



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Friday, 22 May 2020

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

Members of the Committee:

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

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

MEETING: Planning Committee

DATE: Tuesday, 2 June 2020 at 2.00 pm

**VENUE: Broadcast from the 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.**

**Attendance at this meeting and public access will be by remote means due to the Covid 19
Pandemic. Further details to enable remote access will be forwarded to all parties prior to
the commencement of the meeting.**

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

AGENDA

Page Nos.

1. Remote Meeting Legislation

Attendance at this meeting and public access will be by remote means due to the covid-19 pandemic.

Further details to enable remote access will be forwarded to all parties prior to the commencement of the meeting.
 2. Apologies for Absence
 3. Declarations of Interest by Members and Officers
 4. Declaration of any Intentions to Record the Meeting
 5. Minutes of the meeting held on 28 April 2020 5 - 11
- Part 1 - Items for Decision**
6. Former Thoresby Colliery, Ollerton Road, Edwinstowe, Nottinghamshire 19/01865/RMAM 12 - 37
 7. 7 Sycamore Road, Ollerton, Nottinghamshire 19/02146/FUL 38 - 50
 8. Land adjacent to 4 Yew Tree Way, Coddington, Newark 20/00525/FUL 51 - 72
 9. 9 Chestnut Avenue, Newark On Trent 20/00537/FUL 73 - 78
 10. 9 Derwent Close, Rainworth 20/00327/FUL 79 - 84
 11. Annual Report detailing the exempt reports considered by the Planning Committee 85
- Part 2 - Items for Information**
12. Appeals Lodged 86 - 87
 13. Appeals Determined 88 - 89
- Part 3 - Statistical and Performance Review Items**
- There are none.
- Part 4 - Exempt and Confidential Items**
- There are none.
14. Exclusion of the Press and Public

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** Broadcast from the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 28 April 2020 at 2.00 pm.

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

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

ALSO IN ATTENDANCE: Councillor D Lloyd (for minute 191)

APOLOGIES FOR ABSENCE: Councillor K Walker (Committee Member)

185 REMOTE MEETING LEGISLATION

The meeting was held remotely, in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

186 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Councillor M Skinner declared a personal interest in item 9, as he was a Board Member of Active4Today.

Councillor Mrs P Rainbow declared a prejudicial interest in item 6 and did not take part in the debate or vote on this item.

The Chairman, on behalf of all Members declared a personal interest in item 9 as the applicant was Arkwood Developments, a wholly owned Council Company.

187 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

188 MINUTES OF THE MEETING HELD ON 31 MARCH 2020

The minutes of the meeting held on 31 March 2020 were approved as a correct record of the meeting, to be signed by the Chairman.

189 URGENCY ITEM- REPORT OF DECISIONS TAKEN 31 MARCH 2020

The Committee considered the report of the Chief Executive detailing the decisions taken following the recommendations made by the Planning Committee at its meeting on 31 March 2020. The meeting was held in a virtual manner, according to legislation enabling meetings to be held remotely. However, at the time of the meeting, the detailed regulations had not been published, therefore the Planning Committee made recommendations for the Chief Executive to consider and determine under the urgency provisions.

AGREED that the report be noted.

190 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item 9 was taken after Item 5. The agenda resumed its stated order thereafter.

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

The Committee considered the report of the Director- Growth and Regeneration, which sought the construction of residential development for 87 dwellings and associated works which had been previously considered by the Committee at its meeting on 31 March 2020 (resubmission of 19/01790/FULM). The current application was a re-submission of the previously refused scheme in an attempt to overcome the reason for refusal relating to parking and drainage.

During the presentation to Members, which included photographs and plans of the proposed development, Members were reminded of the importance of considering the application 'afresh' and that previous planning history was a material planning consideration. It was also noted that Members had been issued with separate guidance clarifying the governance and management arrangements of Arkwood Developments, which was wholly owned by the Council. In addition, the Director- Growth and Regeneration clarified that the Covid-19 Pandemic was unlikely to be considered a material planning consideration capable of attracting more than limited weight, as separate legislation had been issued regarding the Pandemic.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published relating to updated plans to show additional parking spaces on other site plans, such as boundaries and landscaping. Late representations had also been received from the Local Ward Member Councillor R. Crowe and Notts County Council Highways raising no objections with the proposed development.

Councillor E Cropper, Newark Town Council, spoke in objection to the proposed development, urging the Committee to protect the open space for residents, raising concerns about the impact of the development on traffic congestion in the area, the size of some of the proposed properties, and the lack of measures to reflect the 'Climate Emergency' declared by the Council.

Councillor D. Lloyd, Local Ward Member, spoke in support of the application, noting

that the land had been allocated for housing development, the proposed application exceeded parking space requirement and also provided bungalows. The site was well serviced by local amenities and if approved would help reduce anti-social behaviour on the site and provide support for revisions to parking required along Bowbridge Road towards the town centre.

Members considered the application. Some members raised concerns regarding the application, including over intensification of the proposed development, the impact on traffic in the area and the loss of open space. However other Members noted the increased parking provision and movement of drainage by the applicant to address the previous reasons for refusal. No concerns had been raised by Highways with regard to the traffic and the density of the proposed development was well within Policy requirements. In discussion, Members agreed to amend Condition 17 to require consultation with Local Ward Members with regard to the monies for provision of play equipment for children and young people.

AGREED (7 for, 6 Against, 2 abstentions ,with the Chairman having used his casting vote for) that Planning Permission be granted, with the conditions detailed in the report, the amended conditions 2, 10, 13, and 17 detailed in the schedule of communication after the agenda was published, and the further amendment to condition 17 to require consultation with the Local Ward Members regarding the exact locations of where the provision for Children and Young People should be spent

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

There being an equity of votes, the Chairman used his casting vote in support of the motion to approve planning permission.

(Councillor Mrs Y Woodhead was not present for the entire Officer presentation and

did not take part in the vote).

192 LAND REAR OF 49 THE ROPEWALK, SOUTHWELL 19/02064/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of 5 dwellings at land rear of 49 The Ropewalk, Southwell, Nottinghamshire. Members considered the presentation from the Senior Planner- Planning Development, which included photographs and plans of the proposed development.

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

Councillor M Brock, Local Ward Member, felt that the proposed development was overbearing, and cited concerns raised by Southwell Town Council and the Civic Society. In discussion, Members felt that the proposed development was over intensive and over bearing, and would have an adverse impact on neighbouring properties and amenities.

The motion to approve planning permission was put to the vote and fell. Therefore it was duly proposed and seconded to refuse planning permission, contrary to Officer recommendation.

AGREED (10 for, 2 Against, 1 abstention) that contrary to Officer recommendation planning permission be refused for the following reasons

On the grounds that In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development which is incongruous and detrimental to the character of the area. The cramped nature of the development would result in insufficient private amenity space for each of the dwellings with the exception of the bungalow, separation distances for plots within the site but also to neighbouring plots namely no. 49 and 49a The Ropewalk where the massing and scale of the proposed Plot 5 would have an overbearing impact. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration.

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

| Councillor | Vote |
|-------------------|-------------|
| R. Blaney | For |
| L. Brazier | For |
| M. Brock | For |
| M. Brown | Against |
| L. Dales | For |
| M. Dobson | For |
| L. Goff | For |

| | |
|-------------|------------------------------|
| R. Holloway | For |
| J. Lee | Against |
| P. Rainbow | Absent declaring an interest |
| M. Skinner | Abstain |
| T. Smith | For |
| I. Walker | For |
| K. Walker | Absent |
| Y. Woodhead | For |

193 FIRST FLOOR AT ROBIN HOOD HOTEL, KIRKLINGTON ROAD, RAINWORTH 19/02237/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought conversion of first floor space into 6 apartment units, 5 x one Beds and 1 x Studio, external entrance and fire exit staircase introduced on the facade facing the existing car park at First Floor at Robin Hood Hotel, Kirklington Road, Rainworth.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published which was an amended site location plan, extending the application site to include the parking and bin storage area.

Members considered the presentation from the Business Manager- Planning Development, which included photographs and plans of the proposed development.

Councillor T Smith, Local Ward Member spoke raising concerns with the application. Whilst he felt that the first floor of the building should be put to use, the proposed application would lead to cars passing the pedestrian walkway into the store, and he felt that this could lead to an accident.

Other Members of the Committee echoed the concerns raised, and also considered the parking area, which it was felt was too small to accommodate sufficient parking and delivery vehicles. On being put to the vote, the motion to approve planning permission fell unanimously and it was therefore duly proposed and seconded that planning permission be refused, contrary to Officer recommendation.

AGREED (Unanimously) that Planning Permission be refused, against the Officer Recommendation, for the following reasons-

In the opinion of the Local Planning Authority, the proposed development would not provide appropriate and effective parking provision for future residents of and potential visitors to the proposed apartments, which would result in an unjustified loss of parking provision for the existing Tesco Express store. In addition, the proposed location of dedicated resident's parking spaces to the north east corner of the application site would exacerbate existing safety issues within the existing Tesco car park which would be further exacerbated when deliveries to Tesco Express are taking place, putting pedestrians at increased risk of collisions with vehicles entering and exiting the site. The proposal is therefore considered contrary to the provisions of Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD (adopted

March 2019) and Policy DM5 'Design' of the Allocations & Development Management DPD which require development proposals to ensure provision is made for safe and convenient access for all and the loss of parking provision to be justified.

194 LAND ADJACENT OLD NORSE HOUSE, STATION ROAD, BLEASBY 20/00041/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought Change of use of land from paddock land to residential use and erection of three bay garage with store above, for use by Old Norse House.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Chairman of Bleasby Parish Council containing the Parish Council objections to the proposed development.

Members considered the presentation from the Business Manager- Planning Development, which included photographs and plans of the proposed development.

In discussion, the Committee were in agreement that the proposed development was too large, and overbearing to neighbouring properties. Members also felt that agricultural and paddock land should not be used for the residential development.

AGREED (Unanimously) the Planning Permission be refused, contrary to Officer recommendation, for the following reasons

In the opinion of the Local Planning Authority, the proposed development would result in the unjustified loss of paddock land, contrary to the locational criteria outlined in Spatial Policy 3 'Rural Areas' of the Amended Core Strategy DPD (adopted March 2019), which supports the development of sites within the existing built extent of the village, including dwellings and their gardens, commercial premises, farm yards and community facilities but not the development of undeveloped land, fields, paddocks or open space which form the edge of built form. Furthermore, the development fails to comprise any of those identified as being acceptable within the open countryside within Policy DM8 'Development in the Open Countryside of the Allocations & Development Management DPD (adopted July 2013). No material considerations outweigh the harm identified.

In the opinion of the Local Planning Authority, the proposed garage and store would be inappropriately located outside of the residential curtilage of the dwelling it is proposed to serve and result in an adverse and unacceptable impact upon the amenities of neighbouring residents at the property known as Horstead by virtue of an enclosing and overbearing impact on their rear garden and property. The proposal is therefore contrary to the provisions of Policy DM5 'Design' of the Allocations & Development Management DPD (adopted July 2013) which requires development proposals to have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. No material considerations outweigh the harm identified.

195 APPEALS LODGED

AGREED that the report be noted.

196 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 4.40 pm.

Chairman

PLANNING COMMITTEE – 2 JUNE 2020

| | |
|------------------------|--|
| Application No: | 19/01865/RMAM |
| Proposal: | Reserved Matters submission for 219 no dwellings with access gained from the primary, central spine road (permitted under 19/00674/RMAM) including open space, landscaping (soft and hard) and associated internal road infrastructure. |
| Location: | Former Thoresby Colliery, Ollerton Road, Edwinstowe |
| Applicant: | Barratt Homes |
| Registered: | 21.10.2019 Target Date: 16.01.2020 |
| | Extension of Time Agreed Until 04.06.2020 |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage |

This application is being referred to the Planning Committee for determination by all three local ward members (Cllrs Brown, Carlton and Peacock) for a number of reasons including the scale and importance of the proposal. Further comments have been included in this report.

The Site

Thoresby Colliery closed in July 2015 and the wider site extends to approximately 150.3ha, comprising the former pit yard area, spoil heaps and some arable fields fronting the A6075 Ollerton Road to the south. The colliery site lies to the north east of the settlement of Edwinstowe and is primarily accessed from the A6075 Ollerton Road via the existing colliery access road.

This application site forms a residential phase and extends to some 8.2 hectares of land located on the western frontage of the site (nearest Edwinstowe). The site is set lower than the adjacent highway to the south and gradually declines from west to east by several metres. The site is bare soil currently being levelled in accordance with a previous reserved matters application that approved a pre-development stage. There is existing vegetation adjacent to the highway that remains and screens the site. Land immediately to the north and east will form later phases of residential development which also benefit from outline permission.

To the north and east of the wider site is the Birklands and Bilhaugh Special Area of Conservation and Special Sites of Scientific Interest that lie within the adjacent Special Area of Conservation (Birklands and Bilhaugh; Birklands West and Ollerton Corner). The Sherwood Forest National Nature Reserve (NNR) and Country Park lies to the west. The site also lies within the 5km buffer zone of the Sherwood Important Bird Area, and parts of the site are within 500m of an Indicative Core Area identified by Natural England for a potential prospective Special Protection Area (pSPA). The site lies within the parish of Edwinstowe and within the Edwinstowe and Clipstone Ward.

Relevant Planning History

16/02173/OUTM – ‘Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road.’ Approved 12th March 2019, subject to 51 conditions and a section 106 Agreement which secured the following:

- Affordable Housing of 7.5% of total number of dwellings
 - Primary Education contribution, 1.3ha of land and £3,600,000 for new school
 - Healthcare contribution of £786,096
 - Sports Pitch contribution £590,176
 - Ollerton Roundabout contribution of £1,198,000
 - Library contribution of £35,130
 - Community Facility contribution of £607,256
 - Open Space of 11.89 ha of land comprising;
 - Sustainable urban drainage;
 - Multi-use games area;
 - Public open space;
 - Children’s and young people’s space comprising 2 x locally equipped area for play and 1 x neighbourhood play area;
 - Maintenance of the open space/country park and monies to do so.
 - Review of viability prior to occupation of 400th dwelling
-
- 19/01116/DISCON – Condition 18 in relation to Habitat Creation and Management plan was discharged on the 30th August 2019 for the for enabling infrastructure works only
 - 19/01117/DISCON - Conditions 9 and 10 (Oil and petrol separators and removal of suspended solids from surface water run off) for the whole site were discharged on 30th August 2019.
 - The following conditions were also discharged purely in relation to the enabling infrastructure phase of the development:-
 - 11 (CEMP)
 - 12 (SWMP)
 - 16 (Arboricultural works)
 - 19 (External Lighting)Condition 31 (retained building strategy) was also discharged as part of this application.

19/00674/RMAM - Reserved Matters were granted under delegated powers in July 2019 for the enabling infrastructure phase of the comprehensive development. The approved works included the provision of a new ghost island at the junction of the existing colliery access with Ollerton Road, a new main spine road to serve the first two phases of the residential development which utilises the existing colliery access drive together with its associated highway drainage, surface water and foul infrastructure drainage systems, landscaping and earthworks. It also included the approval of an air quality assessment which covered the whole of the site and all phases of development.

19/01016/RMAM - Reserved matters application for Phase 1 (by Harron Homes Ltd) residential development comprising 143 no. dwellings with access gained from the primary, central spine road (outline permission ref. 16/02173/OUTM) was approved by committee as recommended in December 2019.

19/02159/FUL – Development of one (temporary) construction access point to serve this Phase was recently refused by the planning committee on the grounds that the need for the access hadn't been demonstrated and the resulting perceived highway harm.

The Proposal

Reserved matters (scale, appearance, layout and landscape) approval is sought for 219 dwellings, known as Phase 2 of the Thoresby Colliery re-development. As originally submitted the scheme was for 220 dwelling but various amendments made during the life of application have reduced the quantum of units by 1.

The scheme comprises 15 different house types mainly two and some two-and-a half storey dwellings made up of a mix of detached, semi-detached and terrace dwelling plus 2 flats. The number of market dwellings proposed is 203 whilst the remaining 16 would be for affordable homes. Materials proposed are predominantly red brick with a limited number being in buff brick with grey or brown roof tiles.

The layout comprises a central area of public open space including a Locally Equipped Area of Play (LEAP) as well as two linear areas of space totaling c2,887m².

It is proposed that this site is delivered in sub phases, with the site being developed generally in an east to west direction, albeit the dwellings along the northern spine road and the road itself would be within Phase 1.

The Submission

| House Name | Drawing No | House Type | Bedrooms | Plots | No. |
|------------|---------------------------------------|---|-----------------------|-----------------------------------|-----|
| SF58/SF59 | SF58-E-7/SF59-EH7 01 | Affordable Apartment | 1 (double) | 64, 65 | 2 |
| SH50 | SH50-EH7 50 SH50-I-TYPE 50 Rev C | Affordable end terrace/semi Affordable mid-terrace | 2 (doubles) | 61, 62, 63, 87, 88, 178, 179, 180 | 8 |
| SH52 | SH52-EH7 TYPE 52 SH52-I-7 52 Rev D | End 2 storey semi/terrace Mid terrace | 3 (2 doubles) | 52, 53, 54, 55, 176, 177 | 6 |
| Ingleby | H403-F7 | Detached 2 storey | 4 (2 double/2 single) | 90, 117, 119 | 3 |
| Wilford | P204-EH7 Rev C | Two storey semi- | 2 | 57, 58, 66, 67, 70, 71, | 20 |

| | | | | | |
|--------------|--|--|--------------|--|------------|
| | P204-I-7 Rev A | detached/terrace | (doubles) | 94, 95, 96, 108, 109, 157, 158, 160, 161, 170, 171, 181, 182, 183, | |
| Archford | P382-EG7 P382-EH7 Rev B P382-EG7 Con | Two storey semi-detached 2 | 3 (1 single) | 3, 12, 13, 29, 30, 34, 35, 36, 37, 39, 68, 69, 82, 83, 84, 85, 86, 101, 102, 106, 107, 131, 143, 144, 149, 120, 163, 184, 197, 198, 200, | 31 |
| Abbeydale | H349-7 Rev A | Two storey detached integral garage | 3 (doubles) | 31, 38, 98, 99, 100, 159, 162, 167, 168, 172, 195, 196, 188, 192, 199, 204, 206 | 17 |
| Hadley | P341-D7 Rev B P341-E-7 Rev A | Two storey detached | 3 (1 single) | 40, 11, 56, 97, 121, 126, 130, 150, 155, 156, 164, 165, 169, 185, 189, 208, 201 | 17 |
| Hollingwood | H486-7 H486-H7 Con | Two storey detached | 4 (1 single) | 4, 41, 45, 81, 105 | 5 |
| Greenwood | T322-I-7 Rev A T322-E-7 Rev A T322-E-7 Con | Two-and-a-half storey end semi/terrace | 3 (doubles) | 2, 5, 6, 7, 8, 9, 10, 23, 24, 32, 33, 59, 60, 72, 73, 74, 75, 77, 78, 79, 80, 103, 104, 122, 123, 124, 125, 145, 146, 147, 148, 174, 175, 186, 187, 190, 191, 193, 194, 217, 218 | 41 |
| Holden | H469-H7 Rev C H469-H7 Con | Two storey detached | 4 (doubles) | 15, 18, 21, 22, 25, 26, 46, 47, 49, 50, 89, 91, 92, 111, 114, 115, 116, 132, 136, 141, 142, 152, 153, 154, 209, 210, 212 | 27 |
| Avondale | H456-X7 H456-X7 Render | | | 1, 14, 19, 20, 27, 28, 51, 48, 76, 92, 110, 118, 129, 139, 140, 151, 211, 219 | 18 |
| Meriden | H429-7 Rev A | | | 17, 42, 43, 133, 166, 173, 202, 203, 205, 207 | 10 |
| Exeter | H418-7 Rev A H418-H7 Con Rev B | | | 16, 44, 112, 113, 127, 128, 134, 135, 137, 138, 213, 214, 215, 216, | 14 |
| Total | | | | | 219 |

- H8066/101 Rev P – Planning Layout
- H8066/13 Rev C- Phasing Plan
- GL1221 01J Landscape Masterplan

- H8066/02 Rev A - Site Location Plan
- 2010/DET/214 – 900mm Post and Rail Fence
- 2010/DET/216 – 450mm Timber Knee Rail
- 2010/DET/229 – 1200mm Vertical metal railings
- DB-SD13-006 B– Closed Boarded Fence
- DB-SD13-004 C– Boundary Wall Type 1
- H8066/06 Rev D – Materials and Enclosures Layout
- H8066/05 Rev C, Street-scene AA
- H8066/05 Rev B, Street-scene CC

Garages

- Single semi side gable garage – C160
- Single Garage – Ref:- SSG1H8 Rev 1
- Single Garage – Ref:- LSG1H8
- Single Garage - Ref:- LDG2H8
- Double Garage Ref:- SDG1H8 Rev 1
- Double Garage Ref:- LDG1H8

Engineering:

- Lighting and Ecology Assessment Rev B – this plan responds to the requirement contained within condition 19 of the Outline Planning Permission.
- Proposed Highway Lighting Lux Contour Levels, H09630/3499/LUC Rev C
- Preliminary FFL's and Drainage Strategy Ref: 101 Rev L
- Swept Path Analysis Estate Car Ref: PJS19-07-105 Rev D
- Swept Path Analysis Refuse Vehicle Ref: PJS19-07-106 Rev D
- Swept Path Analysis Fire Tender Vehicle Ref: PJS19-07-107 Rev C
- Horizontal Geometry Ref: PJS19-07-108 Rev C
- Street Lighting, Ref: H08630-3499 Rev C
- Soft Landscaping Proposals, GL1221 03C, GL 1221 04B and GL 1221 02B
- Play Area Proposals, GL 1221 05

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. Several site notices have also been displayed near to the site and an advert has been placed in the local press. Further public consultation has taken place on the amended plans.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 5 – Delivering Strategic Sites

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 6 – Shaping our Employment Profile
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
ShAP 3 – Role of Edwinstowe
ShAP 4 – Land at Thoresby Colliery

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance

Consultations

CLRs Brown, Carlton and Peacock – (11 May 2020) - A joint letter was received requesting that the application be considered at the Planning Committee and setting out concerns as follows:

- Have the appropriate contamination surveys been undertaken and is the Planning Authority confident that no part of the site will give rise to public health issues?
- Can the Planning Authority confirm that a condition will be imposed that any areas at risk of contamination are clean capped to at least 600mm?
- Is the Planning Authority happy to determine this application without the Habitat Creation Management Plan which the RSPB has requested?
- The proposed site is nestled between Sherwood Forest Country Park, Ollerton Heath and the proposed country park, created on the former spoil heaps. Is the Planning Authority happy that the proposals from the developer provides enough tree planting and other landscaping in communal areas to at least shield the site from the areas of natural beauty that surrounds it?
- Recently the B6075 flooded due to, in part, to the ongoing infrastructure works on site and the excessive amounts of rain we currently suffer. Is the Planning Authority confident that the drainage and flood mitigation measures on this site will prevent such flooding both on the site and on to the adjacent highways?
- Edwinstowe has suffered recently from localised flooding in various parts of the village, seemingly the existing drainage system cannot cope with the current capacity. Is the Planning Authority confident that the additional drainage needs of this development and others proposed on this site will not add to the drainage burden of the rest of the village, causing more localised flooding in the village?

- We are concerned that car parking on site will not be sufficient as we have seen on new sites all over the district. We need to build houses that reflect the actual situation regarding cars and roads. Pavements are not wide enough and car parking spaces are a precious resource, this causes inconvenience for other drivers and pedestrians.
- Harworth Estates have promised that they will produce a Construction Management Plan for the whole of their site which will set out how they will minimise dust, noise and other such environmental emissions. Has this plan been approved?
- There is provision of green space on the site which is positive, however we would have liked for the green space to be linked up which would create a clear pedestrian/cycleway to the village.
- The new development will greatly increase traffic around the village. Though a financial contribution to Ollerton Roundabout is welcome it provides no help to the pinchpoints within the village. Worryingly a proposed link road between the former pit lane and the B6034 is not part of this application, this link road would alleviate traffic at the traffic lights where the B6034/B6075 roads cross, in the heart of the village. We would like to see a proper commitment that this link road will be put in place as part of the wider development before further development is allowed.
- The B6075 which runs adjacent to the site has, over the years seen many accidents and, sadly fatalities. It is a dangerous road for motorists, pedestrians and cyclists. The development of this site and the wider site will increase the number of motorists, cyclists and pedestrians using the B6075. Can the committee place a condition of this application that the B6075 be reduced to a 30mph road and the pedestrian pathway along the road be widened?
- We are concerned that contrary to the advice from NSDC Strategic Housing that there are no bungalows on this development when there is a clear demand for bungalows in the area. A suggestion that bungalows will be built as part of future development, however there is no commitment at this stage. This is the closest part of the development site to the village, it is important that older people can access the village and therefore it makes sense that bungalows should be built on this site.
- We have been concerned from the outset about the percentage of affordable housing on this whole site. NSDC has a target of 30% affordable housing yet this site has a desultory 7.5%. At the halfway point of the whole development (400 houses) we have an opportunity to look at how profitable the site has been and to readjust the numbers of affordable houses for the remainder of the site. We are now concerned that the model being used by Harworth Estates to deliver the homes will obfuscate the financial position of each stage and that in terms of business viability targets, these will be very difficult to measure. Is the Planning Authority happy that it can properly monitor the profitability of the ongoing site and therefore properly review the amount of affordable housing that is viable at the halfway stage?

Edwinstowe Parish Council – (November 2019) ‘Support Proposal – Unanimous - There is no problem with phase 2 but it was noted that due to recent rainfall that the land consistent with phase 2 appears to be much lower than the other phases and to ask Newark and Sherwood Planning Authority to consider if this will make it susceptible to flooding. There was concern that this development could be doing more regarding solar panels and it was agreed that Cllr Brooks can go to the Committee and speak to the Council regarding our concerns in this area. The transportation of materials should come from A614 and not through the village.’

Bilsthorpe Parish Council – on 11th December confirmed they had no comments.

Perlethorpe-cum-Budby Parish Meeting – No objections

Ollerton Town Council – (24.03.20) No objections

OBTC had previously objected as they were concerned the requested surveys not yet being received albeit this matter was since clarified.

NCC Highways Authority – (07.04.2020) Further to comments dated 11 November 2019, the proposed layout as shown on drawing H8066/101/N is now generally acceptable in highway terms.

In order to promote sustainable travel, the only amendment I would wish to see is the provision of the shown footpath link to Ollerton Road upgraded to a 3m wide shared pedestrian/cycle access.

Also, I would wish it to be confirmed that the bend adjacent to plots 122 & 123 has been widened to 6.1m (at its apex) to cater for swept path of large vehicles. If it hasn't, then further amendment is required.

On the assumption that the above matters can be easily resolved by the time Planning Committee meets, no objections are raised subject to the following conditions..”

NCC HWA then go on to list 3 conditions to ensure that the driveways are constructed in a bound material, that the garage doors have adequate set back from the road and to ensure there is adequate drainage to prevent it running onto the highway. The conditions are repeated in the conditions section verbatim so are not set out here.

11 November 2019 – A number (9) of amendments were requested in order for the Highway Authority to raise no objections

NCC Policy (10.01.20) – No strategic comments to make.

NCC - Rights of Way – 05.03.20 and 15.01.20: ‘I have checked the definitive map and no public rights of way are recorded over the proposed development site. This does not preclude unrecorded rights being proved to exist at a later date.’

Lead Local Flood Authority – (17.03.20) Please refer to previous comments dated 04.11.2019. Should the applicants wish to proceed without a surface water condition they should submit a detailed surface water strategy for consideration.

“Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 21 Oct 2019. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions...”

They then go on to recommend the imposition of a condition to control surface water drainage and an informative to the applicant.

NSDC, Environmental Health (Contamination) – ‘This application refers to phase 2 only as far as I can tell. If that is the case then I have no comments as the land was all greenfield and no elevated contamination was identified. There remain outstanding matters in relation to phase 1 where

there was an area of that phase which was used for coal stocking and an agreement relating to the level of clean capping is yet to be met.'

NSDC, Environmental Health - I have no further observations to those made in relation to the application 16/02173/OUTM with regards to the CEMP being adopted across the site and recommendations made by the noise consultants with reference to the properties facing Ollerton Road, commented on by my colleague Mr Phillip Doughty.

NSDC (Strategic Housing) – (16.03.20) Strategic Housing supports the proposal to improve the aspect from the affordable housing. The Council’s policy requires affordable housing to be ‘pepper potted’ across the scheme and tenure blind. The limited provision of affordable housing in the proposal has a lax application to the policy and I would have liked to have seen the provision more widely dispersed across the scheme.

With reference to our previous consultation regarding the above application, we have received amended information as described above.

(11.11.19) - The following is agreed as suitable:

| | Type | Tenure | Total Affordable Rent | Total Shared Ownership |
|----|--------------|--------|-----------------------|------------------------|
| 2 | Flats | Rent | 2 | - |
| 8 | 2 Bed Houses | Rent | 6 | 2 |
| 6 | 3 Bed Houses | Rent | 2 | 4 |
| 16 | | | 10 | 6 |

Historic England (11.03.20 & 15.01.20) - Do not wish to offer any comments.

Ramblers (23.01.20) - This development does not involve any recorded rights of way and we have no objection.

Representations have been received from 3 local residents/interested parties raising objections which are summarised follows in respect of the original plans comprising 220 dwellings. No comments on the amended plans have been received to date.

- Unable to locate documentation on the proposed make-up of the proposed housing in terms of how many 2 bed, 3 bed, etc and how many affordable; a lot more than phase 1;
- The lay-out is very cramped, once again it seems to be an exercise in shoehorning as many properties as possible in to the space, rather than creating an attractive and welcoming environment that will promote a sense of community;
- The proposed green area is far too small for the number of properties and should be extended to take up all of that central block, replacing the adjacent properties with good outdoor leisure facilities;
- Watched the community village feeling in Edwinstowe dwindle over the years with every new phase of housing development and truly believe that this 800 dwelling plan will destroy the village and drive life-long residents out;
- Concerned that large development appears to have been split into smaller phases;
- Development has been steamrollered through by developers
- Failure to adhere to requests for surveys;

- This particular site was once a feeding ground for the Sherwood Forest Nature Reserve now it is to be developed. Where are the green corridors and hedgerows through the site for the wildlife?
- Concerned that it will have an impact on the countryside in the middle of England's most iconic forest landscape. The RSPB state that the planting scheme should reflect that;
- This is not just another site of industrial wasteland for Harworth Estates to exploit, it is in Sherwood Forest;
- This site has been waterlogged for many weeks, all work on this site should stop until all of the concerns and conditions of the Flood Authority has been addressed or is it more important that Newark & Sherwood District Councils five year housing supply is not delayed;
- The road at Cockglode corner has recently been flooded making it very dangerous for motorists, this is before this whole site is covered in concrete;
- Permission should never have been given for this site to be developed.
- There are five housing developments taking place at the moment in Edwinstowe we were once known as the village of Robin Hood, not any more we are a town;
- Perhaps Newark & Sherwood District Councils new Tree Planting Initiative may include Sherwood Forest to replace the thousands of trees that were lost over the last 100 years.

Comments of the Business Manager

Background and Context

Members resolved to approve outline permission for a mixed use development on this allocated site at Planning Committee in October 2017 and in February 2019 (when an update report was presented taking account of the updated NPPF) in accordance with the officer recommendation. Lengthy delays followed relating to the signing and sealing of the Section 106 Agreement which was eventually executed in March 2019.

The principle of this phased development has therefore been established through the granting of the outline consent with the means of access being the only matter that was considered and ultimately approved. The principle of the uses, the parameters and general disposition of uses are therefore established and need not be considered further in any detail. The scheme secured a range of developer contributions as set out in the site history section earlier in the report.

The way the former colliery site is being delivered is similar to that at Land South of Newark (the strategic urban extension) in that the site is owned by Harworth Estates, who are essentially the master developer who will be responsible for delivering the majority of the infrastructure. They have already secured reserved matters approval for the enabling phase which included the development of the access road in to the site as well as meeting the overarching pre-commencement conditions such as the dealing with any air quality, ground water pollution, construction environmental management plans etc. They then offer each phase which is 'ready to go' to different house builders. Thoresby Estates therefore retain a role of coordinating the overall mix, design ethos and provision of infrastructure moving forward.

Phase 1 has already been approved to Harron Homes for reserved matters for 143 dwellings by the Planning Committee in December 2019.

Phase 2 now relates to 219 dwellings advanced by Barratt Homes. The merits of this scheme are assessed in detail below.

Housing Mix, Type and Density

Density

The quantum of overall housing was set at outline stage and to a degree the density was also indicated. It is noted that this parcel of residential development was indicatively shown to provide for around 194 dwellings. The scheme as advanced is for 219 dwellings but I consider that this is broadly in line with the Master Plan and Design and Access Statement.

Core Policy 3 (Housing Mix & Density) expects average densities to be no lower than 30 dwellings per hectare. This phase will be one of the lower density parts of the site at around 26.7 dwellings per hectare but it is anticipated that higher densities will be focused towards the local centre. I am satisfied that the proposal meets with the expectations of the outline permission, CP3 and ShAP4 in striking an appropriate balance for density levels.

Mix

Core Policy 3 (Housing Mix & Density) also seeks to secure housing that meets the needs of the district, namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the disabled and elderly population, but to reflect local need. It also states that such a mix will be dependent on the local circumstances of the site and any localised housing needs information.

Policy ShAP4 (Land at Thoresby Colliery) states that housing development should achieve density levels that strike a balance between efficient use of land and the green infrastructure and nature conservation requirements of the site.

The Strategic Housing Market Assessment of 2015 (SHMA) is, as the name suggests, a high level market assessment of houses required in the Nottingham area. I am not convinced that this is the most appropriate way of assessing localised housing need. However if regard is to be had to this document the need is as follows; 52% identified need for 3 beds , 28.8% need for 2 beds, 14.5% identified need for 4+ beds and 4.7% identified need for 1 bed units.

The Sub Area Report of the DCA Housing Needs Survey from 2014 indicates that the most needed type of housing is 2 bedroom dwellings (51.8%) followed by 3 bedrooms (38.2%) followed by 4 bedroom dwellings (10%) with no requirement identified for 1 bedroom units. The report also identified that the main property type in the sub area as existing are semi-detached dwellings with Edwinstowe being the most popular choice for future housing requirements.

Market Mix

Notwithstanding the above policy requirements, Members will be aware that at outline stage a viability case was advanced which adopted an 'assumed mix' for the site which then influenced the level of developer contributions that were secured. This assumed mix was not strictly in line with the policy objectives but struck a balance between getting an acceptable mix whilst obtaining a range of developer contributions in order to mitigate the impacts of the scheme upon infrastructure. This assumed mix was implicitly accepted when outline permission was granted.

Whilst this assumed mix is not set in stone, there is little scope in terms of amending this mix without it affecting the scheme's viability and necessitating the re-opening of a viability discussion and the reconsideration of matters considered and fixed at outline stage (most notably the quantum of affordable housing which was set at 7.5%).

In terms of the overall market mix the table below summarises the position:

| Unit Type | Originally submitted Barratt Homes Scheme - No. of units (%) | Revised Scheme Barratt Homes Scheme - No. of units (%) | Viability - Assumed Mix for whole site |
|------------------|---|---|---|
| 1 bed | 0 | 0 | 18 (2.43%) |
| 2 bed | 14 (6.86%) | 20 (9.85%) | 82 (11.07%) |
| 3 bed | 109 (53.43%) | 106 (52.2%) | 327 (44.18%) |
| 4 bed | 81 (39.7%) | 77 (37.93%) | 261 (35.25%) |
| 5 bed | 0 | 0 | 52 (7.02%) |
| Total | 204 | 203 | 740 (100%) |

You will note that in terms of its proportionate share of the entire site when compared to the assumed mix, the Barratt market mix offers more 3 and 4 bedroom units, less (none) 5 bedroom units and slightly less 2 bed units. However the proposed mix is well within a 10% tolerance of the assumed mix.

It is worth noting that taken in context with Phase 1 approved by Members in December, the scheme currently being considered does offer a better mix in terms of the family housing of 2, 3 and 4 bedroom dwellings as the table below shows.

| Unit Type | Phase 1: Harron Homes Market Mix as approved | Phase 2: Barratt Homes Scheme – Market Mix, No. of units (%) | Phases 1 & 2 Combined - No. of units (%) | Viability - Assumed Mix for whole site |
|------------------|---|---|---|---|
| 1 bed | 0 | 0 | 0 | 18 (2.43%) |
| 2 bed | 0 | 20 (9.85%) | 20 (6.15%) | 82 (11.07%) |
| 3 bed | 40 (30%) | 106 (52.2%) | 146 (44.92%) | 327 (44.18%) |
| 4 bed | 75 (57%) | 77 (37.93%) | 152 (46.76%) | 261 (35.25%) |
| 5 bed | 8 (6%) | 0 | 8 (2.46%) | 52 (7.02%) |
| 6 bed | 9 (7%) | 0 | 9 (2.76%) | |
| Total | 122 (100%) | 203 (100%) | 325 (100%) | 740 (100%) |

Furthermore I am aware that the master developer supports the mix and has stated that they expect more, smaller units to come forward in later more dense phases around the local centre and that they expect the frontage phases to offer a larger proportion of the larger units. They also went on record in December 2019 (as part of the Harron Homes proposals) stating that they expect other phases to accommodate some bungalows on the site. Taking all of this into account I consider that the mix broadly reflects that which was tested with the viability and is acceptable.

Affordable Mix

It should be noted that the quantum of affordable housing (7.5% equating to 60 units overall on the wider site) has been set firmly at outline stage and embedded into the S106 Agreement. The s106 requires the owners to submit a scheme detailing the tenure split, design and location prior to construction begins on each phase. However it is timely to consider part of this now as by first construction the mix would have been approved.

Barratt Homes advance a proportionate share of 7.3% (rounded down) of affordable housing, equating to 16 dwellings. The proposed tenure split will be 60% rent and 40% shared ownership as agreed with the Council's Strategic Housing Officer. Details of the plot numbers has not been provided but would need to be as part of the obligation of the s106 Agreement.

Again in terms of assessing this in context, when considered alongside the approved Phase 1 scheme the scheme offers a decent mix and this table also shows what is left to be provided moving forward which Members may find useful.

| Affordable Type | Secured at outline stage | Phase 1 Quantum as Approved | Phase 2 as Submitted | Combination | Remaining types left to be provided elsewhere |
|------------------------|--|------------------------------------|-----------------------------|--------------------|--|
| 1 beds | 26 (of which 16 x affordable rent, 2 x intermediate/shared ownership and 8 x discounted open market unit) | 0 | 2 | 2 | 24 |
| 2 beds | 51 (of which 24 x affordable rent, 9 x intermediate/shared ownership and 18 x discounted open market unit) | 3 | 8 | 11 | 40 |
| 3 beds | 43 (of which 22 x affordable rent, 4 x intermediate/shared ownership and 17 x discounted open market unit) | 8 | 6 | 14 | 29 |
| | 120 units equating to 7.5% affordable housing | 11 (8% rounded) | 16 (7.3% rounded) | 27 (7.67%) | 93 |

| | | | | | |
|--|---------|-----|-------|--|--|
| | overall | up) | down) | | |
|--|---------|-----|-------|--|--|

Whilst not pepper potted in the true sense, the affordable housing is broken into three clusters and is indistinguishable from the market housing in terms of its appearance. As such I am satisfied that this would not cause harm to social cohesion and also allow for effective management of the homes as I understand clusters of housing are preferred by registered providers.

Design, Character and Appearance

Given the extant approval for outline planning permission, it has already been accepted in principal that the character of the site will fundamentally change. However, with the benefit of full layout and elevational details, the LPA are now in a position to fully assess the magnitude and ultimately appropriateness of this against the policy context set out in policies CP9, CP13, ShAP4 and DM5.

The Master Developers have set a Design Code but this has no planning status having never been formally advanced as part of an application. However its objective is to create a sustainable development that respects the positive features of the site, creates a legible and attractive place with a sense of identity of a high quality and provide a well-planned layout with pleasant well designed streets and spaces. These elements are what are expected for good design in any event.

The house types proposed for this phase are generally the Barratt standard products which are found on many other development sites albeit some of the more prominent plots have been adapted so they are bespoke to the site. In any event the proposed dwellings are attractive and well laid out to provide an attractive living environment. Generally the larger units are arranged to form the periphery of the site with the smaller units arranged in the more central areas. Certain house types are arranged to frame focal points around the site and create an attractive street-scene. Given the land levels of the site which is considerably lower than Ollerton Road to the south, the dwellings will not be prominent and will be set behind the existing retained tree belt. The material pallet proposed reflects the built form of Edwinstowe and Ollerton, being predominantly red brick, with some interspersed buff brick and render. These buff brick dwellings are located at prominent/key plots throughout the site, mainly on corners and to define a visual end stop to views. This use of materials will help to create a sense of place and add interest to the street scene. Details of the boundary treatments have also been provided which include the use of screen walls to the gardens of prominently located plots (rather than fencing) which will help with longevity and metal fencing surrounding the main public open area. Along the main northern spine road, trees and hedgerows form the frontage boundaries in an attempt to soften this and give it more of an ‘avenue’ feel.

As the land rises gradually across the site, details of the finished floor levels in relation to ground levels is considered important in ensuring that the dwellings interrelate well and that adjacent phases sit well with one another. Details have been provided and are acceptable as evidenced by the by the street-scenes which show level changes, as well as the detailed annotated layout plan providing spot levels.

The development would be well screened and be set behind mature belts of existing landscaping that front Ollerton Road and the main entrance into the wider site known as The Avenue. Access into this Phase is from the east with the highway looping around with cul-de-sacs and private driveways off it. Dwellings are designed to front both Ollerton Road and The Avenue accessed by

private drives to their frontages. Having dwellings addressing the road frontages is welcomed so as to avoid views of gardens and the inevitable domestic paraphernalia which can result in clutter.

Overall I find that the house types and associated boundary treatments are an interesting mix of styles that have some features that reflect the local vernacular.

Public Open Space

The timing of delivery and the quantum of public open space (POS) to be provided on site is controlled by the s106 Agreement. At outline stage a Masterplan was advanced showing how the scheme might look and condition 5 of the outline permission requires the development to be 'substantially in accordance with' it unless otherwise agreed. This indicated that some open public space would be provided to the north of this phase as indicated by the half ellipse shape on the extract below.

Extract of approved Masterplan submitted at outline stage:



The scheme as advanced by Barratt Homes has three parcels of public open space (POS). The quantum of POS has also increased from its original submitted plan from 1946m² to 2887m² which is welcomed. Whilst not located in the same place as indicated on the masterplan, the main area is nevertheless located centrally to the phase such that it acts as a focal point for residents and would include a locally equipped area of plan (LEAP). It is also worth noting that the Barratt scheme indicates the central POS/LEAP would be delivered in their sub-phase 2 (their projected year 3/ 4 on site out of their expected 5 year presence on-site). This is unlikely to conflict with the timings set out in the section 106 agreement and is acceptable.

In respect of the LEAP, a play area proposals plan has been deposited with the Authority during the lifetime of the application which shows the provision of equipment. This comprises swings, a

see-saw, a roundabout, a climbing structure with slide and balancing apparatus. This specification is considered appropriate.

The s106 agreement obligates the provision for 2 LEAPs and 1 NEAP as part of the wider development and prevents the occupation of more than 60% of each phase until the associated POS is provided and in a good order. No development can commence until a specification and management plan has been agreed with the LPA. Consequently I do not consider that there is a need to impose any conditions in respect of this as it is already dealt with by the obligation.

Extract of layout showing locations of POS



Two other linear areas are also provided; one to the south-west adjacent to the main road and the other leads from the central area north towards what will be Phase 3. These linear parcels of land are welcomed as it is hoped that these pleasant green areas will encourage pedestrian activity through the site towards the proposed local centre and to provide a pleasant walk towards the proposed new school that will be delivered to the north-west in due course.

It should also be noted that the master developer will deliver the country park to the north of the phasing shown below which residents will be able to enjoy.

Extract of up to date phasing plan



Overall the provision of POS within this phase is well placed, enabling permeability throughout the site and in my view accords with the policy provisions set out in SP8, ShAP4, CP9 and DM5.

Landscaping and Ecological Matters

ShAP4 sets out that green infrastructure is to be provided to include landscaping and structural planting throughout the development, links to the countryside beyond, enhancements to the existing habitats and local landscape to name some of the objectives.

This application is accompanied by detailed specifications for both strategic and in-plot landscaping. This generally shows native species have been utilized on areas that are within the public realm and ornamental species where these fall within garden curtilages in order to avoid large roots that could harm foundations. Native trees would be planted adjacent to the LEAP and where these fall within the POS.

Extract from landscape masterplan



I note that the ward members have made comments that the northern spine road should be tree lined to create an avenue approach. My understanding is that the current layout doesn't have room for street trees and for which the commuted sums are substantial. Instead efforts have been made by the developer to soften the northern spine road with the provision of trees and hedgerows along the frontages of dwellings where possible in order to give this a leafy, green edge. I consider this to be an acceptable approach. The developer has also pointed to a hedgerow on the northern side of this spine road, outside of their boundary which they say is shown to be retained on a plan shared by the master developers with them. This was not previously shown on the masterplan submitted at outline stage. However Harworth Estate have clarified that the hedgerow in question has been placed into the management plan to ensure it is protected and retained, with the intention of incorporating it into the development as a direct response to the ward members' concerns. The northern spine (which is to be delivered by Barratt rather than Harworth) will ultimately have a green edge on both sides that is attractive and conducive to its context.

Turning now to matters of ecology. Condition 18 of the outline permission states that no development can commence unless a detailed Habitat Creation and Management Plan ("HCMP") associated with that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority.

I note that the layout plan details that 7 of the plots along the western boundary (adjacent to the strategic landscape buffer outside of this application site) would be fitted with bat boxes and 62 plots would be fitted with bird nest boxes throughout the site. I consider that the number and siting of these would be appropriate. The implementation of these is for Condition 18 of the outline permission albeit I expect that these would be installed when the dwellings are built. I consider that installation of these artificial nest boxes is sufficient to partly discharge C18 of the outline consent for this phase of the development in line with the requirements of CP12, DM7 and

DM5 albeit further creation and management could be extended within the POS in order to fully discharge this condition.

In support of the application, a Lighting and Ecology Assessment has also been submitted for this phase in order to comply with Condition 19 of the outline permission. This appraises the lighting impacts upon ecology, particularly bats and concludes that there would be a negligible impact on bats arising from the scheme subject to some caveats. This appraisal has been undertaken by reputable consultants and I have no reason to dispute their findings albeit it is important therefore that the lighting scheme as advanced is secured in the form appraised and this will feature in a condition.

It should be noted that a Habitat Regulation Assessment has been undertaken for this project and is available to view on file.

Impact on Amenity (upon existing and proposed occupiers and Noise Impacts)

Policy context in respect of the impact on living conditions is set out in policies DM5 and CP9 of the Development Plan as well as the NPPF.

Relationships between proposed dwellings are considered to be satisfactory in order to meet the needs of privacy and avoid adverse impacts. In any event buyers would be aware of these relationships at the outset.

This phase of the development is nearest to Edwinstowe village and there are dwellings located to the west and south-west in the village and there are a small number of dwellings beyond it to the south side of A6075 Ollerton Road. The distances between the edge of the phase and these properties however is over 110m away and as such there would be no adverse impacts in terms of loss of privacy overlooking, overshadowing etc. The impact from the construction phase of the development was considered at outline stage and conditions were imposed in order to deal with these impacts. These conditions have been discharged and the matter need not be considered any further as part of this scheme.

Condition 32 of the outline consent required with the submission of reserved matters for each phase, an up-to-date noise assessment and mitigation strategy, where appropriate.

The Noise Assessment submitted appears to be the same one that accompanied the outline permission dated 2016. However it is clear to me that the A6075 road is the sole source of noise and I do not believe there to have been any change in circumstances since the outline scheme was considered. On Phase 1 which has a similar relationship to this phase with the road, mitigation was considered necessary in the form of standard double glazing and standard trickle vents for the dwellings themselves which would reduce noise levels to well within acceptable guidelines. It is noted that for the plots adjacent to the A6075, gardens are positioned to the rear and are therefore screened by the dwellings themselves. There is one plot (plot 1) where this is not the case but the boundary treatment comprises a solid brick wall which would likely reduce noise levels to below 50dB L satisfying the desirable guideline as recommended by British standard noise guidance.

Subject to conditions being imposed to ensure that these mitigation measures are installed on site, I am satisfied that the noise levels will be satisfactory and comply with relevant guidance as well as Policies DM5 and CP9 of the Development Plan.

Highway and Parking Matters (including legibility and appearance of parking)

During the lifetime of this application, the layout has been amended to address matters raised by both planning officers and NCC Highways Authority. The northern spine road was initially considered by officers to be overly dominated by frontage parking to the detriment of the scheme. Changes have been made to reduce this impact.

With regards to the quantum of parking, generally the two bedroom dwellings have been provided with 2 spaces per plot, the 3 bedroom affordable units with 2 spaces, 3 bedroom market homes with 3 spaces (including integral garage) and the larger units of 4 bedrooms have a minimum of 3 spaces (some have 4) plus garages (both integral and detached) which increases the number of available spaces. I note there is no provision for visitor parking, however the roads are 5.5m wide in the main so there could be some limited visitor parking on the roads without causing a highway safety concern. NCC Highways have not raised objection to this and overall the number of spaces would appear to be adequate.

One of the matters raised was to request the inclusion of pedestrian and cycle access directly with the main spine road and to the south. The applicant has shown links would be made, an arrangement that both the Master Developer and NCC Highways Authority are satisfied with and I am satisfied that the scheme now incorporates more sustainable access points as required by SP7, ShAP4 and DM5. The revision P of the planning layout has now addressed the previously outstanding matters raised By NCC Highways Authority.

Heritage Considerations

At outline stage it was noted in the committee report and in decision taking terms that the wider (whole) site was located 300m from Edwinstowe Conservation Area and that there are a number of listed buildings and a registered park in the area which could be affected by the scheme. Having regard to the policy context and all relevant considerations I consider that this scheme is acceptable particularly given that heights of buildings are restricted to two and a half storey on land that is set lower than the adjacent highway in places and given the existence of structural landscaping to the south and west. It is noted that since the outline permission was granted, Edwinstowe Conservation Area Appraisal and Management Plan has been adopted. However this does not change my view the impact upon setting.

Upon investigation, archaeological potential was established to be very low at outline stage with very little surviving archaeology and no mitigation was therefore required. I am satisfied therefore that heritage matters have been adequately addressed and that the scheme preserves the historic significance of assets in the vicinity in line with DM7 and CP14.

Other Matters raised by Ward Members

I now turn to the concerns raised directly by the three local Members which have not been addressed elsewhere in this report.

Land contamination and remediation has been raised as a concern and it has been questioned as to whether appropriate contamination surveys have been carried out. The answer is that they have; it was a matter conditioned as part of the outline consent and this deals with the requirement to clean cap materials.

Habitat Creation and Management Plans is a requirement of the outline consent and section 106 agreement.

Drainage is a matter that has been dealt with via the outline application and the enabling application 19/00674/RMAM and do not form of this reserved matters stage.

The Construction Management Plan is a requirement set out outline stage and has been provided for the development that has already taken place.

The mentioned link road between the former pit lane and the B6034 falls outside of this application site and would be for the master developer to take forward.

Reducing the speed limit of the adjacent Ollerton Road is not within the remit of a reserved matters application and has not been recommended by the Highways Authority advice at outline stage.

Regarding the percentage of affordable housing, this was set out outline stage and cannot be re-examined as part of a reserved matters application. There is a mechanism to review the viability and we will be able to properly review this at the appropriate stage.

Conditions of the outline permission

The majority of the pre-commencement conditions imposed at outline stage require that no development is commenced until such time as outstanding details (such as detailed drainage plans, land contamination mitigation etc.) have been agreed with the Authority. Some of this information has been provided as part of this reserved matters or as part of the current Discharge of Condition applications noted within the planning history section of this report, whilst others have not yet been provided and will require the submission of a formal Discharge of Condition application, whereby statutory consultees will be given the opportunity to make representations. It is likely that some of these conditions will be discharged on a phase by phase basis. For the avoidance of doubt it should be noted that conditions imposed at outline stage will still apply unless they are not applicable to the development in question, have been discharged or have been dealt with as part of the reserved matters process.

For example, this is the case in respect of surface water drainage whereby the Lead Local Flood Authority have requested a condition be imposed to control this. However no further condition is required as it is already controlled by Condition 22 of the outline consent and need not be imposed again.

Planning Balance and Conclusion

The principle of development for 800 homes and the delivery of an appropriate quantum of associated infrastructure to serve the development was secured at outline stage. It is noted that the majority of the concerns by local residents relate to such matters.

Phase 2 was shown on the outline masterplan as providing approximately 194 dwellings whereas this reserved matters application is now for 219 dwellings. However I consider that the amount and disposition of dwellings is appropriate when taken in context of the wider development.

I have found no harm arising from the scheme in terms of highway safety or parking and the amenity of both existing and future residents is considered to be acceptable. Noise issues arising during the construction and operational phases have been/can be mitigated by conditions imposed already at outline and more specifically in relation to plots as set out below.

The mix of houses on this phase does not exactly meet the 'assumed market mix' advanced as part of the viability submission at outline stage, albeit this is not vastly different. The number of market 2 bed units is -1.22% compared with the assumed viability mix whereas the number of market 3 and 4 beds would increase by +8.02% and +2.68% respectively. No bungalows, 5 bed units nor 1 bed units are provided for market as part of this scheme. I understand that the master developers are looking to provide a proportion of the affordable housing on the wider site (later phases) as bungalows and I understand that the central areas will incorporate a number of smaller units. Indeed a number of the larger 5+ bed units have already been approved on Phase 1. As such when viewed holistically I am satisfied there is a decent mix of housing, including the provision of appropriate sized affordable housing that would be socially cohesive.

I consider that the design and layout is acceptable and note that the site is served by a focal point of public open space with other areas incorporated to create decent permeability through the site and encourage pedestrian activity. The indicative landscaping provision of soft and hard landscaping is acceptable and the specific details can adequately be reserved for condition. Habitat creation is a matter that has been considered in part albeit there is scope for increasing this as part of the detailed specification for the public open space which will be considered as part of the discharge of the planning obligation.

Overall, I consider that the scheme advanced is acceptable, when taken in context and a recommendation of approval is offered.

RECOMMENDATION

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

Conditions

01 (Internal Noise Mitigation)

All dwellings shall be fitted with a minimum of standard double glazing and standard trickle vents (or better) prior to first occupation of each dwelling.

Reason: In order to protect the occupiers from an unacceptable noise impacts in line with the necessary mitigation identified in the Noise Impact Assessment which accompanies this application.

02 (External Noise Mitigation)

Prior to the first occupation of Plot 1, a 1.8m high solid brick wall shall be installed on its southern boundary in the position shown on drawing number H8066/O6 Rev C (Materials and Enclosure Layout). This boundary treatment shall be retained on site for the lifetime of the development.

Reason: To protect the occupiers of this plot from unacceptable noise impacts from the adjacent road.

03 (Driveways to be bound in perpetuity)

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

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

04 (Garage Doors types)

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

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

05 (Control of surface water onto highway)

No dwelling forming part of the development hereby permitted shall be occupied until a drainage scheme to prevent surface water from entering the public highway from the access drives, driveways and/or parking areas of each plot has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first occupation and shall then be retained for the lifetime of the development.

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

06 (Implementation of Landscaping and boundary treatments)

The approved soft landscaping scheme (as shown on drawing numbers GL 1221 02B, 03C and 04B and GL 1221 01J Landscape Masterplan) shall be completed during the first planting season following the first occupation of each associated dwelling, or such longer period as may be agreed in writing by the Local Planning Authority. Any soft landscaping that falls in the public domain (outside of any dwelling curtilage) shall be completed prior to occupation of the 150th dwelling unless otherwise agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and same 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 including the provision of boundary treatments shall be completed prior to first occupation of each associated dwelling or in the case of land falling in the public domain, prior to occupation of the 150th dwelling hereby approved.

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

07 (Bird and Bat Boxes)

The bird and bat boxes as identified on drawing number H8066/101 Rev P (Planning Layout) shall be installed on site prior to first occupation of each dwelling upon which they are to be sited and shall be installed at eaves level of that dwelling. These bird and bat boxes shall be retained on site for the lifetime of the development.

Reason: In order to create habitat and to ensure these features are retained on site in line with the requirements of the policies CP12, DM7 and DM5 of the Development Plan.

08 (Ecological Mitigation for street lighting)

Notwithstanding the external lighting shown on drawing number H08630/3499/LUX Rev C, during operation phase the proposed LED lanterns shall have dimmed drivers pre-programmed to reduce light output by 50% between the hours of 22:00 to 07:00. Proposed photocells will be the Lucy Zodion ZCell 20:20 lux NEMA type. All new LED lanterns for installation on 6m lighting columns will be set at 0° and will have a G3 Intensity Classification to alleviate upward light pollution and all LED lanterns at the peripheries of the development and around areas of green space will have rear shields fitted up to a 100m.

Reason: In order to protect the nocturnal ecology of the site and in accordance with the recommendations contained within the Lighting and Ecology Assessment by FPCR dated April 2020.

09 (Approved Plans)

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

SF58-E-7/SF59-EH7 01, SH50-EH7 50, SH50-I-TYPE 50 Rev C, SH52-EH7 TYPE 52, SH52-I-7 52 Rev D, H403-F7, P204-EH7 Rev C, P204-I-7 Rev A, P382-EG7, P382-EH7 Rev B P382-EG7 Con, H349-7 Rev A, P341-D7 Rev B, P341-E-7 Rev A, H486-7, H486-H7 Con T322-I-7 Rev A, T322-E-7 Rev A, T322-E-7 Con, H469-H7 Rev C, H469-H7 Con, H456-X7 H456-X7 Render, H429-7 Rev A, H418-7 Rev A, H418-H7 Con Rev B, H8066/101 Rev P – Planning Layout, H8066/13 Rev C- Phasing Plan, GL1221 01 Landscape Masterplan, H8066/02 Rev A - Site Location Plan, 2010/DET/214 – 900mm Post and Rail Fence, 2010/DET/216 – 450mm Timber Knee Rail, 2010/DET/229 – 1200mm Vertical metal railings, DB-SD13-006 B– Closed Boarded Fence, DB-SD13-004 C– Boundary Wall Type 1, H8066/06 Rev D – Materials and Enclosures Layout, H8066/05 Rev C Street-scene AA, H8066/05 Rev B Street-scene CC, Single semi side gable garage – C160, Single Garage – Ref:- SSG1H8 Rev 1, Single Garage – Ref:- LSG1H8, Single Garage - Ref:- LDG2H8, Double Garage Ref:- SDG1H8 Rev 1, Double Garage Ref:- LDG1H8, Preliminary FFL's and Drainage Strategy Ref: 101 Rev L and Play Area Proposals, GL 1221 05.

Reason: So as to define this approval.

Notes to Applicant:

01

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. A Section 38 Highway Adoption Agreement is likely to be required and further details can be provided - Contact: david.albans@nottscc.gov.uk

02

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

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

03

The applicant's attention is drawn to those conditions on the decision notice AND those contained on the outline permission which are also relevant, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised. The applicant is advised that the decision notice should ALSO be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990

04

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

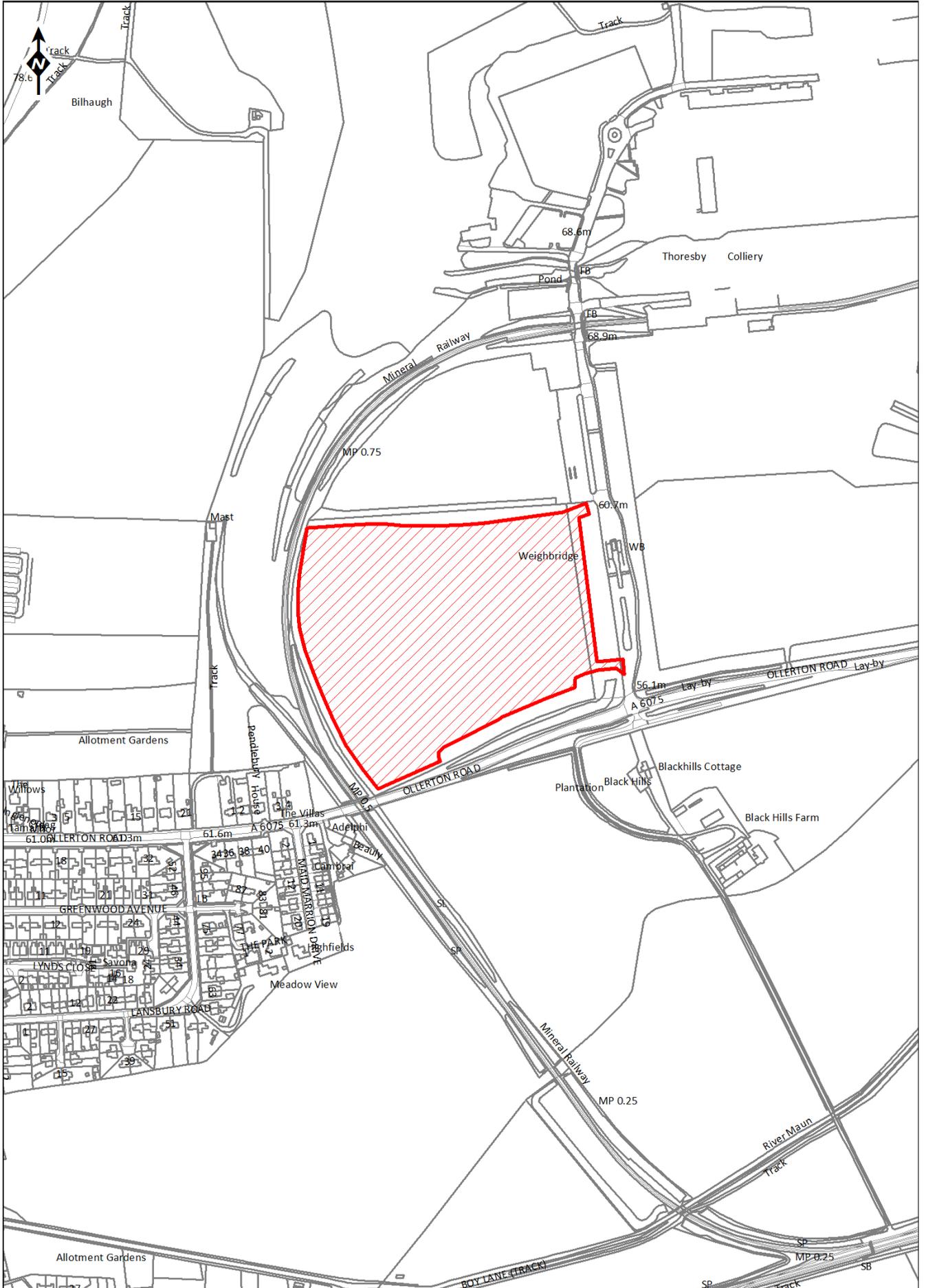
Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01865/RMAM



PLANNING COMMITTEE – 2 JUNE 2020

| | | |
|----------------------------|---|------------------------------|
| Application No: | 19/02146/FUL | |
| Proposal: | Proposed detached house | |
| Location: | 7 Sycamore Road, Ollerton, NG22 9PS | |
| Applicant: | Priceville Properties Ltd - Mr Brian Ketchell | |
| Agent: | Alan Bennett B.D.C. Ltd - Mr Alan Bennett | |
| Registered: | 05 December 2019 | Target Date: 30 January 2020 |
| | Extension of Time Requested Until 5 th June 2020 | |
| Link to Application | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q1ZLSP_LB04M00 | |

Introduction

Members may recall that this application was deferred by the Planning Committee in March this year. Members deferred the application in order for Planning Officers to negotiate on the siting of the dwelling and to enable to garden of 7 Sycamore Road to be made larger.

This updated report will firstly explain the progress made on this application since the March 2020 Planning Committee. The report will then summarise consultation and third party responses received since the 3rd March Planning Committee. An updated assessment of the proposal in the overall planning balance will then be made.

For the avoidance of doubt the original Committee report has been re-provided below. Any amendments to this report are in bold with deleted text crossed through ~~like so~~. There were no late items from the previous Committee relating to this application.

Local Ward Member Cllr Donna Cumberlidge has called in this Planning Application to the Planning Committee.

The Site

The application relates to garden land to the side/rear of the two storey semi-detached dwelling located at No. 7 Sycamore Road, close to the junction of Oak Avenue, Sycamore Road and Birch Road. The site is in a residential area that mainly consists of two storey semi-detached houses strongly coherent in architectural style and character.

Relevant Planning History

14/00017/FUL Proposed Dwelling- Application withdrawn 24 February 2014.

Relevant Planning Appeal

18/01795/FUL- Erection of a pair of semi-detached houses on land adjacent to 1 Oak Avenue and 10 Sycamore Road, Ollerton. Refused by Planning Committee on 4 December 2018, as recommended, for two reasons summarised as:

1. The proposed development would result in an unacceptable impact on residential amenity by virtue of both the proposed new dwellings and one of the existing dwellings (10 Sycamore Road) being served by insufficient private amenity space. The proposal would also result in an unacceptable and direct overlooking impact onto the rear garden area of the rear neighbouring property to the south (12 Sycamore Road).
2. The proposal would be out of keeping with its surroundings, by virtue of the car parking dominated layout in contrast to the open and green frontages of neighbouring plots. The elevation design of the proposed dwellings would be at odds with the uniform style of the neighbouring traditional, two-bay properties. Furthermore, any development on the site would create a cramped appearance which would set a precedent for further residential development on most of the street corners of the estate. This would erode the original open nature of the planned colliery village and would be cumulatively harmful to the layout and character of the planned village.

An appeal was lodged and dismissed on 18 September 2019 after the Inspector concluded the benefits that would arise from the proposal would not outweigh the harm that would be caused to character and appearance of the area and the living conditions of the occupiers of the proposed development (Ref: APP/B3030/W/19/3229291).

The Proposal

~~The application proposes the erection of a new two storey detached dwelling measuring approximately 6.0 metres wide by 8.0 metres in length, 4.9 metres to the eaves and 8.2 metres to the ridge. It would include a lean to porch and single eaves gabled dormer to the front, and comprise of an open plan kitchen/dining area, living area and w.c. to the ground floor and 3no. bedrooms, one with en-suite, and a bathroom to the first floor. One off street parking space would be provided to the front.~~

The application proposes the erection of a new single storey dwelling of a stepped design that would follow the shape of the plot. The proposed new dwelling would be set back c. 5.7 metres from the road, with a lawned area and two off-street parking spaces to the front. It would include a flat roof behind a simple parapet, and a single large format timber panelled opening to the front elevation to mimic the appearance of a garage door. A c.2.0 metre high brick wall would connect the proposed 'garage' dwelling to the existing property at 7 Sycamore Road. The proposed new dwelling would comprise of two bedrooms, bathroom, kitchen and an open plan living/dining room to the rear, with modest garden areas to the side and rear.

Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2019
Planning Practice Guidance

Consultations

Ollerton (and Boughton) Town Council (10 January 2020) – Support proposal

(21 May 2020) – No comments received at the time of writing this report

Conservation/heritage consultation response 31 December 2019 –

We are in receipt of your request for heritage advice on the above proposal.

7 Sycamore Road is identified on the Nottinghamshire Historic Environment Record as being part of the New Ollerton Colliery Village (ref MNT25087) and of Local Interest. The heritage asset is focussed on the planned settlement of New Ollerton, developed in the 1920's by the Butterley Company. 7 Sycamore Road is therefore part of a non-designated heritage asset.

Legal and Policy Considerations

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

The importance of considering the impact of new development on the significance of heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised February 2019). Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

Significance of Heritage Asset(s)

New Ollerton was a planned model village of 832 houses, and developed between 1922 and 1932. These former worker houses retain a level of homogeneity and group value, despite changes and adaptations in the modern period. The attached aerial photos from the 1930s shows the planned nature of the colliery village, with generous garden plots. Sycamore Road forms part of the original layout of the planned village, and the corner plots to the crossroads with Birch and Oak Road are distinctive, being laid out at 45 degrees with cross-plot gardens. Thought went into the layout of the worker's housing, with spacious garden plots and a uniformity to building design.

At the heart of the planned colliery village is the distinctive Church of St Paulinus, dated 1931 and designed by Naylor, Sale and Woore for the Butterley Company (ref M10678). The Southwell & Nottingham Church History Project state: "It was built deliberately at the geographical centre of the New Ollerton colliery village as a 'cathedral for the new coalfield'. It was the intention of the company that: 'if this was to be done it would be done properly'. On 16th April 1926 Eustace Mitton, the mining agent, wrote to Sir Giles Gilbert Scott, the architect of Liverpool Cathedral, asking him to submit plans for a church and vicarage at Ollerton. On 9 July Sir Giles was brought by company car to survey the site at Church Circle which had been chosen as the focal point and centre of the new colliery village. Sir Giles submitted plans, but the company, with boldness verging on the foolhardy, rejected his designs and dismissed him as architect. Ultimately the church was designed by Messrs Naylor, Sale, & Woore of Derby and built by Messrs Greenwood of Mansfield at a total cost of £8000 of which the Butterley Company contributed £5000. A further £500 and the land for the site was donated by Lord Saville of the nearby Rufford Estate. The church was consecrated on 1st October 1932."

Although New Ollerton has subsequently expanded as more housing has been built, the church has always retained its position as a focal point in the community and continued its close links with the mining community as long as mining continued in New Ollerton.

Assessment of Proposal

The proposal seeks approval for a new dwelling between 7 Sycamore Road and 1 Birch Road.

Conservation objects to the proposed development.

The four semi-detached properties fronting the Sycamore Road crossroads with Birch Road and Oak Avenue are laid symmetrically to the junction at 45 degrees. Cottages along Birch Road front the roadway. This plan-form and layout reflects the original town planning of New Ollerton. Whilst it is accepted that domestic clutter and modern outbuildings have some visual impact on the

original layout of the colliery houses, they broadly retain their significance and spaciousness at the junction. An infill new dwelling as proposed will result in a cramped arrangement which shall fragment and erode the original colliery village layout. This is harmful to the significance of the heritage asset.

The design of the new house does not reflect the architecture of the colliery village housing furthermore. The houses on the street are all semi-detached forms with either a central gable feature and gable stacks, or hipped roofs with central ridge stack. In contrast, the proposal allows for a narrow 2 bay frontage with lean-to porch and single eaves gabled dormer with no chimney. The gable width and roof pitch do not appear to reflect the established vernacular either.

If built, the new dwelling would erode the homogenous character of the colliery village. Due to the limitations of the plot, it would not be possible to create a semi-detached property, and whilst I accept that the design of the house could be individually improved to better reference the vernacular architecture of the street, this would not fundamentally overcome our objection to the cramped layout and erosion of the original planned layout of Sycamore Road and Birch Road.

20 May 2020 –

Many thanks for consulting us on the amended plans for the above proposal. As you will recall, we objected to the two storey dwelling in the context of impact on the significance of the planned colliery village.

Having reviewed the revised plans and details, Conservation has no objection to the proposed development.

The applicant consulted us on revised plans, and I am happy to confirm that the submitted plans reflect those discussions.

The amended plans have been significantly changed. The dwelling now proposed takes a single storey form, and is subservient in scale and mass to the adjacent housing stock. The design has a contemporary appearance in urban design terms, but is discreet and not unduly prominent, ensuring limited impact on the character and appearance of this part of the former colliery village (the development is largely concealed behind a ‘garden wall’).

We have no objection to the general palette of materials proposed, or the detailing. The scheme should otherwise be conditioned to ensure that the development takes the form envisaged by the LPA.

Representations have been received from 2no. local residents/interested parties which can be summarised as follows:

- Overbearing impact
- Loss of privacy
- Not in keeping with surrounding properties
- Loss of light (to kitchen in adjacent property at 1 Birch Road)

The following objection has been received from one household following receipt of amended plans:

While looking at the new proposal for a building on what was a garden I would just like to say I am saddened at the thought of losing another green space also I still feel this building would look totally out of place amongst these houses that have been here about a hundred years now so I would like you to consider my objection to this proposal and once again thank you for your time

Comments of the Business Manager

Principle of development

Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy (Adopted March 2019) identifies the Sherwood Area (Ollerton & Boughton, Edwinstowe) as a Service Centre and a focus for service provision for a large local population and a rural hinterland. Between 2013 and 2033, 30% of the overall housing growth is expected to be delivered within the Service Centres, including the Southwell Area, Sherwood Area and Mansfield Fringe Area (Spatial Policy 2 'Spatial Distribution of Growth').

The site lies within a sustainable location and therefore the broad principle of development in the area is acceptable subject to other considerations which are set out below.

Housing Need

Core Policy 3 'Housing Mix, Type and Density' identifies a **District wide** need for **housing smaller houses of 3 2 bedrooms or more fewer within the District.**

~~The proposed new dwelling, by virtue of being a family house of 3 2 bedrooms, would contribute positively towards meeting the housing needs of the District, as outlined in Spatial Policy 2 'Spatial Distribution of Growth' and Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy (Adopted March 2019). Notwithstanding this, it should be noted that the Council has an up to date plan and can demonstrate a deliverable five year housing land supply.~~

The Council's most recent Housing Market and Needs Assessment (DCA, 2014) suggests there is demand for 1 and 2 bedroom properties, although a district wide housing needs survey has recently been commissioned for 2020, which may update this position. It is therefore considered the proposed development has the potential to contribute positively towards meeting the housing needs of the District.

Impact upon visual amenity and character and appearance of the area

Core Policy 9 'Sustainable Design' requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments" and "demonstrate an effective and efficient use of land that, when appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character".

In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance.

In accordance with Core Policy 14, all development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible. (Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD).

Sycamore Road forms part of the original layout of the planned village, and the corner plots to the crossroads with Birch and Oak Road are distinctive, being laid out at 45 degrees with cross-plot gardens. The area is characterised by inter-war semi-detached properties, symmetrically designed, wide 2-bay, 2-storey, red bricked dwellings with open frontages and spacious plots with, generally, generous gardens. This has created an open, pleasant and unspoilt street scene. Due to its history, officers consider the area to be a non-designated heritage asset.

The application site is currently an open area in between two pairs of semi-detached properties, one of which is on a corner plot, close to a junction with other residential roads. Open spaces like these are a characteristic feature of the area and provide an openness that contributes positively to the character and appearance of the area. ~~The proposed new dwelling would result in the loss of one of these open areas to the detriment of the pattern of development and the spacious character of the area. Furthermore, although the proposed new dwelling has been set back at an angle to respect the established building line, the introduction of a single detached dwelling would undoubtedly be at odds with the established character of the area and, by virtue of its scale and detached form, introduce a vertical emphasis on a prominent corner within the estate, setting a precedent for similar forms of development, the cumulative effect of which would be harmful to the established character and appearance of the area.~~

~~In addition, the proposed layout is considered to be car parking dominated. The submitted block plan shows that the parking area to the front of the proposed new dwelling, taking up the majority of the front amenity area. As the proposal results in the loss of side garden area serving no. 7 Sycamore Road, any parking serving this property would also have to be to the front of the plot and this is also shown on the submitted block plan. This is out of keeping with the character of the area where the majority of the dwellings have shared side driveways with parking to the side / rear. Front plots are relatively open in nature and most are lawned.~~

~~It is acknowledged that there are examples of in fill developments elsewhere in the wider estate. However the distinctive and original street scene remains intact and prominent at this junction of Oak Avenue, Sycamore Road and Birch Road. The recent planning appeal decision relating to land adjacent to 1 Oak Avenue and 10 Sycamore Road, i.e. the opposite side of the same junction, supported the Council in its decision to refuse the development of a pair of semi-detached houses for this reason.~~

~~Finally, the proposed new dwelling is of a standardised design which does not reflect the locally distinctive architectural style of the existing properties in this area.~~

~~The proposed development is therefore considered contrary to the provisions of Policy DM5 'Design' which requires new development to reflect the local distinctiveness be in keeping with the general character and density of existing development in the area and not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. It is also contrary to CP9, CP14 and DM9.~~

The proposed new dwelling would take the form of an ancillary garage building, a form of development that is not uncommon within the planned village and can be seen in association with a number of the corner plots within the estate. Whilst the proposed development would result in the loss of one of these open areas it would follow the pattern of subservient, ancillary development seen within the area.

The scale of the proposed new dwelling has been carefully considered and reduced from that which was previously proposed to be only single storey, again following the established pattern of ancillary structures. This would represent a form of development which is subservient and to some degree 'hidden' retaining the legibility of the original planned village and which would be in-keeping with the established character and appearance of the area. Whilst the proposed design does not reflect the vernacular styling of the planned village exactly, the proposed new dwelling would be faced in brick laid in stretcher bond to match the vernacular to enable the building to sit sensitively within the context. The Council's Senior Conservation Officer has considered the revised plans and details and raised no objections to the proposed development.

The proposed car parking layout has been amended to provide enough space for a lawned area between the proposed new parking and the parking at 1 Birch Road to avoid a frontage which is overly dominated by cars.

Impact upon residential amenity

Policy DM5 of the Allocations & Development Management 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 application site is located at the corner of Sycamore Road and Birch Road between the two pairs of semi-detached properties at 7 and 5 Sycamore Road to the east and 1 and 3 Birch Road to the west.

~~The proposed dwelling would be set back at an angle to respect the established building line, and sited approximately 1.5 metres off the boundary shared with the neighbouring property at 7 Sycamore Road. Due to the angle of the site and boundary line the proposed new dwelling would be sited approximately 3.0 metres off the boundary shared with the neighbouring property at 1 Birch Road to the front, decreasing to approximately 0.75 metre off the boundary to the rear.~~

The proposed new dwelling would be set back at an angle to respect the established building line, and sited approximately 3.0 metres off the boundary shared with the neighbouring property at 7 Sycamore Road to the front, decreasing to approximately 1.5 metres off the boundary to the rear. Due to the angle of the site and boundary line the proposed new dwelling would follow but be offset from the boundary with 1 Birch Road by approximately 1.0 metre.

The proposed development would result in a reduction in the private amenity space for the owners/occupiers of the property at 7 Sycamore Road, although a close boarded fence has already

~~been erected around the perimeter of the application site demarcating this. Although the private garden space for the prospective owners/occupiers of the proposed new dwelling and the neighbouring residents at 7 Sycamore Road would be significantly smaller than that enjoyed by other neighbouring residents, it is not considered the proposal would result in an unacceptable reduction of external amenity space. Notwithstanding this, the proposed new dwelling would be a prominent addition to the rear of the neighbouring property at 7 Sycamore Road, and have an enclosing and overbearing impact on their garden. Considering the position and height of the proposed new dwelling in relation to the movement of sun, some overshadowing is also likely to occur.~~

~~The owner/occupier of the neighbouring property at 1 Birch Road has expressed concerns about loss of light into their kitchen, although their property includes a car port/caravan to the side which already reduce the amount of light into their property. Notwithstanding this, it is considered the proposed new dwelling would have an enclosing and overbearing impact on the neighbouring property by virtue of being sited slightly forward of their front elevation and close to the boundary.~~

~~The proposed new dwelling would include ground and first floor windows to the side elevations although these would be small in size and serve the hall, landing and en-suite bathroom. It is therefore considered there would be no adverse impact upon the neighbouring residents in terms of overlooking or loss of privacy.~~

Members considered the previous scheme would result in an unacceptable reduction of private garden space for the neighbouring residents of 7 Sycamore Road. The remaining private amenity space for the owners/occupiers of the property at 7 Sycamore Road would be approximately 25% larger than that which was shown on the previous scheme. Although the private garden space for the prospective owners/occupiers of the proposed new dwelling and the neighbouring residents at 7 Sycamore Road would be significantly smaller than that enjoyed by other neighbouring residents, it is considered that a reasonable amount of private amenity space would be provided and it is acknowledged the Council does not have minimum garden sizes.

Concerns regarding over-bearing and loss of light in relation to the previous proposal have now been addressed and alleviated by the proposed reduction in height of the new dwelling to be single storey with a maximum height of approximately 2.6 metres. The proposed new dwelling would include large windows to all primary living spaces, however these would be at ground floor level only and present no adverse impact upon the neighbouring residents in terms of overlooking or loss of privacy.

It is considered appropriate to remove householder permitted development rights from the proposed new dwelling, to ensure any future extensions or alterations can be given due consideration by the Local Planning Authority, due to the size of the plot and enable consideration on the impact upon the amenity of adjoining residents.

Access and parking

Policy DM5 'Design' of the Allocations & Development Management DPD states that provision should be made for safe and inclusive access to new development.

~~The proposed width and length of the proposed driveway would seem to exceed that specified by the Highway Authority as acceptable for a single private driveway (3.3 metres if bounded by a fence). The proposed car parking spaces have been designed to meet the minimum size~~

standards specified by the Highway Authority i.e. 2.4m x 5.5m. The Highway Authority also requires driveways to be surfaced in a bound material (not loose gravel), to be drained to prevent the discharge of surface water onto the public highway, and to be served via a dropped vehicular footway/verge crossing in all instances. **The driveway is proposed to be served via a dropped vehicular footway crossing and tarmac surfaced. Further details would need to be secured by condition on an approved application to satisfy the relevant requirements.**

Planning balance and conclusion

~~Whilst the proposed new dwelling would contribute positively towards meeting the housing needs of the District, this would be to a limited degree, and would not outweigh the demonstrable harm that would be caused to the area in terms of the impact on its character and appearance and the living conditions of neighbouring residents.~~

The proposed new dwelling has been sensitively designed to ensure limited impact on the character and appearance of this part of the former colliery village and would have no adverse impact on the amenities of neighbouring residents and provide safe access in accordance with Core Policy 9 of the Amended Core Strategy DPD and Policy DM5 of the Allocations & Development Management DPD.

RECOMMENDATION

~~**That planning permission is refused for the following reason(s)**~~

- ~~1. In the opinion of the Local Planning Authority, the proposed new dwelling would be at odds with the established character and appearance of the area, by virtue of its scale, form, mass, car parking dominated layout, design, materials and standardised detailing, and introduce a vertical emphasis on a prominent corner within the estate, setting a precedent for similar forms of development, the cumulative effect of which would be harmful to the established character and appearance of the area, which is considered a non-designated heritage asset. The proposal is therefore contrary to the provisions of Core Policies 9 'Sustainable Design' and 14 'Historic Environment' of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and Policies DM5 'Design' and DM9 'Protecting and Enhancing the Historic Environment' of the Allocations & Development Management DPD (adopted July 2013) which together form the relevant parts of the Council's up to date Development Plan. No material considerations outweigh the harm identified.~~
- ~~2. In the opinion of the Local Planning Authority, the siting and scale of the proposed new dwelling would also result in an adverse impact upon the amenities of neighbouring residents by virtue of an enclosing, overbearing and overshadowing impact. The proposal is therefore contrary to the provisions of Policy DM5 of the Allocations & Development Management DPD (adopted July 2013) as well as the NPPF which forms a material planning consideration. No material considerations outweigh the harm identified.~~

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

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 101 received on 05 May 2020.

Reason: So as to define this permission.

03

Notwithstanding the submitted details, no works in relation to the following details shall be commenced until samples have been submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

Bricks

Reason: In the interests of visual amenity.

04

Notwithstanding the submitted plans, no part of the development hereby permitted shall be brought into use until the access to the site has been completed to a standard that provides a minimum width of 5.45m and surfaced in a bound material (not loose gravel) for a minimum distance of 5.0m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

05

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

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

Informatives

~~1. 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/~~

01

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

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

~~1. 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

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

~~2. Refused Drawing Numbers: Sketch Design 1018-1 and Block Plan 1018-2~~

Background Papers - Application case file.

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

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

**Lisa Hughes
Business Manager – Planning Development**

Committee Plan - 19/02146/FUL



© Crown Copyright and database right 2020 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 2 JUNE 2020

| | | |
|------------------------|---|---|
| Application No: | 20/00525/FUL | |
| Proposal: | Construction of single detached dwelling and garage (resubmission of 19/00131/FUL) | |
| Location: | Land adjacent 4 Yew Tree Way, Coddington | |
| Applicant: | Mr & Mrs Hazzledine | Agent: Jen Leadbetter at Aspbury Planning |
| Registered: | 30.03.2020 | Target Date: 22.05.2020 |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage | |
| | Extension of time agreed until 03.06.2020 | |

This application has been referred to the Planning Committee by Cllr J Lee given the planning history and the committee's previous involvement in schemes and due to the 'inappropriate site due to endangering woodland and TPOs'.

The Site

The application site lies to the northern end of Coddington and comprises part of the land associated with 4 Yew Tree Way. The site abuts Coddington Conservation Area. A 1.8m close boarded fence exists to the boundary of the garden serving the existing property with a landscaped buffer between the fencing and the boundary with the highway on Yew Tree Way. The site fronts the turning head on Yew Tree Way.

Numerous trees exist within the application site and these are protected by 3 separate Tree Preservation Orders. Given the numbers of trees and their disposition, the site takes on the appearance of a small woodland. The existing dwelling on the site is a two storey dwelling with a conservatory to the rear. Yew Tree Way is characterised by detached two storey dwellings and existing residential properties are situated opposite the application site. Beyond the site (to the west and north) is open countryside.

Relevant Planning History

There are three Tree Preservation Orders that relate to the wider site, as shown on the plan appended to this report:

- TPO 34 - -A Tree Preservation Order was made in 1982 (TPO 34) which related to a much wider site including the application site. This was missed off the land registry (13/00002/TPO).
- TPO 174 – A Tree Preservation Order was made in 1991 (TPO N174) which also related to a wider site but omitted the application site now being considered (11/00110/TPO);

- TPO 349 – A Tree Preservation Order was made in 2013 (TPO N349) which rectified the previous omission and relates to the land adjacent to 2 & 4 Yew Tree Way (and includes the application site) 12/00017/TPO

13/00226/FUL – An application was submitted in 2013 for the erection of 2no. two storey detached houses. The application was subsequently withdrawn.

13/01623/FUL – An application for the erection of two houses was submitted which was subsequently refused on 18th March 2014 under delegated powers on the grounds of:

- 1) Failure to meet an identified local need as required by SP3 and;
- 2) Failure to provide sufficient space to accommodate standing vehicle between house 2 and the highway resulting in a public safety contrary to DM5.

APP/B3030/A/14/2225664 - An appeal was lodged and was dismissed on 23rd December 2014. In dismissing the appeal the Inspector concluded that the scheme would likely affect highway safety. It was also concluded that it was not clear that the 2 houses would help enhance or maintain the vitality of the community or that there is a need for new housing in the village for the maintenance of the existing vitality of the community and that the appellant provided little evidence and no quantified analysis to confirm a local need. It was therefore not possible to conclude that the development would accord with the NPPF and the appeal failed.

16/01508/TPO - Undertake works to trees contained within G1 in schedule of TPO N349. The works were subsequently undertaken in accordance with the agreed works.

16/02158/FUL - Erection of 2 dwellings. The application was refused under delegated powers on 30.03.2017 on the grounds of:

- 1) In the opinion of the Local Planning Authority the proposed dwellings would not meet an identified proven local need for Coddington, which is not an area of focus for new housing development with the Council's settlement hierarchy. The proposal therefore does not represent a sustainable form of development and would be inappropriate. The proposal is therefore contrary to the requirements of Spatial Policy 3 (Rural Areas) of the Newark and Sherwood Core Strategy (adopted 2011) and Policy DM12 of the Allocations and Development Management DPD (adopted 2013). The proposal also fails to accord with the provisions of the National Planning Policy Framework (NPPF) 2012 which is a material planning consideration.
- 2) In the opinion of the Local Planning Authority the Tree Surveys submitted are flawed as they do not accurately show root protection areas, tree canopies or the tree shading as one would expect from a survey that complies with the British Standard 5837-2012. Notwithstanding this however Officers consider that the proposals would result in positive harm; it is considered that the proposed dwellings would have insufficient functional amenity space that would be completely dominated by surrounding trees which are not yet fully mature and there will likely to be pressure from any future occupants for pruning/felling the result would be to have adverse impacts on the trees. There would also be seasonal tree debris (from leaves, fruits, seeds etc) which could be seen as a nuisance as well as apprehension of occupants over the possible failure of trees/tree parts that are likely to be of concern to any future occupiers given the close proximity of large trees to their dwellings and this would also lead to pressure for repeat pruning and/or tree felling.

Furthermore the space that the dwellings would have access to would be severely restricted and overshadowed with occupiers having to manage their space as woodland rather than garden and the species (Yew) is not an ideal species for family houses given they are poisonous to humans, especially small children. Overall it is considered that the proposal is contrary to Policies SP3 (Rural Areas), CP9 (Sustainable Design) and CP12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the adopted Allocations and Development Management DPD which together form the Development Plan, as well as the NPPF, a material planning consideration.

17/02320/TPO – Undertake works to Oak tree protected by TPO N34 and N174 – Woodland 1 Removal of smaller lower lateral back to stem and reduction of larger lateral back to secondary growing point. Approved 21.12.2017.

19/00131/FUL – Construction of 2 dwellings. Refused contrary to officer recommendation by the Planning Committee in January 2020 for the following reason:

In the opinion of the Local Planning Authority the proposal by virtue of its layout and scale would lead to an unacceptable encroachment into a protected woodland and habitat that would result in the loss of protected trees and adversely impact upon the level and type of amenity space available to residents given the positioning of the development with the protected trees which is exacerbated by the fact that the remaining garden will need to be continued to be managed as woodland. The proposal is therefore contrary to Core Policies 9 (Sustainable Design) and 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 2013 which together form the relevant parts of the Development Plan.

The Proposal

Full planning permission is sought for the erection of one dwelling with a detached garage.

The two storey dwelling would comprise of a central front porch, kitchen, utility, living room and w.c. at ground floor whilst at first floor are four bedrooms (2 en-suite) and a bathroom.

A block paved driveway is proposed for the double width driveway which extends for 8m from the back edge of the footway in front of the garage.

Plans showing part street-scenes, levels and cross sections have been provided showing that the ridge height of the proposed dwellings would sit slightly lower than the ridge height of the existing dwellings in the vicinity. All windows serving the proposed dwellings (save for bathroom and en-suite first floor windows) would be to the front and rear elevations and materials are indicated to be red brick to complement existing dwellings with pantile roofs.

The submitted plans show lawn areas to the front and rear of the proposed dwellings and indicate the presence of protected trees on site.

The Submission

The application comprises the following documents:

- L (03)71 Rev A – Proposed Elevations Option 12
- L(03)70 Rev A – Proposed Plans Option 12
- Site Location Plan
- Agents Covering Letter
- Extended Phase 1 Habitat Survey and Tree Assessment for Bats (April 2019)
- Planning and Design & Access Statement
- Aboricultural Method Statement by AWA Tree Consultants
- A rebuttal of objections was submitted on 5th May 2020, superseded by a version submitted 13th May 2020, which the agent has asked that Members read

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

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

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

Allocations & Development Management DPD (2013)

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

Other Material Planning Considerations

National Planning Policy Framework 2019
 Planning Practice Guidance
 SP3 Guidance Note
 APP/B3030/A/14/2225664 – Appeal Decision
 Newark and Sherwood Housing Needs Survey 2014 by DCA
 Palm Developments Ltd v Secretary of State for Communities and Local Government, Court of Appeal - Administrative Court, February 1, 2009 and Distinctive Properties (Ascot) Ltd v Secretary of State Distinctive Properties (Ascot) Ltd v Secretary of State for Communities and Local Government, Court of Appeal - Administrative Court, March 19, 2015

Consultations

Coddington Parish Council – (22.04.2020) objects to the planning application 20/00525/FUL on the following grounds:

1. The development would have a detrimental effect on the character of the area and damage the trees in this important area of Yew Tree Wood both during construction and while in occupation, counter to the District Council's policy to promote tree planting.
2. There has already been significant degradation to this protected woodland area and this development would continue this pattern of destruction of wildlife habitat with the loss of protected trees.
3. The development is too close to the turning area and the increase in the already overcrowded roadside car parking associated with the development will restrict use of both the turning area hammer head and the emergency vehicle access at the end of Yew Tree Way, with increased risk of serious injury to pedestrians.
4. There is no provision for the relocation of the existing soakaways on the development site, and hence no assessment of the damage to roots of the existing trees in the protected woodland.
5. The reasons for unanimous refusal by the Planning Committee of the previous application remain valid, being contrary to Core Policies 9 and 12, and Development Management Policies DM5 and DM7.

NCC Highways Authority – Standing advice applies. However given the history of a refusal based on highway concerns some time ago a bespoke advice was previously requested, the response was as follows:

“Yew Tree Way is a cul-de-sac and the application site is positioned near the turning head. The proposal includes the construction of two vehicular accesses which are required to be constructed in accordance with the Highway Authority's specification.

Sufficient parking space has been proposed.

There are no highway objections subject to the following...”

They then went on to request 2 conditions and an informative which are included within the recommendation section.

Natural England – (31.03.2020) No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Further generic advice is also provided within an appendix.

Nottinghamshire Wildlife Trust – Offer no comments to this scheme. However they have previously advised (June 2019) the following which is of relevance:

“We are pleased to see an extended Phase 1 Habitat Survey and Daytime Bat Assessment (Rachel Hackling, April 2019) has been undertaken in line with our previous comments on this application. We agree with the advice in Section 5 (page 12) of the report and recommend these are incorporated into an appropriately worded planning conditions, should the development be approved.”

Trent Valley Internal Drainage Board – Make general comments.

Consultant Tree Officer – (30.03.2020):

‘The proposed layout is acceptable.

Consideration needs to be given to boundary treatments to ensure trees in the garden area are not fully excluded from the larger woodland group by 1.8m wooden panel specification.

A revised arboricultural method statement and tree protection plan will be required.’

Conditions are then recommended which have been included in the recommendation below so are not repeated here.

Historic Environment Officer (Archaeology) – No archaeological input required.

NSDC (Conservation) – ‘I am in receipt of your request for heritage advice on the above proposal.

The proposal site is located outside of Coddington Conservation Area (CA). Although we recognise that the modern housing development on Yew Tree Way abuts the CA, we do not feel that the proposed development will have any discernible impact on the character and appearance of the CA. The development is consistent in scale and form with existing dwellings on the housing estate, and the impact on the CA is therefore neutral.

Notwithstanding the above advice, we recognise that trees in this area have an important relationship with the CA and the former park and garden surrounding Coddington Hall. We welcome retention of trees in this context.

In reaching this view, I have had regard to s72 of the Planning (LB&CA) Act 1990, as well as heritage objectives and policies contained within the Council’s LDF DPDs and section 16 of the NPPF.’

The following summarized objections have been received from 4 households:

- Aghast that this application has been submitted at a difficult time when residents (some of whom have protected characteristics) need to stay safe and aren’t in the mind-set to form sound judgements.
- Not being able to debate this face to face (at committee) disadvantages residents and the Parish Council;
- No Design and Access Statement submitted;
- Applicant doesn’t refer to need as required by Spatial Policy 3;
- Coddington has limited services as there is no longer a post office or convenience store;
- 4 bed detached house I not appropriate as scale is encroaching into woodland;
- Could result in the loss of protected trees and adversely impact upon the level and type of amenity space available to residents given the positioning of the development within the protected trees;
- Remaining garden will need to be continued to be managed as woodland;
- The garage only has 1 single door which doesn’t match others which have either a double or 2 single doors;

- This would increase traffic to the area and doesn't address the safety issue raised by the Inspectorate relating to the hammerhead turning area that was explicitly designed for existing dwellings and 24hr emergency vehicle access;
- This will completely change the character and landscape setting of the way;
- As a result of Council's mistake, the protected woodland has been groomed for development without intervention;
- No attempt has been made to resemble existing dwelling;
- Poor design will set a dangerous precedent;
- This area of land should be safeguarded;
- Parking on the road is already overcrowded on the roadside;
- Since the closure of the lane at the side of 4 Yew Tree Way, it has become a major walking, cycling and riding route from the lane. There are no footpaths on this part of the road, with all non-motorized transport forced to walk down the road due to parked cars. Further up the road, the parking is so bad that the road is often only wide enough to fit a car through;
- Planning history is material to decisions;
- Applicant should never have been given permission to remove trees for the woodland that now enable the space for 2 houses;
- Applicant should not have been allowed to benefit from a Council error;
- Protected trees removed due to errors of the District Council;
- Loss of trees from yew wood;
- Trees are vital to fight against climate change;
- Removal of mulberry tree unacceptable (only ones in the village);
- Pressure to fell yet more trees;
- Previous objections regarding highway safety still remain;
- Pedestrian safety as no pavements;
- Concerns regarding contractor vehicles during construction;
- Site slopes so would need split level garden;
- Driveways in close proximity to others would cause conflict;
- Comments that fences are not in the correct position;
- Claims that the village has a shop and post office is not correct;
- There is nowhere to move soakaways to;
- Ecology concern/loss of habitat;
- Parked cars would block emergency access from farm road;
- Conflicts with location of road water soakaways;
- Boundary issues;
- Area is focal amenity for the village with protected woodland and based at the edge of the conservation area; and
- Loss of privacy.

Comments of the Business Manager

Background

It is fair to say that there has been strong and consistent objections received in respect of previous schemes and this scheme has also attracted objections from local residents and the Parish Council. Again some of these objections stem from events that have happened in recent years (since 2012) whereby trees were removed because the Council had failed to take into account one of 3 TPO's relating to the site and the owner was therefore not made aware that these particular trees were subject to protection. This resulted in a complaint to the Ombudsman in 2015 against the Council

for failure to enforce replanting which the Council could not take because of the fault as it would unlikely succeed and would have been unreasonable. The Ombudsman found fault with the Council due to record keeping from 1982 but recognized that it had done all it could to prevent the problem reoccurring. The Inspector also recognized that the concern regarding future development on the site was separate from the TPO and that 'the presence of the TPO does not mean the site cannot be redeveloped' and that they 'couldn't link the fault to possible development of the site'. They did however accept that that 'removal of trees has changed the site forever and may have removed obstacles to development.' They went on to say that 'Replanting could have made development of the site more difficult but it would not have prevented development.' It is within this context that the application is assessed.

Members will note that there is a history of refusals on this site for two detached dwellings. Reasons for refusal have previously related to the lack of an identified housing need, highway safety and impacts to and from protected trees. More recently (January 2020) the refusal by Planning Committee was due to the layout and scale unacceptably encroaching into the protected woodland and habitat resulting in the loss of protected trees and adversely impact upon the level and type of amenity space available to residents. It is important to bear this in mind now as adding in new reasons for refusal that were not previously raised, without good reason, could amount to unreasonable behavior in the event of an appeal.

The Principle of Development (including a discussion on sustainability)

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply and for the purposes of decision making the Development Plan is up to date.

The starting point in assessing this application is with the Development Plan. Core Policies 1, 2 and 3 set out the settlement hierarchy in the District. Spatial Policy 1 details the settlement hierarchy to 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. At the bottom of the hierarchy are 'other villages' which are considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). These are location, scale, need, impact and character and are assessed below.

Location

SP3 states that new development should be 'in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of services themselves to address day to day needs'.

I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am particularly mindful of the existing layout of development and that the site sits opposite and adjacent to existing properties on Yew Tree Way and would be served by the existing cul-de-sac in terms of vehicular access. I am satisfied that the application site is situated within the main concentration of existing development in the village.

With regards to the provision of services, whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does nevertheless contain a Primary School, two public houses, a village hall, community centre and church. There are also bus stops which provide regular half hourly bus connections to Newark. As such I consider the proposal meets the first criteria of SP3.

Scale

SP3 provides that new development should be appropriate to the proposed location and small scale in nature. This relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below.

One additional dwelling on the site is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems even when added to the development already committed in Coddington through the granting of permissions. I also consider that an additional dwelling is highly unlikely to materially affect the capacity of the transport network in dealing with the increased volumes of traffic levels, a matter which the Highways Authority have not raised concerns on. The site is located within Flood Zone 1 of the Environment Agency flood maps and as such is at low risk of flooding from river and coastal sources. The site is also at very low risk of flooding from surface water according to the Environment Agency surface water maps and thus the additional built form is unlikely to result in adverse impacts from surface water runoff that could not be adequately mitigated against.

Character, Design/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. This assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 13 requires the landscape character of the surrounding area to be conserved. The NPPF states that good design is a key aspect of sustainable development.

The site's location adjacent to the designated conservation area is also a material consideration. The Council's conservation team raise no objection to the setting of the conservation area. I concur with this opinion.

The proposed dwelling is modern in design and in my view very much reflects the style of the existing detached dwellings along Yew Tree Way. It would sit at a similar height in the street-scene to existing dwellings. I am satisfied that the proposed dwelling by reason of its height, choice of materials, layout, and soft landscaping would ensure it would have an acceptable relationship with the street scene and the visual character of the area. Given the property would be seen in context with existing dwellings on Yew Tree Way and that existing trees on the site would be retained, I am satisfied that the proposals would result in no significant impact on landscape character and setting of the adjoining conservation area. Precise details of hard and soft landscaping would be subject to condition if approved.

I am therefore satisfied that the proposals would comply with the design guidance in the NPPF and DM5 of the DPD and the policies in the Core Strategy and DPD relating to the historic environment and landscape character.

Need for Development

Members will note that a lack of housing need was historically cited as a reason for refusal and an appeal against the Council's decision was dismissed. However planning policy has shifted since the determination of the appeal. Whereas previous housing in such an area was expected to meet an

identified proven local need, the adopted policy now requires development to *“help support community facilities and local services.”* It goes on to say that *“Neighbourhood Plans may set detailed policies reflecting local housing need, elsewhere housing schemes of 3 dwellings or more should meet the mix and type requirements of Core Policy 3.”*

In essence the need criteria of SP3 has relaxed and only has to support community facilities and local services, which this scheme is capable of doing. There is no Neighbourhood Plan for Coddington that sets a specific housing need agenda or policy to the contrary. I note that the Newark and Sherwood Housing Needs Survey 2014 by DCA identifies that in the Newark Sub Area (where Coddington falls) 14.4% of demand arises from 4 bedroom market dwellings (the third most needed type after three and two bedroom units respectively). CP3 also reinforces that family housing of 3 bedrooms or more is a general need across the district.

Therefore whilst the appeal decision is a material consideration, in this case I am on the view that given the changes to the policy in respect of need, it would now be unreasonable to resist an application on this basis.

Impacts on Trees

The starting point for all development is that Policies 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.’*

The trees on the site are protected by Tree Preservation Orders. In support of the application a tree survey and updated method statement have been submitted by AWA Tree Consultants.

In order to facilitate the development the proposal would require the removal of 1 maple tree (T43) and 1 group (G42) which are graded as category C, which have low amenity value. For comparison purposes, the latest refused scheme sought to be remove 3 grade C trees and the group. The Council’s Consultant Tree Officer has been on site and reviewed the scheme and raises no objections. The loss of the trees and shrubbery is considered to be acceptable given their low amenity value.

The Tree Officer previously noted that the Arboricultural Method Statement submitted in connection with the refused scheme was broadly acceptable but that no specific ground protection areas have been submitted and there appears to be no provision for any on site facilities or storage of materials. These however are matters that could be dealt with by condition if Members were minded to approve the scheme.

In terms of the impact on the remaining woodland, concern was previously raised in terms of pressure to prune trees due to the shading of the garden and seasonal nuisance and fear of the trees failing in close proximity to the dwellings. This scheme, being for just one dwelling, has been able to increase the level of amenity space to c935sq m (previously it was 371sq m and 566sq m for the 2 plots) and thus reduce the pressure on the trees.

Again I note the presence of the Yew trees whose debris is toxic particularly for small children if consumed which isn’t ideal for family housing, which these dwellings are. However I agree that the dwellings are now an adequate distance from trees and the occupiers would be well aware of the potential issues before taking possession of the houses.

Whilst the dwelling proposed would still have its gardens surrounded by trees, it does have each external space that is clear of trees allowing for areas that aren't overshadowed. Notwithstanding this, the way in which the site would have to be managed has been clarified by case law in that a woodland TPO protects all trees and the site would essentially need to be managed as a woodland as opposed to being managed as a garden.

The key question therefore is whether the concerns previously identified by members have been sufficiently addressed. In considering this it is important to note that the host dwelling sits within a similar woodland setting of similar species including Yews. Taking all matters into account my professional officer view is that the reduction of development to one dwelling has addressed those concerns previously raised by members to a degree that I feel it would now be unreasonable to resist this development on the grounds of harm to trees or woodland.

Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. In the context of the current application, consideration of amenity requires deliberation to the impacts of the development on the existing neighbouring properties as well as the proposed occupiers of the development proposed.

In terms of the built form of the proposed dwelling, the parking and garden areas proposed, I am satisfied that the proposal would result in no undue impacts on neighbouring residential amenity given the relationships with other properties on Yew Tree Way. In reaching this conclusion I am mindful that the dwelling is set back in relation to the existing dwelling at 4 Yew Tree Way. However, given the separation distances between this existing property, that the rear garden of no.4 includes numerous trees which already result in a degree of overshadowing to this property, and that there are no side windows (other than an obscure glazed bathroom window) on the proposed dwellings, I consider that the proposals would not result in any undue overbearing, overshadowing or overlooking impacts. The insertion of any further windows in the side elevations of the proposed dwellings could be controlled by a condition. There are no dwellings affected to the west and those to the south are located on the opposite side of the road with sufficient space and distances between them to allow for privacy.

Concern was previously expressed that the garden curtilages of the two detached dwellings would not create functional or meaningful gardens given that the presence of the trees would require the gardens to be managed as woodland rather than gardens. The reduction of this revised scheme to 1 dwelling has addressed this by providing more useable garden space. I am mindful that the future occupiers of the dwelling would be aware of the limitations of the garden in advance and that not all occupiers would be concerned by the woodland management requirement. As the land slopes, details of land contours can be clarified by condition but it would be expected that no alterations to the land levels should occur. In conclusion I find that the level of amenity space and its usability is acceptable.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued

protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12.

The site offers ecological value within its woodland habitat. An Extended Phase 1 Habitat Survey and Tree Assessment for Bats (November 2016) was undertaken in support of the application and this was updated in April 2019 given the passage of time.

The survey concludes that there is potential foraging, hibernating and commuting habitat suitable for Great Crested Newts which could be supported on a pond outside of the site c250m to the south-west, however given the lack of connectivity it is not considered to be a constraint to development. The site supports good foraging and commuting habitat for bats although no evidence of bat activity was found during the tree survey and likewise there was no evidence of badgers or other protected species. The trees also provide suitable bird nesting habitat.

Invasive non-native species (4 types) were also found on the site in 2019; none were previously found in 2016. It is an offence to allow these to spread. However unless these are causing a nuisance no formal action can be taken. However I consider that it would be reasonable to require these to be removed as part of a landscaping scheme in the event that the application is approved which would be a betterment that otherwise could not at this stage be obtained.

I note that Natural England raise no objections to the proposal.

Having following the Standing Advice issued by Natural England and in line with the recommendations of the Survey, given I have no evidence to the contrary I am satisfied that any harm could be mitigated through conditions and that habitat creation and enhancements could also be secured by condition. Subject to this the proposal would accord with Core Policy 12 and Policy DM7.

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.

I note that local residents have raised concerns that there are no pavements along Yew Tree Way and that garages at many properties along this Way are used for storage and there are parking problems already. During site visits I did not encounter any obvious parking issues. The garage and its double width drive would allow for the parking of at least 3 cars which is what one would expect for a 4 bedroom dwelling. No concerns have previously been raised in terms of pedestrian safety.

It is therefore considered that the proposal does not result in any highway safety issues and complies with SP7 and Policy DM5 of the Core Strategy and DPD respectively.

Other Matters (Not already covered)

Concerns have been raised regarding drainage which I am satisfied could be controlled by conditions if the application were to be recommended for approval.

The timing of the application has been raised (during the Covid 19 pandemic) citing that residents are not able to make sound judgements at this time. I note that 4 neighbours have objected to this scheme and that 6 neighbours previously objected to the refused scheme. I am satisfied that neighbours and indeed the Parish Council have been given sufficient time to make representations (8 weeks by the time this is considered by committee which even when factoring in the unprecedented times we are in, is ample.

If soakaways need to be removed, this would require the consent of the relevant authority. If it is not possible to relocate them as suggested by some third party comments, then it could mean that the planning permission is unable to be implemented in the same way that one couldn't implement a scheme on land that one doesn't own.

The issue of fencing not being in the correct position appears to be a civil issue rather than a planning one.

Planning Balance and Overall Conclusion

Having regard to the criteria contained within SP3, the principle of development within Coddington village is considered acceptable. Having carefully considered the site specific impacts I conclude that there would be no demonstrable harm in terms of heritage and highway safety.

I appreciate the concerns of the Parish Council and those of the residents who raise strong objections. I also appreciate the planning history relating to the site and events that have lead up to the submission of this latest submission.

With regard to the design of the new dwelling and whether it fits with the character of the area is subjective. I have found that it would be acceptable for its context and would offer needed (in a district and national sense) a four bedroom family hose in a relatively sustainable settlement.

One category C grade tree and some C graded group shrubbery would need to be removed from the site in order to facilitate the development. The Tree Officer has raised no concerns to this loss given their low amenity value. A good level of useable garden space is now available for the dwelling such that there would be areas that would not be in shadow. Whilst the potential pressure for pruning would not fully disappear, I, like the Tree Officer am satisfied that due to the proximity of the dwelling and the age of the species closest to the dwelling, this pressure would not be undue. Seasonable debris is a matter for the owners to manage acknowledging that the external space would need to be managed as a woodland rather than gardens. However this is no different to the host dwelling and others in the vicinity. Not all occupiers would be put off by this prospect.

In terms of ecology no specific harm was identified. Four types of 4 invasive species found on site could be sought to be removed through a landscaping condition which would be a betterment which I give some limited positive weight to. Any other potential harm can be mitigated by condition and I consider that enhancements could also be achieved.

All relevant matters need to be weighed in the planning balance, which in my submission is less fine than the refused scheme. I have considered all of the above and have come to the view that the previous refusal reasons have been adequately addressed and any harm could be mitigated by conditions. I therefore offer a recommendation of approval.

RECOMMENDATION

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

Conditions

01 (Time for Implementation)

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

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

02 (Construction Management Plan)

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site construction workers and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development specifically avoiding root protection areas of retained trees;
- iv. the erection and maintenance of any security fencing required including the positioning of this with specific consideration in relation to retained and protected trees.

Reason: In the interests of ensuring that protected and retained trees are protected during the construction phase and in the interests of residential amenity.

03 (Prohibited Activities near trees)

During the construction period the following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.

- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

04 (No machine digging underneath tree canopy)

No machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

05 (Tree Protection)

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been first agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with boundary treatments, foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved details.

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

06 (Drainage)

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter prior to first occupation in accordance with the approved details.

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

07 (External Facing Materials)

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

08 (Architectural Details)

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken and retained for the lifetime of the development in accordance with the approved details.

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

Treatment of window and door heads and cills

Verges and eaves

Reason: In the interests of visual amenity.

09 (Hard and Soft Landscaping)

Prior to first occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

proposed finished ground levels or contours;

means of enclosures to the curtilage of the dwelling;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

010 (Implementation of landscaping)

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

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

011 (Further Bat Survey)

No development or clearance works shall begin later than 12th April 2021 unless a further daytime bat survey has been undertaken on site by an appropriately qualified/experience ecologist and the results and proposed mitigation where required has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented on site in accordance with an approved timetable and shall be retained on site in perpetuity where this is deemed necessary.

Reason: To ensure that adequate protection is afforded to bats that could be on site in line with the findings of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology which after this date will be considered to be out of date.

012 (Habitat Enhancement and Creation)

The dwelling hereby approved on site shall not be occupied until details of a habitat enhancement and creation scheme has been submitted to and approved in writing by the Local Planning Authority. This should include, but is not limited to, the provision of bird nest boxes/bricks and artificial bat roosts and should set out the type (manufacturer) the number and their precise positioning including their heights. The habitat creation and enhancement scheme shall then be implemented on site, prior to first occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of enhancing biodiversity in line with the requirements of the Development Plan, the NPPF and in line with the recommendations of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology.

013 (Removal of Invasive Species)

The dwelling hereby approved shall not be occupied until a methodology for the removal of the four invasive species found on the application site has been submitted to and approved in writing

by the Local Planning Authority. The invasive species should then be removed from the site as detailed within the methodology prior to first occupation of the dwelling hereby approved.

Reason: In the interests of enhancing biodiversity in line with the requirements of the Development Plan, the NPPF and in line with the recommendations of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology.

014 (Protection for nesting Birds)

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive).

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

015 (External Lighting)

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

Reason: In the interests of affording protection to nocturnal wildlife on the site.

016 (Provision of bound driveway)

The dwelling hereby approved shall not be occupied until its drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

017 (Dropped Curb)

The dwelling hereby approved shall not be occupied until its associated dropped kerb vehicular crossing is available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

018 (Approved Plans)

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

- L (03)71 Rev A – Proposed Elevations Option 12

- L(03)70 Rev A – Proposed Plans Option 12
- Site Location Plan

Reason: So as to define this permission.

019 (Removal of Permitted Development Rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under

Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

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

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

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

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

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access to a highway.

Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 1995 or any amending legislation) given the presence of protected trees within the garden curtilages of these dwellings and in the interests of amenity.

Note to applicant

01

The development makes it necessary to construct vehicular crossings over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

02

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

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

03

The trees on site are protected by tree preservation orders and you are advised that should you wish to lop, top or fell such a tree or trees, or their undergrowth the prior consent in writing of Newark and Sherwood District Council is likely to be required. The gardens will need to be managed as woodland and the occupiers should be aware of this.

04

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

05

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



PLANNING COMMITTEE – 2 JUNE 2020

| | | | |
|------------------------|---|---|-------------|
| Application No: | 20/00537/FUL | | |
| Proposal: | Single storey rear extension | | |
| Location: | 9 Chestnut Avenue, Newark On Trent, NG24 2BZ | | |
| Applicant: | Newark And Sherwood District Council | | |
| Agent: | N/A | | |
| Registered: | 03 April 2020 | Target Date: | 28 May 2020 |
| | | Extension of Time Agreed Until 04 Month 2020 | |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q80130LBGMJ00 | | |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark and Sherwood District Council is the Applicant.

The Site

The application site comprises a two storey semi-detached dwelling in a built up residential area of Newark. The dwelling is constructed out of red brick with a slate roof and render at first floor and is surrounded by properties of a similar style and size. Boundaries to the front of the site comprise a 1.5 m approx. high mature hedge and to the rear, the common boundary with no. 7 is formed by a 1.8 m approx. high close boarded fence. The properties rear garden is 15 m x 8.8 m approx. The site does not lie within the conservation area and does not lie within an area at flood risk.

Relevant Planning History

No relevant planning history.

The Proposal

Permission is sought for the erection of a single storey rear extension.

The extension is proposed to be 4.2 m deep x 5.7 m wide, 3.7 m to the ridge and 2.6 m to the eaves, set in 0.8 m off the common boundary with no. 7 Chestnut Ave (1.5 m off this properties side elevation of the conservatory). The extension would be constructed out of Forterra County Multi Smooth facing brick to match the dwelling and the roof is proposed to be Metrotile Shingle metal single lap roof tiles in charcoal colour to match in with the slate roof of the hostdwelling.

Fenestration: one window is proposed in the SE side elevation, one window and a door are proposed on the SW rear elevation and the NW side elevation is proposed to be blank.

It is also proposed to construct a level access ramp to the rear door that is proposed on the extension.

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Core Policy 9 -Sustainable Design

Allocations & Development Management DPD (2013)

DM5 – Design

DM6 – Householder Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Householder Development SPD

Consultations

Newark Town Council – No objection.

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

Comments of the Business Manager

Current government restrictions on all but essential travel as a result of the Covid-19 pandemic have prevented me from undertaking a site visit, however, upon request the applicant has provided me with a number of photos of the site and surrounding area which, in conjunction with the Council's aerial photography and other online street view images have enabled me to undertake the following assessment.

Principle of Development

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the character of the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area.

Policy DM5 accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy.

Impact on Character of the Area

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

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

The extension is proposed to the rear of the property so from the public realm, views would be limited. The extension has been designed in proportion with the host dwelling, with a subservient ridge height and would be set in from the main walls of the dwelling helping it to appear as a natural addition. The extension would also be constructed in materials to match which would help assimilate the extension with the host dwelling further. It is also considered to be proportional to the host dwelling which is semi-detached and set within a reasonable plot.

There would be no detrimental impact on the character of the area as a result of this application. On the basis of the above, I am satisfied that the proposal complies with Policies DM5 and DM6 of the DPD.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Policy DM5 of the DPD states planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining premises.

Given the site context I am of the view that the only property likely to be impacted by this proposal is the adjoining occupier at No 7 which benefits from a single storey conservatory which is approximately 4.2 m deep. The application proposes an extension of a similar depth set in 1.5 m from the side elevation of this conservatory. Given the existing boundary treatment here comprising a 1.8 m approx. close boarded fence the proposal would not result in any overbearing impact, particularly given the hipped roof design and the set in off the common boundary. Similarly, as there are no windows proposed in the side elevation and no adverse overlooking impacts would be created. Given the orientation of the host dwelling to the east of the neighbour I do not consider the extension would result in any adverse overshadowing impact. I am also mindful that the extension only exceeds what could be built under permitted development by 0.2 m in depth, the comparative impact of which would be de minimis.

On the basis of the above the proposed extension is not considered to affect the residential amenity of any neighbouring residents including loss of light, privacy or overbearing impacts, in accordance with Policies DM5 and DM6.

Conclusion

In conclusion it is considered that the proposed single storey side and rear extension would not detrimentally impact the character of the area, nor would it result in any adverse impact on surrounding neighbouring amenity. The property would retain an ample sized rear garden to adequately serve the occupiers. As such it is considered that there are no material considerations why planning permission should not be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

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

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

02

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

- Site Location Plan
- Revised Proposed Block Plan – Drawing 2
- Proposed Side Elevation – Drawing 9
- Proposed Rear Elevation – Drawing 8
- Proposed Ground Floor Plan – Drawing 7
- Proposed Section – Drawing 10
- Window Details – Drawing 12
- Proposed Side Elevation – Drawing 13

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In the interests of visual amenity.

Notes to Applicant

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the 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.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/00537/FUL



PLANNING COMMITTEE – 2 JUNE 2020

| | | |
|------------------------|---|--|
| Application No: | 20/00327/FUL | |
| Proposal: | Change of use of redundant access road to garden area | |
| Location: | 9 Derwent Close, Rainworth, NG21 0FN | |
| Applicant: | Mr Kevin Shutt | |
| Agent: | N/A | |
| Registered: | 11.03.2020 | Target Date: 04.05.2020 Extension of Time Agreed Until 04 June 2020 |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q644QKLBG2L00 | |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the applicant is an employee of Newark and Sherwood District Council.

The Site

The application site is located within the main built up area of Rainworth in a predominantly residential area. The site is located to the north-western end of the front garden of both No 10 Derwent Close and No 9 (where the applicant lives) which comprises a two storey detached modern property with a conservatory to the rear and a single garage set back beyond the rear elevation to the side of the property. Access to the garage is gained via a driveway located to the side of the property. The garage forms the boundary to the adjacent property to the west.

The application site comprises a piece of tarmac strip that was originally intended to serve as footpath, linking Derwent Close and Crown Close; however, the footpath was never created and it leads no-where as there is no corresponding strip on the Crown Close side within this established residential area.

Relevant Planning History

13/01021/FUL – Granted on 23.09.2013 for Householder Application for Two Storey Side / Rear Extension, Single Storey Rear Extensions

The Proposal

The proposal seeks planning permission for the change of use of the strip of tarmac access to be incorporated into the garden area of number 9 Derwent Close. The site is directly adjacent to the side elevation of a conservatory attached to No 8 directly to the north-west of the application site.

A timber fence and pedestrian gate would be erected as a boundary treatment to match the existing. Supporting information from the applicant states that the site has often been used for fly tipping.

The following documents have been submitted with the application:

- Site Location Plan 1:1250 on A4, received on 05 March 2020
- Drawing no.1: proposed block plan, received on 05 March 2020
- Drawing no.2: proposed boundary treatment on north elevation, adjacent no.8 Derwent Close, received on 05 March 2020
- Drawing no.3: proposed gates, received on 05 March 2020
- Drawing no.4: proposed boundary treatment on east elevation received on 05 March 2020

Departure/Public Advertisement Procedure

Occupiers of nine 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 9 - Sustainable Design

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy

DM5 – Design

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Rainworth Parish Council – *“supports the planning application, but would like to make the planning department aware that there are underground drains and a main sewer running underneath the proposed site.”*

NCC Highways Authority – *“This is a proposal to a redundant access road to a garden area. No parties have an interest in the land and the proposal is unlikely to result in an unacceptable risk to highway safety. The Highway Authority therefore, would not wish to raise any objection.”*

No representations have been received from local residents or any other interested parties.

Comments of the Business Manager

Principle of the Development

The parcel of land in question was initially intended for use as a footpath, creating a pedestrian access between Derwent Close and Crown Close. The access was never established due to resident objections following the construction of the residential estate in the 1980s.

The proposal relates to the change of use of land into residential garden within the extent of the existing residential estate. The proposal would not extend the built form of the settlement and would therefore be acceptable in principle in accordance with policy DM1 of the ADM Development Plan Document.

Impact on Visual Amenity

Policy DM5 of the DPD 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*”. 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. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and can include replacing poor design with better design and widening the choice of high quality homes.

The proposal seeks to incorporate the land into the front garden of number 9 Derwent Close. With the area being a residential housing estate the overriding character of the area is formed by the residential properties and their gardens. The proposal would incorporate the land into the front garden area of the residential dwelling which would be defined by a 1 metre high fence/gate and would therefore maintain the key characteristic of the area.

Overall, the proposal would not result in any appreciable impacts upon the character or appearance of the locality and it is therefore considered that the proposal accords with the requirements of policies Core Policy 9 and DM5 in this respect.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The proposal would change the use of the land to residential garden land. The land abuts the boundary of numbers 8, 9 and 10 Derwent Close with the main change resulting from the erection of a 1m close boarded fence between them. As such it is not considered that there would be any significant impact upon residential amenity to warrant resistance on these grounds.

Impact on Highways Safety

Policy DM5 requires that “provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible”.

The consultation with the Highways Authority has provided confirmation that the redundant access adjacent to a garden area is no longer required and the proposal is unlikely to result in an unacceptable risk to highway safety. As such the Highways Authority raise no objection to the proposed change of use.

Given this advice from the Highways Authority, it is not considered that the proposal would pose any adverse impacts and it is therefore considered the proposed development would not result in any adverse impact upon highway safety and would accord with policies SP7 and DM5.

Conclusion

The principle of development is acceptable, not being detrimental to the character or appearance of the locality. The scheme is acceptable in amenity and highway safety terms and approval is recommended, subject to conditions.

RECOMMENDATION

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

Conditions

01

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

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

02

The development hereby permitted shall be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan 1:1250 on A4, received on 05 March 2020
- Drawing no.1: proposed block plan, received on 05 March 2020
- Drawing no.2: proposed boundary treatment on north elevation, adjacent no.8 Derwent Close, received on 05 March 2020
- Drawing no.3: proposed gates, received on 05 March 2020
- Drawing no.4: proposed boundary treatment on east elevation received on 05 March 2020

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

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

Notes to Applicant

01

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

(England) Order 2015 (as amended).

02

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

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Yeung Browne on ext 5893.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/00327/FUL



PLANNING COMMITTEE – 2 JUNE 2020

ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

1.0 Purpose of Report

1.1 To provide the Planning Committee with a list of the exempt business considered by the Committee for the period 5 March 2019 to date. Members have the opportunity to review the exempt reports and request further information. The rule is defined in paragraph 18 of the Constitution entitled 'Right of Members to Request a Review of Exempt Information'.

2.0 Background Information

2.1 The Councillors' Commission at its meeting held on 25 September 2014 proposed a number of changes to the Constitution, one of which being that 'the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May', this was ratified by the Council on 14 October 2014.

2.2 Members will be aware that, they have the opportunity to request under Rule 18 of the Access to Information Procedure Rules, that exempt information should be released into the public domain if there are substantive reasons to do so.

3.0 Proposals

3.1 The following table provides the exempt business considered by the Planning Committee for the period 5 March 2019 to date:

| Date of Meeting | Agenda Item | Exempt Paragraph | Opinion of Report Author as to current status of the report |
|------------------------|---|-------------------------|--|
| 5.11.19 | Springfield Bungalow, Nottingham Road, Southwell – Legal Advice Regarding Planning Appeal | 5 | Open |

4.0 RECOMMENDATION

That the report be noted.

Reason for Recommendation

To advise Members of the exempt business considered by the Planning Committee for the period 5 March 2019 to date.

Background Papers - Nil

For further information please contact Nigel Hill – Business Manager Democratic Services on Ext: 5243.

John Robinson
Chief Executive

Planning Committee – 2 June 2020.

Appeals Lodged

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 Recommendation

That the report be noted.

Background papers

Application case files.

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

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 13 April 2020 and 18 May 2020)

| Appeal reference | Application number | Address | Proposal | Procedure | Appeal against |
|-------------------------|---------------------------|---|---|------------------|-------------------------------|
| APP/B3030/C/18/3219465 | 16/00108/ENF | Caravan Park Boat Lane Bleasby Nottinghamshire | Without planning permission, development consisting of the use of land for the stationing and occupation for holiday purposes of caravans on field numbers 2819 and 2414 between 31st October and 1st April (excluding the 3 static caravans permitted to be stationed all year round on field OS2819). | Public Inquiry | Service of Enforcement Notice |

Planning Committee – 2 June 2020

Appendix B: Appeals Determined (between 13 April 2020 and 18 May 2020)

| App No. | Address | Proposal | Application decision by | Decision in line with recommendation | Appeal decision | Appeal decision date |
|---|---|---|-------------------------|--------------------------------------|------------------|----------------------|
| 18/00042/ENF Appellant: Challenge Ltd | C S G Leisure Land Adjacent To The Limes Cafe Old Rufford Road Bilsthorpe Nottinghamshire NG22 8TH | Without planning permission, development consisting of the material change of use of the land to use as a Haulage Yard including the following activities; The storage and parking of trailers on a short and long term basis. Overnight stays by drivers and passengers. The loading and unloading and exchange of loads, storage of loads. Vehicle washing and maintenance. Parking and storage of road maintenance vehicles, plant and machinery. Other associated transport services. | Delegated Officer | Not Applicable | Appeal Dismissed | 4th May 2020 |
| 18/00042/ENF Appellant: J E Wright (HHS) Ltd | C S G Leisure Land Adjacent To The Limes Cafe Old Rufford Road Bilsthorpe Nottinghamshire NG22 8TH | Without planning permission, development consisting of the material change of use of the land to use as a Haulage Yard including the following activities; The storage and parking of trailers on a short and long term basis. Overnight stays by drivers and passengers. The loading and unloading and exchange of loads, storage of loads. Vehicle washing and maintenance. Parking and storage of road maintenance vehicles, plant and machinery. Other associated transport services. | Delegated Officer | Not Applicable | Appeal Dismissed | 4th May 2020 |
| 18/00042/ENF Appellant: Dr Michael Woodcock | C S G Leisure Land Adjacent To The Limes Cafe Old Rufford Road Bilsthorpe Nottinghamshire NG22 8TH | Without planning permission, development consisting of the material change of use of the land to use as a Haulage Yard including the following activities; The storage and parking of trailers on a short and long term basis. Overnight stays by drivers and passengers. The loading and unloading and exchange of loads, storage of loads. Vehicle washing and maintenance. | Delegated Officer | Not Applicable | Appeal Dismissed | 4th May 2020 |

| | | | | | | |
|--------------|---|--|--------------------|--------------------|------------------|-----------------|
| | | Parking and storage of road maintenance vehicles, plant and machinery. Other associated transport services. | | | | |
| 19/00701/FUL | Sawmills Farm Rufford Lane Ollerton NG22 9DG | Replacement dwelling | Planning Committee | Committee Overturn | Appeal Dismissed | 27th April 2020 |
| 19/01230/FUL | Sawmills Farm Rufford Lane Ollerton NG22 9DG | Replacement 3 bedroomed, single storey dwelling (Resubmission of 19/00701/FUL) | Planning Committee | Committee Overturn | Appeal Dismissed | 27th April 2020 |
| 19/00194/ENF | 2 Willow Holt Lowdham Nottinghamshire NG14 7EJ | Without planning permission, development consisting of the erection of a fence (means of enclosure) along the front (eastern) and side (north eastern) boundaries, as shown on photographs 1 & 2, and outlined in RED on Plan A. | Delegated Officer | Not Applicable | Appeal Dismissed | 15th April 2020 |

Recommendation

That the report be noted.

Background papers

Application case files.

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

Amanda Hughes
Business Manager – Planning Development