site and shall then be retained for a minimum of five years.

Reason: In the interests of residential and visual amenity.

06

The development shall be carried out in accordance with the submitted flood risk assessment prepared by WtFR Ltd reference WTFR-FRA-2018/02/Q23 revision A dated 08/04/2019 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 8.9 m above Ordnance Datum (AOD).
- Flood resilience techniques to be included as described on page 21, section 9.4 of the FRA.

Reason: To reduce the risk of flood risk to the proposed development and future occupants.

07

Notwithstanding the details shown on plan reference Landscaping Site Plan – 347 P 08 , no development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: In the interests of visual amenity and biodiversity.

08

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be implemented on site prior to first occupation.

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

09

The access shall be constructed and surfaced in a bound material in accordance with submitted drawing 347 P 08, and no part of the development shall be occupied until the access has been completed in accordance with that drawing.

Reason: To prevent loose material being deposited on the public highway and to provide adequate, safe access.

10

No part of the development shall be occupied until a refuse collection point has been provided within the site curtilage, and not within the highway, in accordance with details that have first been submitted to and approved in writing by the LPA.

Reason: To ensure waste collection bins do not obstruct the highway.

Notes to Applicant

01

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

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

02

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

03

During construction please note that it is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

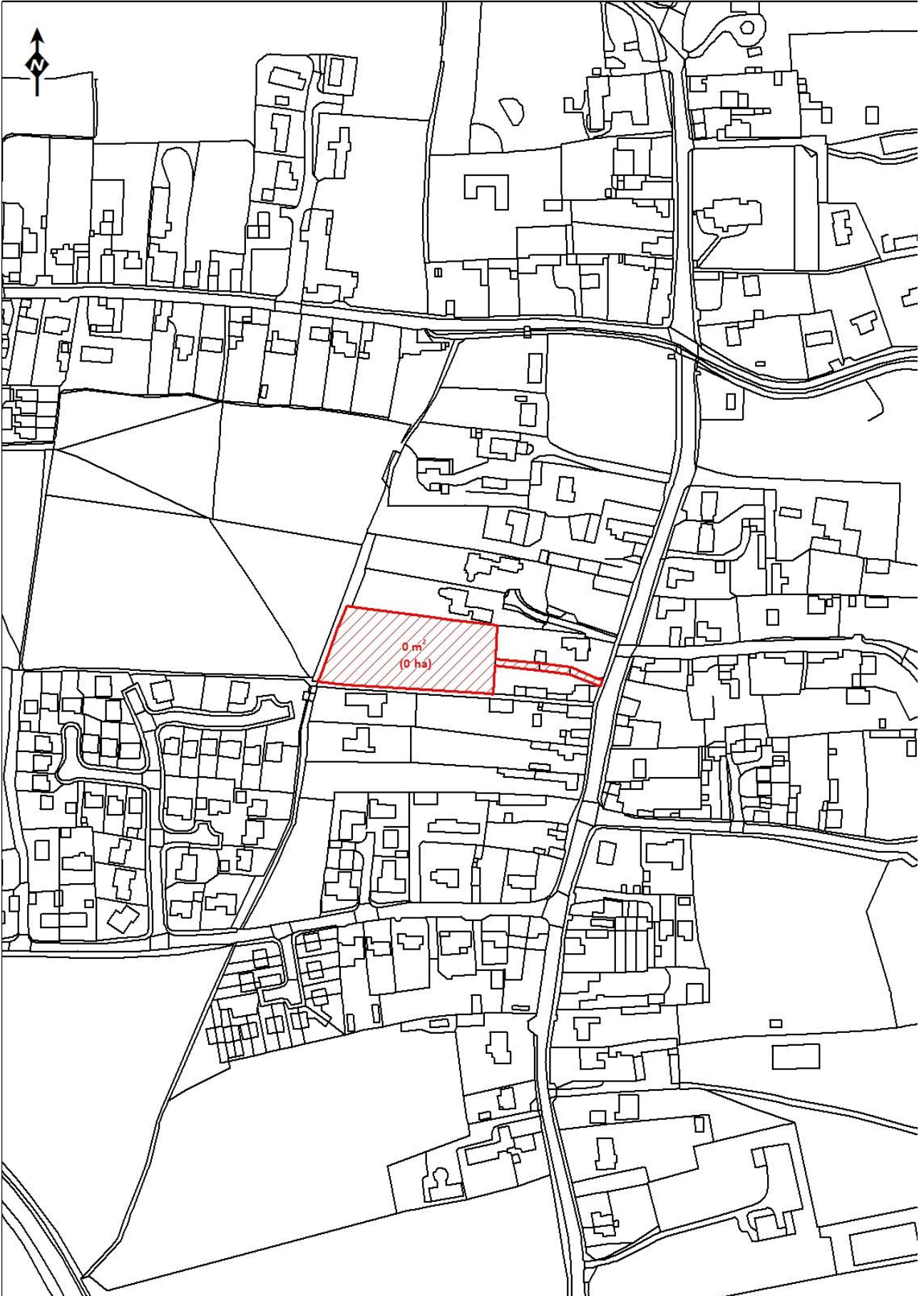
BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb
Director Growth & Regeneration



PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00768/FUL	
Proposal:	Erection of a new single storey bungalow with existing access and driveway from Archers Drive, and erection of a new boundary wall	
Location:	Land To The Rear Of 15 Cheyne Drive, Bilsthorpe, Nottinghamshire, NG22 8SB	
Applicant:	Mr G Powell	
Registered:	26.04.2019	Target Date: 21.06.2019

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.

The Site

The application site comprises land to the west of no. 15 Cheyne Drive, Bilsthorpe. The site measures c. 13 m x 17 m and is currently used as garden land and hardstanding for vehicular parking. There is a large timber outbuilding on the site which is positioned adjacent to the western boundary with no. 1 Archers Drive. To the east the land level increases by c.1.5 m meaning no. 15 Cheyne Drive is on significantly higher ground level than the application site. This boundary is treated with different levels of close boarded fencing and some hedging to the north of this common boundary. The northern boundary is treated with a c. 1.2 m high red brick boundary wall and to the south the boundary comprises a close boarded fence.

The area is characterised by dormer bungalows of a similar appearance which follow a uniform building line along Archers Drive to the west and similarly on Cheyne Drive to the south (albeit these properties are staggered within their plots). Plots along Archers Drive are uniform in size.

Relevant Planning History

No relevant planning history in relation to the site itself, however the applicant has made reference to the following planning application in the vicinity:

31 Wycar Road, Bilsthorpe (known as 2A Cheyne Drive)

- 15/00302/FUL - Erection of 1 No. bungalow (Resubmission of 14/01653/FUL) – Permitted 14.04.2015
- 14/01653/FUL - Two semi-detached bungalows – Refused 13.11.2014

The Proposal

For the avoidance of doubt, revised plans have been received throughout the course of this application. As such the plans to be considered are:

- Proposed Site Plans Rev 2,
- Proposed Ground Floor Plans Rev 2,
- Proposed First Floor Plans,
- Front and Rear Elevations Rev 2,
- East and West Elevations Rev 2 (received 10.6.19)
- Location Plan - 10.6.19
- Boundary Wall Elevations – 19/04/06

The application seeks permission for the erection of a 2 bedroom single storey dwelling. The property would be positioned to the west of the existing property on the site (15 Cheyne Drive) and would front on to Archers Drive. The dwelling would measure c. 9 m wide by 7 m deep, 5.9 m to the ridge and 2.4 m to the eaves. The site measures c. 13 m x 17 m and the private amenity space provided to the rear (S) and side (E) would be c. 65m² (13.5 x 3.1 (S) + 7.5 x 3.1 (E)) (not including the 1.5 m wide walkway to the west side of the new dwelling).

Existing parking space to the north of the proposed dwelling is proposed to remain as hardstanding to accommodate 2 off street parking spaces. To the east of this would be a lawned front garden area which is c. 6 m x 6 m.

In terms of design the dwelling is proposed to be a single storey dormer bungalow, the front elevation (north - facing) would have two gable fronted dormer windows set back from the eaves, two windows and a door at ground floor, the west and east side elevations are proposed to be blank and the rear elevation would have two windows and a back door.

Materials are proposed as red/buff facing bricks, red concrete roof tiles and white uPVC frames. Boundaries are proposed to be wooden fence panel (c. 2 m) to the east, south and west.

Internally the dwelling would comprise a kitchen dining area, a living room, bathroom and office/store and at first floor there would be two bedrooms. The property is proposed to be sited approx. 3.2 m from the eastern common boundary, 3.1 m from the southern rear boundary, 1.5 m from the western side boundary and 6 m from the boundary with the highway to the north.

Retrospective permission is also sought for the erection of a Brick Wall to the north and east of the hostdwelling, no. 15 Cheyne Drive. To the east the wall is 1.5 m in height with a 1.25 m opening for a pedestrian gate and a 3.65 m opening for a vehicular access, both had traditional 5 bar gate style gates. To the north east the wall follows the curve of the plot at 1.3 m in height increasing to 1.7 m in height, along the north a 14.4 m expanse of wall has been erected decreasing to 1.2 m in height.

The proposed dwelling will utilise the existing dropped access point to the north-west of the site.

Gross Internal Floorspace Proposed: 108m²
External Private Amenity Space: 65m²

Departure/Public Advertisement Procedure

Occupiers of 9 neighbouring properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Allocations and Development Management DPD (adopted July 2013)

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

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material considerations

National Planning Policy Framework (NPPF) 2019

National Planning Practice Guidance (PPG) 2014

Consultations

Bilsthorpe Paris Council – Support the proposal.

NCC Highways – “This proposal is for the erection of a bungalow served by the existing access from Archers Drive and includes a new boundary wall. There is also a gated access from Cheyne Drive, but no dropped kerb in place. This will result in vehicles ‘bumping’ over the existing kerbs causing damage which is unacceptable. Therefore, a dropped kerb access is required to be constructed for this purpose.

The existing dropped kerb access on Archers Drive will require extending to accommodate the parking facilities for the proposed dwelling.

In view of the above, there are no highway objections to this application subject to the following:

01

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing on Cheyne Drive is available for use and the existing dropped kerb access on Archers Drive is extended to accommodate 2 vehicles parked ‘side by side’ and constructed in accordance with the Highway Authority’s specification. Reason: In the interests of highway safety.

02

No part of the development hereby permitted shall be brought into use until the parking areas for both dwellings are provided and surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced parking areas shall then be maintained in such hard bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles. Reason: To ensure adequate parking is provided for the proposed development and to reduce the possibility of deleterious material being deposited on the public highway (loose stones).

Note to applicant

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

Neighbour/Third Party comments – Comments have been received in objection to the proposal from two neighbouring properties on the following grounds:

1. Concerns regarding overlooking into 13 Cheyne Drive from windows proposed on the new dwelling.
2. Concerns regarding amenity impacts as a result of the proposed patio area.
3. Concerns regarding overshadowing as a result of the new dwelling impacting a vegetable garden belonging to a neighbour that has been in use 30+ years.
4. The proposed plans do not adequately consider access arrangements for the existing and proposed dwelling.
5. The site is currently used to park commercial and private vehicles from the business operating from the premises, concerns regarding where these would be displaced to if this application is permitted.
6. There is no regard to the changes to services to the property. There are infrastructure issues existing on site in relating to sewerage capacity.
7. Concern regarding access for delivery vehicles and the capacity of the road network and the inconvenience to residents of services needing to be connected to the existing infrastructure.

Comments of the Business Manager

The application site sits within the defined urban limits of Bilsthorpe, which represents a Principle Village, as defined by Spatial Policy 1 of the amended Core Strategy (2019). Spatial Policy 2 outlines the distribution of growth in the District and confirms that the provision of new housing within Bilsthorpe will be sought in the village for regeneration purposes. The principle of new housing development is therefore appropriate. However it remains necessary to appraise the development to assess impacts on the character and appearance of the area, residential amenity considerations, impact on highway safety and impact on ecology.

Impact on the Character and Appearance of the Area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

There are two elements to the scheme which I assess below in turn.

Boundary Wall

The application seeks retrospective permission for the erection of a boundary wall to the north and eastern boundaries of the hostdwelling. To the east the wall is c.1.5 m in height with a 1.25 m opening for a pedestrian gate and a 3.65 m opening for a vehicular access. Both have traditional 5 bar gate style gates that open inwards. To the north east, the wall follows the curve of the plot at 1.3 m in height increasing to 1.7 m in height. Along the north a 14.4 m expanse of wall has been erected decreasing to 1.2 m in height surrounding the plot; an access gap exists on the NE corner to allow for vehicular access.



The wall is constructed in red brick with concrete coping and is not out of character with the surrounding area; properties along Cheyne Drive have front boundary walls of a similar style and given the materials and proportions. As such I consider it to accord with policies DM5 and CP9.

New Dwelling

The application site is located within a residential area that is characterised by dormer bungalows of a similar appearance which follow a uniform build line along Archers Drive to the west and similarly on Cheyne Drive with detached 2 and single storey dwellings to the south (albeit these properties are staggered within their plots). Plots along Archers Drive are uniform in size – an anomaly to this is the application site which forms part of the rear garden of no. 15 Cheyne Drive.

The site is set on lower ground level than the hostdwelling which lies to the east such that the site is on a similar level with no. 1 Archers Drive. The application proposes the erection of a 2 bedroom dormer bungalow which would have a blank gable end facing east and west and two gable-fronted

dormer windows on the front elevation – the dwelling itself would be relatively simple in design constructed from bricks and tiles to match the surrounding properties. However, it would contrast with the design of surrounding properties on Archers Drive which are all dormer bungalows of a different style, with a single projecting gable and a small flat roof dormer sat back from the eaves (along the southern side of this street) and a mix of dormer bungalows and gable end facing the road dormers on the north side. As such the design of the dwelling as well as the positioning of the dwelling within the plot and plot size is considered to be out of keeping with the surrounding area.

In terms of layout, the southern side of Archers Drive is characterised by dormer bungalows with a discernible building line and a direct frontage onto the street. The proposed dwelling would be sited forward of this prevailing building line by c.1.5 m which would heighten its prominence within the street scene and conflict with the overall urban grain. The surrounding roofscape comprises simple pitched roofs and chimney pots. There is a great degree of uniformity on this side of the street in terms of the steady decreasing building height to the west, appearance, window proportions and architectural detailing. There are examples of car port extensions but these occupy the spaces in between the detached bungalows.

The design of this dwelling when set against the neighbouring dormer bungalow properties, coupled with the proximity of the building to the rear boundary of the application site, means that it would appear squashed within the plot. The rear of the building would be in close proximity to the rear boundary with very limited amenity space provided to the rear. To the side of the building would be limited circulation space (c.1.5 m to the west and 3.2 m to the east) and given the size of the plot limited amenity space can be provided within the site. Overall, the provision of a two bedroom bungalow would appear cramped within the site with inadequate amenity space particularly when compared with the plot sizes of surrounding properties on Archers Drive. I therefore consider the proposed layout is inappropriate and would represent overdevelopment which would appear incongruous within the streetscene to the detriment of the character of the area.

Furthermore the fenestration pattern would be at odds with the prevailing character of the properties to the west. As a result, the proposed building would fail to address the prevalent characteristics of the street and the juxtaposition of the building in terms of its scale within the site and design, with the adjacent row of dormer bungalows which heighten its incompatibility. Overall, the proposal would be a visually discordant and disharmonious addition to the street scene.

I therefore conclude the proposal would conflict with Core Policy 9 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document 2013. Collectively these policies seek a high standard of design which contributes to local distinctiveness whilst having regard to scale, form and amenity. I also find conflict with paragraph 130 of the National Planning Policy Framework (NPPF) which states that development should be refused if it constitutes poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Impact upon Residential Amenity

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

occupants of land and buildings.

Boundary Wall

The boundary wall is sited at the back edge of the footpath and follows the boundary line of the application site. The proportions of the wall are as such that they do not impact any surrounding property through overbearing or overshadowing impacts. The wall is separated from neighbouring occupiers and accords with policy DM5 of the ADMDPD.

New Dwelling

When considering applications for new dwellings Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. An assessment of amenity impact also relates to both the existing neighbouring occupiers and the occupiers of the proposed dwelling in terms of the amenity provision.

The dwelling would be sited in a small plot between no. 1 Archers Drive to the west and no. 15 Cheyne Drive to the east – the site would also share a boundary with no. 13 Cheyne Drive. The new dwelling would be sited approx. 3.2 m from the eastern common boundary (5 m from the rear elevation of no.15 Cheyne Drive), 3.1 m from the southern rear boundary, 1.5 m from the western common boundary (4 m from the blank side elevation of no. 1 Archers Drive) and 6 m from the boundary with the highway to the north (properties to the north are in excess of 15 m from the front elevation of the new dwelling). Given the design of the dwelling and the positioning of the windows in relation to windows on neighbouring properties I do not consider there would be any impact to neighbouring occupiers through overlooking. I note the comments received by a neighbouring occupier (no. 13 Cheyne Drive) that has concerns regarding overlooking into their private amenity space. However I consider that given the windows on this elevation of the dwelling would be at ground floor and screened by boundary treatment which would be a c.2 m close boarded fence and the dwellings on Cheyne Drive are set on slightly higher ground level such that I consider it more likely that the new dwelling itself would be overlooked by the properties to the SE, albeit at an oblique angle.

I do however consider that the separation distance between properties are close and could result in an overbearing/oppressive impact on neighbouring properties, particularly no. 15 Cheyne Drive. Whilst the applicant is currently residing in this property it is important to consider the amenity impact on potential future occupiers as well as present and the impact that development could have on their amenity. Given the difference in land levels I accept that it is unlikely that there would be a significant overshadowing issue on no. 15 particularly given the orientation of the new dwelling. However I am concerned that the separation distance here (c.5 m side to rear) would result in an unacceptable impact through overbearing, particularly as the eastern gable is proposed to be c. 7 m wide and blank. The windows on no. 15 Cheyne Drive that would be impacted as a result of this development appear to serve a kitchen and bedroom and appear to be the only windows serving these rooms. However, given the difference in land level, which is c. 1.5 m, the ridge would appear to be 4.5 m which would be lower than the ridge of no. 15. Nevertheless I consider the impact on this neighbouring dwelling would be an oppressive overbearing impact that would unduly impact the amenity of future occupiers.

Turning now to consider the amenity of the future occupiers of this proposed dwelling it is important that a reasonable amount of private garden area commensurate to the size of the dwelling is provided to serve the occupiers. The application seeks permission for a two bedroom bungalow that, given its size, could accommodate a family. The amenity space provided would be c. 65m² to the rear and side which I consider to be on the cusp of acceptability in relation to the size of the dwelling (I note that approx. 36m² of grass would be provided to the front of the dwelling adjacent to the car parking area however I do not consider this space is usable as private amenity space by virtue of its location). I therefore have concerns that future occupiers would be deprived of adequate access to private external space resulting in inadequate living conditions and in this regard I consider the proposal fails to accord with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highway Safety

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

This proposal would utilise an existing access from Archers Drive and includes a new boundary wall which has been assessed by NCC Highways who raise no objections. There is also a gated access from Cheyne Drive included within the new boundary wall that does not have a dropped kerb in place. This will result in vehicles 'bumping' over the existing kerbs causing damage which NCC Highways have advised is unacceptable. Therefore, a dropped kerb access is required to be constructed for this purpose and can be controlled via condition. The existing dropped kerb access on Archers Drive which would serve this new dwelling will also require extending to accommodate the parking facilities for the proposed dwelling. This can also be controlled via condition if Members were minded to approve the scheme. Given that there is adequate space to park two dwellings off the highway for this new dwelling NCC Highways have commented raising no objection to the proposal subject to conditions.

The proposal is therefore considered to be in accordance with Spatial Policy 7 of the Core Strategy DPD.

Other Matters

Throughout the course of the application the applicant has made reference to an application further SE on the corner of Cheyne Drive and Wycar Road (known as 2A Cheyne Drive) to justify the level of amenity space and design of the new dwelling in relation to the character and appearance of the wider area. In this case planning permission was granted for the erection of 1 no. bungalow in 2015 under reference 15/00302/FUL. This 2 bed dwelling was approved with c.70m² private amenity space to the rear of the dwelling and was set within a plot c. 24m deep by 18m wide. Whilst the dwelling sat forwards of the side of no. 31 Wycar Road and front of no. 2 Cheyne Drive I note that the character of the area surrounding this plot is discernibly different to the application at hand, such that there was not a prevailing character of either building type or urban grain to maintain.



Every application must be assessed on its own merits and without prejudice and given the differences of these two cases I am satisfied that a precedent has not been set here that would influence my assessment of this application at hand.

I note that comments have been received with regard to the impact on the new dwelling on the capacity of the existing service infrastructure on Archers Drive, the impact of delivery vehicles and the capacity of the road network in addition to the inconvenience to residents and the use of the site currently to park commercial and private vehicles for business purposes that operate from the site. I will now address these points in turn.

With regard to the impact on the existing service infrastructure, such as sewerage capacity I would consider that the addition of one new dwelling is unlikely to have a significant impact on the capacity of the existing infrastructure that would warrant the refusal of this application. Indeed STW have not comments on the scheme despite being aware of the application from the weekly planning lists. Similarly the disruption to neighbouring occupiers through construction works is not considered to be an overriding factor either – the construction period for one new dwelling is likely to be short term and would not significantly disrupt neighbours to warrant the refusal of this application. The comments received also make reference to the displacement of commercial and private vehicles as a result of this application and the impact on the capacity of the highways network – these vehicles are allegedly parked on the site in association with a business that is operating from the premises. I note that there is no site history to this site that authorises the business use of this property; however I also note that there is limited planning control for the parking of vehicles. Nevertheless I have referred this concern to the planning enforcement team for investigation. The application makes provision for two off street parking spaces for this new dwelling as well as space for the existing property to park vehicles off the highway. There has been no objection from NCC Highways on the grounds of highways safety and as such I do not consider there to be an impact on the highways network that would warrant the refusal of this application.

Planning Balance and Conclusion

The principle of this development in this location is considered to be acceptable and accords with the Development Plan. Nevertheless I have concluded that the development would have a detrimental effect on the character and appearance of the area as it would result in development that does not conform with the prevailing grain of the area, would represent an over intensive form of development resulting in a dwelling with a plot size significantly smaller than its surrounding which results in a lower quantum of private amenity space than one would ordinarily expect and separation between properties that are inadequate, in conflict with Core Policy 9 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document 2013.

I acknowledge that the proposal would provide additional housing, thus making a contribution to housing supply in an urban area. I note that the proposed would align with the aims of the NPPG and the Housing White Paper in terms of boosting housing supply by providing homes that would be sold or rented and potentially increasing housing densities. Whilst these matters carry weight in favour of the application, the benefits of the addition of one residential unit is limited in scope and does not outweigh the harm I have identified on the character and appearance of the area and amenity of existing and future occupants. I therefore recommend that planning permission be refused.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority the proposed development, by reason of its design, scale and layout would result in an over-intensive, cramped development in relation to its boundaries and result in an incongruous form of development that would have a detrimental visual impact on the street scene and character of the area. The proposal fails to conform with the prevailing grain of the area, would represent an over intensive form of development resulting in a dwelling with a plot size significantly smaller than its surrounding which results in inadequate private amenity space and separation between properties. Consequently the proposal is contrary to Core Policy 9 (Sustainable Design) of the adopted Amended Core Strategy (2019) and Policy DM5 (Design) of the adopted Allocations and Development Management DPD (2013) which together form the relevant parts of the Development Plan as well as section 12 of the National Planning Policy Framework, which is a material planning consideration.

Note to Applicant

01

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

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

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

Matt Lamb
Director Growth & Regeneration

Committee Plan - 19/00768/FUL



PLANNING COMMITTEE 2 JULY 2019

UPDATE NOTE – PLANNING APPLICATION 18/00931/OUTM – NOBLE FOODS BILSTHORPE

Members will recall the above application for up to 136 dwellings which was debated at the meeting of June 4th 2019. Members resolved to approve the application but subject to delegated negotiations in respect to revising the affordable housing offer (10%) to other contributions.

For a scheme of 136 dwellings, 10% affordable housing would amount to 14 affordable units. There was a recent appeal decision in our District (February this year) which has accepted that it is reasonable to use a unit figure of £46,000 per affordable unit. That gives an overall contributions pot of **£644,000** instead of the 10% affordable housing.

Following discussions between officers and the Parish Council to establish priorities etc, officers have provisionally apportioned contributions towards the following:

- Education - £332,195.29 (full amount request);
- Community Facilities (village hall including heritage museum) - £188,233.52 (full amount requested);
- Open Space (outdoor sport facilities) - £100,329.92 (full amount requested);
- Bus Stops (as requested by NCC Highways) - £17,000 (full amount requested);
- Libraries - £6,062 (full amount requested).

The above would total **£643,820.73** and thereby almost exactly meet the starting point for contributions above. The residual amount of £179.27 will go towards monitoring fees associated with the legal obligation. The only required contributions missing from the above list are affordable housing and health. It is worthy of note that there is another scheme in the village (Land at Oldbridge Way approved for 113 dwellings) with recent reserved matters approval (18/01971/RMAM) that has an associated legal agreement which secures health provision. The advice of Officers is therefore that the monies associated with the other application (acknowledging that this is completely separate to the current determination) would meet the healthcare provision shortfall in the village.

The above approach has been accepted by the agent acting on behalf of the applicant and therefore Section 106 is being drafted on this basis by the Council's solicitors.

RECOMMENDATION:

That this update report be noted.

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb
Director Growth and Regeneration

PLANNING COMMITTEE – 2 JULY 2019

APPEALS A

APPEALS LODGED (received between 17 May 2019 and 17 June 2019)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb

Director of Growth and Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/19/3229291	18/01795/FUL	Land Adjacent 1 Oak Avenue And 10 Sycamore Road Ollerton Nottinghamshire	Erection of a pair of semi-detached houses	Written Representation

PLANNING COMMITTEE – 2 JULY 2019

APPENDIX B: APPEALS DETERMINED (between 17 May 2019 and 17 June 2019)

App No.	Address	Proposal	Decision	Decision date
17/01451/FUL	Robin Hood View Caravan Park Middle Plantation House Belle Eau Park Bilsthorpe Nottinghamshire NG22 8TY	Application for removal/variation of condition 4 attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use.	DISMISS	17.05.2019
18/01437/FUL	Profile Hair Design & Beauty 137 Barnby Gate Newark On Trent Nottinghamshire NG24 1QZ	Erection of building containing 2 independent one bedroom flats	DISMISS	23.05.2019
19/00056/FUL	Kingfisher Cottage 67E Church Street Southwell Nottinghamshire NG25 0HQ	Householder application for extension to existing dwelling to form additional bedroom, en-suite, utility room, and living room	DISMISS	13.06.2019
19/00052/FUL	68 Wolsey Road Newark On Trent Nottinghamshire NG24 2BN	Change of use of the first floor from residential to childrens nursery and retention of ground floor as a nursery	APP WITHDRAWN	05.06.2019

App No.	Address	Proposal	Decision	Decision date
17/02326/FULM	Land At New Lane Blidworth NG21 0PH	99 New Dwellings With Associated Access, Earthworks and Other Ancillary and Enabling Works.	NOT DETERMINED	29.05.2019

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb

Director of Growth and Regeneration

PLANNING COMMITTEE – 2 JULY 2019

QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report follows on from the report that was presented to Members on 15th January 2019 which highlighted planning enforcement performance during the final quarter of 2018. This report relates to the quarter from 1st January to 31st March 2019 and provides an update on cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report presents a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlines the enforcement activity during the quarter which captures the overall split to show of the cases investigated, how many are found to be a breach of planning or otherwise.
- Schedule B (separate attachment) sets this (on a pro-rata basis) against the activity over previous quarters). Please note that cases closed exceed, on occasion, cases received as a case received in an earlier quarter may have been closed.
- Schedule C details a summary of formal action taken since the last report was compiled which in this case is for the quarter.
- Schedule D – provides examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Schedule E – Notices complied with.

ENFORCEMENT APPEALS

Given the statistics are now available for 2018, it is timely to update Members on the number of appeals against enforcement notices (including breach of condition notices, untidy land notices etc) served by the Council.

The table below shows the number of appeals lodged since 2015 and the outcome of these. Of note is that the number of appeals received is at an all time high and this year the number of appeals lodged within the first 3 months is as many as were served during the whole of 2017. Appeals are particularly labour intensive for officers particularly through the need to involve legal processes.

ENFORCEMENT APPEALS RECEIVED BY YEAR (NUMBERS & RESULTS)

Year	Numbers of Appeals Lodged	In progress	Dismissed	Allowed	Withdrawn	Split Decision
2015	3	0	3	0	0	0
2016	4	0	1	1	2	0
2017	6	0	3	2	1	0
2018	14	7	4	0	2	1
2019 Q1	6	6	0	0	1	0

The numbers of appeals broadly correlates the number of notices served which is also higher than ever before. The table below shows the percentage of notices appeals averages at around 42% per

year. Clearly, in the trend of increasing notices, this will in turn lead to increases in appeals. It is perhaps unsurprising that appeals against enforcement notices represent such a high percentage given that the parties affected have usually already committed to some form of expense in carrying out the breaches in planning control.

Year	Total Notices Issued	% of Notices Issues Appealed
2015	6	50
2016	14	29
2017	14	43
2018	31	45
2019 Q1	14	50

SCHEDULE A

Table 1

SCHEDULE A: ENFORCEMENT CASES	1 st to 31 st January 2019	1 st to 28 th February 2019	1 st to 31 st March 2019	Totals
Cases Received	32	47	46	125
Case Closed*	30	31	29	90
Notice Issued	5	3	7	15
Notice Complied With	1	1	2	4
Appeal Lodged**	0	3	0	3
Prosecutions/Injunctions	0	0	0	0

** Appeals lodged during Quarter 1, 2019 are:

- **19/00007/ENFNOT** – Belle Vue House, Belle Vue Lane, Blidowrth against the service of an enforcement notice (18/00190/ENF) in relation to development comprising rge erection of a gate and fence along the south/front boundary and an unauthorised structure within front curtilage. *Appeal lodged 12th February 2019 - start date awaited.*
- **19/00012/ENFNOT** - 1 Home Farm Close, Kelham. Appeal against the service of an enforcement notice (18/00400/ENF) served on the 30th January 2019 in relation to the material change of use from C3 dwellinghouse to commercial leisure accommodation which constitutes a sui-generis use. *Appeal lodged 27th February 2019 – start date awaited.*
- **18/00013/ENFNOT** – 8 Home Farm Close, Kelham. Appeal against enforcement notice 18/00401/ENF) served on the 30th January 2019 in relation to the material change of use from C3 dwellinghouse to commercial leisure accommodation which constitutes a sui-generis use. *Appeal lodged 27th February 2019 – start date awaited.*

*It should be noted that ‘case closed’ can include a number of outcomes, which are generally breach resolved (through planning application or removal), no breach identified (not development or permitted development), or that a breach exists but it is not expedient to pursue. Please note that ‘Notice’ for the purposes of these statistics does not include Planning Contravention Notices issued.

Of the cases closed, the reasons for these closures are detailed below in Table 2:

Table 2

Month/Year	Total Number of Cases Closed	No Breach (No Further Action required)	Breach Resolved (through negotiation, permission granted etc)	Breach – No Further Action (as not expedient)	Other (such as Duplicate Case)
January 2019	30	13 (43.33%)	13 (43.33%)	3 (10%)	1 (3.33%)
February 2019	31	15 (48.38%)	8 (25.8%)	7 (22.58%)	1 (3.22%)
March 2019	29	11 (37.93%)	11 (37.93%)	3 (10.34%)	4 (13.79%)
Totals	90	39	32	13	6
Average	30	13 (43.3%)	10.6 (35.3%)	4.3 (14.3%)	2 (6.6%)

SCHEDULE B – SEE SEPARATE SHEET AT END OF THIS REPORT**SCHEDULE C. FORMAL ACTION TAKEN (1st JANUARY TO 31st MARCH 2019)**

Schedule C provides a more detailed position statement on formal action (such as enforcement notices served) since the report performance report was brought before Members. This table does not detail Planning Contravention Notices served.

FORMAL ACTION TAKEN IN JANUARY 2019**Enforcement Ref: 18/00291/ENF**

**Site Address: Land at Gorsethorpe Lane,
Kings Clipstone,
Nottinghamshire**

Alleged Breach: Siting of a Mobile Home**Date Received: 07.09.2018****ACTION TO DATE: Enforcement Notice served on 15th January 2019****Background**

Investigations revealed that a large mobile home has been placed on the land and that this is being used for full time residential occupation by family members of the owner of the land. The lawful use of the land is for agriculture and therefore the has been the following unauthorised developments;

- Operational development including the excavations to enable the siting of the mobile home and the actual placing of the mobile home itself, laying of decking and placing of other miscellaneous items;
- Material change of use of the land for residential purposes.

An Enforcement Notice was served on 15th January 2019 which takes effect on 13th February

2019 and requires the use of the land to cease, the mobile home to be removed, and the site returned to its original condition within 1 year.



Enforcement Ref: 18/00190/ENF

**Site Address: Belle Vue House,
Belle Vue Lane,
Blidworth
Nottinghamshire
NG21 0SF**

Alleged Breach: Erection of gate and fence along frontage of site

Date Received: 13.06.2018

ACTION TO DATE: Enforcement Notice served 15.01.2019 (Appeal Lodged)

Background

Investigations revealed that a fence and set of gates have been erected that surround the property. Both the fence and gates significantly exceed more than 1 metre in height and are positioned immediately adjacent to the back edge of the highway.

Further, it was also noted that an outbuilding has been erected within the front garden of the property.

Planning permission is required for both developments as they do not meet the conditions specified within the relevant 'permitted development' regimes. Efforts to require the breaches to be rectified by negotiation have been unsuccessful and the harm is such that it was considered expedient to take formal action.

An Enforcement Notice was served on 15th January 2019 which takes effect on 13th February 2019 and requires the fence to be reduced to a height of no more than 1 metre and the structure to be removed within 90 days.



Enforcement Ref: 18/00401/ENF

**Site Address: 8 Home Farm Close,
Kelham
Newark
Notts
NG23 5QB**

Alleged Breach: Alleged change of use as holiday lets

Date Received: 17.12.2018

ACTION TO DATE: Enforcement Notice served 30.01.19 (Appeal Lodged)

Background

Enforcement officers continued to receive complaints regarding the traffic and noise disturbance resulting from the use of 8 Home Farm Close in Kelham for short-term accommodation associated with holiday and wedding parties. A Planning Contravention Notice was issued which detailed an untypical useage of the dwelling that was likely to lead to regular disturbances to nearby residents to such a degree that it is no longer considered to be used as a dwellinghouse but rather as a commercial use of its own; 'sui generis'

A planning Enforcement Notice was therefore served in January 2019 requiring the use to cease within 28 days. The Notice has been appealed and is awaiting a start date from the Planning Inspectorate, once a suitable Inspector is available.

Enforcement Ref: 18/00400/ENF

**Site Address: 1 Home Farm Close,
Kelham
Newark
Notts
NG23 5QB**

Alleged Breach: Alleged change of use as holiday lets

Date Received: 17.12.2018

ACTION TO DATE: Enforcement Notice served 30.01.2019 (Appeal Lodged)

Background

Enforcement officers continued to receive complaints regarding the traffic and noise disturbance resulting from the use of 8 Home Farm Close in Kelham for short-term accommodation associated with holiday and wedding parties. A Planning Contravention Notice was issued which detailed an untypical useage of the dwelling that was likely to lead to regular disturbances to nearby residents to such a degree that it is no longer considered to be used as a dwellinghouse but rather as a commercial use of its own; 'sui generis'

A planning Enforcement Notice was therefore served in January 2019 requiring the use to cease within 28 days. The Notice has been appealed and is awaiting a start date from the Planning Inspectorate, once a suitable Inspector is available.

Enforcement Ref: 18/00393/ENF

Site Address: Kelham Hall

Alleged Breach: Breach of condition of 17/02071/FULM

Date Received: 04.12.2018

ACTION TO DATE: Breach of Condition Notice served 30.01.2019

Background

As part of the granting of planning permission for the camping and caravanning use and associated infrastructure at Kelham Hall (reference 17/02071/FULM), condition 06 required the painting of the retrospectively approved security cameras and concrete bases. Enforcement Officers monitored the situation and made the landowner aware of the requirement to comply with the condition; however the condition hasn't been complied with and a Breach of Condition therefore served on the 30th January 2019.

A further site visit found that compliance with the Notice has now been met and the breach of the planning condition resolved.

FORMAL ACTION TAKEN IN FEBRUARY 2019

Enforcement Ref: 18/00404/ENF

**Site Address: Lowdham Cars
Lowdham Road
Gunthorpe
Nottinghamshire
NG14 7ER**

Alleged Breach: Alleged breach of planning permission 18/01465/FUL - number of cars being stored

Date Received: 19.12.2018

ACTION TO DATE: Breach of Condition Notice Served 06.02.2019

Background

A complaint was originally received concerning the use of the land for car sales and the erection of large canopy structures to enable the operation of a car washing business.

In response a retrospective planning application was submitted, 18/00279/FUL, which detailed the retention of the car sales use, a future car wash use but the structures were omitted from the application. In granting the permission conditions were attached which required the removal of the canopies and restricted the number of cars that may be stored to no more than 30 (in accordance with details and a site layout plan submitted as part of the application).

It was noted that the canopy structures were removed from the land within the agreed timeframe.

A complaint was subsequently received that the number of cars being stored/ displayed on the land had exceeded the number permitted by the previous consent. A further application was therefore submitted, ref 18/01465/FUL, which sought to increase the maximum number of cars that may be stored to 50 (in accordance with a revised site layout plan).

A complaint has subsequently been received that the currently permitted limited number of cars has been significantly increased. As the Council considers that the number of cars and layout is unacceptable a Breach of Condition Notice (BCN) was served on 6th February 2019, and requires the number of cars to be reduced to no more than 50 and the site be laid out in accordance with the approved plans by 6th May 2018.

The Notice takes effect on 5th February 2019 and requires compliance 90 days from the date of service.

Enforcement Ref: 19/00010/ENF

**Site Address: Priory Farm
Nottingham Road
Thurgarton
Nottinghamshire
NG14 7GY**

Alleged Breach: Alleged failure to protect trees

Date Received: 14.01.2019

ACTION TO DATE: Breach of Condition Notice Served 06.02.2019

Background

As part of a planning application granting permission for the redevelopment of the site (conversions of barns to residential use and the erection of 3 x new build dwellings) a number of trees were to be retained. The site lies within a Conservation Area.

Complaints were received that the trees to be retained had not been protected with tree protection fencing as was required by Condition 5 of the permission 16/02157/FUL. Given that a) development on site was occurring in close proximity to the trees and b) that an application had also been lodged to remove the trees, it was considered expedient to serve a notice requiring that the trees be protected by the fencing within 28 days.

The tree protection fencing has now been erected (within 1 week of service) and the notice has been complied with.

Enforcement Ref: 16/00126/ENF

**Site Address: Woodside Farm
Nottingham Road
Thurgarton
Nottinghamshire
NG14 7GZ**

Alleged Breach: Unauthorised retention of mobile home contrary to planning condition

Date Received: 13.04.2016

ACTION TO DATE: Enforcement Notice Served 07.02.2019

Background

Planning permission was approved in 2012 for the erection of a agricultural workser dwelling under reference 12/00604/FUL. A condition was imposed that requires the existing mobile home to be removed from the site within 6 months of the first occupation of the

dwellinghouse.

A complaint was made alleging that the dwellinghouse was being occupied, and had been so well in excess of 6 months, but the mobile home had not been removed. Subsequent investigations revealed that not only had the mobile home not been removed but it was being occupied.

In response to ongoing correspondence, a planning application (ref 18/01300/FUL) was submitted to remove condition 9 from the planning permission granted under reference 12/00604/FUL. This application was submitted alongside an application, ref 18/01299/FUL, which sought consent to retain the mobile home which continues to be used in association with the agricultural operation at Woodside Farm.

Both applications were refused as recommended by the Planning Committee earlier this year as the site is located within the Green Belt and the retention of the mobile home would be contrary to both local and national planning policy.

As the mobile home is on site in breach of the planning condition, a Breach of Condition Notice (BCN) was issued on 07.02.2019. The BCN requires the mobile home to be removed from the site within 180 days from the date of service.

FORMAL ACTION TAKEN IN MARCH 2019

Enforcement Ref: 18/00310/ENF

**Site Address: Land at Chapel Farm
Chapel Lane
Epperstone
Nottinghamshire
NG14 6AE**

Alleged Breach: Demolition of building

Date Received: 11.03.2019

ACTION TO DATE: Temporary Stop Notice served 01.03.2019

Background

It was brought to the attention of officers that a traditional barn had been demolished in the Nottinghamshire-Derby Green Belt and was being rebuilt. Planning permission had been granted to convert the barn to residential use but on the basis of its conversion not a new build. A temporary stop notice was served to require the cessation of rebuilding activity in order to allow officers time to establish the facts of the case and determine if further enforcement action is appropriate. Investigations are ongoing.

Enforcement Ref: 18/00271/ENF

**Site Address: 18 Sherwood Avenue
Edwinstowe
Nottinghamshire
NG21 9NE**

Alledged Breach: Erection of an extension

Date received: 27.08.2018

ACTION TO DATE: Enforcement Notice served 20.03.2019

Background

It was brought to the attention of officers that a first floor extension had been erected at the above property and full height doors had been inserted overlooking a neighbours garden. It was established that planning permission was required.



Officers considered that the development had a harmful impact upon the character and appearance of the area by virtue of its design and scale and felt it was a top heavy alien feature which would cause an unacceptable loss of privacy to the neighbours.

An Enforcement Notice was served on 18th March 2019 which takes effect on 20th April 2019 and requires the first floor extension to be removed within 1 year.

Enforcement Ref: 18/00382/ENF

**Site Address: 10 Linden Avenue
Balderton
Newark
Nottinghamshire
NG24 3AT**

Alleged Breach: Untidy LandErection of an extension

Date received: 03.12.2018

ACTION TO DATE: Section 215 Notice (Untidy Land) served

Background

A compliant was received relating to the untidy state of the land and alleging that a haulage business was being operated from the address. Upon inspection it was established that the land was unsightly albeit no evidence was available to prove the haulage use at that time. Despite repeated requests of the owners of the land to cease the use and tidy the land, these requests went ignored.

Therefore a S215 (Untidy Land) Notice was served on 19th March 2019 taking effect on 18th April 2019 requiring the removal of materials, debris and building sacks from the land within 28 days.

Enforcement Ref: 19/00108/ENF

**Site Address: Kelham Hall
Main Road
Kelham
Nottinghamshire
NG23 5QX**

Alleged Breach: Breach of condition 01 of 17/02071/FULM

Date received: 19.03.2019

ACTION TO DATE: Breach of Condition Notice served

Background

Planning permission was granted (17/02071/FULM) on 4th October 2018 for a 5 year temporary permission for improved security and campsite operations comprising a number of elements, many of which were retrospective.

Within 3 months of the date of permission (so by 4th January 2019) the applicant was required to restrict camping and touring caravanning units to a certain area of the site. It also restricted

the number of units to 50 pitches. This was because of heritage harm; the temporary permission was given on the basis of a long standing personal permission that had existed for the District Council to operate from a specific area.

Upon several inspections it was apparent to officers that the camping area had not be restricted to the designated area of the site and was in breach of the condition.

A Breach of Condition Notice was therefore served on 20th March 2019 requiring compliance with the condition within 30 days of the Notice being served.

Enforcement Ref: 19/00346/ENF

Site Address: 29 California Road

Farndon

Newark

Nottinghamshire

NG24 3SB

Alleged Breach: Erection of a balcony

Date received: 25.10.2018

ACTION TO DATE: Enforcement Notice served on 20.03.2019

Background

A compliant was received concerning the erection of a balcony and railings on an existing flat roof extension creating a balcony. The full height doors were installed previously by previous occupiers but never used.

It was established that the development required planning permission and officers considered it resulted in harm through the loss of privacy of neighbouring properties by direct unacceptable overlooking.



Officers were in contact with the owner/occupiers and requested that the balcony and rails be removed within 8 weeks. This request was not complied with. A Notice was served on 18th March 2019 (taking effect on 20th April 2019) requiring the removal of the balcony and rails within 180 days.

Enforcement Ref: 19/00095/ENF

**Site Address: The Seven Oaks
Allesford Lane
Edingley
Nottinghamshire
NG22 8FR**

Alleged Breach: Material change of use of agricultural land for traveller site

ACTION TO DATE: Enforcement Notice served

Background

Noted that a piece of land adjacent to an existing (lawful) traveller site had been incorporated within the traveller site.

As this would be a material change of use to land within the Countryside that the Council would not support a notice was served on 11.03.2019 (taking effect on 11th April 2019) requiring the use of the land to cease, all items to be removed from the land, along with all hardstanding, and the land to be returned to its lawful use, within 56 days.

SCHEDULE D: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are just a few examples of how officers have resolved breaches through negotiation during the last quarter.

Enforcement Ref: 15/00124/ENF

Site Address: Carlton On Trent Village Hall

Main Street

Carlton On Trent

NG23 6NW

Alleged Breach:

The removal of historical windows and their replacement with white UPVC windows

Status: Case Closed – breach resolved.

Background

Officers were made aware that timber framed windows of historic value had been removed from Carlton-on-Trent Village Hall, and had been replaced with unauthorised UPVC windows. Conservation Officers considered the new windows to be unacceptable on this historic building and the loss of the former windows harmful to appearance of a building which occupies a prominent location within the Conservation Area. The unauthorised windows are shown in Figure 1 below.

The Local Planning Authority drafted and considered issuing a formal Enforcement Notice to secure the reinstatement of windows of a similar specification to those removed without permission. Due to the need to fundraise to replace the windows, formal action was put on hold and communication regularly exchanged between Officers and the owners of the Village Hall. This led to discussions and agreement on satisfactory replacement windows, to be made and installed at the earliest opportunity.

In the first quarter of 2019, Officers received confirmation that the agreed replacement windows had been inserted on the front and side elevations and were ready for inspection. Conservation Officers were satisfied that the replacement windows, shown in Figure 2, met the requirements to cooperatively resolve the breach of planning control without having to resort to formal enforcement action.



Figure 1



Figure 2

Enforcement Ref: 18/00156/ENF

**Site Address:
Aldi Stores Ltd
North Gate
Newark On Trent
Nottinghamshire
NG24 1HD**

Alleged Breach: The erection of a totem pole and billboard advertisements

Date Received: 11th May 2018

Status: Case Closed – breach resolved.

Background

Whilst considering an application for replacement signage at Aldi, North Gate (reference 18/00381/ADV) Officers became aware that the existing billboard hoarding and totem pole advertisement had never received planning consent, despite having been in situ for a number of years. As the planning application was refused, it was considered necessary to seek the removal of the unauthorised advertisement displays.

Correspondence was issued to the Aldi Stores Ltd head office, and the response received confirmed that the billboard would be removed as soon as practicable. Officers re-attended the site in July 2018 and confirmed that the billboard had been removed as requested.

Further enforcement action was withheld pending the determination of an appeal against the Local Planning Authority's refusal of application reference 18/00381/ADV. The appeal against the refused replacement totem pole was dismissed by the Planning Inspectorate in December 2018, and a further request made to the applicants head office for the totem pole to be removed, irrespective of whether further applications were due to be submitted for consideration.

A response was received from the landowners, and the totem pole duly removed from the land in February 2019. Both matters were resolved without having to resort to formal action, and the Conservation Area greatly improved as a result.

Enforcement Ref: 16/00134/ENF

**Site Address: Adams Import Company Ltd
The Painted Elephant
16 Castle Gate
Newark On Trent
Nottinghamshire
NG24 1BG**

Alleged Breach: Banner and support timbers fixed to Listed Building

Date Received: 14.04.2019

Status: Case Closed – breach resolved.

Background

This case brought to the Council's attention specifically referred to the display of a large banner advertisement on the gable wall of the business. Whilst investigating this it was noted that a new (inappropriate) fascia sign has been placed on the front of the building.



The building is Grade II listed.

Officers wrote to the business and requested the removal of the banner, which is unauthorised due to the 'temporary' nature of the advert. This issue of the fascia sign was also raised which is considered to be unacceptable in terms of the harm to the listed building and the wider Conservation Area.

The banner sign was immediately removed.

The applicant then entered into discussions with officers about replacement adverts, including a 'ghost sign' painted on then gable wall and a new fascia sign.

This resulted in applications 18/00901/ADV & 18/00902/LBC being submitted.

Both applications have been approved and a condition has been imposed upon the LBC application to require the removal of the existing unauthorised fascia sign by the 31.03.2019.

The fascia sign has now been removed and the 'approved' advertisement erected. The ENF case has therefore been closed.



SCHEDULE E – NOTICES COMPLIED WITH DURING QUARTER (01.01.2019 – 31.03.2019)

In addition to the two notices complied with that were issued this quarter and detailed within the sections above, two further notices issued previously can also be reported as complied with as follows:

Enforcement Ref: 18/00199/ENF

Site Address:

**19 Bridge Street
Newark On Trent
Nottinghamshire
NG24 1EE**

Alleged Breach: Without Listed Building Consent, the installation of fascia signage

Date Received: 21st June 2018

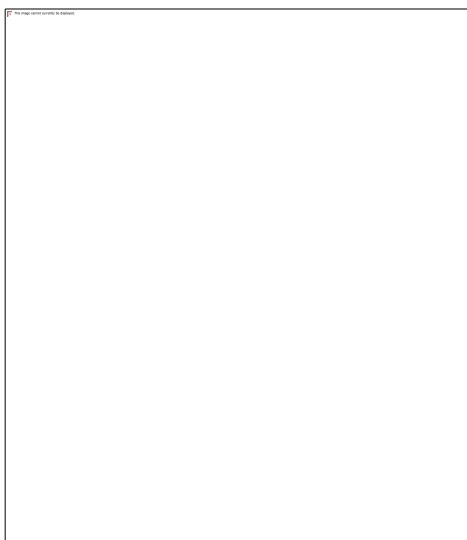
ACTION TO DATE:

Listed Building Enforcement Notice issued on the 3rd August 2018

Listed Building Consent for a revised scheme approved 20th November 2018

Background

The Local Planning Authority was made aware that the new tenant of 19 Bridge Street, a grade II listed building, has installed a basic, uncharacteristic and inappropriate fascia sign without having obtained Listed Building Consent. Letters were issued to the tenant and owner requesting the sign be removed as a priority.



The signage remained in situ following a number of letters, and so a Listed Building Enforcement Notice was served on the 3rd August 2019, giving the required 56 day compliance period. An application for LBC was submitted for consideration after the expiration of the compliance period with the Enforcement Notice. Further warnings were issued making the owner and occupier aware that breaching the Notice constituted a criminal offence, the sign was eventually removed as Officers began to prepare legal proceedings in January 2019.

Further site visits found that the approved scheme has been implemented and the appearance of this prominent grade II listed building improved as a result; a success that the LPA hopes to replicate elsewhere in the town centre.



Enforcement Ref: 18/00240/ENF

Site Address: 48 Mickledale Lane
Bilsthorpe
Nottinghamshire
NG22 8RB

Alleged Breach: Unauthorised erection of large structure/ building in rear garden

Date Received: 01.08.2018

ACTION TO DATE: Planning permission sought retrospectively to retain structure. Application refused and enforcement notice issued. Enforcement notice has been complied with.

Background

Officers initially attended the site and noted that a large detached garage structure had been erected in the rear garden. The building is approx 3-3.5m high and adjacent to the side boundary and therefore required Planning Permission as it exceeded the maximum permitted height that would be 'permitted development'. under Class E.

Officers wrote to the owner Mr Thompson and in response a retrospective application was submitted to retain the structure, despite having been advised against this course of action

given the harmful impacts upon the neighbours.

The application, ref: 18/01752/FUL, was subsequently refused and an Enforcement Notice was issued concurrently. The Notice required the height of the structure to be reduced to no more than 2.5m (max PD height)

Officers subsequently attended the site having been invited to do so by the applicant who claimed to have undertaken the works to comply with the Notice.

Upon attending the site it was noted that the height of the building has been reduced to 2.5m, as required by the Notice.

As the Notice has been complied with the enforcement case has been closed.

RECOMMENDATION

That Planning Committee considers the contents of the report and identifies any issues it wishes to examine further.

Background Papers

Enforcement Case Files

For further information please contact Clare Walker on Extension 5834 or planning@nsdc.info

Matt Lamb
Director of Growth & Regeneration

SCHEDULE B - ENFORCEMENT PERFORMANCE REPORT – PERFORMANCE BY QUARTER

	Q1 - 2017/18 1 April to 30 June	Q2 2017/18 1 July to 30 September	Q3 2017/18 1 October to 31 December	Q4 2017/18 1 January – 31 March	Q1 2018/19 1 April – 30 June	Q2 2018/19 1 July – 30 September	Q3 2018/19 1 October – 31 December	Q4 2018/2019 1 January to 31 March
Cases Received	140	119	106	94	101	106	96	125
Cases Closed	106	127	80	130	101	74	81	90

