



**Castle House  
Great North Road  
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**Monday, 22 June 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, 30 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 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 commencement of the meeting. If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## **AGENDA**

### **Page Nos.**

1. Apologies for Absence

### **Remote Meeting Details**

This meeting will be held in a remote manner 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.

The meeting will be live streamed on the Council's social media platforms to enable access for the Press and Public.

2. Declarations of Interest by Members and Officers
3. Declaration of any Intentions to Record the Meeting

4. Minutes of the meeting held on 2 June 2020 5 - 11

### **Part 1 - Items for Decision**

5. Land Off Oldbridge Way, Bilsthorpe 20/00642/FULM 12 - 60
6. Grove Bungalow, Barnby Road, Newark-on-Trent 19/02158/OUTM 61 - 86
7. Former Stables, Rolleston Mill, Rolleston, Newark 19/01022/FUL 87 - 120
8. Friary Fields Residential Nursing Home, 21 Friary Road, Newark On Trent 20/00579/FUL 121 - 154
9. Stonewold, Gravelly Lane, Fiskerton 20/00253/FUL 155 - 171

### **Part 2 - Items for Information**

10. Appeals Lodged 172 - 174
11. Appeals Determined 175 - 181

### **Part 3 - Statistical and Performance Review Items**

### **Part 4 - Exempt and Confidential Items**

12. Exclusion of the Press and Public

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

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** Broadcast from the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 2 June 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

APOLOGIES FOR Councillor K Walker (Committee Member)

ABSENCE:

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.

### 197 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.

### 198 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.

### 199 MINUTES OF THE MEETING HELD ON 28 APRIL 2020

AGREED that the minutes of the meeting held on 28 April 2020 were approved as a correct record of the meeting, to be signed by the Chairman.

### 200 FORMER THORESBY COLLIERY, OLLERTON ROAD, EDWINSTOWE, NOTTINGHAMSHIRE 19/01865/RMAM

The Committee considered the report of the Business Manager – Planning Development, which sought 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. Members considered the presentation from the Business Manager - 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 Planning Case

Officer. The table on page 24 of the report was incorrect, the corrected version was included in the schedule of communication. An update regarding condition 9 was also noted, the landscape master plan should read GL1221 **REV J**. An additional late representation for this application was presented to Committee which was a letter from Pegasus Group. The Committee was also informed of a typographical error on page 21 of the report, which should read 'Harworth Estates therefore retain a role of coordinating the overall mix, design ethos and provision of infrastructure moving forward' and not Thoresby Estates.

Councillor P Peacock, local ward Member for Edwinstowe and Clipstone, spoke about the application as he and the other two ward Members had been involved in a number of meetings with developer, Parish Council and community to try and rectify some concerns raised by local people. He commented that this may be the biggest development Edwinstowe will ever receive therefore it was essential to achieve a satisfactory development. The number of car parking spaces, trees, pedestrian links and green spaces had been improved by the developer. The green space to the north of the development were good, whilst the south could be improved. There was a lack of bungalows on phase one, this was key for this phase being closest to amenities within Edwinstowe, the second phase would be further away from the village. The road to the north of the site had been discussed to form a link road to alleviate traffic going into Edwinstowe, however this had not to date been addressed and was considered important and a sensible approach given the piece meal approach of the development. The speed limit of the main Ollerton Road was also discussed given that it currently was 50mph and a 30mph speed limit across the whole of this site would be satisfactory, not part as proposed.

Members considered the application and it was commented that whilst Members were in support of the development it was essential that bungalows be included in phase one in order for residents to be able to walk in to the village. An increase in green space on the development would be favourable and an increase in affordable houses, given that this site had only 7% when the Council's target was 30%. It was suggested that the application be deferred in order for a site visit to take place and in order for some of these issues to be resolved. The Chairman confirmed that given the deadline to consider the application had already been extended and a decision was required within the week, a deferral for a site visit was not feasible given the Covid-19 pandemic. The link road was also discussed, the Director of Growth and Regeneration confirmed that meetings were taking place regarding the Forest Corner Master plan and the link road would be part of that discussion although it would be outside of the planning process.

A Member sought clarification regarding how many houses were required before a trigger was hit to build a school on site. The Director of Growth and Regeneration confirmed that the Section 106 agreement required planning permission with school in consultation with Nottinghamshire County Council after the 150<sup>th</sup> dwelling, a school must be completed before the twelfth month anniversary of the completion of the 150<sup>th</sup> dwelling.

Members discussed the speed limit of Ollerton Road which was currently 50mph and stated that the whole stretch of road should be reduced to 30mph in order for the safety of pedestrians walking from this development into the village. The Chairman

commented that Nottinghamshire Highways did not see a need to lower the speed limit for the entire length of the site towards Ollerton.

Other Members commented that the design and mix of houses were good, more green space would be an improvement. The Chairman commented that there was an additional scheme which would run parallel to this development for a zip wire and large public access area.

AGREED (with 13 votes For and 1 vote Against) that reserved matters approval be granted, subject to the conditions and reasons contained within the report and amendment to conditions as detailed in the schedule of communication.

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

(Note – having being informed that the live stream of the meeting for the public had been delayed, the Chairman recapped Minute No.'s 197,198 and 199 above for the benefit of the press and public following proceedings.)

201 7 SYCAMORE ROAD, OLLERTON, NOTTINGHAMSHIRE 19/02146/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for one detached dwelling. Members considered the presentation from the Business Manager - 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 following: Ollerton & Boughton Town Council; the Agent; and the Planning Case Officer. An additional condition had been proposed by the Planning Case Officer, Condition 6 as follows:

The boundary fence to the boundary with 7 Sycamore Road and the application site shall be moved to its revised position in accordance with the details shown on approved plan reference 101 within 3 months of completion or occupation of the dwelling whichever is the sooner.

Reason: In the interests of residential amenity

Members considered the application and commented that it was vital that this open space was developed. It was of good design, sat well within the plot and welcomed the developer working with the Council.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report and reasons and the additional condition 6 relating to the repositioning of the fence as detailed in the minute.

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

202 LAND ADJACENT TO 4 YEW TREE WAY, CODDINGTON, NEWARK 20/00525/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought full planning permission for the erection of one dwelling with a detached garage, which was a resubmission of application 19/00131/FUL. Members considered the presentation from the Business Manager – 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 a resident of Yew Tree Way. An additional late representation was presented to the Committee from the Agent-Aspbury Planning.

Councillor D Armstrong on behalf of Coddington Parish Council spoke against the application in accordance with the views of Coddington Parish Council, as contained within the report.

Members considered the application and the local Ward Member commented that any building on this site was unacceptable as development would endanger the woodland and street scene and set a precedent for future development. The woodland had to date been chipped away and some trees already removed. Other Members commented that if the site had been suitable for development it would have been developed when the cul-de-sac was built. It was further commented that

this was a special yew tree wood there being only two of this kind in the country. Trees had already been felled without permission. Concern was also raised regarding the garden area being maintained as a woodland, which would be hard to maintain and monitor. It was suggested that if Committee were mindful to approve planning permission a small picket fence could be erected to separate the garden area in order to protect the woodland. Other Members commented that the application had been reduced from two dwellings to one and was a generous site in comparison with surrounding properties. Only a small corner of the woodland would be lost, which included one maple tree and a group of trees with low value.

The Business Manager – Planning Development informed Committee that the Council were committed to protecting the trees, the proposed dwelling had an identified garden area and purchasers would be aware of the legal requirement regarding the protected woodland. The garden and woodland could be separated by a small picket fence subject to the roots of the trees not being damaged.

A vote to approve planning permission was taken, with a condition that an appropriate fence be erected to maintain the area of garden and woodland, which was lost with 4 votes For and 9 votes Against.

*(Councillor M Brock was not present for the entire presentation and took no part in the vote).*

AGREED (with 11 votes For and 2 votes Against) that contrary to Officer recommendation Planning Permission be refused on the following grounds: the site being inappropriate for development due to the loss and adverse impact on woodland/TPO, the impact on street scene and adverse impact on the amenity of the future occupants.

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	Took no part in the vote
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	Against
M. Skinner	For
T. Smith	For
I. Walker	Against
K. Walker	Apology for absence
Y. Woodhead	For



203 9 CHESTNUT AVENUE, NEWARK ON TRENT 20/00537/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought planning permission for the erection of a single storey rear extension. Members considered the presentation from the Senior Planner- Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (unanimously) that Planning Permission be approved, subject to the conditions and reasons contained within the report.

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

204 9 DERWENT CLOSE, RAINWORTH 20/00327/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought 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 . Members considered the presentation from the Senior Planner- Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

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

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For

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

205 ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

The Committee considered the report of the Chief Executive listing the exempt item considered by the Committee for the period 5 March 2019 to date.

The Committee agreed that the report considered on the 5 November 2019, relating to Springfield Bungalow, Nottingham Road, Southwell – Legal Advice Regarding Planning Appeal, could now be placed in the public domain.

AGREED (unanimously) that the report considered on the 5 November 2019 relating to Springfield Bungalow, Nottingham Road, Southwell – Legal Advice Regarding Planning Appeal, could now be placed in the public domain.

206 APPEALS LODGED

AGREED that the report be noted.

207 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 4.10 pm.

Chairman

## PLANNING COMMITTEE – 30 JUNE 2020

<b>Application No:</b>	<b>20/00642/FULM</b>		
<b>Proposal:</b>	<b>Residential development of 120 no. 2, 3 and 4 bed dwellings and ancillary works (Re-submission of 19/01858/FULM)</b>		
<b>Location:</b>	<b>Land Off Oldbridge Way Bilsthorpe</b>		
<b>Applicant:</b>	<b>Mr Matt Jackson - Gleeson Regeneration Ltd</b>		
<b>Registered:</b>	<b>27.04.2020</b>	<b>Target Date:</b>	<b>27.07.2020</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q98XUTLBGYQ00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q98XUTLBGYQ00</a>		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the development represents a significant departure from the statutory development plan.

### The Site

The application site is a large, broadly linear plot approximately 7.9 hectares in extent abutting the southern edge of the village envelope of Bilsthorpe towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with an existing agricultural land use.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence (and indeed as witnessed on site) that the site is used informally by the public for dog walking etc.

### Relevant Planning History

Outline planning permission was granted on the 28<sup>th</sup> April 2017 for the residential development of up to 113 dwellings and associated infrastructure (16/01618/OUTM) following a resolution to grant at the January 10<sup>th</sup> 2017 Planning Committee. The application was granted at a time where the Local Planning Authority (LPA) were uncertain of their position in respect to demonstrating a five year land supply and therefore were taking a pragmatic approach. Nevertheless, a shorter timeframe for the submission of a reserved matters application was imposed by condition (18 months). There was a subsequent Section 73 application to amend a condition in respect to the highways access which was approved on 1<sup>st</sup> March 2018 (17/01910/OUTM) albeit reserved matters submission was required by 28<sup>th</sup> October 2018 in order to meet the original 18 month timeframe. The reserved matters submission was received within the prescribed timeframe and

granted permission on the 7<sup>th</sup> June 2019 (18/01971/RMAM). The permission remains extant until 7<sup>th</sup> December 2020.

More recently, the applicant submitted an application for 120 dwellings under reference 19/01858/FULM. Despite an Officer recommendation of approval, the application was refused by Planning Committee on February 4<sup>th</sup> for the reason below. The LPA have been notified of an appeal to the refusal (4<sup>th</sup> June 2020) which is awaiting validation from the Planning Inspectorate.

*Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Council's adopted Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure. In the opinion of the Local Planning Authority the proposal does not provide for the necessary affordable housing contributions in a form promoted by the Development Plan. Alternately, low costs homes are proposed. In addition to being contrary to the policies already mentioned the scheme does not comply with the requirements of Core Policy 1 (Affordable Housing) or Core Policy 2 (Rural Affordable Housing).*

*In addition, the proposed development would result in additional dwellings within the open countryside outside of the main built up area of Bilsthorpe, above and beyond a current fall-back position which currently exists up to December 2020. Policy DM8 (Development in the Open Countryside) strictly controls and limits the types of development in the countryside. This policy is signposted by Spatial Policy 3 (Rural Areas) and is consistent with the National Planning Policy Framework (NPPF). The additional dwellings proposed do not accord with any of the exceptions listed.*

*The proposal is therefore contrary to the aim of promoting a sustainable pattern of development within the District and is therefore considered to represent unsustainable development. The harm identified would not be outweighed by any benefits of the scheme contrary to Spatial Policy 3 and 6 and Core Policies 1 and 2 of the Amended Core Strategy (2019) and Policies DM3 and DM8 of the Allocations and Development Management Development Plan Document (2013) as well as being contrary to the National Planning Policy Framework (NPPF) and Planning Practice Guidance which are material planning considerations.*

### The Proposal

The current application seeks full planning permission for the residential development of the site for 120 two storey dwellings. The schedule of accommodation sought is as follows:

No. of beds	No. of units	% of total (120 units)
2	25	21
3	73	61
4	22	18

The proposed dwellings would be a mixture of semi-detached and detached delivered through 13 different property types. Each property would be afforded at least two car parking spaces (some including garage spaces).

The site would be developed in two distinct areas separated by a wide expanse of open space (as

was the case through the extant permission). 97 of the units would be served by Oldbridge Way to the eastern end of the site with the remaining 23 served by Allendale and The Crescent in the North West.

The proposal is very similar in form to the previously refused scheme. The principle differences between the schemes is that Plot 104 in the north western corner of the site is now proposed to be a four bed dwelling rather than a three bed. The other notable change is that the applicant now proposes to deliver the affordable offer of 30% affordable housing (36 dwellings) through 60% affordable rental units and 40% intermediate units.

The application has been considered on the basis of the following plans and references:

- Planning Statement Addendum by Peacock and Smith Ltd. dated April 2020;
- Design and Access Statement dated October 2019;
- Addendum Transport Assessment – 107 v2 dated September 2019;
- Affordable Housing Statement received 23<sup>rd</sup> April 2020;
- Archaeological Geophysical Survey by pre-construct geophysics dated July 2017;
- Ecological Impact Assessment (EclA) including Extended Phase I Habitat Survey & Appraisal of Likely Impact upon the possible Sherwood Forest pSPA – 424.03044.00109 Version No: 4 dated October 2019;
- Economic Benefits Report Version 001 dated April 2020;
- Flood Risk Assessment – 18/035.01 Revision 02 dated 23<sup>rd</sup> September 2019;
- Phase 2 Geotechnical and Geo-Environmental Site Investigation – 41552-003 dated 12<sup>th</sup> November 2018;
- S106 Heads of Terms received 23<sup>rd</sup> April 2020;
- Travel Plan – P0404ZJ dated September 2019;
- Site Location Plan – 1047-2/6- dated 20<sup>th</sup> January 2020;
- 2D Topographical Survey – 18120-J dated 24/09/18 (Sheets 1 and 2);
- 201 Dwelling Type – 201/1G dated July.10;
- 212 Dwelling Type – 212/1- dated Feb 16;
- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. L received 15<sup>th</sup> May 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22<sup>nd</sup> January 2020;
- Landscape Management Specification – Rosetta Landscape Design dated 2019;
- Existing Trees on Site – 1 of 2 – 2971/5 dated 6<sup>th</sup> September 2019;
- Existing Trees on Site – 2 of 2 – 2971/6 dated 6<sup>th</sup> September 2019;
- 301 Dwelling Type – 301/1H dated July.10;
- 303 Dwelling Type – 303/1E dated July.10;
- 304 Dwelling Type – 304/1E dated July.10;
- 309 Dwelling Type – 309/1E dated Jun.11;
- 311 Dwelling Type – 311/1B dated Dec.13;
- 313 Dwelling Type – 313/1- dated Feb 2016;
- 314 Dwelling Type – 314/1- dated Feb 2016;
- 315 Dwelling Type – 315/1A dated May.18;
- 410 Dwelling Type – 401/1G dated July.10;
- 403 Dwelling Type – 403/1J dated July.10;
- 405 Dwelling Type – 405/1E dated July.10;
- 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11;

- 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19;
- Detached Single Garage Details – 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details – 0282 SD 701 rev. D dated 22.08.12;
- Materials Plan – 3100-02 dated 18.05.20;
- Planning Layout – Sheet 1 of 2 – 1047-2/3K;
- Planning Layout – Sheet 2 of 2 – 1047-2/4J;
- Planning Layout – 1047-2/5K.

#### Departure/Public Advertisement Procedure

Occupiers of 101 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 1 – Affordable Housing Provision  
 Core Policy 3 – Housing Mix, Type and Density  
 Core Policy 9 -Sustainable Design  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 13 – Landscape Character  
 ShAP1 - Sherwood Area and Sherwood Forest Regional Park

##### **Allocations & Development Management DPD**

DM3 – Developer Contributions and Planning Obligations  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 DM8 – Development in the Open Countryside  
 DM12 – Presumption in Favour of Sustainable Development

##### Other Material Planning Considerations

National Planning Policy Framework 2019;  
 Planning Practice Guidance (online resource);  
 National Design Guide – Planning practice guidance for beautiful, enduring and successful places  
 September 2019;  
 Technical housing standards – nationally described space standard (March 2015),

##### Consultations

**Bilsthorpe Parish Council** – Voted to support.

**Eakring Parish Council** – No comments received.

**Rufford Parish Council** – Rufford Parish Council considered this application at its meeting today, 18 May 2020. The councillors unanimously decided that they had no objection to the proposal.

**NSDC Parks and Amenities** – No comments received.

**NSDC Conservation** – We do not wish to offer any comments on this proposal. As we understand it, the proposal seeks to address reasons for refusal concerning affordable housing but is otherwise similar to the scheme previously considered in terms of the quantum and scale of development. I therefore refer you to our previous comments.

**NSDC Strategic Housing** – No comments received.

**NSDC Environmental Health** – I refer to the above application and would reiterate the comments made by my colleagues Jon Ozimek regarding the proposals on 19/01858/FULM (repeated as follows for clarity):

A Construction Method Statement for the site should be provided before any works commence, outlining measures to limit noise emissions from the site and from plant machinery, hours of operation, dust suppression etc.

The following should be contained in the Construction Method Statement:

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions from the site and from plant machinery

I would request the following conditions, some of which will be incorporated into the Construction Method Statement requested:

Restriction on hours of operation:

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

Reason: To protect the amenity of the locality, especially for people living and/or working.

Hours of delivery:

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

Reason: To protect the amenity of the locality, especially for people living and/or working.

Limit hours of operation of machinery:

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

Reason: To protect the amenity of the locality, especially for people living and/or working.

Dust:

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

Reason: To protect the amenity of the locality, especially for people living and/or working.

A BS4142:2014 assessment assessing sound at the site of the proposed new dwellings should be undertaken due to the close proximity of Industrial/commercial premises.

Within BS4142 industrial and commercial sources are specified as being Sound from:

1. Industrial/manufacturing processes.
2. Fixed mechanical/electrical plant and equipment.
3. The loading and unloading of materials at industrial and/or commercial premises.
4. Mobile plant and vehicles specific to a premises activities or process around a given industrial/commercial site.

Reference should also be made to BS8233:2014 so appropriate internal and external noise levels can be achieved to guarantee the amenity of the future occupants. BS8233:2014 set's out appropriate internal and external noise levels for Bedrooms, Living Rooms, Dining Rooms and Gardens for the day time (07:00 to 23:00) and night time (23:00 to 07:00).

**NSDC Environmental Health (contaminated land)** – With reference to the above development, I have received a Phase 1 Geotechnical And GeoEnvironmental Site Investigation report submitted by Eastwood and Partners on behalf of the developer in respect of the earlier (19/01858/FULM) planning application. This includes an environmental screening report, an assessment of potential



contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this preliminary desk study, a Phase 2 Geotechnical And Geo-Environmental Site Investigation report has also been submitted by the same consultant. This documents confirms that of the intrusive sampling carried out, there were no exceedances of the relevant screening criteria for the proposed use. Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed residential use.

**NSDC Communities and Arts Manager** –If this application is approved then I would request a full community facility contribution in accordance with the current SPD Developer Contributions Policy. Such contribution to be used for improving infrastructure for the benefit of the residents of Bilsthorpe.

**NSDC Archeology Advisor** - Thank you for consulting me on this application. I note that advice was provided for the earlier application for this site (19/01858/FULM) which remains relevant and was as follows:

*The geophysical survey identified a limited number of potential archaeological features, including part of a semi-circular anomaly which is clearly incomplete. I note that the survey results show signs of “staggering”, which tends to reflect rough ground conditions, or the surveyor walking at varying speeds. Whatever the source of the issue, the results have the potential to obscure anomalies, and it is therefore feasible that there is more archaeology present than the survey has indicated.*

*I therefore recommend that if the planning application is granted consent this should be conditional upon the successful implementation of a programme of archaeological work. I envisage this would take the form of a strip map and record exercise over the 2/3 areas identified as containing potential archaeological features, but allowing for these areas to be extended should additional archaeological remains be revealed – this is particularly relevant for the area around the semi-circular feature.*

### Recommendation

Given all the above, if permission is granted I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially include, but may not be limited to, a strip map and record exercise as note above and will aim to record any surviving archaeological deposits. Further archaeological mitigation work may be required if significant additional archaeological remains are identified during the work.

This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be properly excavated and record prior to development taking place. The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):

### *Part 1*

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

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

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

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

## *Part 2*

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

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

## *Part 3*

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

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

NPPF states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' (para 199).

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

**NCC Highways Authority** – Notwithstanding the planning application refusal, it would appear that comments made in relation to application 19/01858/FULM on 29 January 2020 have not been addressed by the new submission and drawings 1047-2/3J and 1047-2/4J.

So, to reiterate:

The future maintenance responsibilities for the various footpath connections throughout the site should be confirmed and agreed. It may also be appropriate for the LPA to consider trigger points for the delivery of each footpath connection in the interests of the residents' amenity and to promote sustainable travel. Perhaps a delivery schedule would be helpful.

Parking provision across the site has been reviewed. The following 4-bedroom dwellings have insufficient provision and should have 3 car spaces each, and in a layout that avoids all the spaces lying in tandem:

Plots 8, 15, 22, 28, 40, 54, 68, 74, 92, 95, 99, 105, 109, 114.

Unless revision is made there is a likelihood that on-street parking will occur to the detriment of other road users.

I repeat that, in some instances, parking spaces have been placed at the rear of properties and slightly remote from being overlooked or having easy access to the front door. This makes them less attractive to use and can lead to on-street parking. Plots 3, 13, 21, 44, 69, 79, 108, 111, 118, 119 are examples of this.

The visibility splay relating to the vehicle access to plot 92 is now shown but needs protecting due to the access being on the inside of a significant bend. Either land within the splay should form part of the public highway, or protecting by way of condition and/or covenant such that no obstruction (planting, wall, fence, etc) above 0.6m lies within these splays.

It is considered that layout revision is required. However, should the LPA be minded to grant this application, the following conditions are suggested:

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

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

The integral garages to the dwellings hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

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 vehicles to stand clear of the highway whilst garage doors are opened/closed.

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 1047-2/3J outside plot 92 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, planting, structures or erections exceeding 0.6 metres in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

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

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

No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road during the construction period.

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

#### Notes to Applicant:

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

#### **NCC Planning Policy –Additional comments received 2<sup>nd</sup> June 2020:**

I am contacting you as a follow up to the County Council's strategic planning response, submitted to you on 21<sup>st</sup> May in respect of the above application, with regard to the education contributions which would be sought. Following discussions with my colleagues I can confirm the following:

The proposed development of 120 dwellings on the above site, would yield an additional 25 primary and 19 secondary aged pupils.

#### Primary

Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development.

#### Secondary

The current projection is as follows:

Planning area	DfE no	School	District	Net Capacity	Pupil projection	Housing commitments, 10 yrs	Surplus or Deficit Places
Rainworth	4408	Joseph Whitaker Academy	NEWARK	1269	1396	28	-155
Rainworth	0013	PLANNING AREA TOTAL	NEWARK	1269	1396	28	-155

There is projected to be insufficient places, so the County Council would seek a CIL education contribution based on formula: no. places **19 x £23,875= £453,625** to provide additional secondary provision at Joseph Whittaker Academy.

The above figures are correct at the time of enquiry but may be subject to change.

*Original comments received:*

Thank you for your letter dated 29th April 2020 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council's responsibilities a number of elements of national planning policy and guidance are of particular relevance in the assessment of planning applications and these include Minerals and Waste, Education, Transport and Public Health.

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications.

Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for nonminerals development fall within them.

## *Minerals*

The eastern part of the proposed development site at Oldbridge Way lies within the MSA/MCA for brick clay. In accordance with the National Planning Policy Framework (para. 204), the emerging Publication Version Minerals Local Plan contains a policy (SP7) concerning safeguarding and consultation areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. Policy SP7 requires a development within a minerals safeguarding area to demonstrate that it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material.

In terms of this proposal, the applicant should address policy SP7 and consider if prior extraction is feasible and could form part of the land preparation for the development. This would prevent the unnecessary sterilisation of the mineral resource and also reduce the waste generated from the construction stage of the development. The applicant should be able to demonstrate that the feasibility of extracting brick clay prior to development has been considered and if found to be not practical nor viable, the applicant should be able to demonstrate why this is the case.

Overall, considering the proposal is surrounded by residential development, the County Council would not consider the development to be inappropriate in this location, however it should be demonstrated there is a sound argument that identifies a clear and demonstrable need for the nonmineral development and that the practicality of prior extraction has been fully considered.

## *Waste*

In terms of the Waste Core Strategy, the proposed development site, at its closest point, is approximately 206m to the west of the active waste management facility, 'Oakwood Waste Oil'.

Considering the distance and that the proposed development does not bring housing closer to the waste management facility, it is unlikely that housing at the proposed development location would present a significant additional sterilisation risk to the permitted waste management site in terms of

Nottinghamshire and Nottingham Waste Core Strategy Policy WCS10.

As set out in Policy WCS2 'Waste awareness, prevention and reuse' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

## *Strategic Transport*

The County Council does not have any strategic transport planning observations to make on this proposal.

## *Transport & Travel Services*

### *General Observations*

The proposed access point will be from an improved entrance onto Oldbridge Way. The access to the main housing area to the south east part of the site will be from an extension to the existing Oldbridge Way and will serve 97 dwellings. The remaining 23 houses in the northern area will be served by extending the existing roads - Allendale and The Crescent.

There will also potentially be pedestrian access onto Scarborough Road. The nearest bus stops which are frequently served are approximately 400 metres from the centre of the site on Eakring Road, Cross Street and Church Street.

### *Bus Service Support*

The County Council has conducted an initial assessment of this site in the context of the local public transport network. Bilsthorpe is served by two commercial services operated by Stagecoach. Service 28b operates between Mansfield and Eakring, whilst the Sherwood Arrow service links

Bilsthorpe with Nottingham and Ollerton. This service also operates to Worksop and Retford on alternate hours. Both services operate to an hourly frequency.

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

### *Bus Stop Infrastructure*

The current infrastructure observations from photographic records are as follows:

NS0032 Church Street – Polycarbonate bus shelter and raised boarding kerbs.

NS0595 Cross Street – Polycarbonate both ways bus shelter and raised boarding kerbs.

NS0596 Crompton Road – Both ways bus stop pole.

NS0599 Church Street – Layby, bus stop pole and raised boarding kerbs.

The County Council seeks a Planning Obligation as follows:

A Bus Stop Infrastructure contribution of £32,000 is paid to provide improvements to the bus stops

NS0032, NS0595, NS0596 and NS0599, and shall include:

NS0032 Church Street – Install real time bus stop pole & displays including associated electrical connections.

NS0595 Cross Street – Install real time bus stop pole & displays including associated electrical connections.

NS0596 Crompton Road – Install real time bus stop pole & displays including associated electrical connections and raised boarding kerbs (subject to minor relocation).

NS0599 Church Street – Install real time bus stop pole & displays including associated electrical connections.

## *Justification*

The current level of facilities at the specified bus stops are not at the standard set out in the Appendix to the Council's Public Transport Planning Obligations Funding Guidance for Prospective Developers. Improvements are necessary to achieve an acceptable standard to promote sustainable travel and make the development acceptable in planning terms.

The site is served by bus service offering connections to key facilities including work, education and shopping and is estimated to generate 25 passenger trips per day (50 return trips) from the stops identified for improvement. This will encourage sustainable public transport access to and from the site for staff, visitors and residents, and therefore assist in achieving the Travel Plan targets.

Research conducted by Transport Focus has highlighted that at-stop Real time information is seen as an important factor for non-bus users and is therefore a major factor in inducing modal change. The real-time displays also provide other network information, including details of current and future disruptions, roadworks and special events, including community information which is not otherwise readily obtainable in a concise format. The displays can therefore help users make informed decisions about their current and future journeys. The overall impact of providing real time and disruption information to customers is positive with additional patronage and increased confidence.

The Campaign for Better Transport state that real time information, particularly physical displays, provide an important reassurance that a bus is going to arrive and also comment that provision of stop displays has a positive impact on all population segments, but particularly for the more disadvantaged groups, where it assists in reducing the social inequality of transport.

The provision of a raised boarding kerb at stop ref. NS0596 will provide level access boarding for people with buggies, wheelchairs and those with reduced mobility.

The improvements are at the closest bus stops serving the site entrances, so are directly related to the development, fair and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms (120 dwellings).

Further information can be supplied through developer contact with Transport & Travel Services:

Transport & Travel Services, Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP [ptdc@nottscc.gov.uk](mailto:ptdc@nottscc.gov.uk) Tel. 0115 977 4520

## Archaeology

A previous geophysical survey of the site revealed signs of buried archaeological features. It is recommended that the site be subject to the form of archaeological mitigation known as strip map and sample, with monitoring of the topsoil strip by professional archaeologists across the site.

Should planning permission be granted for this proposal, it should be conditional upon the submission, agreement and subsequent implementation of a programme of archaeological mitigation.



## Planning Obligations

The planning obligations being sought by Nottinghamshire County Council in order to mitigate the impact of the proposed development are set out below.

### *Transport & Travel Services*

A developer contribution of £32,000 is requested, as detailed above, to provide bus stop infrastructure improvements.

### *Education*

Information regarding the education provision contributions that may be sought to mitigate the impact of this development is currently awaited. This will be provided to the District Council as soon as possible.

Further information about the County Council's approach to planning obligations can be found in its

Planning Obligations Strategy which can be viewed at <https://www.nottinghamshire.gov.uk/planningand-environment/general-planning/planning-obligations-strategy>

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

### Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

**NCC Ecology** – No comments received.

**Natural England** – Natural England has no comments to make on this application.

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

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

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority

to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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

**Nottinghamshire Wildlife Trust** –Thank you for consulting Nottinghamshire Wildlife Trust on the above application.

Our main concern around this site historically has been regarding the landscaping and open space. We note that we previously accepted Landscaping Plans 2971 Rev F.

Please can you ask the applicant to confirm in detail the revisions which have led to the current submission of 2971 Rev K? At present, we are only able to view plans on screen and therefore it is extremely difficult to thoroughly compare the different versions.

*Clarification has been provided that the changes reflect additional landscaping and clarification on the mown paths. Additional comments have been received from Nottinghamshire Wildlife Trust confirming no comments to make.*

**Trent Valley Internal Drainage Board** – No comments received.

**Severn Trent Water** - No comments received.

**Environment Agency** –We were consulted on the previous submission and our position remains the same for the new proposals. The site lies fully within flood zone 1 and therefore we have fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site and therefore we have no further comment to make.

**NCC Flood Team** – No comments received.

**NCC Rights of Way** - I have checked the definitive map for the area and confirm that there are no recorded rights of way over the proposed development site, however Bilsthorpe Footpath 1 runs adjacent to the site along the Northern border. I attach a plan showing the definitive route of the footpath to make the applicant aware of the legal line. There is also evidence of use on site that suggests there are routes on the ground that are very well used. In not accommodating public access on these routes the applicants face the potential risk of a claim for public rights to be acquired through usage which could result in the routes being legally recorded subsequent to development work commencing or being completed. In order to mitigate this risk applicants are advised to seek to formally divert or extinguish all routes across the proposed development site under the provisions of Section 257 of the Town and Country Planning Act 1990.

In general terms The Rights of Way team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times.
- A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

**Ramblers** - Our previous OBJECTION to this development stands. (19/01858) It represents an unacceptable loss of green space and loss of informal footpaths.

#### **NHS Newark and Sherwood CCG –**

Impact of new development on GP practice	The development is proposing 120 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx 276(B) (2.3 x A).
GP practice most likely to be affected by growth and therefore directly related to the housing development	It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <ul style="list-style-type: none"> <li>• Bilsthorpe Surgery</li> <li>• Farnsfield Surgery</li> <li>• Hill View Surgery</li> </ul>
Necessary to make the development acceptable in planning terms	All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area
Plans to address capacity issues	The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing

	development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards
Fairly and reasonably related in scale and kind to the development.	As a consequence we would ask for £920 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period
Financial contribution requested	£110,400 (120 x £920 per dwelling)

**Representations have been received from 8 local residents/interested parties which can be summarised as follows:**

- Until Bilsthorpe has a Neighbourhood Plan, larger planning applications should be put on hold;
- There are already a number of housing schemes currently being built or have recently been built;
- The 2014 Needs Assessment showed the requirements for Bilsthorpe were minimal;
- A Neighbourhood plan is needed to take account for infrastructure and amenities;
- It is not possible to make views known to the Parish Council at the current time;
- There is a lack of infrastructure in the village to support a possible 200 to 400 extra residents;
- The roads are poorly maintained;
- There would be a loss to wildlife and recreation for local people;
- The bottom of the land has flooded in the past;
- There is only 1 doctors surgery; school and chemist;
- There would be increased pollution due to increase in vehicles;
- Road safety is already a concern as the village is used by heavy lorries;
- Increased carbon emissions will increase the pollution levels;
- There will be a burden on the rural character of the area;
- The homes would impact the landscape and trees as the site is close to the Southwell Trail;
- The additional traffic on Eakring Road at peak times will have a negative impact on already busy roads;
- It is already difficult to get onto the A614 and A617;
- The whole village should have received consultation letters;
- The area has been used for recreation for a number of years;
- The extra 7 units are pure greed;
- The traffic assessment over compensates for sustainable modes of transport;
- Plots 5-8 imposes on the privacy of Forest Link when there is a large area of the site not being built on;
- There are valuable areas of wildlife where plots 5-8 would be built;
- NSDC portal has been down and many residents don't know about the development;
- The pressure on Old Bridge Way would be too much;
- The school uses the field for science activities;
- The extra 7 dwellings will have no benefit to the village;
- The homes look like they have been shoehorned in;

- The proposal was refused in February – what has changed since that would make it acceptable;
- Additional facilities such as creches need to be considered for the influx of new families;
- House prices will go down.

### Comments of the Business Manager

#### Planning History

As is referenced by the planning history section above, the site has an extant planning permission (through an outline and subsequent reserved matters approval) for the residential development of 113 units. This remains extant until December 2020 and must therefore be considered as a reasonable fallback position for development on the site.

It is also material to the current application that a *very* similar application for the same number of units has been recently refused on the site as detailed by the single reason above.

The main differences between the current submission and the **extant** scheme are as follows:

- Delivery of an additional 7 no. units;
- Change to housing mix insofar as the extant scheme is broken down as follows:

No. of beds	No. of units	% of total (113 units)
1	6	5
2	46	41
3	49	43
4	12	11

Whilst provided above the current application proposes the following:

No. of beds	No. of units	% of total (120 units)
2	25	21
3	73	61
4	22	18

- Changes to the proposed layout to accommodate the additional units / differing house types.

The key difference when compared to the recently **refused** scheme is that the current application seeks to deliver the 30% on site affordable housing provision in line with the split of the Development Plan (i.e. 60% affordable rental units and 40% intermediate units) rather than Gleeson's usual low cost home product which was considered as part of the 19/01858/FULM application.

The fallback position will be referenced where appropriate in the following appraisal but for the avoidance of doubt, the current application has been submitted as a standalone application for full planning permission and therefore all material planning considerations require assessment against the Development Plan.

There will be elements of the appraisal below which will be the same as the previous application consideration given that the built form proposed remains largely unchanged (with the exception of one substituted house type at Plot 104).

### Principle of Development

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

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The village of Bilsthorpe is classed as a Principle Village within the settlement hierarchy with a defined village envelope. However, the application site borders but falls outside of this envelope and therefore is within the open countryside. Development within the open countryside is considered against Policy DM8 which aims to strictly control development and limit it to certain development types.

Policy DM8 states that, *“planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”*

Whilst there is an extant permission which has accepted the residential delivery of 113 units, the current proposal seeks for an additional 7 no. units. The scheme as a whole does not meet the requirements of Policy DM8 and therefore the principle of development is not accepted.

Clearly this is a different stance to the one which was taken in April 2017 when the original outline permission for 113 was granted. This is reflective of a change in material circumstances in regards to the Council's ability to demonstrate a five year housing land supply. At the time of the original April 2017 permission, the LPA were not confident in robustly demonstrating a sufficient five year land supply and therefore were taking a pragmatic approach to housing delivery (albeit conditioning reduced timescales for implementation in an attempt to boost housing supply in the short term).

The Council has a detailed strategy to deliver the development needed to meet its objectively assessed housing need (a residual 6,248 dwellings at 1<sup>st</sup> April 2019). The Council has published a Five Year Land Supply Statement (April 2019) which shows that the residual requirement is more than satisfied by the dwellings forecast to come forward within the Plan Period from land which currently benefits from extant consent (some 6,343 dwellings), with this representing 101.52% of the requirement. In addition to this there is a further 3,146 dwellings forecast to come forward within the Plan Period from allocated land which is yet to be subject to extant consent (50.35% of the residual requirement). This reflects a level of planned provision of 151.87% when considered against the residual requirement, exceeding it by some 3,241 dwellings. On this basis, the Statement concludes that the Council has a 6 year housing land supply as of 1<sup>st</sup> April 2019. In this

context, to allow further residential development in the open countryside would be contrary to the intentions of the Development Plan.

Indeed this was referenced in the reason for refusal for the previous application.

### Housing Mix and Type

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies at the time and the housing market at the time of delivery.

The red line site location plan demonstrates a site area of approximately 7.9 hectares. A development of 120 dwellings would deliver a site density of just 15 dwellings per hectare. This is significantly below the aspirations of Core Policy 3. However, in the site circumstances (notably its open countryside location) it would be wholly inappropriate to seek a higher density scheme. The design of the current application follows the principles of the extant permission in that it includes swathes of open space which would allow the development to be interpreted as a transitional development between the open countryside and the village envelope.

The District Council have commissioned a Housing Market and Needs Assessment (HMNA) in 2014 dividing the District into survey areas. Bilsthorpe is within the Sherwood sub-area where the greatest need in the market sector is for three bed dwellings. The following table outlines a comparison of the market sector demand by bed size against the proposed development as currently presented (and subsequently excluding the affordable housing units):

<b>No. of bed</b>	<b>% preference of market demand according to HMNA 2014</b>	<b>% of beds of total proposal as submitted</b>	<b>% of beds in market delivery of proposal as submitted (as a % of 84 units)</b>
1 bedroom	0	0	0
2 bedrooms	36.1	21	2.4
3 bedrooms	50.5	61	71.4
4 bedrooms	13.4	18	26.2

Given that the majority of the two bed units are intended to form part of the affordable provision, the market provision would be significantly deficient in two bed provision and subsequently over-reliant on three and four bed units (this assessment is marginally different from that presented as part of the recently refused scheme given that Plot 104 would now be a four bed rather than a 3 bed). However, the greatest demand in the social sector is for two bed units and therefore this element at least is supported.

It is difficult to be overly prescriptive to the 2014 survey given that this is now almost 6 years old and due to be updated imminently. However, of more relevance to the current assessment is the type of product that would be delivered. Gleeson are a national housebuilder who rely on specific product delivery (which continues to be successful in the market). One of the key characteristics of their product is house types which are modest in size (as discussed further below). There is therefore a case to be made that a Gleeson 3 bed dwelling would still be suited (and affordable) to someone in the market for an average 2 bed dwelling. In this respect, an apparent over-reliance

on 3 bed units as identified above is not considered fatal to the scheme to a degree that it would justify refusal.

#### Impact of Layout on Character including Landscaping and Trees

Given the extant approval for residential development, it has already been accepted in principle that the character of the site will fundamentally change. However, there are some marginal layout changes compared to the extant application layout owing to the increased no. of units. The landscape impacts of the proposal therefore warrant a full and thorough assessment in their own right.

The site is bounded on three sides by residential development, the school, public footpath and associated trees, recreational area and to the south by an arable field currently occupied by free range pigs. The southern field boundary is an established hedge with some gaps. The boundaries on the other three sides are varied and include; garden boundaries with varying degrees of tree cover allowing views across the site from neighbouring housing, un-vegetated wooden fencing around the recreation ground, a substantial retaining wall, and amenity tree planting.

The Southwell Trail recreational route terminates immediately to the west of the site at Forest Link and a public footpath, Bilsthorpe FP1, borders the site, affording views across the site to the southern boundary. The established amenity tree planting associated with part of the public footpath, gives views across the site filtered through tree trunks. Further along the route the views across the site are more open.

The site is not crossed by existing rights of way but the site is intensively used informally by local residents for dog walking and to access the playing field and Southwell Trail. The recreation ground, which effectively juts into the development site, will become bounded on nearly all sides by built development rather than looking out into open countryside.

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

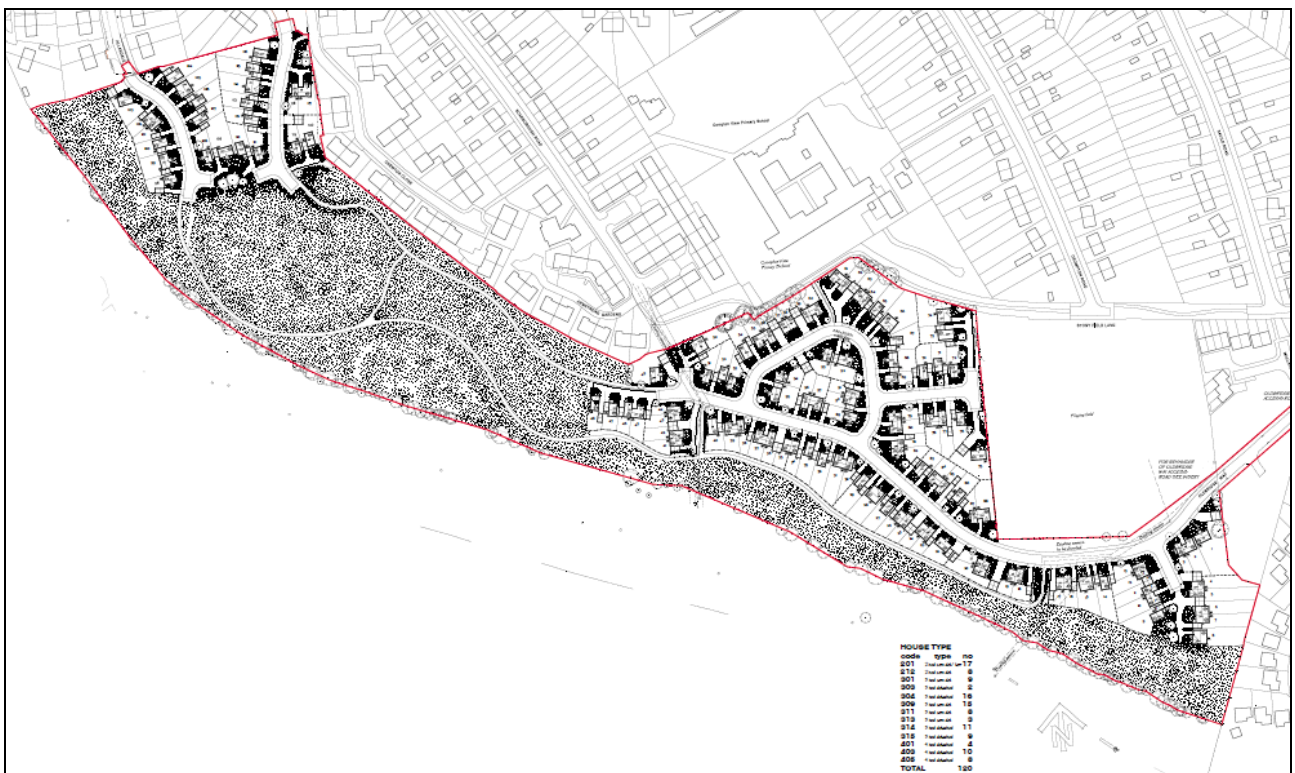
The application site is within Policy Zone 7 Oxton Village Farmlands. The zone has been assessed as having a moderate condition and moderate sensitivity resulting in a 'Conserve and Create' recommendation. Identified key characteristics of this landscape zone include a gently undulating topography, intensive arable farming and small patches of deciduous and coniferous woodland.

Previous applications on the site were subject to a landscape and visual impact assessment (LVIA) which was subsequently reviewed by an independent landscape consultant. It is notable that the same has not been done through the current submission. However, in terms of landscape impacts in the context of the LCA undertaken by the District Council, it is not considered that the development now proposed (despite the increase in units) would be perceptively different in comparison to the extant permission.





*Approved Layout by application reference 18/01971/RMAM*



*Proposed Layout by current submission reference 20/00642/FULM*

The current application has been accompanied by detailed landscaping plans which follow the principles of the reserved matters submission (albeit actually demonstrate additional landscaping particularly on the southern boundary). The plans include the retention of a tree specimen on the eastern boundary of the site which was raised as a cause for concern in the previous determination. In the context of the comments of Nottinghamshire Wildlife Trust above, the agent has confirmed that the later landscape revisions have been to address comments in respect to mown paths and additional hedging (and in fact the previous application was determined on the

basis of Revision K in any case so the landscaping hasn't changed since the recently considered application with the exception of Plot 104).

Noting the fall back position, it is not considered reasonable to insist upon the submission of an LVIA for the current application nor to reist the application purely on the basis of landscape impacts.

### Impact of Dwelling Design

Policy DM5 confirms an expectation for new development to reflect the rich local distinctiveness of the Districts landscape and character through its scale; form; mass; layout; design; materials; and detailing.

Despite the significant size of the site at approximately 7.9 hectares the proposal details that the majority of the site would remain undeveloped. As is referenced above, this has been deliberately incorporated into the design of the scheme in order to address matters of landscape character owing to the positioning of the site outside of the defined village envelope (and indeed is a continuation of the principles of the extant permission).

The detailed design intends to deliver the 120 properties through two discrete pockets of development separated from one another by open space. At the north western corner of the site, it is intended for there to be 23 plots. The remainder of the plots would be delivered towards the north eastern boundary of the site. This is notably different from the extant permission where there was a gap between development in this section amounting to three separate parcels (as shown in the layout extracts above).

The properties represent 13 different house types ranging from 2 bed to 4 beds. It is fully appreciated that the large expanses of proposed open space have been designed as a deliberate attempt to reduce the overall build footprint. However, in taking this approach, the result in respect of dwelling design is that a number of the properties are extremely modest in their overall footprint size.

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

The following table is lifted from the March 2015 document:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

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

**Table 2 – Assessment of submitted development**

House Type	No. of beds	Floor space (m <sup>2</sup> )	Space standard requirement (m <sup>2</sup> )	Compliance against (m)
<b>201</b>	2	60.48	70	(-9.52)
<b>212</b>	2	62.37	70	(-7.63)
<b>301</b>	3	70.56	84	(-13.44)
<b>303</b>	3	71.71	84	(-12.29)
<b>304</b>	3	75.00	93	(-18)
<b>309</b>	3	73.24	93	(-19.76)
<b>311</b>	3	70.56	84	(-13.44)
<b>313</b>	3	75.31	84	(-8.69)
<b>314</b>	3	75.31	84	(-8.69)
<b>315</b>	3	75.85	84	(-8.15)
<b>401</b>	4	99.00	106	(-7.00)
<b>403</b>	4	97.36	106	(-8.64)
<b>405</b>	4	108.89	115	(-6.11)

Every single one of the house types would fall short of the national space standards (again for clarity which have not been adopted by NSDC), some by as much as nearly 20m<sup>2</sup>.

However, the houses are specific product types of a national housebuilder who have built in our District previously. Officers are mindful that these are product types which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales, it would be extremely difficult to resist the applications solely on this basis. The applicant would have a case to make that any proposed occupiers would be well aware of the size of the units prior to purchase

and this must be weighted in the overall planning balance. This is a position which was also accepted through the reserved matters approval (the majority based on the same house types).

The overall aspirational character of the site appears to be modern in nature with a varied use of materials. The use of 13 different house types adds visual interest both in individual plots and for the site as a whole. The varying house types are dispersed around the site. The application has been accompanied by a materials plan which details facing brickwork with red tiles. There is some variation in colour and contrast within individual plots such that there is no objection to the materials schedule presented in principle.

I am satisfied that the parking provision is the most convenient off-street parking available to the occupiers of most plots and will be legible to the occupiers and thus it will be used rather than vehicles being parked on the street. Whilst there are some plots where occupiers would have to walk a short distance to the front door (e.g. some of the Plots addressing corners in the internal road network), this is not the norm in terms of the overall parking delivery. On a development of this nature in terms of scale, Officers consider that there is scope for small areas of compromise in the overall balance and thus this in itself is not considered fatal to the design of the overall scheme. It is noted that the Highways Officer raised this issue as a cause for concern but I am conscious that this arrangement of parking has already been accepted through the reserved matters submission and it would therefore be difficult to resist the current application on this basis.

Officers negotiated appropriate boundary treatments during the life of the previous application consideration and it is these negotiated arrangements which have been presented as part of the current application. These include a fence with trellising on the top of the plots to the southern boundary to soften the landscape impact of the proposal. The plans show majority of in plot division to be 1.2 timber fences which is considered acceptable. A slight amendment has been sought during the life of the application to ensure that where the plots abut the play area the fence is timber rather than a knee rail fence (as is the case with the rest of the play area).

### Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Given that the site extends beyond the established existing village envelope, the number of existing neighbouring properties adjacent to, and thereby directly affected by the development would be limited. Nevertheless, there are amenity relationships which require careful consideration, notably the existing dwellings along Forest Link to the east of the site; Armstrong Gardens to the north of the site; Chewton Close to the north east; and The Crescent and Allendale to the north.

Beginning with the relationship with the existing properties along Forest Link the proposed dwellings (plots 4-8) would be at least 22m away from the site boundary. The back to back distances between the proposed dwellings to the rear of the properties on Forest Link would be 33m at a minimum. This would be a two storey to two storey relationship but given the aforementioned distance Officers do not consider that the properties along Forest Link would

suffer detrimental amenity impacts in terms of overlooking or overbearing. This position was notably accepted through the extant permission.

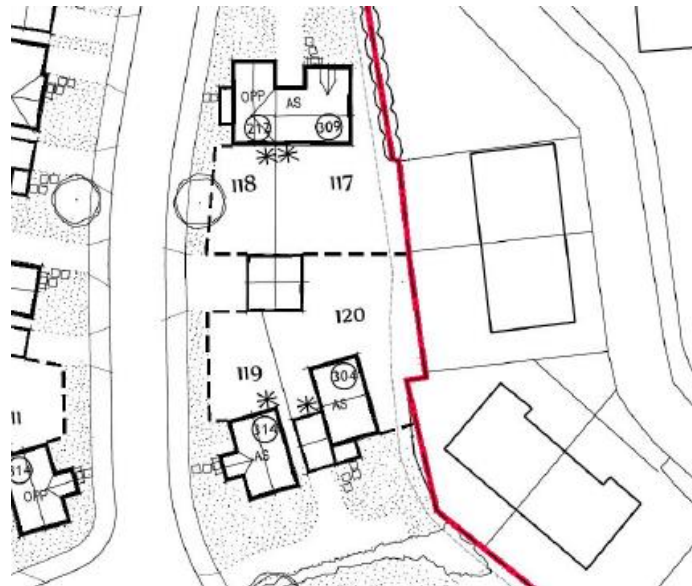
There is a plot of land outside of the application site and the curtilages of the Forest Link properties which sits between the two. At the moment this area acts as a further buffer to the development proposed. However, there is an extant planning permission on this land (07/00595/FULM) which includes the provision of housing in this area. Given that this is a live application which could be implemented at any time (notwithstanding that there is a recently approved application to make some changes to the dwelling designs – 19/00491/FUL) the dwellings as approved must be afforded weight in the overall amenity balance.

The dwellings as approved would be between 10 and 11m away from their rear boundaries (i.e. the boundary of the application site). They would extend southwards from Oldbridge Way by approximately 36m and thereby solely be adjacent to the curtilage of Plot 1. The plan submitted shows that Plot 1 would be around 8m from the site boundary with a side gable facing the shared boundary. The side gable would feature a small secondary window at ground floor serving the porch but also notably would be adjacent to a large attractive tree which is shown on the landscaping plans for retention. On this basis, the amenity relationship with the extant scheme is considered to be acceptable.

Plot 49 would have a shared neighbouring boundary with no.1 Armstrong Gardens which is a single storey semi-detached bungalow. Plot 49 is a two storey dwelling but at a perpendicular orientation to the neighbouring plot such that it would be a blank two storey gable facing the neighbouring site. The rear elevation of Plot 49 is roughly in line with the side eastern gable of no.1 Armstrong Gardens some 12m away. Whilst there would potentially be some opportunity for the first floor rear windows of Plot 49 to overlook the rear garden of no. 1 Armstrong Gardens (and indeed to a lesser extent the attached no.2) this would be at an oblique line of sight with the primary outlook westwards towards the areas of open space within the site. On this basis it is not considered that this relationship would be sufficiently harmful to warrant resisting the proposal.

As with the properties on Armstrong Gardens, the properties on the western side of Chewton Close are single storey semi-detached bungalows with modest rear amenity gardens. The scheme differs at this point of the site in comparison to the extant approval in that the proposed plots would now not be immediately to the rear of the Chewton Close bungalows (i.e. the built form would be in the separation gaps between the semi-detached neighbouring units). There would still be a single storey to two storey side gable relationship albeit any outlook from the neighbouring plots would be at an oblique line of sight as demonstrated by the extract of the proposed layout plan below:





Plot 116 would be set to the south of no.5 The Crescent. The rear elevation would be set broadly in line with the rear elevation of the neighbouring plot. Although the orientation would differ slightly, the arrangement is considered acceptable in ensuring that any overlooking would be limited to an oblique angle.

Plot 104 would be positioned to the south of no.39 Allendale with the principle elevation broadly in line with the rear elevation of the neighbouring plot. There is therefore a consideration as to whether the rear windows of no. 39 Allendale would suffer an overbearing impact on account of the two storey neighbouring side elevation proposed. However, I am mindful that there is a separation distance of around 14m between the respective side elevations and that the plot orientations are broadly aligned such that the majority of the rear outlook from no. 39 Allendale will be unaffected. There would be a small first floor window on the side elevation of Plot 104 but this would serve an en-suite bathroom and therefore can be reasonably conditioned to be obscurely glazed.

Moving then to assess the amenity provision for the proposed occupiers, it is notable that the overall size of the site allows for significant flexibility such that distances between proposed dwellings are appropriate. This is partially aided by the separation of built form into distinct areas of the site which increases the number of Plots which would have their rear outlook towards the areas of proposed open space within the site and the open countryside beyond.

The overall layout follows the principles of the extant reserved matters application such that Officers are satisfied that the scheme delivers appropriate amenity provision for both proposed occupiers and adjacent existing neighbouring properties. The proposal would therefore comply with the relevant elements of Policy DM5.

#### Impact on Highways

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The proposed access for the development has already been agreed by the previous applications which exist on the site. The Section 106 relating to the outline approval did however include works to the access from Oldbridge Way in terms of ensuring that the road was built to base course level to an adoptable standard in accordance with the details of a 2008 Section 38 agreement. It is notable that since the time of the outline approval, there has been further development on the adjacent Pevril site. The plans includes a revised red line site location plan including the length of extended Oldbridge Way as requested by the Highways Authority on the previous application.

NCC as the Highways Authority have assessed the application in the context of the proposed internal road network. Their comments are listed in full above which, whilst not objecting to the highways impacts of the proposal in principle, do raise issues in respect to finer details such as footpaths (discussed below) and parking provision (already discussed in brief above in the 'Impact of Dwelling Design' section).

In terms of the number of spaces, there are instances where four bed dwellings would only have two spaces (where NCC advise they should have 3). From an Officer perspective the parking provision largely mirrors that accepted through the fallback position of the reserved matters application. On this basis, it is not considered that it would be reasonable to resist the current application purely on the basis of the proposed parking arrangements which on the whole show spaces to the side of dwellings.

Notwithstanding the concerns raised, the comments go on to suggest a number of conditions which should be imposed if permission is granted. In the most part these have been included in the recommendation below with the exception of the condition requiring wheel washing facilities (which would be covered by the required construction management plan). On the basis of conditions included in the recommendation below, it is not considered that there are justifiable grounds to resist the application on matters of highways safety.

#### Impact on Footpath Network

Comments were received from NCC Rights of Way Team as listed in full above. The reference to claims for public rights of way is noted albeit equally is the confirmation that there are no public rights of way which cross the site. This matter also forms the basis of an objection from the Ramblers Association.

The submitted layout plan (and indeed corresponding landscaping plans) demonstrates linkages throughout the whole site which would formalize the public ability to cross the site.

The linkages throughout the site have also been referenced by the latest comments of the Highways Authority with the suggestion that the LPA should consider trigger points for their delivery. The landscaping plans show that the footpaths will be mown to grass which in my view mirrors the existing situation on site with the informal footpaths. There is a balance to be struck and in my view the weighting should be towards the softer landscaped finish of the footpaths. In terms of securing the exact delivery timeframe for the footpaths, I also do not consider this reasonably necessary to the development. The level of open space within the site would mean that even during times of construction, the centre of the site would be void of built form and thus there would presumably remain the ability to cross the site on an informal basis as existing. Given that the paths are not formal rights of way I consider it would be unreasonable to control trigger points for delivery. It should be noted that this was the approach taken in the extant reserved

matters approval and therefore to insist on additional details through this application would be overly onerous.

The comments of the Rights of Way Officer can largely be included as an informative to any forthcoming decision. It is however considered relevant to make explicit reference to the retention of the intended linkages in the landscaping implementation condition if permission is forthcoming.

### Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

The application has been accompanied by an Ecological Impact Assessment dated October 2019. This report acknowledges the presence of the site within the buffer zone for the possible Sherwood Forests potential Special Protection Area (pSPA). The report also acknowledges that the site has been recently designated a local site of nature conservation as Bilsthorpe Grassland on account of the assemblage of butterflies it is reported to supported.

Local Wildlife Sites are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas.

Ordinarily this would potentially amount to a factor to resist the development of the site in principle. However, as is rehearsed through the reserved matters submission application which remains extant, it appears that the LWS was designated just after the original outline application was approved. On that basis, Officers at the time did not consider it reasonable to resist the reserved matters application on ecological grounds subject to consideration of the potentially present species in the landscaping proposed. Given the extant permission for development, it follows for this application that the designation of the LWS should not result in a refusal of the application in its own right. The large areas of open landscaped space allow for measures to enhance the wildlife value of the undeveloped areas of the site where possible. These measures could be secured by suitably worded condition if permission were to be otherwise forthcoming.

Officers have considered the requirements of a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2017.

Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. HRA is often referred to as 'Appropriate Assessment' (AA) although the requirement for AA is first determined by an initial 'Screening' stage undertaken as part of the full HRA.



Officers considered that it was beneficial to undertake a 'shadow' HRA as a precautionary approach. Following a screening exercise, it has been determined that there are no likely significant effects to any European sites which would arise from the development. It is therefore not necessary to continue to undertake an AA.

Moreover, the agent is agreeable to including a clause in the Section 106 for the submission of a leaflet regarding the protection of nightjar and woodlark.

The ecological position is not considered to have materially changed since the time of the reserved matters approval and therefore there is no justification to resist the application against Core Policy 12 of Policy DM7.

#### Impact on Flood Risk and Drainage

The site is within Flood Zone 1 in its entirety according to the Environment Agency maps. There is an area within Flood Zone 3 to the south of the site but this is outside of the application boundary. NCC Flood whilst not commenting on the current application, did comment on the previous application and raised no objection subject to the exact surface water drainage details being agreed through condition which has been agreed by the agent.

#### Developer Contributions

It is referenced throughout the report that the extant approvals on the site arose purely from a time where the LPA were taking a pragmatic approach to development outside of settlement boundaries. This approach was only adopted where the development was otherwise policy compliant (i.e. could deliver the full suite of developer contributions envisaged / required by the Developer Contributions Supplementary Planning Document).

The current submission includes a draft heads of terms which details the contributions which the developer is now promoting as follows:

ITEM	CONTRIBUTION
Affordable Housing	<ul style="list-style-type: none"> <li>To provide 36no. affordable homes (2 bed and 3 bed) on the development as defined in Core Policy 1 of the Core Strategy. Units to comprise;</li> <li>17no. 201's (2 bed semi) – affordable rent</li> <li>5no. 212's (2 bed semi) – affordable rent</li> <li>1no. 212 (2 bed semi) – intermediate units</li> <li>9no. 301's (3 bed semi) – intermediate units</li> <li>4no. 311's (3 bed semi) – intermediate units</li> <li>This equates to a total of 36no. dwellings – 30% of all plots on site</li> <li>60% affordable rental units and 40% intermediate units</li> </ul>
Library contribution	<b>£5,704</b> to be paid towards additional stock at Bilsthorpe Library
Outdoor sports facilities	<b>£35,000</b> to be paid towards the improvement of existing sports facilities in Bilsthorpe
Health contribution	<b>£117,914</b> towards Bilsthorpe Doctors surgery
Children and Young Peoples space contribution	<b>£111,271</b> towards upgrading existing play equipment adjacent to the site.

The above figures align with the requirements of the Developer Contributions SPD (albeit would need to be subject to additional monitoring fees) and associated consultation responses above.

This is a notable and significant change since the previously refused scheme which was refused partly on the basis of the suggested affordable offer to provide solely 'low cost homes.' The current application now reflects the split of affordable housing provision sought by Core Policy 1 of the Core Strategy in providing 60% affordable rented units and 40% intermediate units.

The proposal would therefore satisfy the requirements of Spatial Policy 6 and Policy DM3 and overcome this element of the previous reason for refusal.

Any approval would be accompanied by a Section 106 which secures the contributions as outlined in **Appendix 1**. As with the extant approval, following review of the Playing Pitches Strategy, the Western area of the District has spare capacity for playing pitches even in the context of future demand with the expectation of youth pitches 11v11 where there is currently spare capacity but future demand would leave a shortfall of 0.5 pitches. Based on Sports England costs the contribution for 0.5 of a youth pitch would be £35,000. The remainder of the pitch could be built out with contributions from other allocated sites which are coming forward. Given that this cost is

based on actual costs rather than projected costs per person, there is no requirement to uplift from the existing S106.

### Other Matters

The application submission includes an Economic Benefits Report dated April 2020. This document includes a number of figures stated as being accountable to the development including £10.2 million spent on labour and services in construction; £200,951 additional annual Council Tax; and 126 sustained or created direct jobs. These figures have not been explicitly verified but there is no dispute that residential development makes a significant contribution to all tiers of the economy. To clarify the benefits of the scheme as detailed are considered to weigh positively in the overall planning balance undertaken below.

The previous applications on the site have been subjected to conditions requiring the completion of archeological works. The current submission has submitted the same report (by pre-construct geophysics dated July 2017) which was submitted to discharge the condition in October 2017. Nevertheless, at time of the discharge of condition application, further details were negotiated in respect to the archeological methodology. Notwithstanding this, comments received from our archeological advisor for the current application have suggested further archeological works are necessary. The agent has agreed that they would be amenable to a condition to submit these works at a later date.

The consultation section above details the request for numerous conditions by Environmental Health Officers namely in relation to construction works. Some of these, such as the production of a construction management plan are considered reasonable. However, it is not considered reasonably to separately condition dust measures as this could fall within the management plan. Equally, the request for noise surveys on the basis of the operations of the Strawsons site which is over 200m away from the site boundary is not considered reasonably necessary (and has never been requested for applications on this site in the past).

NCC Comments include a request for a contribution to be made towards the upgrade of four bus stops in the vicinity of the site. In the previous applications this was dealt with by condition. However, on reflection it is considered that the request would better align to the Section 106 agreement as indicated by Appendix 1.

The plans include a star annotation within each plot to show a potential positioning for bin storage either to the rear or the side of the plots. This would clearly be a preference to bins being placed forward of principle elevations albeit in a number of instances occupiers would have to walk the bins through their garages. In reality therefore, the indicated bin storage locations (which are not intended to be actual covered areas) may not be the most practical solutions. Nevertheless, they do at least demonstrate a capability for bins to be hidden from view in the most part which would also be desirable for occupiers. Given that it is not expected for the bins to be within formal structures, it is not considered necessary to seek further details of bin storages by condition.

The Planning Addendum Statement submitted with the current application acknowledges the planning history of the site namely the most recent refusal for the same number of units in broadly the same arrangement. However, the Statement also acknowledges that, since the previous refusal in February 2020, there has been a global pandemic which has potential economic impacts. The Statement is presenting that Gleeson's are committed to developing this site even in the context of the global pandemic. Whilst this is noted and indeed supported, Officers do not

consider that it should be attached significant weight in the consideration of the current application given that the commitment from Gleeson's can be carried through the reserved matters application in any case (and indeed is the indication of recent discharge of condition applications and the submission of an appeal for the previously refused scheme). The additional 7 units (6% increase) which this application proposes, whilst positively contributing towards housing delivery, are not considered to be so fundamental as to be determinative in the overall balancing exercise undertaken below.

The Addendum Statement also contends that the settlement boundary of the adopted Policies Map is no longer up to date in the context of the extant permission (and includes a copy of Gleeson's representations to that affect for the Plan Making stage). Officers disagree with this Statement, clearly the extant permission has a time limit (December this year) and in the event that it is not lawfully permitted within that timeframe, it would not be appropriate for the Policies Map to allocate a site in the open countryside given that as a District we are confident of demonstrating a five year housing land supply.

### Overall Balance and Conclusion

The proposal for 120 dwellings in the open countryside represents a departure from the Development Plan. However, as is detailed above, there are material considerations which must be taken into account in this determination.

The application has been submitted as a re-submission of a previously refused scheme for the same number of units in broadly the same arrangement (one plot substitution). The previous reason for refusal is a formal decision of the Local Planning Authority and must be material to the current determination. The reason, albeit singular, was split into two main elements namely, the lack of compliance with the Development Plans affordable housing split, but also the principle of developing additional properties in the open countryside.

The scheme now for determination has changed in its entirety the affordable housing offer such that the proposal would now deliver a policy compliant 30% on site affordable housing in line with the split expected by the Development Plan. There can be no dispute therefore that this element of the reason for refusal has been overcome.

It therefore remains whether the fact that the proposal would amount to an additional 7 dwellings in the open countryside would be enough to tip the balance to a refusal in its own right. This judgement must be taken in the context of the extant approval for 113 dwellings which exists until December 2020 (and appears likely to be capable of being implemented in time noting current discharge of condition applications).

The actual perceivable impact of these additional units would be limited in the context of the overall site. In order to refuse the application solely on this basis, the LPA would have to demonstrate and defend what harm the additional 7 units would create. Whilst it is not lost on Officers that the additional development does not follow the intentions of the Development Plan in these site specific circumstances, a refusal solely on matter of principle is not considered to be robust enough despite this forming part of the combined reason for refusal on the previous scheme.

In order to realise the intentions of the original approval, which was given at a time when the LPA could not confidently demonstrate a five year housing land supply, any subsequent approval would have to be conditioned to allow commencement no later than December 2020.

All other matters remain broadly the same as the extant approval on the site. Taking all matters into account, and attaching significant weight to the meaningful contribution towards the Districts housing supply in the short term, the balance is tipped towards approval. As with the extant approval, this rests on the basis of a Section 106 to secure appropriate contributions as outlined at Appendix 1.

### **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below and subject to the applicant entering in to a legal agreement to secure the contributions outlined in Appendix 1.**

#### **Conditions**

01

The development hereby approved shall be commenced no later than 7<sup>th</sup> December 2020.

Reason: In acknowledgement of the fall-back position which exists and to expedite the contribution towards the Districts housing supply.

02

The development hereby approved shall be carried out in accordance with the following plans and details:

- Site Location Plan – 1047-2/6- dated 20<sup>th</sup> January 2020;
- 201 Dwelling Type – 201/1G dated July.10;
- 212 Dwelling Type – 212/1- dated Feb 16;
- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. L received 15<sup>th</sup> May 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22<sup>nd</sup> January 2020;
- Landscape Management Specification – Rosetta Landscape Design dated 2019;
- 301 Dwelling Type – 301/1H dated July.10;
- 303 Dwelling Type – 303/1E dated July.10;
- 304 Dwelling Type – 304/1E dated July.10;
- 309 Dwelling Type – 309/1E dated Jun.11;
- 311 Dwelling Type – 311/1B dated Dec.13;
- 313 Dwelling Type – 313/1- dated Feb 2016;
- 314 Dwelling Type – 314/1- dated Feb 2016;
- 315 Dwelling Type – 315/1A dated May.18;
- 410 Dwelling Type – 401/1G dated July.10;
- 403 Dwelling Type – 403/1J dated July.10;
- 405 Dwelling Type – 405/1E dated July.10;

- 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11;
- 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19;
- Detached Single Garage Details – 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details – 0282 SD 701 rev. D dated 22.08.12;
- Planning Layout – Sheet 1 of 2 – 1047-2/3K;
- Planning Layout – Sheet 2 of 2 – 1047-2/4J;
- Planning Layout – 1047-2/5K.

Reason: To define the permission.

03

The development hereby permitted shall be carried out in accordance with the Materials Plan – 3100-02 dated 18.05.20.

Reason: In the interests of visual amenity.

04

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved JOC Consultants Flood Risk Assessment (FRA) 18/035.01 Rev 02 dated 23 September 2019, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major

developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

05

The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

06

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routing of construction traffic.
- Measures to limit noise emissions from the site and from plant machinery

For the avoidance of doubt, the CEMP details should demonstrate that:

- The hours of operation on site will be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.
- No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.
- No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

07

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

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

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

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

08

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

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

09

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

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

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

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



11

Any access taken from Allandale and/or The Crescent shall serve no more than 12 dwellings in each case.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

12

Prior to the occupation of any plot hereby approved, the boundary treatments for that plot, as shown on plan references Planning Layout – Sheet 1 of 2 – 1047-2/3K and Planning Layout – Sheet 2 of 2 – 1047-2/4J (with associated details on plan references 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11; 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19; and 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19) shall be implemented on site in full. The approved boundary treatments to the southern boundaries (i.e. the 1.8m fences with trellis on top) shall thereafter be retained for a minimum period of 10 years.

Reason: In the interests of residential and visual amenity, particularly in respect to softening the landscape impacts of the built form from the open countryside to the south.

13

The landscaping details shown on the following plan references:

- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. L received 15<sup>th</sup> May 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21<sup>st</sup> January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22<sup>nd</sup> January 2020;

shall be carried out in full within 36 months of the first occupation or by 80% of the dwellings being occupied, whichever is sooner, or a period agreed subsequently in writing by the Local Planning Authority. The landscaping shall be maintained in accordance of the details within the 'Landscape Management Specification – Rosetta Landscape Design dated 2019'. For the avoidance of doubt, the mown paths shall be retained for the lifetime of the development. Any trees shown to be retained shall for a minimum of five years unless they become otherwise diseased or damaged and their removal is agreed in writing by the Local Planning Authority.

Reason: To enhance and protect the landscape value and biodiversity of the site.

14

Prior to any development above damp proof course level, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council Local Planning Authority. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

15

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.).

16

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 vehicles to stand clear of the highway whilst garage doors are opened/closed.

17

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

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

18

Plot 92 shall not be brought into use until the visibility splays shown on drawing no. 1047-2/3J outside plot 92 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, planting, structures or erections exceeding 0.6 metres in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

19

The integral garages to the dwellings hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

The first floor window opening on the north elevation of Plot 104 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

#### Notes to Applicant

01

The 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/](http://www.newark-sherwooddc.gov.uk/cil/)

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

02

The Rights of Way (RoW) team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

03

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

04

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)).

05

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. Please contact [david.albans@nottsc.gov.uk](mailto:david.albans@nottsc.gov.uk) for further details.

06

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

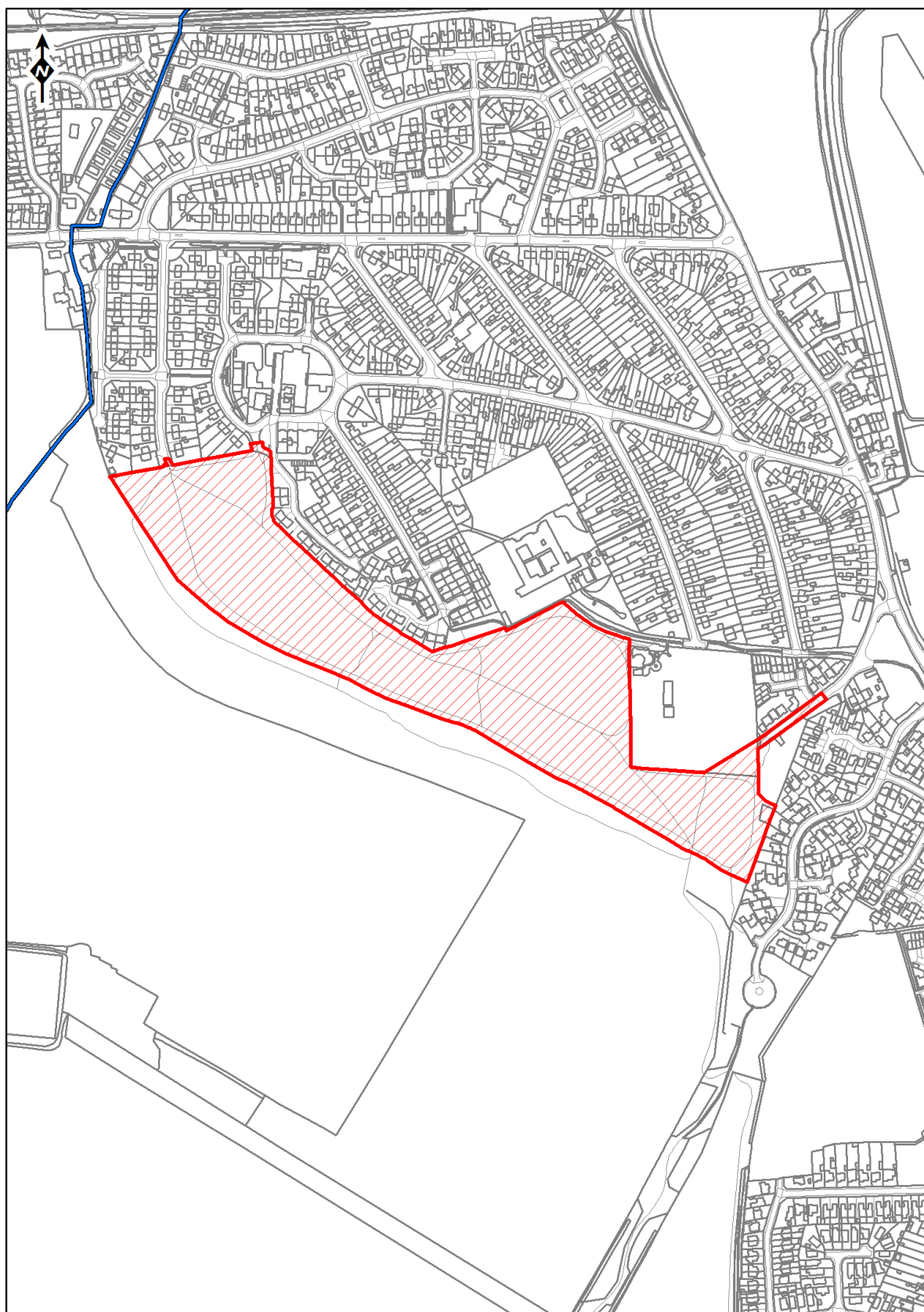
#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**



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Contribution	Formula	Anticipated contribution	Monitoring Contribution	Trigger Points
<i>Affordable housing</i>	30%	30% on site  60% affordable rent  40% intermediate	Physical Obligation (based on 6 site visits) - <b>£396</b>	No occupation of more than 50% of the completed properties constructed on the site until at least 45% of the affordable housing has been completed.  No occupation of more than 80% of the individual completed properties constructed on the site until at least 55% of the affordable housing has been completed.
<i>Health</i>	£920 per dwelling + indexation	<b>£110,400</b> plus indexation from 22 <sup>nd</sup> June 2016 based on 120 dwellings  Off-site contributions towards Bilsthorpe Doctors Surgery	Financial Obligation - <b>£240</b>	Full payment due before occupation of more than 80% of the individual competed properties.
<i>Libraries</i>	£47.54 (for stock) per dwelling + indexation	<b>£5,704.80</b> plus indexation from 22 <sup>nd</sup> June 2016 based on 120 dwellings  Off-site contribution towards stock	Financial Obligation - <b>£240</b>	Full payment due before occupation of more than 80% of the individual competed properties.

		for Bilsthorpe Library		
<i>Open Space</i>	<p>IF all physically on site:</p> <ul style="list-style-type: none"> <li>• Amenity green space - 14.4<sup>2</sup> per dwelling (1728m<sup>2</sup> for 120 dwellings)</li> <li>• Provision for children and young people – 18m<sup>2</sup> per dwelling (2160m<sup>2</sup> for 120 dwellings)</li> <li>• Outdoor Sports Facilities – 52.8<sup>2</sup> per</li> </ul>	<p>Amenity green space to be provided on site with associated management company</p> <p>Provision for children and young people to be an off-site contribution towards existing Bilsthorpe facilities <b>£111,271.20</b> based on 120 dwellings plus indexation from 18<sup>th</sup> August 2016</p> <p>Outdoor Sports Facilities to be an off-site contribution towards existing Bilsthorpe Facilities <b>£35,000.00</b> (bespoke figure based on Playing Pitch Strategy requirements) plus indexation from 18<sup>th</sup> August 2016</p>	<p>Physical Obligation (based on 6 site visits) - <b>£396</b></p> <p>Financial Obligation (x2 based on 2 contributions)- <b>£480</b></p>	No occupation of more than 40% of the individual competed properties.

	<div>dwelling (6336m<sup>2</sup> for 120 dwellings)</div> <div>Total: <b>10,224m<sup>2</sup></b></div> <div>IF off site contributions:</div> <div><ul style="list-style-type: none"><li>• Amenity green space - £282.94 per dwelling (£33,952.8 0 for 120 dwellings) plus indexation from 18<sup>th</sup> August 2016</li><li>• Provision for children and young people</li></ul></div>			
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	<p>£927.26 per dwelling (£111,271.20 for 120 dwellings) plus indexation from 18<sup>th</sup> August 2016</p> <ul style="list-style-type: none"> <li>Outdoor Sports Facilities £737.72 per dwelling (£88,526.40 for 120 dwellings) plus indexation from 18<sup>th</sup> August 2016</li> </ul>			
<i>Ecology</i>	Site specific request	Provision of a welcome pack for all occupiers including an information		Prior to first occupation.

		<p>leaflet regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided.</p>		
Highways	Site specific request	<p>Bus Stop Infrastructure contribution of <b>£32,000</b> is paid to provide improvements to the bus stops NS0032, NS0595, NS0596 and NS0599, and shall include:</p> <p>NS0032 Church Street – Install real time bus stop pole &amp; displays including associated electrical connections.</p> <p>NS0595 Cross Street – Install real time bus stop pole &amp; displays including associated electrical connections.</p> <p>NS0596 Crompton Road – Install real time bus stop pole &amp; displays including associated electrical connections and raised boarding kerbs (subject to minor relocation).</p>	Financial Obligation - <b>£240</b>	Prior to first occupation.

		NS0599 Church Street – Install real time bus stop pole & displays including associated electrical connections.		
<b>TOTAL:</b>		<b>£294,376</b>	<b>£1,992</b>	
				<b><u>£296,368</u></b>

## PLANNING COMMITTEE – 30 JUNE 2020

Application No:	19/02158/OUTM		
Proposal:	Residential development of up to 19 no. new dwellings (following removal of Grove Bungalow and existing outbuildings)		
Location:	Grove Bungalow, Barnby Road, Newark-on-Trent, NG24 2NE		
Applicant:	Richmond and Pritchett	Agent: Grace Machin Planning & Property	
Registered:	19 December 2019	Target Date: 19 March 2020	
	Extension of Time Agreed until 3 <sup>rd</sup> July 2020		
Link to Website:	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		

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

### The Site

Located on the southern side of Barnby Road, the site comprises a well-proportioned attractive brick built bungalow set centrally within its long plot. Vehicular access to the site is from the eastern side of the frontage via a gravel/brick track. There are mature attractive trees that front the remainder of the highway. Mature vegetation and hedgerows bound the large front garden area.

To the rear of the bungalow is a lawn area with a number of mature trees which take on the appearance of an orchard. There are a number of low lying outbuildings to the east of the bungalow within its curtilage.

The remainder of the site to the east of the bungalow (outside of its curtilage) and to the rear of the dwellings fronting Barnby Road, is overgrown, vacant and accommodates a number of trees and vegetation.

Compared to surrounding dwellings, the host bungalow is set back within its plot. A detached modern dormer bungalow lies to the north-west whilst to the north-east is a row of historic two storey cottages (Grove Cottages) which sit gable end on with the highway and have windows facing the site. On the other side of the highway (north) are a number of large modern dwellings and beyond that is the east coast railway line.

A Biological SINC (Ballast Pit) lies circa 200m to the west across fields which is recognised as 'a long disused ballast pit supporting open water and carr communities'.

The site lies within the defined built up part of Newark Urban Area.

## Relevant Planning History

- 20/000006/TP0 – A group Tree Preservation Order has been made June 2020.
- PREAPP/00239/19 – Pre-application advice was sought for a scheme of around 20 dwellings. The advice was positive albeit a lower density was suggested.

There have been 3 notable applications located on land immediately to the south; known as land at Highfields School. In brief these were for:

- 17/00357/FULM – Residential development comprising 95 houses and associated infrastructure including removal of 26 TPO trees, Refused 15.09.2017. Issues related to impacts (visual and crime/disorder) from MUGA and viability having regard to dis-proportionate development costs and that the development couldn't mitigate the impact it would have upon infrastructure. Appeal Dismissed.
- 16/01134/FULM - Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Areas (MUGA) and the removal of 8 TPO trees. (Resubmission of 14/01964/FULM). Refused 15/09/2019. Issues related to ecological impacts and viability having regard to dis-proportionate development costs and that the development couldn't mitigate the impact it would have upon infrastructure. Appeal Dismissed.
- 14/01964/FULM - Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Refused 14.07.2015 on grounds that the number of compromises (such as noise from MUGA, privacy, failure to maximise community use, lack of infrastructure including affordable housing) meant it was unsustainable development. Appeal Dismissed.

### *Land immediately to the east (of the southern part of the site)*

- 19/01331/FUL - Proposed development consisting of 3 no. detached dwellings together with associated outbuildings and landscaping. (Resubmission of application 18/01609/FUL). This was approved under delegated powers on 1<sup>st</sup> April 2020.

## The Proposal

Outline planning permission with all matters reserved, except for the means of access, is sought for residential development. The quantum of development was originally for up to 20 dwellings but during the application process has been reduced to a maximum of 19 dwellings.

An indicative block plan has been submitted to demonstrate how this quantum of dwellings might be achieved on site together with limited (4) indicative elevations.

## The Submission

- Site Location Plan – drawing no. 1506G/004
- Indicative Block Plan – drawing no. 1506G/003A

- Typical Dwelling Elevations – drawing no. 1506/002
- Site Block Plan – 1506G-001
- Topographical Survey – Job No. 3394
- Proposed Preliminary Access Design Sheet 1 of 1 – drawing no. 100334-01-0100-01
- Amended Arboricultural Report & Impact Assessment, by AWA Tree Consultants dated November 2019 (received 06.01.2020)
- Combined Planning and Design & Access Statement, December 2019
- Ecological Appraisal Report by JJH Consulting, November 2019
- Flood Risk Assessment, Rev A by Dice Consulting Engineers Ltd, received 12 June 2020
- Preliminary Access Design – 100334-01-0100-01c, received 05.02.2020
- Extent Plan (24 Dice, Grove Bungalow, Barnby Road) received 05.02.2020
- Supplementary Bat Report, JJH Consulting Ltd received 18.05.2020
- Amphibian Mitigation Strategy, JJH Consulting Ltd, received 18.05.2020
- Foul Drainage Assessment Form, received 17.04.2020
- Sewer Record Plan, received 17.04.2020
- Proposed Drainage Strategy, Sheet 1 of 1, drawing no. 100334-01-0500-01, received 12.06.2020

#### Departure/Public Advertisement Procedure

Occupiers of ten 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. A re-consultation process on the additional ecological information has also taken place.

#### **Planning Policy Framework**

##### **The Development Plan**

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

Spatial Policy 1 - Settlement Hierarchy  
 Spatial Policy 2 - Spatial Distribution of Growth  
 Spatial Policy 6 – Infrastructure for Growth  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 1 – Affordable Housing Provision  
 Core Policy 3 – Housing Mix, Type and Density  
 Core Policy 9 -Sustainable Design  
 Core Policy 10 – Climate Change  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 NAP1 - Newark Urban Area

##### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 DM3 – Developer Contributions and Planning Obligations  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Affordable Housing SPD 2013
- Developer Contributions and Planning Obligations SPD 2013

## **Consultations**

**Newark Town Parish Council – (03.06.2020) Object as follows:**

1. This development is over-intensive for the site.
2. The development will have a significant negative Impact on Amphibian Migration Route. This application does include an Amphibian Migration Strategy with some suggestions on how to improve the environment for amphibians such as hedgerows instead of fences to allow access, shelter and foraging. However these suggestions would have to be conditions in order to be assured when built and there is a concern that such measures can't guaranteed in the future if they are undone by alterations to the site by future occupants of the properties.

The intensive nature of the development is also of concern with regard to Amphibians. The present development, which is less intensive, has had a negative impact on the numbers of amphibians. Frog Life, who have monitored the migration route since 1988 have reported that between 2000 and 2020 numbers of toads have dropped from 800 to 143. Housing development was identified one contributing factor in ecologist Simon Thomas' 2008 report Barnby Road Pond Amphibian and Reptile Study. This report also points out how the route is connected to the ecology of the nearby pond which is enjoyed by many local people and visitors including for fishing. Also that the migration route is unusual in that the amphibians have colonised habitats in an urban area created by the railway rather than being destroyed by it. This is "an interesting facet of Newark's Natural Heritage" one which will be greatly damaged if not destroyed if the area is intensified.

3. Privacy; several neighbouring properties will be over looked from the new buildings.
4. Transport; there is insufficient parking proposed for the amount of housing on the site.
5. There is insufficient public transport serving the site. There is one bus stop within walking distance of which a small limited amount of buses attend infrequently.
6. This site represents the last open break between Newark and Balderton; the loss of this break is unacceptable.

Previous comments (10.01.20) - Strongly object for the following reasons:

- the principle of any development on this site is challenged as it represents the last open break between Newark & Balderton;
- over intensification of the site;
- no Ecology Assessment available - it is an important site for toad migration and bat roost;
- not suitable public transport route, is on a bus route but not a regular service available.

## **NCC Highways Authority – (11.02.2020)**

“Since the issuing of initial highways observations last month, a revised access plan has been submitted which confirms that sufficient visibility splays can be achieved from the improved access point, within the extent of adopted highway. Therefore, there are no objections to the granting of outline permission (with means of access) subject to conditions and informatives.

The applicant is reminded that whilst the application form on this occasion has indicated that the development is to remain private, the scale of development is such that the Highway Authority would advocate the design of an adoptable internal road layout. If this were to be pursued in the future, then it will be necessary to have a minimum of 0.5m service strip along the eastern edge of the internal road; this will not be permitted to have trees planted within it.

### **Condition: -**

- 1) No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary in accordance with approved plan reference Dice Proposed Preliminary Access Design on drawing number 100334\_01\_0100\_01 revision C dated 4 February 2020.

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

### **Informative: -**

- In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact HDC North at Nottinghamshire County Council [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) in the first instance.”

(23.01.20)

“The Highway Authority (HA) understand this to be an outline (with access) application for up to 20 dwellings on the site of Grove Bungalow off Barnby Road in Newark. The site currently houses one dwelling, with outbuildings all of which are proposed to be demolished. The site has a point of extant vehicular access on to Barnby Road which is proposed to be improved to serve the scale of development.

The HA previously provided pre application comments for development on this site in late 2019, identifying the scale of development is such that the design of an adoptable road layout is warranted. Notwithstanding the fact that the application form suggests the development will remain private, the access design comprises of a 4.8m wide carriageway together with a 2m footway along the western edge as per Part 3 of the Nottinghamshire Highway Design Guide (NHDG)1.



An uncontrolled crossing point has also been proposed immediately to the west of the site access, to connect with the existing footway on Barnby Road which would allow pedestrians to walk towards Newark town centre. It is assumed that a service strip is proposed along the eastern edge of the access; there appears to be either proposed, or existing trees which appear very close to the back of the carriageway. Vehicular visibility splays have also been demonstrated; please could the plan be updated to demonstrate that the required vehicular visibility splays do fall all within existing highway, and or land within the control of the applicant. Highway boundary information can be readily obtained by emailing [highwaysearches@viaem.co.uk](mailto:highwaysearches@viaem.co.uk); a small charge will be levied.

Whilst appreciating only means of access is being determined, for the eventual road layout to be adopted it would need to be designed in accordance with Part 3 of the NHDG in terms of forward visibility, bend widening, speed control along with adequate turning head provision for a refuse wagon operated by Newark and Sherwood. Please note that bin wagon dimensions do differ amongst authorities, and it is the applicant's responsibility to ensure that the layout can accommodate the correct sized wagon."

**NCC Lead Local Flood Authority** – Formal comments on amended drainage strategy are awaited and will be reported as a late item

(27.12.20) Object until adequate FRA submitted

**Environment Agency** – Formal comments on amended drainage strategy awaited and will be reported as a late item.

(21.05.2020) No comments to make

(24.04.2020) – 'Thank you for consulting the Environment Agency on the above proposal.

From the information submitted the only environmental issue which falls within our remit and which we will be commenting on is regarding foul drainage. However, we are currently unable to provide you with a formal response as there are discrepancies/contradictions in the information provided by the applicant. It is currently unclear how foul drainage is to be disposed of and we therefore require clarity, as detailed below, in order to assess the submission.

#### *Foul Drainage Assessment*

This states that the applicant intends to utilise an existing non-mains foul drainage system and discharge to a watercourse.

The quantity of discharge stated would require a permit and any existing system installed for the existing bungalow is unlikely to be sufficient for the needs of the whole development. There is no watercourse in the immediate vicinity so it is unclear where the effluent is to be discharged to. We note that there are some historic private treatment systems in the vicinity but these soak away to ground rather than discharging to watercourses.

The form also states that the applicant have provided a written explanation of why connection to the mains sewer is not feasible; however we are unable to locate this document.

### *Flood Risk Assessment*

This document indicates that the applicant intends to connect the foul drainage to the public sewer via a PDaS sewer, but that existence of the PDaS sewer on Barnby Road is only 'assumed'. These are former private sewers that were transferred over to Severn Trent as a public sewer in October 2011 as part of the Private Drains and Sewers (PDaS) 2011. The fact that they are not shown on the Severn Trent Sewer Record Plan does not mean they do not exist, but the developer would need to investigate this further (6.27 of the Design and Access Statement says 'we therefore anticipate the LLFA will request that a below ground CCTV survey is undertaken before the development commences').

We would be grateful to receive clarity from the applicant on the above issues.'

### **NCC Policy/Developer Contributions (13.01.20)**

The following sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

#### *Transport and Travel Services*

The County Council will request a Bus Stop Infrastructure contribution of £13,000 is paid to provide new bus stops facilities on Barnby Road:

- Newark bound new stop - Install standard bus stop pole with hardstand waiting area and raised boarding kerb
- Lincoln bound new stop - Install standard bus stop pole and raised boarding kerb

#### *Education*

A development of 20 dwellings would yield 4 additional primary and 3 additional secondary school places.

##### *Primary*

Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development. As a result, the County Council will not be seeking any planning obligations towards primary education.

##### *Secondary*

Based on current data there is projected to be sufficient places to accommodate the additional secondary aged pupils projected to arise from the proposed development. The delivery of secondary education in the District is via the CIL. Due to there being sufficient capacity, the County Council would not seek a CIL contribution from this development.

(14.01.2020) - The site has a high archaeological potential. The RCHME identified the Line of Circumvallation as running through the site in their volume on the Civil War siegeworks of Newark. We have had only limited opportunities of identifying this earthwork, which would

probably be of national significance once firmly located. The County Council would strongly recommend that if planning permission is granted this should be conditional upon a scheme of archaeological mitigation, which might probably best focus on a strip, map and record exercise.

**Cadent (Gas)** – (23.12.19) Advice that an assessment has been made:

“Affected Apparatus

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

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

Details of what should be undertaken prior to any work taking place then follow.

**Network Rail** – (01.06.2020) No objection in principle but there are requirements that must be met. They go on to request that an informative is added to any approval which is repeated verbatim in the ‘note to applicant’ section of this report.

**Tree Consultant** – (21.05.2020) – No further comments

Previous comments: ‘There appears to be some discrepancies between the indicative block plan and the AMS with regard to retained/removed trees.

T212/13 are shown removed on AMS plan but retained on block plan.

G41 and G51 are shown partially retained on the AMS plan but removed on block plan

G44-retention/removal is unclear.

If the above can be clarified any approval will require compensatory soft landscaping and retained tree/hedge protection measures.’

Recommend conditions:

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

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

- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

### 3. Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.

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

**Natural England** – No comments to make. Refer LPA to Standing Advice.

**Nottinghamshire Wildlife Trust** – (04.06.2020) –

“We have reviewed all the necessary documents, including but not limited to the ‘Supplementary bat report’ and the ‘Amphibian mitigation strategy’.

We are generally pleased with the information provided in each report; however, we would like to draw your attention to the following:

### **The Amphibian Mitigation Strategy**

Detailed on page 7 paragraph 4.0, the ecologist recommends various mitigation strategies which we fully support, including habitat creation and enhancement on site which will post-development foraging habitat and movement corridors for common toad and other amphibian species where present. We would like to reiterate the importance of the recommended habitat creation and we would expect to see these suggestions being implicated on site. Furthermore, the ecologist also recommends precautions for site clearance and preventing fragmentation to ensure the protection of amphibian species present on site. Again, we would expect these suggestions to be followed and implemented by the developer to ensure no amphibian species are harmed. As you will be aware, common toads are protected in the UK under the Wildlife and Countryside Act, 1981, and are also a Priority Species under the UK Post-2010 Biodiversity Framework. Therefore, legislation required that planning authorities need to ensure that common toads are protected from adverse effects of development.

### **Supplementary Bat Report**

Detailed on page 6, paragraph 4.0, the ecologist recommends that demolition should proceed with caution due to the possibility of bat use in the building. We would like to reiterate that if bats or bat droppings are found during demolition, then all work should stop immediately, and a licenced ecologist should be contacted immediately. Furthermore, as the building was considered to offer some potential for use by bats, it is recommended that surveys be repeated if there are any delays to works of more than 12 months. We would also like to highlight the habitat creation and improvements recommended in paragraph 4.4 which should be implemented during and after the development works. In Britain, all bat species and their roosts are legally protected, by both domestic and international legislation.

This means you may be committing a criminal offence if you:

1. Deliberately take, injure or kill a wild bat
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
3. Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
4. Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
5. Intentionally or recklessly obstruct access to a bat roost.

Therefore, planning authorities need to ensure that all bat species are protected from any adverse effects of this development.”

(07.01.2020) - “We wish to comment on the above application.

We have reviewed the supporting information available on the planning page and note that your email dated 03/01/2020 to George Machin outlines the requirement for further bat surveys and the need to address and provide an appropriate mitigation strategy for the amphibian interest including the toad crossing in the area.

We fully support this approach and would expect all issues relating to protected species (both European Protected Specs and Section 41 NERC Act 2006 Species of Principal Importance) to have been considered and addressed at this stage of the application, as per the requirements of the National Planning Policy Framework (2019).

Once these issues have been addressed we will be happy to review and provide comments relating to any further information, including any proposed mitigation and results of further bat surveys in relation to this application.”

#### **Trent Valley Internal Drainage Board – (21.01.20)**

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

The Board maintained Sodbridge Drain, an open watercourse, exists in a south easterly direction from the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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

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

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.

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

#### **NSDC Strategic Housing – Recommends the following affordable dwelling mix:**

	Affordable Rent	Shared Ownership	Totals
2 bed	3		3
3 bed		2	2
	3	2	5

**NSDC – Parks and Amenities** – ‘As a proposed development of more than 10 houses this scheme will need to make provision for public open space in the form of children’s playing

space (18m<sup>2</sup> per dwelling) and I note that the amended indicative site plan does not appear to show any such provision. The scheme will thus need to be amended either to provide on-site children's playing space (360m<sup>2</sup> based on 20 dwellings) or a commuted sum towards off-site provision/improvement and maintenance will need to be provided. The nearest appropriate site for such provision is Barnby Road Community Park however this site is c500m away along a fairly busy road.'

**Representations have been received from 8 local residents/interested parties which can be summarised as follows:**

- Concern regarding vagueness of application;
- Concern a scale of development; is it 20 or 50 (the D&A Statement suggests the highway can accommodate up to 50)
- Layout and density is inappropriate and have harmful impact on wildlife;
- D&A Statement refers to regular and frequent bus services; this is not correct – bus stop is 6 minute walk away and are only 3 per day, distance to town is also inaccurate;
- Concerns regarding highway safety and poorly maintained footways;
- Discrepancies in tree survey - Trees T42 and T43 are not within the ownership of the developer
- Queries over hedgerows and what will happen to it, loss of habitat for wildlife if lost; Concerned that hedgerows might not be preserved, important for habitat and privacy.
- Ecological issues not been properly addressed such as bats;
- Toad migration route is not mentioned;
- Flood risk assessment inadequate;
- No public sewers (all have septic tanks) and rainwater could run from this higher land elsewhere;
- Persistent gas leak in the area involving years of exploratory digging which is so far unresolved;
- Neighbour has badgers in their garden each year, bats and owls in the trees;
- Concerned about impact on privacy and overlooking;
- Concern from traffic pollution;
- Barnby road itself is narrow, in a state of disrepair with speeding cars so is already dangerous;
- Concern at impact on local infrastructure such as schools.

#### Comments of the Business Manager

##### The Principle

The Council is able to robustly demonstrate a 5 year housing land supply and the Development Plan is up to date for decision making. In accordance with DM12 and the NPPF, the starting point for decision making is with the statutory Development Plan.

Spatial Policies 1, 2 and NAP1 of the adopted Amended Core Strategy, identify Newark as a Sub Regional Centre where the focus, as a sustainable settlement, is for housing and employment growth.

The site is located within the defined main built up area of Newark as identified on Map 2 of the Allocations and Development Management DPD. In principle therefore, housing development could be appropriate subject to other considerations which I shall discuss below.

### Appropriateness of the Development, including Character, Density and Housing Need & Mix



I am aware that planning permission has been granted (our reference 19/01331/FUL) on land to the east for residential development comprising 3 detached dwellings. I am also aware that 3 applications have been submitted relating to land immediately to the south (land rear of Highfields School) which have been refused and subsequently dismissed on appeal. More detail is contained within the site history section of this report. None of the reasons for refusal related to an 'in principle' concern or one relating to the character and/or appearance of the backland type of development.



As indicatively shown, Plot 1 is would be aligned with the neighbouring dwellings fronting Barnby Road which I consider would help retain the ribbon development character and grain, with the other units tucked back into the site. Whilst developing the site would introduce a new type of development character, this need not be fatal and I am of the view that a carefully designed scheme could be successfully assimilated into the area. The retention of the mature frontage trees helps to retain this rural open feel to the street-scene.

The quantum of development would be a maximum of 19 dwellings - reduced from 20 due to concerns that the indicative layout was over intensive. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. At c0.65 hectares in area, the density proposed is lower than the 30 dph advocated by the Development Plan. However given the low density of development in the area and its suburban area and character I consider that this level is acceptable for the context.

The latest drainage strategy now indicates the need for a foul pumping station to the site frontage, behind the trees which are to be retained. No details as to what this would look like have been provided, however I am satisfied that a scheme could be designed to be sensitive to its prominent position within the site which could include additional landscaping to soften its impact. This would be a matter to resolve at reserved matters stage.

In terms the housing need in Newark, the requirement is for mainly 3 bedroom dwellings (40.2%) followed by 2 bedrooms (33.7%) followed by 4 bedroom dwellings (14.4%) then 5 bedroom dwellings (8%) with 3.7% of the need being for 1 bedroom units. This outline application is not considering the mix per se, but it is important that an appropriate layout and mix to meet local need could be accommodated. I note the revised plan for 19 units indicates a mix to comprise 2 beds x 6 (32%), 3 beds x 7 (37%), 4 beds x 4 (21%) and 5 beds x 2 (10%). I am satisfied a layout such as this is capable of achieving a mix that closely aligns with the housing need.

Taking all of this into account, I am satisfied that development could be undertaken sensitively with an appropriate mix to meet the housing need in such a way that the character and appearance of the area is not unacceptably affected in line with the requirements of CP3, CP9 and DM5.

### Residential Amenity

Safeguarding the residential amenity for both existing and any new dwellings will be paramount in order to comply with policies CP9 and DM5 of the Development Plan. Given that the layout and appearance are reserved, this is a matter best considered in detail at reserved matters stage.

Grove Cottages to the east have windows facing the application site at first floor level and are located relatively close to the boundary. Any development to the west of these would need to be carefully designed in order to safeguard against loss of privacy and overlooking issues. The indicative layout does however suggest that a scheme is capable of being achieved that would avoid unacceptable impacts on these dwellings. Given the distance between the remainder of the site and the existing dwellings on Barnby Road, which have generous sized gardens, I am satisfied that a scheme could be achieved that adequately respects the living conditions and privacy of existing dwellings.

Given the proximity of the railway line, consideration would need to be given to reducing the noise levels. However this would be in terms of the types of glazing to be used in windows for plots nearest to it rather than requiring a noise survey at this stage.

### Highway Impacts

Policy DM5 requires that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Part of Barnby Road has an 'advisory' 20mph limit due to its proximity of Barnby Road Primary School, however, these are not legally enforceable. This section of Barnby Road is restricted to 30mph. The proposal seeks to take access from the eastern side of the frontage and would provide access and egress for all 19 units. Appropriate visibility splays at the access point have now been demonstrated such that vehicles emerging could do so safely. I note local residents have raised concerns that the Transport Assessment denotes that the access is designed to accommodate up to 50 units. This is not an unusual expression in such a document. However the description of development clearly defines the maximum number of dwellings sought, which is 19.

Parking is a matter best considered at reserved matters stage but it is anticipated that the off-street parking quantum is capable of being met on site without risk of leading to on-street parking elsewhere.

The comments by residents of the proximity to bus stops and indeed the requirement of SP7 to minimise the need to travel and to enhance local services and facilities are noted. In order to serve the development hereby proposed (and indeed better the provision for the wider community) NCC have requested a developer contribution towards bus stop infrastructure on Barnby Road. The requested £13,000 would go towards provision of new bus stops for both Newark and Lincoln bound routes. I consider this request to be reasonable and it would assist with compliance with SP7 in terms of mitigation and in terms of sustainability.

NCC Highways Authority raise no objection on highway grounds to the scheme. There are no reasons to resist the application on highway grounds.

### Flooding and Drainage

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) according to the EA Flood Maps albeit is in an area identified as being prone to surface water flooding.

The application has been accompanied by Flood Risk Assessment and Drainage Strategy which has been amended during the lifetime of the application in order to provide certainty on how both surface water would be managed and foul sewage would be disposed of given the lack of public sewers along Barnby Road and the failure of infiltration testing to sufficiently drain surface water away.

The strategy now proposes a foul pumping station to the site frontage (indicatively located behind the existing frontage trees (which are to be retained and are now protected) which would pump waste south to a public sewer on London Road in Balderton.

The surface water drainage strategy comprises a system of surface water sewers (tanks are indicatively shown under the gardens of two plots to the west of the site) that will collect run off from the developable area, drain into an existing pond to the west as well as permeable paving below parking areas and some of the un-adopted private driveways. The scheme has been designed so as not to increase flood risk elsewhere.

NCC Lead Local Flood Authority and the Environment Agency's comments are awaited but are expected to raise no objections given the schemes have been amended in consultation with them.

Both elements of the drainage strategy would require their maintenance to be put into the control of an appropriate management company which can be secured by a s106 agreement. Subject to a reserved matters approval being developed in accordance with the strategy, which can be secured by condition, I am satisfied that the proposal accords with the policy requirements.

#### Impacts on Trees and Landscaping

The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM5.

There are a number of trees within the site. As such an Arboricultural Report and Impact Assessment has been submitted in support of the application. This identifies 40 trees and 8 groups of trees and hedges as being present on site. The majority of these trees are graded as C quality (low to average), 2 are U graded (poor trees) and 9 are B graded (good quality and life expectancy). The most significant trees are two early mature Cherry trees (T4 and T5) located at the site frontage which are B graded. These are shown to be retained on the indicative layout plan which is welcomed albeit I consider that slightly more space around these trees for growing room would be appropriate given their age. The other good quality trees are all located around the periphery of the site and are indicated as being retained.

A number of trees (C and U graded) mainly to the rear of the existing outbuildings would likely need to be removed to facilitate the development shown. It is possible that a less intense development could see more of the trees retained albeit some of the C graded trees will ultimately not be worthy of on-going protection. For now, a blanket Tree Preservation Order has been made covering all trees on site to give protection in the first instance until the Council's tree consultant is able to make a detailed assessment on site (once covid-19 safe) regarding which specific trees are worthy of protection such that the order can be amended to the best quality specimens.

The Council's tree consultant has raised no objection (a query was originally raised regarding a discrepancy between the plans but as the layout is not for consideration this is not considered to be pertinent and in any event the reduction of 1 unit has assisted with this) subject to conditions.

Having considered the outline nature of the scheme and the indicative layout, notwithstanding that some of the retained B graded trees would benefit from additional space to grow, I consider that a layout similar to that presented would be acceptable in terms of the impact on trees. It

would be necessary to require mitigation and compensation for lost trees with replacement planting which could be secured via a condition at reserved matters stage.

### Ecological Impacts

The site itself has the potential to provide habitat for wildlife and as such the application was supported by an Ecological Appraisal and further surveys and strategies have been provided upon request.

CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 specifies that: "On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. All development proposals affecting the above sites should be supported by an up-to date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP."

The scheme has been assessed against Natural England's Standing Advice.

### *Amphibians*

Common toads are recognised as being of principal importance for consideration and biodiversity under the relevant legislation and are listed as a priority species in the UK Biodiversity Action Plan, which is material for planning decisions.

A common toad migratory route and toad patrol access is located c400m to the north-west of the site. A further migratory route to Balderton Lake is located 900m to the south-west. Therefore upon request, an amphibian mitigation strategy has been submitted which seeks to mitigate any impacts upon local populations of amphibians.

The submitted mitigation strategy sets out that ground clearance would need to be undertaken at a suitable time of the year (either early spring/late autumn or during winter) to decrease the likelihood of amphibians being present on site. If clearance is undertaken in active season, this would be undertaken east to west to direct toads towards suitable habitat. A number of precautions are also recommended. The mitigation strategy is acceptable (NWT have raised no objection to this) and provided the development proceeded in accordance with it, I am satisfied that adequate mitigation would have been employed. This can be subject of a condition.

### *Bats*

The ecological appraisal undertaken in 2019 identified potential for bats to utilise the site and a need for further surveys during the bat season. This has resulted in a delay to the consideration of this application in order that the appropriate surveys be carried out.

Nocturnal bat surveys have been undertaken in May 2020 and no bats were observed entering or leaving the existing building on site and bat activity within the vicinity of the site was low, with two bats observed foraging in an adjacent garden during the emergence survey and only one bat noted as being in the vicinity during the dawn survey. The findings therefore suggest that bats should not be a constraint to the development. However demolition would need to proceed with caution and

any delays of longer than 12 months would require a repeat survey given the transient nature of bats. I am satisfied that this could be controlled and suitably mitigated with an appropriately worded condition. Other mitigation in the form of retaining trees along the periphery of the site is recommended and low level lighting should be employed to prevent any unnecessary light spill on adjacent habitats.

#### *Badgers and Reptiles*

No evidence of badgers or reptiles on the site was found and there is a lack of suitable areas and habitat for badger sett creation or habitat suitable for reptiles in the area. No mitigation is therefore necessary.

#### *Breeding Birds*

Existing hedgerows, trees and scrub on site offer resources for breeding birds which would have a minor negative impact but mitigation in the form of avoiding clearance during breeding season would afford some protection.

#### *Great Crested Newts*

Some habitat suitable for GCN was noted within the site albeit no breeding ponds are present and its isolation from potential breeding sites by roads were considered a barrier to movement. The ballast pit 200m from the site is unlikely to be suitable for GCN and no mitigation is considered necessary.

#### *Ecological Enhancements*

In line with the requirements of the Development Plan and the NPPF, consideration of how the scheme would contribute towards habitat creation and improvement has been considered.

The ecologist recommends that grassland areas within the development should be seeded using a species rich meadow or neutral grassland seed mix in preference to a species poor amenity grassland seed.

Existing unmanaged hedgerows could be managed and enhanced by being gapped up using native species that provide fruit and nectar sources for birds, small mammals and insects. Suggested species include holly, hazel *Corylus avellana*, field maple *Acer campestre* and elder. This planting will improve the diversity and structure of the hedgerow. In addition, the hedgerow could be extended along the rest of the southern site boundary and along the western boundary both of which are currently delineated by a wire fence. This would improve the wildlife corridor across the site and buffer the site from the grassland to the south and west. Other recommendations were also suggested are best considered at reserved matters stage.

It is noted that NWT raise no objection to the scheme now that the additional mitigation strategy for amphibians has been received. Subject to a number of conditions to safeguard the ecological interest of the site and to secure enhancements, I consider that the scheme is acceptable and complies with the Development Plan.

## Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Contributions required by this development are set below. For the avoidance of doubt the applicant has agreed to these being secured through a section 106 agreement.

### *Affordable Housing*

Core Policy 1 provides that for schemes of 11 or more dwellings, on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. A scheme for 19 dwellings would require 5 affordable houses on-site to meet the 30%. The mix recommended by the council's strategic housing officer is for 3 x 2 bed affordable rent (very popular) and 2 x 3 bed units for shared ownership which would fit with the indicative mix. This mix would be secured via the s106 agreement.

### *Public Open Space (Provision for children and young people)*

This application would need to make provision for public open space at 18m<sup>2</sup> per dwelling as set out in the Developer Contributions SPD. I would not expect this to be provided on site given its relative modest size and instead would expect that a financial contribution should be provided in lieu of this which would be spent to upgrade the existing parks in the area. This is based on £927.26 per dwelling based on 2016 indexation (which would need to be uplifted).

### *Community Facilities*

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling is therefore sought.

## *Primary Education*

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required. However the Local Education Authority have indicated as there is existing capacity available to accommodate occupiers of the dwellings no education contribution will be sought. In terms of secondary education, the development would be covered under CIL regulations.

## Planning Balance and Conclusions

The site lies within the defined built up part of Newark, where the principle of residential development is acceptable in accordance with the spatial strategy.

I have concluded that the quantum of up to 19 dwellings could be accommodated on site without unacceptable harm to the character, appearance or density of the area and that this could be achieved whilst retaining the best quality trees. The ecological value of the site, with appropriate mitigation strategies in place secured by conditions, would be safeguarded and enhanced overall.

The applicant has demonstrated there is a safe means of vehicular access from Barnby Road with appropriate visibility splays and it is expected that the relevant consultees will agree that an acceptable means of draining the site for both surface water and foul sewage can be achieved.

I am also satisfied that an appropriate housing mix could be secured including 30% on site provision for affordable housing and that the pressure on infrastructure (such as bus services, community facilities etc) from the development could be mitigated by developer contributions to enhance existing local facilities. The living conditions of existing residents could be safeguarded with a carefully designed scheme advanced at reserved matters stage.

## **RECOMMENDATION**

**That planning permission is approved subject to**

- a) the conditions and reasons shown below; and**
- b) the signing and sealing of a section 106 agreement to secure the following:**

<b>Summary of Matters to be secured via a s.106 Agreement</b>	
Affordable Housing	30% on site (5 units in total; 3 x 2 bed affordable rent and 2 x 3 bed shared ownership)
Bus Stop Infrastructure	£13,000 for 2 new bus stops on Barnby Road
Community Facilities	£1,384.07 per dwelling (£26,297.33)
Children's Play Space	£927.26 per dwelling (£17,617.94)
SUDS/drainage features	To be maintained for the lifetime of the development

## Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

No development shall be commenced until a scheme for a scheme for archaeological mitigation has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority. Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

Reason: To ensure that satisfactory account is taken of the high potential archaeological interest of the site.

04

Any reserved matters application pursuant to this outline consent shall either be accompanied by a new Arboricultural Impact Assessment or be made in accordance with the Arboricultural Impact Assessment by AWA Tree Consultants (dated November 2019) and in either case shall be accompanied by an Arboricultural Method Statement (AMS) which shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).



- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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

05

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

06

No site clearance, hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

07

The development shall proceed in full accordance with the Amphibian Mitigation Strategy dated May 2020 by JJH Consulting Ltd unless otherwise agreed by the Local Planning Authority.

Reason: In order to afford adequate protection to amphibians.

08

Unless the bungalow is demolished before 18<sup>th</sup> May 2021, no demolition shall take place until repeat bat surveys are undertaken by a suitably qualified ecologist or organization and details of the findings and any required mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. The demolition shall thereafter be undertaken in line with the agreed mitigation scheme.

Reason: In line with the recommendations of the Supplementary Bat Report undertaken by JJH Consulting Ltd in the interests of protecting bats that could be present on site.

09

Prior to first occupation of any dwelling hereby approved, a Habitat Creation and Enhancement Scheme (HCES) shall be submitted to and approved in writing by the Local Planning Authority. This scheme should build upon the ecological and arboricultural reports submitted with the outline permission and shall contain details of long term management plus a timetable for implementation. The approved HCES shall be implemented on site in accordance with an agreed timetable and retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

010

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

Reason: In the interests of visual and residential amenity and nocturnal wildlife such as bats.

011

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary in accordance with approved plan reference Dice Proposed Preliminary Access Design on drawing number 100334\_01\_0100\_01 revision C dated 4 February 2020.

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

012

Any reserved matters application pursuant to this outline consent shall be made substantially in accordance with the Drainage Strategy and Flood Risk Assessment (rev A) by Dice Consulting Engineers Ltd received on 12 June 2020 unless an alternative scheme is submitted as part of the reserved matters submission.

Reason: To ensure that an appropriate means of surface water drainage and foul sewage disposal is made and to effectively manage flood risk.

#### Notes to Applicant

01

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact HDC North at Nottinghamshire County Council [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk) in the first instance.

02

Network Rail advice of the following:

#### *Barnby Level Crossing*

The site entrance will be in proximity to Barnby Level Crossing which has in excess of 250 trains a day crossing through, many at high speed (125mph). The Signaller at the location from where the crossing is controlled has an obligation to initiate the Barrier Lowering Sequence in sufficient time (at least three minutes) ahead of the arrival of a train at the crossing without compromising its punctuality at maximum operating line speed.

The safety of railway level crossings and of all crossing users is of paramount importance to us. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer. Alternatively, information is available online at <http://lxresource.co.uk/campaigns/distraction-campaign>.

#### *Access to Railway*

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, during construction work, the crossing must remain clear and unobstructed at all times to ensure crossing users can enter and leave the crossing area safely. Vehicles associated with works must not be parked in a way that obstructs the crossing approaches or warning signage/lights at any time.

03

The applicant is reminded that bats are protected species and this means a criminal offence would be committed if anyone:

- Deliberately takes, injure or kill a wild bat
- Intentionally or recklessly disturbs a bat in its roost or deliberately disturb a group of bats.
- Damages or destroys a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possesses or advertises/sells/exchanges a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstructs access to a bat roost.

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).

05

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/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

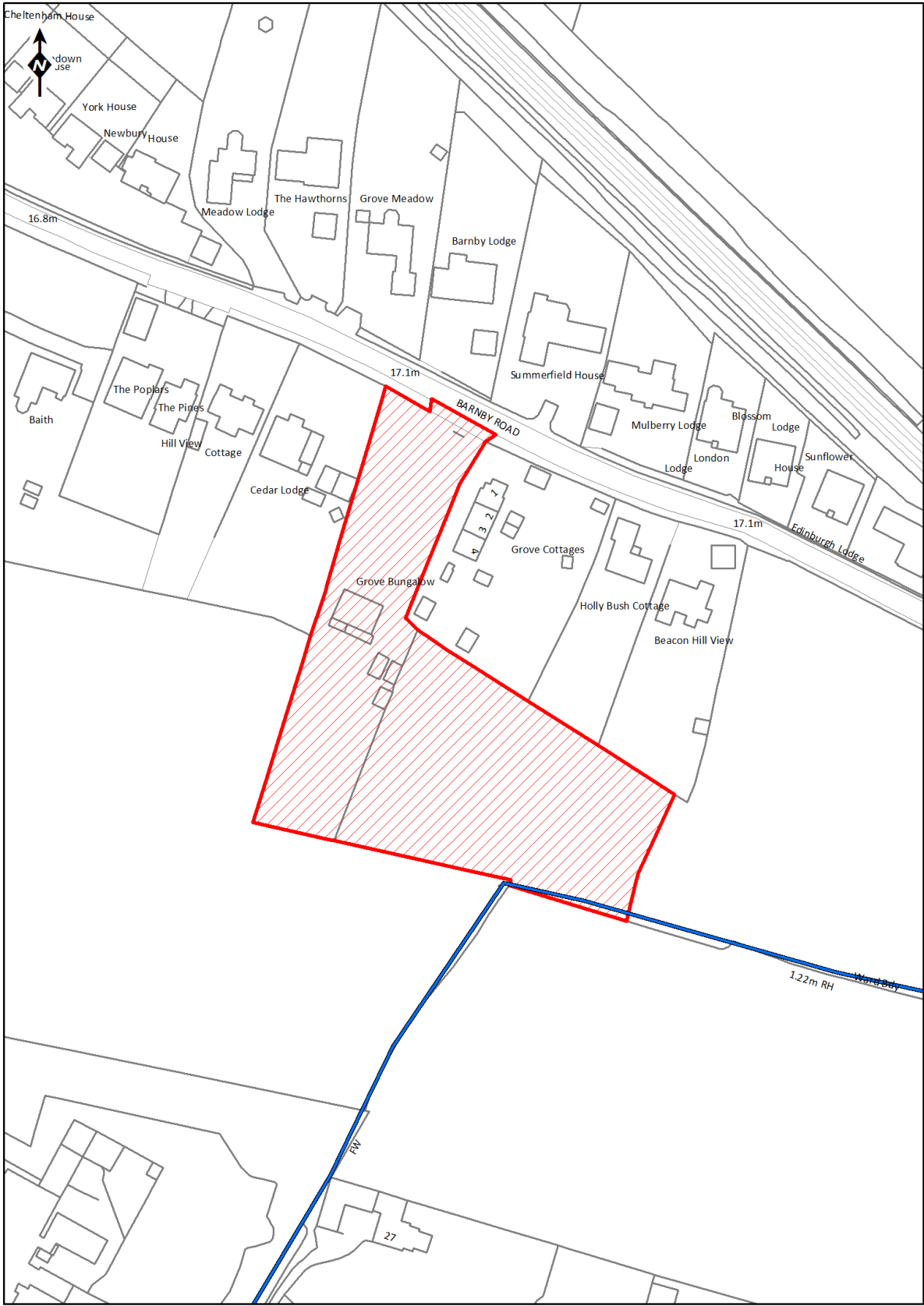
#### BACKGROUND PAPERS

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](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**



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## PLANNING COMMITTEE – 30 JUNE 2020

<b>Application No:</b>	<b>19/01022/FUL</b>
<b>Proposal:</b>	Conversion and extension of the former stables to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link and repair and conversion of cart shed to form a garage to serve the stable conversion.
<b>Location:</b>	Former Stables, Rolleston Mill, Rolleston, Newark
<b>Applicant:</b>	Ms Lisa Barker
<b>Agent:</b>	Mr Paul Ponwaye - John Roberts Architects Ltd
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PSDDJT LBJQ000">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PSDDJT LBJQ000</a>
<b>Registered:</b>	<b>03.06.2019</b> <b>Target Date: 29.07.2019</b> Extension agreed until 03.07.2020

Members will recall this application was presented at the meeting of 10<sup>th</sup> September 2019. Members considered the application and commented on a previously approved application at the site which included the demolition of the new stables which the applicant was arguing was not viable. The applicant had been invited to submit a viability report to be tested but had chosen not to do so. Members chose to defer the application in order for the applicant to be invited again to submit a viability report and consider a more sympathetic application in consultation with the Conservation Officer.

Since the previous meeting, the applicant has used the opportunity to undertake a viability appraisal of the previously approved application and appraise the viability of the scheme advanced within the application at hand. Following discussions with the Conservation Officer the design of the scheme has been amended and the applicant has chosen to include the restoration of an additional building on the site. The revisions to the scheme are discussed in the relevant sections below and where text is altered from the previous agenda report, it is shown through bolded text.

---

This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.

### Description of Site and Surrounding Area

The site lies in the open countryside within the parish of Rolleston. The site is remote from the village and divorced from the settlement by the Nottingham to Lincoln railway line. To the north is a public golf course and Southwell Racecourse. The site lies within flood zone 2 & 3 in accordance with Environment Agency mapping with the River Greet running to the west of the site.

There is no explicit evidence that the stable block is curtilage listed, however I note the planning history for a number of listed building consents that have been determined. The Mill and Granary are the primary listed buildings and lie to the west of the application site. However the Stables and Barn would have been unlikely to have been erected in association with the Mill and are more likely to have been curtilage buildings to the Cottage, which itself is only a curtilage listed building by virtue of its physical attachment. As such and in the absence of any evidence to the contrary it is not considered appropriate or necessary to pursue the listed building application. However as the site is in close proximity to the listed Mill the impact on the setting of this building is a material consideration.

The application building lies to the north-east of the complex of buildings in close proximity to Mill Cottage, used as a holiday let. The main aspect of the Stables faces this. This former Stable building comprises a two storey building with a narrow gable with single storey lean to additions to the rear, which were last used for the keeping of pigs. To the east of the traditional stable building is a modern timber mono-pitched building. The historic stable building is red brick in construction; however, the structure is in poor condition in comparison to the Mill House. There are two floors on the western section of the building, where a hayloft sits above the stables. The interior is comprised of several sections. There are several stables on the ground floor with a hayloft above. At the east of the building is an open fronted stable with two sections and the southern side appears to be failing with elements of the brickwork missing and vegetation growing throughout.

Access to the site is via the entrance of Southwell Racecourse by bearing right onto an unmade track that leads to the Mill Farm complex. On approach from Rolleston you have to go over the manned railway crossing to get to the site. There is another unmanned 'occupational crossing' via a gate over the railway that leads to the site within the ownership of the applicant.

Consent was granted for the change of use of the historic stable building a residential unit in 2015; however this consent has now expired and was not implemented.

#### **Site History**

**04/00164/FUL** – Change of use from residential (cottage) to holiday lets. Approved 24th May 2004. This permission has been implemented.

**05/02436/FUL & 05/02437/LBC** - Conversion, alterations and extensions of Mill to form restaurant, conversion, extensions and alterations to stables and barn to form dwellings and erection of two houses. Applications withdrawn.

**10/01706/FUL & 10/01707/LBC** - Conversion and repair of barn to create dwelling. Applications refused on 7th March 2010 under delegated powers due to (1) flood risk, (2) failure to demonstrate that the barn was capable of conversion and (3) due to large unjustified extension.

**10/1708/FUL & 10/01709/LBC** – Conversion and repair of Mill to form dwelling. Applications refused on 7th March 2010 under delegated powers due to flood risk and the failure to demonstrate that the building could be converted without substantial alterations, rebuilding and significant harm to the listed building.

**10/01710/FUL & 10/01711/LBC** - Conversion and repair of Stables to create dwelling. Applications refused on 7th March 2010 due to (1) flood risk, (2) failure to demonstrate that the stable block was of generally sound structural condition and capable of conversion without substantial

rebuilding and alterations; and (3) relationship between this and the cottage would not create a satisfactory standard of amenity.

**11/01810/FUL & 11/01811/LBC** – Rebuild of barn to create dwelling. The full application was refused on 2nd April 2012 under delegated powers for the following reasons; (1) the proposal constituted a new build dwelling in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF and (2) the application (being a new building) failed the Sequential Test for flooding as set out in the NPPF. *The application for listed building consent has not been determined because it is not required.*

**11/01807/FUL & 11/01808/LBC** - Conversion and repair of stables to create dwelling. Includes the demolition of modern stable structure opposite (of no architectural merit).(Revised access and emergency access details) – **Approved** 08.01.2015 *The application for listed building consent has not been determined because it is not required.*

**11/01805/FUL & 11/01806/LBC** - Conversion and repair of Mill to create dwelling (revised access and Emergency access details) – Approved 07.03.2011

**18/00766/FUL & 18/00767/LBC** - Repair the existing roof to the Mill and carry out extensive structural works. The internal part of the mill will be converted into a residential dwelling. Approved 27.07.18

### **Description of Proposal**

The application seeks planning permission to undertake various elements of work to the historic stable building in order to convert it to a residential dwelling. The proposal includes the removal of the existing modern timber stable block and reconstruction of an extension in its place that would be linked to the historic stable building with a glazed link. Access would be provided to the site across the unmanned level crossing to the south of the site.

At ground floor the property would comprise an open plan snug and hallway area, three bedrooms and a bathroom linked with a full height glazed link corridor with a minimal stainless steel frame planar glazing panels linking to the new extension which would house an open plan lounge kitchen dining area and separate utility. At first floor in the historic stable there would be two further bedrooms with a bathroom and ensuite.

The proposal requires the insertion of **four** conservation roof lights into the historic stable building and complete re-roofing with reclaimed clay pantiles. No new apertures are proposed to the stable building save for the reglazing of existing openings.

The existing mono-pitched timber stable would be demolished and replaced with an extension of 13 m x 4.6 m (3 m in height decreasing to 2.6 m) in the same footprint which would be constructed out of vertical larch boarding with sinusoidal profiled sheet metal roofing with metal eaves and verge profiles. The NE elevation that would face into the curtilage would have a high level window and a vertical window along with a rear door. The SW elevation that would face the historic barn would have full height glazing with sliding doors. The supporting documents state that “the proposed extension allows the retention of the traditional crew yard form evidenced in the historic mapping since 1919”.



A new boundary hedge is to be introduced to the south-western boundary adjacent to the existing public right of way. The pigsties are proposed to be converted to gravelled garden space which would also be provided to the north. Parking would be provided to the south of the new dwelling within the blocked paved courtyard area.

**The glazed link walkway has been negotiated throughout the course of this application. The northern face will be treated with feature hit and miss fence panels to screen views from the golf course into the site and the SE elevation will be treated with a solid masonry wall to link the corridor facing into the crew yard such that from within the site is would not be immediately visible.**

**The existing cart shed which lies to the SE of the main stables, across the access track, has been included within this application for restoration and conversion to garage use to serve the new dwelling. The restoration includes the rebuilding of failed elements of the building back to its original form which has three open bays facing north. The open bays are proposed to be enclosed with side hung solid timber doors.**

Materials:

- Reclaimed clay pantiles
- Conservation rooflights
- Cast iron rainwater goods
- Painted timber stable doors
- Aluminium framed windows
- Vertical larch boarding
- Red facing brickwork
- Sinusoidal profiled metal sheet roofing

Plans deposited with this application (not inclu. superseded documents):

- Amended Site Location Plan (7614J-01 **REV C**)
- Block Plan (7614J-02 **REV B**)
- Existing Floor Plans and Elevations (7614J-03 **REV B**)
- Proposed Site Layout (7614J-04 **REV E**)
- Proposed Ground Floor Plan (7614J-05 **REV F**)
- Proposed First Floor Plan (7614J-06 **REV C**)
- Proposed Roof Plan (7614J-07 **REV C**)
- Proposed Elevations (7614J-08 **REV D**)
- Proposed Elevations – Replacement Block (7614J-09 **REV D**)
- Proposed Glazed Link (7614J-10)
- **Open Fronted Cart Shed Existing Plans and Elevations (7614J-12 REV A)**
- **Open Fronted Cart Shed Proposed Plans and Elevations (7614J-13 REV A)**

Documents deposited with this application (not incl. superseded documents):

- Protected Species Survey undertaken by CBE Consultants
- Arboricultural Survey carried out by CBE Consulting
- Amended Flood Risk Assessment (21.8.19)
- Heritage statement undertaken by Austin Heritage Consultants
- Financial Appraisal carried out by John Roberts Architects
- **HWA Consulting Structural Report – Stable Block – dated 14 April 2020 Ref. P20053**
- **HWA Consulting Structural Report – Cart Shed – dated 17 March 2020 Ref. P20053**
- **Viability Report – dated 8<sup>th</sup> June 2020 undertaken by Whitehead & Partners**

- **Viability Assessment**
- **Block 2 Estimated Costs**
- **Block 5 Estimated Costs**
- **Stable Block and Link Estimated Costs**
- **Cart Shed Estimated Costs**

#### *CIL Floor Areas*

GF – existing: 113 m<sup>2</sup> + Extension 57.2 m<sup>2</sup> = 170.2 m<sup>2</sup>

FF: 46.9 m<sup>2</sup>

**Cart Shed: 49m<sup>2</sup>**

Total Floor Area: 217.1 m<sup>2</sup>

#### **Publicity**

Occupiers of 5 neighbouring properties have been consulted on the application. A site notice has been displayed near to the site and an advert has been placed in the local press.

#### **Planning Policy Framework**

##### *Newark and Sherwood Amended Core Strategy DPD Adopted March 2019*

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

##### *Newark and Sherwood Allocations & Development Management DPD Adopted July 2013*

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

#### **Other Material Planning Considerations**

*The National Planning Policy Framework (NPPF) 2019*

*Planning Practice Guidance 2019*

*Conversion of Traditional Rural Buildings Supplementary Planning Document 2014*

#### **Consultations**

**Rolleston Parish Council** – Support the proposal – “The parish council commented on parishioners’ concerns over intensification of vehicular traffic during and following development across an unmanned railway crossing.

**15.6.20 – “The Parish Council expressed concern with regards to the scale of the proposed dwelling relative to its existing nature and footprint as well as the impact of this on adjoining**

**protected buildings. Further concerns echoed those of Network Rail with regard to dangers of increased traffic across the railway crossing.”**

**NSDC Conservation Officer – Extensive discussions have taken place with the Conservation Officer, only the most relevant comments have been included in this section for clarity.**

Initial Comments – “Rolleston Mill Stables conversion and extension 19/01077/LBC & 19/01022/FUL

Conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link. I am familiar with this site having been involved in previous schemes (full and pre-app) at all the buildings at this mill site.

The stables are a historic former outbuilding, probably dating to the earlier C19, and associated with the complex of buildings here at the Grade II listed mill. Together they make an attractive and interesting heritage asset and are of significance individually and as a group.

I have concerns about the principle of this proposal. The proposal sees an incongruous glass tube added to a rustic historic former stable building, in order to connect to a new build, which is itself a reimagining of a building which has no architectural or historic interest and which is not capable or worthy of conversion. There is therefore no conservation imperative to consider this harmful glass addition as being acceptable in the planning balance to bring back into use this other smaller stable building.

I believe there was a previous approval granted for this stable as an independent unit, and I have no reason to believe it cannot be converted as a suitable unit within its own footprint. I therefore cannot see any justification in that respect to consider an extension and addition as being necessary to bring about the re-use of the building.

I do appreciate the effort to create as frameless a structure as possible with the glazed link, but it will of course not be invisible - it can accumulate any manner of domestic accretion inside, will have a reflective quality, will be illuminated at night and is an overall form that creates an unusual and incongruous add-on in this traditional setting.

Generally I have no objection to the other elements of the conversion.

Structurally the main part of the stable is capable of conversion with minimal rebuilding but the structural report does detail the need to essentially rebuild the lean-to element of this building, although their plan suggests this structure is to be retained. This seems at odds with the structural report and could perhaps be clarified. While this is clearly a later add on, it is still of some historic and architectural interest and in any event its rebuilding seems to be preferable to its demolition and loss.

In terms of the rooflights I have been unable to see what has been approved previously or when for comparison, but do not think there is any clear justification for all the rooflights now submitted. I am not convinced the rooflights are necessary on the lean-to roof on the south east elevation as these light a ground floor room which already has three windows, two of which are full height floor to ceiling windows. The two new rooflights on the south west elevation also light bathrooms which do not have to have natural light and could be removed from the scheme also. The proposed rooflights to the north east elevation include two triple rooflights which seems

excessive in size. Their report suggests these are the only alternative to something like a dormer, but I would contest that while a dormer is not acceptable either this fact alone does not then by default make any number and size of rooflights either necessary or justified. Converting barns is always a challenge in terms of daylight and this is an accepted compromise in trying to put such a use in such a building.

Given that rooflights are a domestic feature they are only allowed on barn conversions where absolutely necessary and I am not convinced this is the case here.

I note the red line includes the cart shed but does not include any plans for its repair. This is a significant structure in poor condition and is part of the same land parcel as the stables. Unless its use is looked at alongside the stable I think this is as good as making this a redundant building which would be extremely hard to re-use and I think the long term use of this building should be tied up with the potential re-use of the stables.”

**Additional Comments 4.10.19 – “[...] In terms of the options now suggested, I think Option 1 would be suitable. This would see the existing solid boundary on the edge of the crew yard used to ‘hide’ a discrete link behind. This would retain the visual integrity of the crew yard and avoid bisecting the cart bays of the historic barn by a glazed link, which having looked on site would not fit ‘neatly’ onto the building’s facade. The opportunity could also be taken here to upgrade the plank fence with a brick wall. I would anticipate that the glazed link on the golf course side would need some form of solid side, probably weather board planking, which would give a similar visual impact to the existing fence here, would weather back and could be softened by landscaping. It is accepted that a new opening would need to be made through the gable of the historic barn in order to make the link, but think this is the best option to create a connection. [...]”**

**13.02.2020 – “[...] Following negotiations on site and over informal revised plans I now comment formally on the revised plans submitted 7th February 2020.**

**Re-imagining of the modern stables:**

**The principle of the latest scheme rests on the idea of ‘re-imagining’ the existing modern stables and creating a link to add this accommodation to the main barn conversion. I reiterate that the modern stables are of no architectural or historic merit such that I do not object to their demolition, but also note that, depending on the plans, their rebuilding would potentially have a neutral impact on the setting of the barn.**

**We would normally expect barns that are to be converted to residential to be: worthy of retention in terms of historic merit; in a good state of repair; and capable of conversion within their own footprint and without significant extension. This proposed new replacement structure is essentially a significant addition and intervention, for which we would expect some justification in terms of viability.**

**If it is demonstrated that some element of additional floor space is required to make the conversion of the barn viable, then I actually think the scheme for its re-imagining and connection to the existing barn is likely to be acceptable.**

**The new building reflects the existing modern stables in overall form and impact and in this respect maintains the current setting of the listed building. While the form is overtly modern it**

is simple, reflects an agricultural building in its character, materials and form and is positioned to form a fairly typical crew yard type arrangement in relation to the historic barn.

I think the replacement stables structure will not harm the setting of the historic barn and listed mill.

The link to the new build:

The concept now submitted is to use the existing solid boundary on the edge of the crew yard to 'hide' a discrete link behind, leaving the principal elevations of the barn visually unaltered. This would retain the visual integrity of the crew yard and avoid bisecting the cart bays of the historic barn by a link, which even in a glazed form was an awkward addition to the historic façade. The opportunity is then taken with this proposal to upgrade the existing plank fence with a brick wall, which is more in character with a historic crew yard than a modern close boarded fence and would bring about an improvement to the quality of the barn's setting. At this point, especially given that viability and costings are to be discussed, I would note that it is important to have an attractive coping to this wall and would not want to see a brick on edge detail, for example, but maybe a saddle back or triangular brick coping detail would be suitable.

The golf club elevation would have an interpretation of the of the existing timber fence, using a 'hit and miss' plank screen, with glazing essentially hidden in the roof of the link. This would give a very similar impact to the existing timber fence. I appreciate there will a sense of volume to this link in a way that there is not with the fence, but this would be seen in conjunction with the plain gable elevation of the barn and could be softened with a small revision to the landscaping plan.

It is accepted that a new opening would be made through the gable of the historic barn in order to enter the link, but this is a relatively limited intervention in a later part of the barn, does not disturb the distinctive pattern of stable doors or cart shed openings and could be justified if the principle of the link is justified.

Details of the historic barn conversion:

Generally this is acceptable but I think the proposed treatment of the north east elevation needs to be rethought. These openings here are actually cart shed openings and not stables doors, so the introduction of stable doors in an otherwise open cart bay is confusing and to the form and function of the barn. I also think the asymmetry of the large bays needs to be rethought and would suggest looking at a simple three light division of the open bays.

With regards to the rooflights, which I was concerned about previously, I have the following advice.

I am now aware of how low the roof height is in the lean-to, in combination with retaining the historic wall enclosure to the pig-stys, means that this will have extremely low light levels, as such I am willing to accept that these rooflights are justified.

I do also appreciate the first floor bedrooms will have very limited natural light and would be willing to accept new rooflights here, which as shown should be limited to the north east elevation.

However, I reiterate my general reluctance to approve rooflights for rooms which do not need natural light and note there are three rooflights in total for bathrooms and a stairwell. While I appreciate the desire for natural light in these areas in homes generally, it is not uncommon for these to be omitted from even purpose-built homes and in any event are a very usual compromise when trying to put a residential use into a barn. This view is supported in our SPD guidance. If these additional rooflights were removed the front/south west elevation this would then be rooflight free and little altered in appearance. This is particularly important, not just to the host building, but also given its relationship to the main listed mill building. This would seem to be a reasonable compromise, based in policy and best practice.

In my comments in July 2019 I drew attention to the following query which I am not sure has been addressed:

*Structurally the main part of the stable is capable of conversion with minimal rebuilding but the structural report does detail the need to essentially rebuild the lean-to element of this building, although their plan suggests this structure is to be retained. This seems at odds with the structural report and could perhaps be clarified. While this is clearly a later add on, it is still of some historic and architectural interest and in any event its rebuilding seems to be preferable to its demolition and loss."*

20.02.20 – "Having had a look at the revised plans I think these almost address my concerns. I am pleased to see the removal of the rooflights from the front elevation and this is much improved. With regards to the treatment of the cart shed bays I would just note the following bay where the door has lost the symmetry of the glazing divisions. If a single pane is not wide enough to make a proper entrance, can it not be a double door? This seems easy to overcome and would make a big difference to the overall façade."

27.02.20 – Multiple conditions suggested for viability costing exercise to be undertaken accurately to reflect an acceptable scheme.

04.06.20 - "I have now looked through the viability information for Rolleston mill.

To clarify this is not required as part of a heritage Enabling Development argument, as Conservation has found the proposed replacement of the modern stable and link corridor scheme (as revised) not to be harmful, but is required for non-heritage reasons to justify this amount of new build in the countryside.

The overall approach taken to seeking the costings seems to be clear and sensible

I have not looked at the actual costings other than to look at the spec, which does not seem to include any concerning items and which we know already has been drawn up against a list of 'conservation items' that should be costed for.

Re the structural report for the cartshed – despite the obvious collapse the report confirms that what is left could form the basis of a rebuild, rather than needing to demolish and rebuild from scratch, therefore there is heritage merit in rebuilding off the structure and I would be happy that the cartshed be included in the costings re viability. Its use as garaging and store for the converted barn would also prevent the often inevitable request for a new garage structure for this purpose, so overall a positive element.

**Structural report for stables – I note the use of a concrete slab floor which is clearly not the ideal substrate for a historic building but I do note the structural justification for this and we have allowed this kind of floor for similar reasons in other barns. I also note three significant changes to the amount of structural intervention required, being the proposal to rebuild one of the half gable walls – would this mean we need revised proposed plans? The suggested replacement of the floors is regrettable and I also note the replacement of the roof is now suggested. This is a significant additional structural loss/intervention, albeit with justification. I believe it was concluded in correspondence from Clare Walker several years ago that the stables were not curtilage listed, so this internal alteration is often beyond our control anyway in such buildings.**

**The report seems to confirm that the submitted and amended link corridor scheme is justified in terms of viability and seeing as Conservation does not object to this scheme I have no further comments to make.”**

**09.06.20 – “I have no objections as these [revised plans] seem to follow the advice from our negotiations and reflect the amount of rebuilding required. The only thing I note is that we discussed having natural landscaping up against the timber screen to the glass link to soften the impact from the golf course and there is no such landscaping shown here. I wouldn’t insist upon this as there is already a fence here which is not especially attractive, but it was discussed as something that could be included and it would improve the scheme.”**

**The Environment Agency – “The site is located in flood zone 2 and the change of use from stables to residential will class the development as 'More Vulnerable' to flood risk. The proposal therefore falls within our standing advice (see below link) with regard to flood risk.**  
<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

We also note that the applicant proposes to connect to a septic tank with regards to foul drainage. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)

### 3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General

Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit."

**Trent Valley Internal Drainage Board** – "The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site, however the Environment Agency River Greet is in close proximity and they should be consulted if any buildings, fencing or hedges are to be constructed within 9 metres.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFRA and the LPA.

**Ramblers Association** – "While we have no objection to the development, the public footpaths that run on either side of the mill stream must be safeguarded - i.e. remain safe to use and unobstructed during and after the construction process."

**NCC Rights of Way** – No comments received.

**Emergency Planner** – "My principle concerns relate to the flood risk assessment prepared by the applicant. The document refers to existing plans that will be replicated for the new dwelling and indicates that evacuation will be part of the Newark and Sherwood District Council Flood Plan and that the emergency services will support or action the evacuation. This expectation is not correct.

Whilst the police can if in extreme circumstances direct that an evacuation is required the responsibility for pre-emptive evacuation remains with the occupant. The emergency services have communicated their concern that planning decisions are increasing the number of properties that may expect or require support from their services.

My secondary concern is that the applicant states they will fit demountable barriers to protect the property from flooding. This of course assumes they are present at the time of the flood risk and that they are physically able to do so. Future occupants may not be able to carry out these actions and may therefore face the risk to their dwelling.

Therefore I believe the flood contingency plans for the proposed dwelling should be amended to reflect and address the concerns I have presented."



Additional Comments 04.09.2019 – “I have reviewed the amended Flood Plan and note that the reliance upon the emergency services has been removed. Whilst this correctly places the responsibility on the occupant the emergency services would always request that we avoid future development in flood areas. I recognise that this address has had planning applications granted [previously].

The plan, if followed, should provide a measure of safety for the occupants but may still leave the building liable to significant damage from a foreseeable future flood event.”

**NSDC Contaminated Land** – “This application includes the conversion of farm buildings (stables) to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.”

**LCC Historic Environment Officer - *Archelogy*** – “This site and these buildings are important and should be recorded prior to any conversion. However the Heritage Statement that has been submitted as part of the supplementary planning documents (Austin Heritage Consultants) is of sufficient high quality to negate a further requirement for building recording. It is very likely that significant archaeological finds and features are present beneath this site. However the groundworks required for these proposals are minimal and it is unlikely that any meaningful results would be produced if archaeological monitoring was to take place on this site. Given this no archaeological input required.”

**NCC Highways** – “This proposal is for the conversion and extension of the former stables to one dwelling. It is unclear from the plans submitted which access point is to be used for this proposal – two accesses are shown within the red line. Could this please be clarified on a suitable plan by the applicant/agent. It should be noted that the access shown to the south east of the application site is also a public Right of Way (footpath), therefore, the applicant must contact the Rights of Way Officer for VIA/NCC for advice/approval prior to any permission being granted.”

Additional Comments 06.09.2019 – ““The red line of the location plan has been amended to demonstrate the existing access point at the south east of the application site. This is acceptable to the Highway Authority, therefore, there are no highway objections to this proposal.”

**National Rail** – “With reference to the protection of the railway, Network Rail has concerns in relation to the development of this site for residential purposes due to the access being over the Rolleston Mill Level Crossing which we consider would increase risk on the crossing and impact on operational railway safety. We note from the submitted documents that the initial location plan submitted included access along the north side of the railway which would have been much more suitable to in terms of impact on the Rolleston Mill crossing. We require clarification from the developer as to why this has now changed to indicate that the Rolleston Mill crossing will be the sole means of access to the site.

In terms of construction work at the site, we would object to construction traffic accessing the site via the Rolleston Mill crossing. We also have concerns over future use of this site and the potential for the site to be leased as a holiday let which would give rise to the number of ‘vulnerable users’ who are unfamiliar with the operation of the crossing which would again increase usage and the chance of misuse.

If the council is minded to approve this application, we require that conditions are included to discuss and agree a construction management plan with Network Rail Asset Protection (details below) to ensure that construction traffic is not of a frequency and nature that presents a risk to operational railway safety. We also require a suitably worded condition that prevents the future use of the property for holiday lets or similar use on grounds of impact on operational railway safety. We would find the development to be unacceptable without these provisions.

### **Construction Traffic**

From the information supplied, it is apparent that construction traffic will be accessing the site via Rolleston Mill Crossing which will have an impact on operational railway safety. Network Rail requires that the applicant contact our Asset Protection Project Manager to confirm that the access is viable and to agree a strategy to protect our asset(s) from any potential damage and obstruction to the railway caused by construction traffic. I would also like to advise that where any damage, injury or delay to the rail network is caused by traffic (related to the application site), the applicant or developer will incur full liability.

### **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. It is imperative that access over the railway level crossing and the crossing approaches and signage remain clear and unobstructed at all times both during and after construction to ensure that crossing users can enter and leave the crossing areas safely and in a timely manner at all times.

### **Level Crossing Safety**

Railway safety is of paramount importance to us and as stated above the proposed development is sited the Rolleston Mill railway crossing. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer or information is available at [www.networkrail.co.uk/communities/level-crossing-safety/](http://www.networkrail.co.uk/communities/level-crossing-safety/).

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular as stated above the method statements/construction traffic and holiday let use should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The above will need to be agreed with:

**Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House**

Toft Green  
York  
YO1 6JT

Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk)

Independent Viability Assessor - (*Conclusion included only*) – “We have prepared a review of the viability prepared by Ian Whitehead of Whitehead and Partners Ltd of the proposed two bed scheme at Rolleston Mill, Rolleston.

We summarise our approach and findings below:

- We have reviewed the market evidence supplied by B&K Property Management Ltd and, utilised in the viability assessment prepared by Whitehead & Partners, and consider it appropriate market evidence. However, for the purpose of our valuation, we have assumed a higher end value £350,000, which we consider in line with the market.
- We have benchmarked the costs provided by Whitehead and Partners Ltd against a combination of those supplied by BCIS and the current industry standard assumptions. Our all in build costs amounted to fractionally more than those included in Whitehead and Partners Ltd.
- Our appraisal approach fixes the Existing Use Value at a level considered to be appropriate and we then consider whether the scheme generates an appropriate profit level after deducting all costs from the end value.
- Our appraisal assumes an end value of £350,000 and total costs, to include professional fees and finance of £478,769.
- The appraisal results generates a loss of -£128,769, which equates to -36.79% of GDV. In summary, a two bed house at the Property does not generate a sufficient, or any, profit level to warrant it viable, even as a self-build.”

Comments have been received from two neighbouring/interested parties that can be summarised as follows:

- The stable building has historical value to Rolleston and such a building bought to be developed for a profit and not for the protection of such a building should not be overlooked.
- The building should be respectfully preserved as it is closely associated to the old mill cottage and the mill building itself. The building has close ties to the 2 properties that were once part of the same parcel of land dating back hundreds of years.
- Flood Risk: This is a health and safety risk given the cottage and the mill have no Bedrooms on the ground floor.
- Access Constraints: The property is accessed by a private road that passes over an unmanned level crossing, this will be creating more traffic crossing the line potentially causing a safety issue, as well as wear and tear on the road.
- Waste disposal: Increase in vehicle activity posing a risk to children as well as the waste from the sewage system that will be released into the river Greet.
- Wild life: Because the building has been left untouched, bats and birds have taken up residence.
- Design: The current design is not sensitive to Old Mill Cottage and the Mill. Some material being proposed is not in keeping with the period of the building. The property is over bearing and out of scale to the other properties.

- **Noise:** With the proposed design old mill cottage will lose its tranquil setting by being over looked and an increase of people a 5 bed house, the noise level during construction as well as when it is habituated will change the serenity of the location.
- **Disturbance :** During proposed build as well as future living of Old Mill Cottage
- **Over Development:** The building will lose all its historic heritage making Old Mill Cottage and the mill look out of place.
- **Visual Impact:** The design will be detrimental to the character of the local area.
- **Viability Report:** This document is misleading. There are always direct costs associated with a build or renovation regardless of its size, connection of services whether it be 2 bedroom or 5, windows, mobilisation of builders, trade rates. For example the connection of services the owner has choices, and it seems that the most expensive option has been chosen every time, its highly doubtful that gas will be connected as it is probably more than 250 M away and servitudes have not been agreed and it would have to cross a railway line, single phase power is less than 10 M from the building. The labour hourly rate has been over emphasised and the total build costs are questionable.
- **The proposal represents the overdevelopment of the stable block and is not sympathetic to its heritage**
- **The applicant has forgotten this is a grade II listed building which should be converted with conservation in mind rather than profit.**

#### Comments of the Business Manager

Consent was granted for the conversion of the traditional stable building in 2015 subject to a number of conditions. This consent expired in 2018 but still forms a material consideration in the planning balance.

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

#### *Principle of Development*

The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration. It goes on to say that development away from the main built-up areas of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry and directs readers to the Allocations and Development Management DPD for policies that will then apply. As such Spatial Policy 3 is the relevant starting point for considering the scheme.

The first criterion 'Location' states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' This application site is not within the main built up part of Rolleston. The site as such cannot be regarded as being within the settlement and is therefore within an open countryside location in planning policy terms. SP3 states that *'Development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which required a rural setting such as Agriculture and Forestry....The Allocations and Development Management DPD will set out policies to deal with such applications.'* The application therefore falls to be considered under Policy DM8 (Development in the Open Countryside) of the A&DM (DPD).

Policy DM8 of the DPD sets out criteria to deal with such applications. This states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to defining characteristics of the local area. DM8 goes on to say that in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the building warrants their preservation and they can be converted without significant re-building, alteration or extension.

I am mindful that the building was granted consent in 2015 where the principle of the conversion of the historic stable building in isolation and within the existing fabric was considered to be acceptable. The building is considered to be of historical interest and notwithstanding the location, worthy of retention and conversion. The modern stable building to the east of the site is not considered to be of any historic merit and therefore in principle is not worthy of conversion, and as reported earlier this is proposed to be demolished and rebuilt.

The **amended** structural survey details that the condition of the stable block is relatively good, despite having some significant but localised structural issues which are associated with foundation movement. The first floor of the building is noted to be in poor condition with some collapse due to long term rainwater ingress. There has been a collapse to the main roof structure which is partially propped off the first floor at present. Despite this the survey concludes that this building could be converted into domestic use with relatively limited rebuilding if suitable structural strengthening work is undertaken. **The Conservation Officer has discussed the extent of the proposed structural works to the stables and concluded that whilst there is more significant structural intervention/loss proposed now than when this application was first considered in September 2019 given the deterioration of the building over time, that the level of intervention has been justified and they raise no objections to the structural works proposed.**

The proposal seeks to demolish the modern stable block and rebuild an extension that would be linked to the historic stable by a glazed linking corridor. The structural survey advises that the modern stable block (which has excessive timber decay to the sole plates) would not be capable of conversion and in any event it has been identified that the building does not have any merit that would warrant its preservation through conversion. Nevertheless the historic stable is considered to be worthy of preservation and the extent of works required within the structural survey are considered to be appropriate to secure a viable use for this heritage asset. Notwithstanding this however, concern has been raised with the applicant regarding the demolition and construction of an extension to this building. DM8, which is considered to be NPPF compliant, details that conversion to residential use will only be permitted on buildings that can be converted without significant re-building, alteration or extension – based on this it is considered that the demolition and extension as proposed, to facilitate this conversion, is not policy compliant. I appreciate that

efforts have been made to re-create the existing footprint of built form on the site so as to minimise impact on the openness of the countryside, however I also note that permission has already been granted for the conversion of the stable in its own right to a two bedroom dwelling and as such I am confident that the conversion of this building is capable without the requirement to significantly alter or extend the building. However the applicant has argued that the Stables could not viably be converted based upon a scheme within its own confines and therefore an extension is a necessity to achieve a viable development proposal for the site.

In this respect I note the guidance in paragraph 197 of the NPPF which states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” In addition the council’s Conversion of Traditional Buildings Supplementary Planning Document (2014) which at paragraph 4.19 advises “Permission will not normally be given for the reconstruction of previously demolished buildings or parts of buildings in rural areas. Exceptions may be made where the applicant can provide compelling evidence of the previous existence and scale of the demolished structure and its restoration contributes significantly to the viability or character of the development.”

**At the request of Members the applicant has undertaken a viability appraisal of the previously consented 2 bed scheme. The conclusions of the Council’s independent viability assessment of this appraisal are set out in the ‘Consultations’ section above. In summary the applicant’s viability assessment identifies that the previously approved 2 bed scheme would result in a negative deficit of -£248,928. The independent assessor has reviewed the assessment and undertaken their own viability appraisal, concluding that the scheme would result in a negative deficit of -£128,769 based on using a higher end value than the applicant, slightly higher build costs, a lower Existing Use Value and a lower developer profit to take into account this being a self-builder scheme. Ultimately the independent assessment concludes that even with their adjustments the 2 bed scheme would be unviable, resulting in a loss of -36.79% on GDV which would be unacceptable for a self-builder to deliver. Therefore on the basis of the conclusions of the viability assessment of the 2 bed scheme, it is clear that this would not be financially viable.**

However, the applicant has also assessed the viability of the 5 bed scheme including the extension and linking structure which also results in a negative deficit, in this case of -£197,416. This additional assessment undertaken by the applicant has not been validated by the independent assessor. However, even taking into account the adjustments made by the independent assessor to the appraisal of the 2 bed scheme the 5 bed conversion still would not turn a profit. Both schemes would remain in significant deficit. In view of this outcome, I have considered what scale of development might be required to make the scheme viable, however the constraints of the site have already dictated the scheme that has been arrived upon, which is considered to be at the very limit of what would be acceptable in both heritage and open countryside policy terms.

The 5 bed scheme, whilst still in deficit, would result in less of a deficit than the 2 bed scheme. However, in this case the financial risk lies entirely with the applicant in that there would be no opportunity in the future to seek amendments to increase the size of the replacement structures to make the scheme ‘viable’ for the foregoing reasons. I am mindful of the resolution made by Members at the September Planning Committee which sought for the *unviability* of the 2 bed scheme to be robustly evidenced prior to negotiating a more suitable extension to the building with the Conservation Officer. The applicant has demonstrated that the 2 bed scheme is not

viable and thus the parameters set by Members have been met. As will be explained further in the following section, the 5 bed scheme put forward is considered to be the least intrusive to achieve a sustainable use for the building, and the scheme when considered as a whole, would contribute significantly to the viability and character of the development and thus I am satisfied that this approach is the optimum for securing the future reuse of this non-designated heritage asset in accordance with the policy parameters.

In coming to this conclusion I am also mindful that the applicant has chosen to include the cart shed to the south of the main stable block to provide garaging for the new dwelling conversion. The Conservation Officer noted in her initial comments on this application that this is a significant structure in poor condition and that securing the long term use of this building should be tied up with the potential re-use of the stables. Whilst this element of the scheme has been separated out of viability discussions so as not to skew the figures it now forms part of the application. The additional survey submitted that appraises the cart shed details that, despite the obvious collapse, what is left could form the basis of a restoration, rather than needing to demolish and rebuild from scratch. The principle of converting this building to a separate residential unit has already been explored and refused under 11/01810/FUL on the grounds that the level of structural intervention required to facilitate the residential conversion was excessive and constituted a 'new build dwelling' in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF. However there is considered to be heritage merit in rebuilding off the remaining structure and restoring it back to its original form. The structural condition of the cart shed is such that in principle its 'conversion' to residential use would not be supported in policy terms given the scheme would amount to a rebuild, however, the restoration of the building with more limited structural intervention to form ancillary garaging facilities (in comparison to the significant works that would be needed to make this structure suitable for residential occupation) is considered to be acceptable when balanced with the heritage benefit of restoring this dilapidated non-designated heritage asset as it would contribute significantly to the wider site. Its use as garaging and store for the converted barn would also prevent the often inevitable request for a new garage structure for this purpose to serve the new dwelling. The cart shed element of the proposal has not been included in the aforementioned viability assessment, but from a cursory assessment of its cost of restoration at £48,515, compared with the additional sales value of £25,000 the scheme remains in a deficit position.

The cart shed and the main stable block are the remaining non-designated heritage asset buildings on the wider Rolleston Mill Site that have not been restored or re-developed. Having discussed with the Conservation Officer our view is that the inclusion of the cart shed within the scheme would tie up the restoration of the Rolleston Mill site and bring about a wider heritage benefit that would see the complete restoration of these heritage assets which have fallen in to states of disrepair. Should Members agree with this conclusion I would recommend that, if this heritage benefit of restoring the cart shed is to be weighed into the balance as a significant benefit of the scheme it would be reasonable to attach a condition to this consent to ensure that this restoration is delivered prior to the occupation of the converted stable block and that the stable block itself must be restored at the same time or before the construction of the glazed link and extension to prevent a situation where the consent is part implemented and the full heritage benefits of the scheme are not forthcoming.

With the aforementioned conditions and on the basis of the viability appraisal I am satisfied that the applicant has demonstrated the scheme put forward is the least intrusive to achieve a viable use for the building and, when considering the application as a whole, would contribute

**significantly to the viability and character of the development. I am therefore satisfied that this approach is the optimum for securing the future reuse of this non-designated heritage asset in accordance with the policy and SPD parameters and clear guidance from Members which is material in coming to this decision.**

#### Impact on Visual Amenity including the Impact on the setting of Listed Buildings

The historic stable building is considered to be a non-designated heritage asset. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other matters, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is one element of achieving sustainable development (paragraph 8.c).

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing.

The site is also close to listed buildings, as explained within the description of development - Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

I am of the opinion that the most important consideration in the assessment of this application is the heritage impact to this non-designated heritage asset and the wider impact on the setting of adjacent listed buildings such as the Mill. The Conservation Officer has appraised the historic context of the site in the comments above and as such I do not intend to rehearse these points. I concur entirely with the comments of the Conservation Officer (CO) which are broadly in support of the conversion approach of the historic stable building. **The CO raised concerns regarding the number of proposed rooflights and the glazing approach to the former cart shed openings however these elements have since been amended to reflect the CO's advice.**

**Previously**, in considering the extension to the building the CO concluded that the link would present as an incongruous glass tube "added to a rustic historic former stable building, in order to connect to a new build, which is itself a reimagining of a building which has no architectural or historic interest and which is not capable or worthy of conversion. There is therefore no conservation imperative to consider this harmful glass addition as being acceptable in the planning balance to bring back into use this other smaller stable building." Whilst appreciating the efforts made to create a lightweight linking structure the CO concluded that the structure would have a reflective quality and would create an unusual and incongruous add-on in this traditional setting.



In light of the resolution of Members in September 2019 the applicant has sought to amend this element of the scheme to come to the least intrusive option possible in order to secure the future viable use of the building. Multiple options were put forward for the linking structure however in appraising the final plans submitted the CO concluded that the use of a solid boundary on the inside of the crew yard used to 'hide' the discrete link behind would retain the visual integrity of the crew yard and avoid bisecting the cart bays of the historic barn by a glazed link. The repositioning of the link to the gable ends of the buildings means that a new opening would need to be made through the gable of the historic barn. This was considered to be the best option to create a connection as, having explored other options, a linking structure would not have fit neatly onto the building's façade. From the golf course side looking into the site it is proposed to use a hit and miss plank screen to 'screen' the link and give the same visual appearance as the existing on site arrangement. Whilst I appreciate that there will be a sense of volume to this link which is not replicated with the fence, I do not consider this would be fatal to the development, and with landscaping any potential impact could be softened.

Turning now to the re-imagining of the modern stables, in terms of landscape impact I acknowledge that an effort has been made to only replace existing built form on the site rather than extending built form further within the open countryside. The CO has commented on this element of the scheme advising that the rebuilding of this structure would have a neutral impact on the setting of the stable, which is a non-designated heritage asset. The new building reflects the existing modern stables in overall form and impact and in this respect also maintains the current setting of the listed building. While the form is overtly modern, it is simple, reflects an agricultural building in its character, materials and form and is positioned to form a fairly typical crew yard type arrangement in relation to the historic barn. It is therefore considered that the scheme will not result in any harm to the setting of the historic barn or listed mill.

The scheme put forward in the final plans is acceptable, however it is considered important to prevent/minimise a 'watering down' of the scheme. As such the CO has provided some conditions and advice to the applicant through the course of this application in order for them to accurately cost the proposed conversion/re-build scheme for the viability assessment. I am therefore satisfied that the viability exercise reflects accurate costings based upon an appropriate construction /restoration specification.

Turning now to the cart shed, the CO has confirmed they are supportive of the like-for-like repair to the cart shed which lies to the south of the stable block. The cart shed, which is also a non-designated heritage asset, is currently in a semi parlous condition. The applicant seeks to include this within the current application to reinstate its former appearance/form and ultimately function as a cart shed to serve the dwellinghouse that would be created from the conversion scheme. The proposal would see the reconstruction of the building with traditional and mostly reclaimed materials, restoring the heritage value of the structure. This is overall considered to be a heritage benefit to the scheme which would improve the appearance of the wider Rolleston Mill site and ultimately result in no harm to the setting of Rolleston Mill or other non-designated heritage assets on the site.

Maintaining the rural character of this former agricultural building is important to help preserve the character and appearance of this non-designated heritage asset and the conversion of traditional rural buildings is strictly controlled through the SPD. However the applicant has demonstrated that the conversion of the building within its own confines is unviable and following the resolution of Members to negotiate a scheme that is acceptable to the

**Conservation Officer, which is a material to the judgement of this application, the scheme proposed is considered to respect the historic context of this site. The proposed extension (following from the demolition of the modern stable) would result in a neutral impact on the non-designated heritage asset stables and would not harm the setting of surrounding listed buildings and the restoration of the cart shed to the south, which is a non-designated heritage asset, would also bring about an overall heritage benefit. I therefore conclude that the application is in accordance with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8 and DM9 of the DPD, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.**

### Flood Risk

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

However, the National Planning Practice Guidance (NPPG) states that the sequential test does not need to be applied for minor development or changes of use (exception for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). Conversions of buildings are not specifically considered although the NPPG states that the creation of a separate dwelling within a curtilage of an existing dwelling (for instance the subdivision of a house into flats) cannot be considered 'minor development'.

Given the proximity of the River Greet, the site lies within Flood Zones 2 & 3, at highest risk of flooding. As a residential use is classed as 'more vulnerable', the development is required to pass the Exception Test as set out in the NPPF.

The requirements of the exception test are outlined at para. 160 of the NPPF, confirming that in order for the test to be passed it should be demonstrated that:

- 'the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

Both elements of the test have to be passed in order for the development to be considered acceptable.

With regard to the first criterion, the proposal would create an additional residential unit. In an area where new build development is generally limited by flood risk, this is considered to support the provision of new homes and helps to sustain existing rural services and facilities. Furthermore, the conversion would help sustain this building of interest. With regard to the second criterion, however, a site specific Flood Risk Assessment (FRA) has been submitted which discusses the flood warning and evacuation plans for the dwelling in the event of yellow, amber and red warnings. The approach taken under the 2015 consent, which was accepted by the EA and the Emergency Planner subject to conditions that a flood warning scheme for the application site was submitted,

was that the occupiers of the property apply to the Environment Agency to be placed on the appropriate flood warning system and that they evacuate the premises when a severe flood warning is issued. The same approach is advanced in this application.

The existing floor level within the stable is 14.75 AOD and the 1:100-year flood level has been established as 15.46 AOD. Flood resilient measures have been incorporated within the proposal in addition to design and construction measures to prevent water ingress. Given the site falls to be assessed under the EA's standing advice the EA have not formally commented on this application. However in following their standing advice there is a general acceptance that developments within FZ2 are susceptible to flooding, and so flood resistance/resilience measures are required to prevent inundation of flood water and/or salvaging the development after a flood event. Para 059 of the NPPG advises that any development with flood levels of more than 600mm should be built with resilience measures in place and allow the free flow of flood waters through the development during a flood event. The approach advanced by the applicant takes on these considerations and I therefore consider that, without the benefit of any objection from a statutory consultee the conversion, subject to conditions, would be acceptable in terms of flood risks and would not increase the risk of flooding elsewhere.

#### Highway and Access

**As part of the amended scheme a garage would be provided in the restored cart shed. Whilst I note only two car parking spaces are to be provided for a five bed house, where normally three spaces would be required,** given the distance from the public highway and external space available, this would not cause any issues and as such NCC Highways have raised no objections to the scheme. I am therefore satisfied that the level of parking for the dwelling is satisfactory.

The applicant is advancing the previously approved access arrangement, to which National Rail have submitted similar comments. Network Rail has requested a condition on any permission that ensures that the property is not used as a holiday let. The application has been submitted on the basis of a new dwelling and therefore has been assessed as such – however planning permission would not be required to use the property as a holiday let given both a dwelling and a holiday let fall within the same use class (C3) therefore I consider it appropriate to condition that the premises is not used for this purpose without prior consent.

National Rail has also expressed concerns over the use of the unmanned crossing for construction traffic, for which their prior approval would be required – it is considered reasonable that a condition could be imposed requiring a construction management plan to be submitted and agreed with National Rail.

This access route across the unmanned crossing is currently used by Field Cottage and Mill Field Cottage and the recently approved Mill conversion (18/00766/FUL). The safety of the residents of this new dwelling which would result through the conversion of the stable has been considered and given the former and current acceptance (albeit with conditions) of Network Rail for the use of the crossing Officers have no objection to this proposal.

Given that the highways position has not changed from that previously approved under 11/01805/FUL and in the absence of any objections from statutory consultees I conclude this proposal meets with Policy SP7 of the Development Plan and there are no grounds for refusal on this basis.

### Impact upon Neighbouring Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD state planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing.

The site is relatively well removed from other properties with the exception of the adjacent cottage. With regards to amenity, I consider the stable building would be capable of creating an attractive living environment that meets the needs of privacy. The adjacent cottage would not have an adverse impact on a permanent residential use here given that the relationship between the two buildings enables the creation of private amenity space and without any loss of privacy. I do not consider that the reglazing of existing apertures would have any adverse impact in terms of loss of amenity. I am therefore satisfied the proposal accords with policy DM6 as originally approved in 2015.

**I note comments have been received from neighbour occupiers in relation to noise disturbance through construction, however this would only be experienced in the short term and would be inevitable as part of the redevelopment of this stable block. I do not consider this short term impact would be sufficient to warrant the refusal of this application.**

**The edged red line for this application as initially submitted was extensive, including land to the north-east of the Stables as well as land to the south of the access road. It was considered that the extent of the curtilage in the original red line was too generous and that the curtilage (garden area) for the Stables should ideally be contained to the north of the access road to avoid the domestication of the wider complex, however given the cart shed across the access track has been included within this application the red line has been re-drawn tightly around this structure so that access to this building would be provided only and to ensure that residential use of the wider paddock upon which this structure sits is not permitted.**

### Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The Protected species report submitted with this application concludes that there is no evidence of nesting bats or birds found within the buildings and they are considered to have low roost potential. However, given the open nature of parts of the building it is possible that bats could utilise the building for foraging potential. As such the survey recommends that work should be undertaken outside of the bat and bird breeding season and that a precautionary inspection should be completed immediately prior to work starting. It was also recommended that as part of any conversion work, an integral bat brick should be inserted into the south gable end wall of any new / renovated building where this will receive maximum warmth from the sun to provide an alternative roost location for any bats in the area. As such, subject to conditions it is considered that the proposal would accord with CP12.

### Other Matters

I note that comments have been made by the Nottinghamshire Ramblers referring to the intimate relationship between Rolleston Footpaths 8 & 9 and the application site. The comments refer to how the footpaths will be safeguarded during and after the development. There are no proposals

to make alterations on or near to the footpaths that would inhibit or alter their function and as such it is not considered that this would warrant a refusal of the application.

Following the submission of the viability assessment and amended plans neighbouring residents have been reconsulted on the scheme. I note that comments from two interested parties have been received which have been duly taken on board throughout this assessment. However I would like to clarify the following in relation to the comments received. Firstly, the application building (the existing brick build stables) and the cart shed are not listed buildings as cited in one objector's comments. Both buildings are non-designated heritage assets and are not listed in association with Rolleston Mill. Matters raised relating to access, flood risk, waste disposal, design, ecology and amenity have been thoroughly appraised throughout this report. Comments have however been submitted regarding the costings used within the viability report not reflecting an accrual depiction of the cost of undertaking the works. To this I would note that the independent viability assessor has appraised the viability assessment undertaken by the applicant and despite assuming slightly higher build costs, still drew the same conclusion that the 2 bed scheme would be unviable. On the basis of the independent assessors professional appraisal I have no reason to disagree with this conclusion.

#### Community Infrastructure Levy

The site is located in the 'Housing Very High Zone 4' which is charged at £100 per sq metre. The floor space for the conversion/new dwelling is 227.1m<sup>2</sup> and the cart shed is c. 49 m<sup>2</sup>.

For residential conversions the existing floor space is usually not included in the calculation as CIL is usually only payable on any new floor space created through extensions to the building etc. However, for the existing floor space to not be included in the calculation, the building has to be in lawful use. Part 5, Regulation 40 Paragraph 7 of the CIL regulations states that "a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development." From my knowledge of the site history, the building has been vacant for more than 36 months and therefore does not meet the above criteria. The onus would be on the applicant to demonstrate otherwise if necessary.

**As such the charge on the development including current indexation equates to £28,201.04**

#### Conclusions

This proposal includes the conversion of a traditional rural outbuilding in the open countryside where development is strictly controlled to appropriate uses. The proposed conversion would involve substantial demolition and rebuilding works to facilitate a conversion to residential use which ultimately does not accord with our policies. However the applicant has submitted a viability assessment that has been independently examined that demonstrates that a conversion within the confines of the existing building would not be viable. The resolution made by Members at the September Planning Committee sought for the *unviability* of the conversion of the existing non-designated heritage building (without any need to extend it) to be robustly evidenced prior to negotiating a more suitable extension to the building with the Conservation Officer. The applicant has demonstrated that the 2 bed scheme is not viable and thus the parameters set by Members have been met. The scheme put forward is considered to be the least intrusive to achieve a viable use for the building, and when considering the development as a whole, would contribute significantly to the viability and character of the

development and thus I am satisfied that this approach is the optimum for securing the future reuse of this non-designated heritage asset in accordance with the policy and SPD parameters and clear guidance from Members which is material in coming to this decision.

The final scheme proposed is considered to respect the historic context of this site. The proposed extension (following from the demolition of the modern stable) would result in a neutral impact on the non-designated heritage asset stable building and would not harm the setting of surrounding listed buildings. The restoration of the cart shed to the south, which is also a non-designated heritage asset, would also bring about an overall heritage benefit of the scheme. I therefore conclude that the application is in accordance with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8, DM9 and DM12 of the DPD, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

In addition to the above I also note the positive conclusions relating to highways impact, ecological constraints and flood risk (subject to conditions) and I therefore conclude that this application should be approved.

### **RECOMMENDATION**

That 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 accordance with the following approved plans:

- Amended Site Location Plan (7614J-01 REV C)
- Block Plan (7614J-02 REV B)
- Proposed Site Layout (7614J-04 REV E)
- Proposed Ground Floor Plan (7614J-05 REV F)
- Proposed First Floor Plan (7614J-06 REV C)
- Proposed Roof Plan (7614J-07 REV C)
- Proposed Elevations (7614J-08 REV D)
- Proposed Elevations – Replacement Block (7614J-09 REV D)
- Proposed Glazed Link (7614J-10)
- Open Fronted Cart Shed Proposed Plans and Elevations (7614J-13 REV A)

Reason: So as to define this permission.

**03**

**No development above damp proof course shall take place until manufacturers details (and samples upon request) of the following materials (including colour/finish):**

- Reclaimed or New Bricks
- Reclaimed or New Pantiles
- Timber Cladding
- Timber Panelling for the Glazed Link
- Roof Covering
- Wall Coping
- Oak Pillars

**have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.**

**Reason: In order to safeguard the special architectural or historical appearance of the building.**

**04**

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

- External windows including roof windows (which shall be conservation style rooflights set as flush as practicable within the roof slope), doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Bat bricks (which should be inserted into the south gable end wall of any new / renovated building)
- Soil and vent pipes

**Reason: In order to safeguard the special architectural or historical appearance of the building and in the interests of maintain and enhancing biodiversity.**

**05**

**No development shall be commenced until a methodology for undertaking repair works to the former stable building and cart shed has been submitted to and approved in writing by The Local Planning Authority. This shall include a full schedule of works which addresses the repair and**

rebuild of external walls and the roof and the extent and specification of repointing. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

06

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the Local Planning Authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

07

No repointing shall be undertaken until details of the details of the extent of the re-pointing of the buildings and mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) has been submitted to and agreed in writing by the Local Planning Authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the building.

08

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

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

09

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being



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

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

**10**

The development shall be carried out in accordance with the submitted flood risk assessment (deposited 21 August 2019). All recommended mitigation measures shall be implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants and to facilitate recovery from flooding.

**11**

Immediately prior to the commencement of repair works or removal of any structure/building as part of the development hereby permitted the structures shall be checked for any nesting birds. If nesting birds are identified within a structure then it shall not be removed until the chicks have fully fledged.

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

**12**

No works shall be carried out as part of the development hereby permitted during the bat activity season (between 01 May and 01 September inclusive) unless a precautionary inspection has first been undertaken by a suitably qualified professional, evidence of which shall be submitted in writing to the Local Planning Authority.

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

**13**

The dwelling hereby approved shall not be occupied until the cart shed, identified on plan ref. Block Plan (7614J-02 REV B), has been fully restored in accordance with the approved schedule of works required by condition 05.

**Reason:** To ensure the cart shed is brought back in to use in the interests of securing the heritage benefits of the scheme, visual amenity and to preserve the character and appearance of the area.

The dwelling hereby approved shall not be occupied until the Main Stables (traditional brick built structure), identified on plan ref. Block Plan (7614J-02 REV B), has been fully restored and converted in accordance with the approved plans in condition 02.

Reason: To ensure the Main Stables is brought back in to use in the interests of securing the heritage benefits of the scheme, visual amenity and to preserve the character and appearance of the area.

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.
- Class G: Chimneys, flues etc. on 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 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.

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

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) in order to ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the

countryside and to ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted agricultural building.

16

The conversion hereby approved shall be used as a dwellinghouse and for no other purpose, including any other use falling within Use Class C3 (such as a holiday let) of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of highway and railway safety at the request of Network Rail.

17

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

Reason: In the interests of operational railway safety at the request of Network Rail.

#### Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

			A	B	C	
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Dev Types (use class)	Proposed floorspac e (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexati on at date of permissi on	CIL Charge
Residential	276.1	-	276.1	100	334	£28,201.04
<b>Totals</b>						<b>£ 28,201.04</b>

### 03

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

### 04

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted on (tel: 0300 060 3900).

### 05

This application includes the conversion of farm buildings (stables) to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

### 06

**Advice from Network Rail:**

**Construction Traffic:** Network Rail requires that the applicant contact our Asset Protection Project Manager to confirm that the access is viable and to agree a strategy to protect our asset(s) from any potential damage and obstruction to the railway caused by construction traffic. I would also like to advise that where any damage, injury or delay to the rail network is caused by traffic (related to the application site), the applicant or developer will incur full liability.

**Access to Railway:** All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. It is imperative that access over the railway level crossing and the crossing approaches and signage remain clear and unobstructed at all times both during and after construction to ensure that crossing users can enter and leave the crossing areas safely and in a timely manner at all times.

**Level Crossing Safety:** Railway safety is of paramount importance, level crossing safety leaflets should therefore be included in information/welcome packs provided to the new homeowners at the site. These can be provided by Network Rail upon request from the developer or information is available at [www.networkrail.co.uk/communities/level-crossing-safety/](http://www.networkrail.co.uk/communities/level-crossing-safety/).

Network Rail is required to recover all reasonable costs associated with facilitating these works.

07

**Advice from the Environment Agency:**

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

08

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.

**Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.**

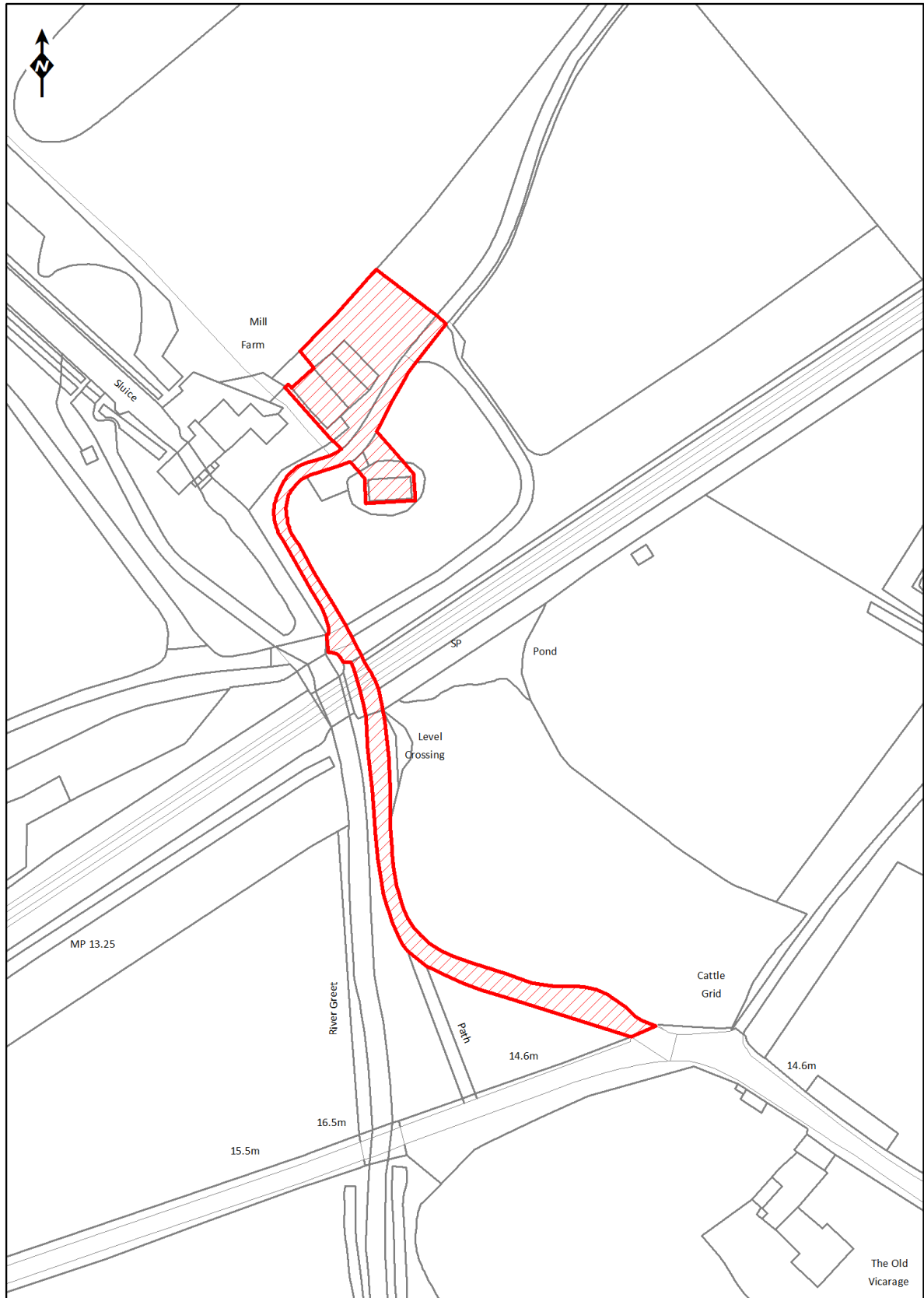
Background Papers

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](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager - Planning Development**



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## PLANNING COMMITTEE – 30 JUNE 2020

<b>Application No:</b>	<b>20/00579/FUL</b>		
<b>Proposal:</b>	<b>Proposed change of use from Residential Institution (class C2) to large House in Multiple Occupation (class - Sui-Generis)</b>		
<b>Location:</b>	<b>Friary Fields Residential Nursing Home, 21 Friary Road, Newark On Trent, Nottinghamshire, NG24 1LE</b>		
<b>Applicant:</b>	<b>Mr B Pottiwall, Mr J Singh, Mr U Singh &amp; Mr B Singh</b>		
<b>Agent:</b>	<b>Access Architects Ltd - Mr Christopher Bayly</b>		
<b>Registered:</b>	<b>17.04.2020</b>	<b>Target Date: 12.06.2020</b>	<b>Extension of Time Agreed Until 03.07.2020</b>
<b>Link to Application:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q8IUXILBGRP00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=Q8IUXILBGRP00</a>		

This application is being referred to the Planning Committee for determination by the local ward member Cllr Gill Dawn on the grounds that the application will result in highways safety impacts (insufficient parking and an increase in traffic on congested roads) and represents over intensification.

### The Site

The application site comprises no. 21 Friday Road, a former 34 bed residential nursing home located within the defined main built up urban area of Newark as defined within the Adopted Allocations & Development Management DPD. The host Victorian style villa building is a large detached property of local heritage interest. The property has been extended most notably with a three storey wing and a single storey conservatory and garage conversion which are understood to have been part of the conversion from residential use into a residential nursing home. Internally the building has been altered significantly to accommodate its later use and little of the historic features remain.

The site lies outside, but on the edge of, the Newark Conservation Area (which lies to the south). The building is situated on a cross roads in a large corner plot with residential properties only directly adjacent to the north, east and south-east across the highway. Newark Collage lies to the west, the Bowling Green/Tennis Courts lie to the south, a recreation/children's park lies to the south west. Along the southern and western boundaries of the site are a number of mature trees which are protected by Tree Preservation Orders (TPOs)

### Relevant Planning History

**18/00863/TPO** - Works to trees – permission granted 11.05.2018

**03/00833/FUL** - Proposed extension and conservatory – permission granted 29.05.2003



**02/01498/FUL** – Proposed single storey extension and conservatory - permission refused 20.09.2002

**93/51044/FUL** – Extension to form additional toilet, lobby and conservatory – permission granted 27.01.1994

**01910502** - Erection of new nursing home – permission refused

**01880958** - Extension to house to form ten bedrooms, bathrooms, kitchen and lift – permission granted

**01890132** - Change of use from residential home for the elderly to geriatric nursing home – permission granted

**01850991** - Convert double garage to staff bedsit/warden assisted flat for elderly – permission granted

**0181682** - Change of use from existing offices to residential home – permission granted

#### The Proposal

*For the avoidance of doubt, revised plans have been received throughout the course of this application. The documents and plans assessed throughout this appraisal are detailed below and for clarity the appraisal will consider only the amended plans submitted.*

The application seeks permission for the change of use of the building from a Residential Institution (Use Class C2) to Large House in Multiple Occupation (Use Class Sui-Generis) (HMO).

The building is proposed to be converted into clusters of HMOs, each cluster would be served by its own separate entrance and have a communal kitchen, living and dining room areas as well as laundry facilities. The conversion proposes 33 single occupancy bedrooms spread across 6 clusters/units (which is 1 habitable bedroom less than the last use as a residential nursing home which is understood to have 34 bedrooms).

Ground Floor Level – HMO Unit A - would comprise 7 no. bedrooms (3 with en-suites), two shared shower rooms, a communal kitchen, living and dining room and a shared communal laundry room.

Ground Floor Level – HMO Unit B – would comprise 5 no. bedrooms (5 with en-suites), two shared shower rooms, a communal kitchen, living and dining room and a shared communal laundry room.

Ground Floor Level – HMO Unit C – would comprise 5 no. bedrooms (5 with en-suites), one shared shower room, a communal kitchen/dining room and a shared communal laundry room.

First Floor Level – HMO Unit D – would comprise 6 no. bedrooms, two shared shower rooms, a communal kitchen/living/dining room and a shared communal laundry room.

First Floor Level – HMO Unit E – would comprise 5 no. bedrooms (3 with en-suites), one shared shower room, a communal kitchen/ dining room and a shared communal laundry room.

Second Floor Level – HMO Unit F – would comprise 5 no. bedrooms (1 with en-suite), two shared shower rooms, a communal kitchen/ dining room and a shared communal laundry room.

Communal private amenity space is proposed to the SW of the site measuring c. 230m<sup>2</sup>.

Total Bedrooms: 33

Maximum occupancy in total: 33

The scheme predominately includes internal alterations to the building which do not require planning permission, however the following external alterations are proposed:

South Facing Elevations:

- Addition of window in place of door.

West Facing Elevations:

- Demolition of modern conservatory (on the southern end of the western (principal) elevation)
- Addition of external entrance door in existing location of internal door opening.
- Additional steps to provide access to new entrance.

North Facing Elevations:

- 3no. enlarged windows using existing window reveals as start of one side of opening. The windows are to serve bedrooms.

Southern and Western Boundary with Friary Road and Beacon Hill Road – alterations to the existing brick wall boundary to remove the close boarded fence and replace with black painted metal railings throughout the length of the boundary.

### *Materials*

New brickwork to match the existing (it is proposed to use salvaged brickwork taken from the enlargement of bedroom windows to north elevation to be used for blocking up to cill height of door on south elevation). Windows to match existing windows on the same elevations. Doors to match existing.

### *Parking*

An on-site car park is proposed with 13 spaces as well as refuse and secure cycle storage. The fence to the northern side of the access is proposed to be removed to improve visibility.

Existing Spaces: 5 car

Proposed Spaces: 13 car, 36 cycle spaces

Cycle spaces are proposed to the eastern and southern sides of the site adjacent to the building and on the base of an existing shed to the south, the car parking spaces are proposed to the front of the site and are proposed to be surfaced with a permeable paving on a cellweb system.

### *Trees*

As part of the proposal 5 no. trees are proposed to be removed from the site to allow the expansion of the car park area. A Mitigation Planting Strategy has also been proposed which shows additional hedging and shrubs to be planted.

*Documents Submitted as Part of this Application (superseded documents not included):*

- Site Location Plan - 635/01 Rev. B
- Existing Basement Plan - 635/02 Rev. A

- Existing Ground Floor Plan 635/03 Rev. A
- Existing First Floor Plan - 635/04 Rev. A
- Existing Second Floor Plan - 635/05 Rev. A
- Existing Roof Plan - 635/06 Rev. A
- Proposed Basement Floor Plan - 635/07 Rev. A
- Proposed Ground Floor Plan - 635/08 Rev. C
- Proposed First Floor Plan - 635/09 Rev. B
- Proposed Second Floor Plan - 635/10 Rev. A
- Proposed Roof Plan - 635/11
- Existing Site Plan - 635/12
- Proposed Site Plan and Landscaping - 635/13 Rev. J
- Existing Elevations - 635/14 Rev. A
- Proposed Elevations - 635/15 Rev. B
- Design and Access Statement Rev. A
- Room Area Schedule Rev. A
- Arboricultural Report & Impact Assessment by EMEC Arboriculture – dated March 2020
- Arboricultural Method Statement by Hellis Solutions Ltd. – dated June 2020 V1.0 Ref: 20/06/98/NH
- Trees, RPAs and Percentages - 21 Friary Road document
- Residential/Dwelling Units – Supplementary Information Form
- TRANSPORT STATEMENT by SCP Transport dated April 2020 Ref: LB/200164/TS/1
- Covering Letter regarding Consultation Comments 21.05.20

#### Departure/Public Advertisement Procedure

Occupiers of 5 properties were individually notified by letter. A site notice has also been displayed near to the site.

All commenters on the application were also re-consulted on amended plans/documents submitted throughout the course of the application.

#### **Planning Policy Framework**

##### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
 Spatial Policy 2 - Spatial Distribution of Growth  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 3- Housing Mix, Type and Density  
 Core Policy 9 -Sustainable Design  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 14 – Historic Environment  
 Area Policy NAP1 – Newark Urban Area

#### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 DM5 – Design  
 DM7 – Biodiversity and Green Infrastructure  
 DM9 – Protecting and Enhancing the Historic Environment  
 DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework (NPPF) 2019
- Planning Policy Guidance 2014
- Amenities and Space in HMOs – Decent and Safe Homes East Midlands: A Landlords Guide
- Newark and Sherwood District Council HMO Amenity and Space Standards – May 2018
- Equality Act 2010

### **Consultations**

**Newark Town Council** – “This application provides for a change of use from a Nursing Home to a HMO, it whilst it would appear that this would result in a similar number of people residing in the property, the Town Council is concerned that the impacts on neighbours and the surrounding area will be very different. The application provides for only 12 car parking spaces to accommodate a maximum occupancy of some 37 residents. The application assumes that most residents will use cycles thus a provision of 38 such spaces. The application provides very little in the way of any highway/traffic assessment either on the immediate vicinity or on surrounding streets

Friary Road is already a designated residents parking area any significant additions to the number of cars requiring on street parking has the potential to bring gridlock to this road.

In conclusion the Town Council OBJECTS to this application on the following grounds:

- (1) There is insufficient onsite parking provision to cater for the number of proposed residents.
- (2) Friary Road is a designated Residents Parking area and there is little, if any, spare capacity to cater for an increase in on street parking.
- (3) The application doesn't include a substantive Traffic Impact Assessment; this should be required before any formal consideration of the application.”

*Officer Comment: Following clarification with NTC they have confirmed that they have read the submitted Transport Statement which contains more detail than they had originally thought when making their comments. However they do not wish to alter their previous comments in objection.*

**Newark Civic Society** – “The proposal to redevelop the house into six self-contained units with a total of 37 bedrooms (12 of which have no private toilet facilities) is in our opinion an over-development of the site which is out of keeping with the area. Parking provision for residents, guests and service vehicles is inadequate and is likely to have dangerous repercussions. Negative effects of an HMO of this size are likely to be:

- Fire hazards. The number of public and private appliances will be considerable and smoking will add to the possibility of fire
- Anti- Social behaviour
- Noise nuisance
- Car parking. Only twelve spaces are provided for 37 tenants
- Traffic hazard for cars exiting into Friary Road and turning right having to negotiate two lanes of fast moving traffic

Although we look forward to the development of this site, taking the above factors into consideration it is our conclusion that the proposed development will result in an unreasonable impact upon the adjoining residential area and that planning permission should therefore be rejected.”

**NSDC Conservation Officer** – “The application is for a site adjacent to Newark Conservation Area. From a site visit and a review of the plans we do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised 2019). If you have any specific concerns or queries, please do not hesitate to ask.”

**29.5.20** – In response to a query regarding the potential impact on the Conservation Area as a result of the landscaping/tree removal proposed - “The green boundary does contribute to the setting of the conservation area, however with the proposed mitigation it does not result in harm to the conservation area.”

**NSDC Environmental Health Officer – 11.5.20:** “I refer to the above application. I have looked in detail at the plans and the room sizes and amenities and would have no objections in principle. The bathroom requirements and room sizes are met however the kitchen areas must be compliant with the amenity standards as attached as currently the details are not sufficient. In addition the fire safety details are also not sufficient to provide comment, however I am uncertain whether this would be picked up at planning stage or following the determination is successful.”

*Officer Comment: Following receipt of amended plans the EHO was re-consulted on the application. The EHO has also clarified that matters relating to Fire Safety are for Building Regulations approval at a later date. The EHO has also been specifically asked whether they have any comments in relation to potential noise disturbance and the intensification of use of the site.*

**EHO 12.5.20:** “Thanks for your email. It looks fine to me thank you for asking. I’m sure if there are any alterations/changes [required due to building regulations] these can be dealt with during the licensing stage”

**NCC Highways Authority – Initial comments 30.4.20** – “The Highway Authority understand that this is a full planning application proposing the change of use of the former Friary Fields Residential Nursing Home at 21 Friary Road in Newark to a large House in Multiple Occupation containing 6 cluster units with a total of 33 bedrooms. The Highway Authority provided pre application guidance earlier this year, detailing the type of information which would need to be submitted in relation to trip generation, car, and cycle parking.

The application has been supported by a SCP Transport authored Transport Statement dated April 2020 which included a chapter with regards to traffic generation. Whilst the Nursing Home is no longer operational, it could be brought back into use tomorrow as one without the need for any further permissions and thus this is the accepted starting position for assessing the difference in traffic generation between the extant and proposed uses. Having considered the assessment undertaken using the TRICS database, which recognises that the proposed use is not specifically categorised and thus, a worst case scenario based on privately owned flats has been used, it is accepted that when accounting for the likely occupier of the development, the site should not generate significantly more traffic, than it could currently do if it were operating as a nursing home.

The site has an extant vehicular access onto Friary Road which is proposed to be retained but an existing timber fence is proposed to be removed to make it easier for two vehicles to pass through the access, as well improve visibility for exiting vehicles both of which are welcomed.

In the immediate vicinity of the development site, there are very few opportunities for on street parking owing to parking restrictions, and residents' parking schemes. Limited on-site car parking is however proposed; the spaces, surfacing and manoeuvring space are in accordance with Part 3 of the Nottinghamshire Highway Design Guide. Two disabled parking spaces have been proposed; it is not usual to propose specific disabled parking provision at residential developments and therefore it would be useful if these reverted to standard spaces to maximise the number of spaces available for all residents unless any of the cluster units are designated as accessible. It is noted that even with this revision, the number of on plot spaces will not enable every resident to park a vehicle. The Authority does not have specific parking standards for this type of residential accommodation but given the site's location in terms of easy accessibility to numerous amenities and facilities by foot, cycle or public transport and the specifics of the accommodation being sought, the provision is considered acceptable. The on-site cycle park is particularly welcomed and will allow every resident the opportunity for secure cycle parking; however, it is disappointing that it is not proposed to be sheltered from the elements.

Finally, there appears to be no plans to install gates across the vehicular access; this appears to be the only access for vehicles or pedestrians on Friary Road as the rest of the site boundary comprises of a fence topped wall which goes around onto Beacon Hill Road. There however appears to be a pedestrian gate on the Beacon Hill Road boundary, but it is not clear from the submitted documents as to what the plans are for it. Therefore, if gates are indeed proposed for the vehicular access in the interests of site security, they should not open outwards, and should be set back 5m from the highway boundary.

Conditions: -

1) Notwithstanding the submitted plans, no part of the development shall be brought into use until such time a revised plan has been first submitted and approved in writing by the Local Planning Authority that demonstrates: -

- a) The disabled parking spaces are omitted, and replaced with standard parallel spaces; and,
- b) The cycle park is sheltered.

Thereafter the on-site parking provision shall be implemented and maintained in accordance with the approved plans.

Reason:- To maximise the availability of adequate off-street parking provision to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety and To promote sustainable travel."

*Officer comment: The applicant has amended the plans to reflect the comments of NCC Highways and clarified that no access gates are proposed at the access with the highway.*

**Final comments 16.6.20** – "The Highway Authority understand that this is a full planning application proposing the change of use of the former Friary Fields Residential Nursing Home at 21 Friary Road in Newark to a large House in Multiple Occupation containing 6 cluster units with a total of 33 bedrooms. During the life of the application, the occupancy has been subsequently reduced to 33, from 37.

The Highway Authority provided pre application guidance earlier this year, detailing the type of information which would need to be submitted in relation to trip generation, car, and cycle parking.

The application has been supported by a SCP Transport authored Transport Statement dated April 2020 which included a chapter with regards to traffic generation. Whilst the Nursing Home is no longer operational, it could be brought back into use tomorrow as one without the need for any further permissions and thus this is the accepted starting position for assessing the difference in traffic generation between the extant and proposed uses. Having considered the assessment undertaken using the TRICS database, which recognises that the proposed use is not specifically categorised and thus, a worst case scenario based on privately owned flats has been used, it is accepted that when accounting for the likely occupier of the development, the site should not generate significantly more traffic, than it could currently do if it were operating as a nursing home.

The site has an extant ungated vehicular access onto Friary Road which is proposed to be retained but an existing timber fence is proposed to be removed to make it easier for two vehicles to pass through the access, as well improve visibility for exiting vehicles both of which are welcomed. There are no plans for this to be gated.

In the immediate vicinity of the development site, there are very few opportunities for on street parking owing to parking restrictions, and residents' parking schemes. Limited on-site car parking is however proposed; the spaces, surfacing and manoeuvring space are in accordance with Part 3 of the Nottinghamshire Highway Design Guide. The number of on plot spaces will not enable every resident to park a vehicle. The Authority does not have specific parking standards for this type of residential accommodation but given the site's location in terms of easy accessibility to numerous amenities and facilities by foot, cycle or public transport and the specifics of the accommodation being sought, the provision is considered acceptable. The on-site cycle parks are particularly welcomed and will allow every resident the opportunity for secure, sheltered cycle parking.

- *Officer comment: A condition is then requested which is included in the recommendation section of this report.*

**Tree Officer – 11.5.20:** “Submitted tree survey plan does not indicate full RPAs of trees on site. It is likely that the proposed car parking hard surface coverage will be in excess of the recommended percentage note in Industry best practice recommendations contained within BS5937- 2012.

Additionally canopy spreads are not shown although it is likely that pruning will be required to allow sufficient clearances in parking bays. Request amended plan indicating full RPAs and canopy spread of all trees overlaid onto site proposal plan.

T8 is a large B cat walnut, apparently with minor defects that is to be removed rather than seen as potentially retained specimen.

Although mitigation planting is suggested within the submitted tree report there appears little remaining room on site to allow this to be facilitated.”

**21.5.20:** “The RPAs shown do not take into account of the existing boundary wall and public highway which would offset the rooting area further into the site than indicated. Proposed hard standing would result in the loss of TPO tree T8 and additional impact on the favorable rooting areas of trees T9 and T10-also subject to TPO. TPO tree T11 which also likely to have further hard surface incursion into the rooting area beyond that already

existing. Trees G02, T4 and T3 are also subject to TPO with similar issues of rooting areas not offset and hard surfacing incursion into rooting areas. T4 is shown to be removed which would ideally require a replacement tree to be planted. Consideration has not been given to the likely requirements for initial and ongoing pruning requirements needed for the use of parking without detriment to vehicles. Although mitigation planting is noted in the tree report it is unclear where all of this will be within the site and proposals are unlikely to fully develop on the north side due to constraints of the existing building.”

**22.5.20:** “I would suggest that try and re-align or reduce parking to minimise impact on trees. T4 is poor condition so not too fussed about that but the walnut is TPO and B cat so retention would be desirable”

**22.5.20:** “They need to look at replacements for the walnut and beech on the mitigation scheme (I would accept fastigate hornbeam as replacement for the beech) Also not keen on the sorbus. Quite a few upright cherry which could be diversified with different fastigate tree species. Full planting specifications would need clarifying i.e. size root stock support etc. but this can be conditioned I suppose. Proposed works to remaining trees and a full arb method statement would also be required to ensure minimal impact on trees. I have concerns that any no dig car parking areas will be of a different height to the existing so not sure how that will be achieved? If we can get some answers to the above I can look at recommendations for some robust conditions.”

**15.6.20 –** “I have gone through the Arb Method Statement and protection plan now. There still does not appear any site specifics for removal of existing hard surfacing or proposed cell web and finished surfacing. The proposed 3.5m crown lifts proposed for G2, G3 and T9 will be quite severe given heights of 12/13m—I have some concern that major branches may be removed in order to facilitate—a side prune may be more appropriate but without photos or a site visit I cannot fully assess this option. The tree protection plan only shows initial fencing during change of use construction activity. Phasing of barriers during all activities needs to clearly set out. Soft landscaping options will still need defining fully. I would suggest conditioning [the above] options noted are attached to any approval.”

*Support the application subject to the following conditions...*

- *Officer comment: The tree officer then lists a number of protective conditions which are included in the recommendation section of this report.*

**Nottinghamshire Fire and Rescue Service (Informal Advice) –** “Fire and Rescue Services are not a statutory consultee as part of the planning process and therefore are unable to agree with or object to issues that relate to a planning application. Once an application has been approved by the local authority and material changes are required to either change the use or develop a property, Building Control must be consulted.

At this stage NFRS will become statutory consultee and will be able to provide comment on areas of the premises to ensure that it complies with The Building Regulations 2010. In the main this will ensure compliance against Approved Document B which covers such issues as appliance access, water supplies building construction to ensure the safety of residents within the premises and



direct vicinity as well as firefighters who may need to attend a deal with an incident at this premises.

Consultation is currently being sought on changes to this process which may in the future see fire and rescue services consulted at a much earlier stage for in-scope buildings. One of the concerns with this is the number of planning application that don't get approved, we would be spending time and resources consulting on application that don't get approved by the local authority.

If the planning application is approved by the local authority, we will then become involved as statutory consultants. At this stage the only requirement is to consult us but there is no requirement to follow our advice, although most do. Once it is occupied we can then enforce the RRO. The letter dated 12th May requesting comment if we support or object to the proposal is not part of the statutory process. I have looked at the plan for this site on the local authority website and they are designed, at this stage, to give an overview for interested parties to comment.

Unfortunately, as we are not statutory consultees at this stage of the process, the plans do not contain any of the detail we would need to pass comment. If the planning application gets to the next stage, more detailed plans and proposals will need to be created for building regulations, where we would become statutory consultees and have the detail design plans and supporting information required to make an informed comment."

**Representations have been received from 32 local residents/interested parties (1 of which is not a resident within Newark & Sherwood District) which can be summarised as follows:**

#### **Highways Impact**

- The street is a rat run for congestion in the town when the A1 and A46 are congested any further parking or intensification of cars will make this worse. The speed limit is also ignored here;
- The proposal will increase traffic congestion;
- The access is steep and hazardous on the junction which will increase risk for pedestrians;
- There will be a significant increase in traffic movements which will increase likelihood of accidents;
- The site is at a very busy junction close to a play area and college;
- Removal of fencing to improve the visibility splay will not work and therefore entering the property will remain dangerous/hazardous;
- The number of car parking spaces proposed is insufficient for the number of bedrooms and the target age group;
- Car ownership is a priority for young people;
- Public transport isn't good in the area linking to nearby cities meaning more people will have a car and the trips from the site will be increased than projected in the traffic assessment;
- Parking will be displaced onto nearby streets which are already congested and controlled by parking permits - there is no spare capacity on surrounding streets for additional cars and it will impact Friary Road, Wellington Road, Beacon Hill Road, and Magnus Street;
- There's no provision for visitor or delivery parking;
- Displacement of parking will make surrounding roads dangerous;
- There are no electric car charging points which is against sustainability aims;
- The bike racks won't prevent people wanting to have a car;

- The assertions made about the previous care home use are incorrect and there were never many cars attending the site;
- Residents reversing in and out of the site will result in more traffic congestion and a risk to pedestrians;
- Access gates have been refused adjacent to the site due to highways impacts;
- The parking and turning area within the property will be difficult to negotiate for more than 1 car at any time and is not large enough to allow the turning of delivery vehicles

### **Amenity Issues**

- There would be overlooking issues if new windows were added to the building on the north side;
- Concerns over amenity overlooking issues;
- The HMO will create substandard living conditions;
- The intensification of use will impact local peoples amenity through noise disturbance and will change the family character of the area;
- The communal area will result in noise disturbance to residents when they have parties/enjoy the communal areas;
- Concerns over how noise will be mitigated from open bedroom windows;
- Concern raised that the plans are not accurate in depicting window locations;
  - o *Officer Comment: Revised Plans have been submitted to address this error on the original plans*
- Applications of this nature have been previously refused in the local area ref. 15/02302/FUL on grounds of impact on amenity of local residents and character of the area.

### **Trees**

- The car park planned will threaten the mature trees and damage their roots - concerns over how these will be impacted/pressured in the future;
- Loss of any trees will impact the character of the area, the visual attractiveness, quality of life, air quality, ambiance;
- TPOs should be placed to protect the trees;
- Any replacement trees would not be sufficient to replace such mature trees that contribute to the ecosystem.

### **Conservation Considerations**

- The Victorian house is a unlisted heritage asset and should be improved aesthetically and this scheme threatens the property;
- The minor alterations to the building are not sufficient and identify a weakness in the scheme itself as the building needs a lot of modification to allow this use in order to be safe
- Disappointed with the level of conservation comments submitted;
- The roof is in poor condition and repairs should be restricted to welsh slate and lead flashings;
- The building needs repairs works carried out: stripping of paint from stone sills and architectural details;
- Windows should be replaced like for like;
- The boundary treatment needs enhancing – the fence should be replaced with railings.

### **Fire Safety/Building Condition/Disability Consideration**

- Fire escape from the building is inadequate;

- There are issues with the building in terms of fire safety, drainage and water supply which forced the closure of the nursing home ;
- Disabled Access accommodation and parking – concerns that there isn't disabled access into the building and parking places are not designated for disabled tenants and visitors ;
- Concerns that NCC Highways have requested the omission of the disabled car parking spaces in favour of increasing 'regular parking' on site (Document HDC LC 30-04-2020);
- This scheme represents a "disturbing and retrograde step in the campaign for disability rights" and the Council has a responsibility for the disabled;
- The site will be occupied by inexperienced young tenants that will not have regard to fire safety precautions;
- Concerns raised in relation to the fire/smoke detector system that will be installed and whether this would be sufficient;

## Other

- Antisocial behaviour is already a problem here and with this proposal where tenants will have limited space the likelihood of increased noise and antisocial behaviour in the surrounding area is likely;
- The bike storage is in view of the road and this will increase the likelihood of theft, tenants will therefore take bikes into the corridors which will impede access in fire events;
- Over concentration of HMO's in the area impacts the 'feel' of the area;
- This will impact housing sales in the area;
- The proposed use will increase vandalism to cars parked along the street;
- Concerns raised with the consultation procedure of the application and not having long enough to comment;
- The agent and applicant are not local so don't understand the local context/issues and there won't be proper management of the site;
- As the Care home was closed by a compulsory closure order it is not a 'fall back' position that the site could reopen as a care home immediately;
- The applicant has no experience in managing a HMO;
- It is not comparable to compare the previous care home use and the proposed use in terms of intensification;
- This is too high density for the location;
- This proposal looks like student accommodation not for young professionals as in the planning statement;
- The occupants of the HMO 'wouldn't fit' with the local family area;
- The units should be reduced by half and they should have their own en-suites and kitchens to attract young professionals;
- This would be better suited for offices;
- The applicants are naive and won't be able to conduct effective management of a large HMO;
- There will be overflowing bins;
- The proposal is unethical;
- The nature of the application could result in litter and drug challenges;
- Concern whether the Council would compensate local residents for consequential impacts on house prices;
- The application could have a significant detrimental impact on existing local parks;
- The suggested number of occupants is underestimates as all bedrooms are shown with double beds;
- How will CCTV be monitored;

- There is no provision for any on-site / resident caretaker/manager and no information on how this HMO will be managed;
- There will be an increased pressure on the sewerage system and Friary Road is susceptible to flooding already.

**Comments on Amended Plans (in addition to reiterating the above comments)**

- The reduction in occupancy and car parking spaces does not address concerns relating to pressure on on-street parking facilities/highways safety;
- The amended plans continue to ignore the concerns of local residents regarding increased traffic from the HMO and impact on local parking permit schemes;
- There remains a danger of shared domestic facilities;
- Smaller self-contained flats would be safer even if the profit ratio for owners is less;
- Disagreement with the idea that the site is not within a residential area;
- Reliance on the TRICS database cannot take into account the specific conditions relating to 21 Friary Road.
- Welcome the amendments from a fence to metal railings along the boundary.
- There remains a lack of disabled parking.
- Concerns regarding statements made in the applicants submission in relation to: internal works, landlord experience, crime prevention, parking provision, residential nature of the site.

Comments of the Business Manager

*Principle of Development*

The Council has a 5 year housing land supply and the development plan is up to date for the purposes of decision making. The Allocations & Development Management DPD was adopted in July 2013 and together with the Amended Core Strategy DPD (Adopted 2019), forms the Local Plan for Newark & Sherwood.

The site lies within a mixed use area in Newark well served by bus and rail transport links in addition to good cycling and walking routes. Given the site lies within the defined urban area of Newark and Balderton, a 'Sub - Regional Centre' as defined by the Core Strategy settlement hierarchy, the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle.

Given the above I am satisfied that the principle of residential use in this location is acceptable. However the key issues to consider in this case are the acceptability of this *type and density* of residential development in this location, particularly in relation to the amenities and character of the existing neighbouring residential properties; the amenities of any future occupants of the proposed HMO; the impact on the host building, the surrounding ecology of the site and the highways impacts.

In terms of housing need, NSDC's Strategic Housing Officer has advised that the results from the draft 2020 Housing Needs Survey (which is currently under review) show that in the Newark town centre there is the greatest need for 1 and 2 bed properties and particularly a need for flats. As such, I am mindful that the development proposed would also go some way to meet the prevailing housing need for the area in addition to meeting the demands in general for additional housing in light of the national housing crisis.

### *Impact on the Non-Designated Heritage Asset and Setting of the Conservation Area*

The application site lies just outside of the Newark conservation area and is therefore considered with awareness of the implications the development could have on the setting of the Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c). I consider the most important considerations in this application to be the heritage impact.

The site also contains a Local Interest Building and as such Annex 2 of the National Planning Policy Framework (NPPF) is relevant which states that Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal includes limited external alterations to the building overall to facilitate the change of use proposed. The alterations include the removal of the modern conservatory on the western (principal) elevation and the insertion of an external entrance door on this elevation in its place with steps to serve it, the addition of a window in place of an existing door on the southern elevation and the enlargement of 3 no. windows on the northern elevation (one on each floor broadly centrally on the building). The building, whilst a non-designated heritage asset, has been greatly altered and extended over time and has a number of unsympathetic additions to it. There would be some enhancement to the building through the removal of the modern conservatory and the removal of the close boarded fencing along the boundary wall and replacement with black metal railings and I have no concerns with the new apertures proposed which are in proportion with the existing openings on the building and are proposed in materials to match. The Conservation Officer has not raised any objection to the proposed alterations and overall I consider, given the overall limited scope of the external alterations proposed, they would not result in a detrimental impact or harm on the character or architectural merit of the non-designated heritage asset. Similarly I have considered the impact of the proposed development on the Newark Conservation Area to the south and conclude that, given the limited scope of physical alterations and the enhancement of removing the modern conservatory and improving the site boundary, that the proposal will have no material impact on the Conservation Area or impact upon its setting.

I note that a number of comments have been received from local residents/interested parties which have been duly taken on board, notably in relation to the impact on the non-designated

heritage asset and the character of the area comments referring to the current state of repair of the building and the limited scope of external alterations proposed. The building at present is currently vacant and boarded up for its security – as a result of this the building does appear to be neglected. Some comments received state that this building should be improved aesthetically. To this I would note that the proposal does seek to improve the current state of the building by bringing it back into use, removing an unsympathetic modern addition that detracts from the character of the building and improving the boundary of the site within the public realm. As part of the wider scheme landscape works are proposed and overall improvements to the building that will materially enhance the site. It would not be reasonable to require the applicant to undertake further works to the building over and above those proposed in this application and the application must be assessed as it stands. I have concluded that it would not result in harm to the non-designated heritage asset or setting of the Newark Conservation Area. Bringing the building back into use will ultimately improve the overall aesthetic of the site and I see no reason to conclude that the lack of alterations proposed to the building should weigh negatively in the overall planning balance.

Turning now to the works proposed relating to the trees along the southern and western boundary of the site. A number of these trees have TPO's (and the principle of removal will be discussed further in the ecology section below) in addition to contributing positively to the character of the Conservation Area. Having discussed the works proposed with the Conservation Officer they have clarified that the green boundaries along this site do contribute to the setting of the Conservation Area, however with the proposed mitigation planting the scheme would not result in harm to the character and appearance or setting of the Newark Conservation Area and as such they do not raise any objection.

On the basis of the above, I am satisfied that the proposal complies with Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the ADMDPD. In this context, it is felt that the proposal will cause no harm to the setting of the Conservation Area. The proposal therefore accords with the objective of preservation set out under section 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with section 16 of the NPPF.

#### *Impact on the Character of the Area and Amenity (Living Conditions)*

Whilst usually the impact of a proposal on the character of the area and amenity would be considered separately I consider given the nature of this application the two considerations are inextricably linked. I have already considered the physical impact on the building itself and the character of the area in the previous section so instead this section of the appraisal will consider the impact of the change of use on the amenity of existing and future occupiers and the character of the area as a result of the proposed use. I am mindful that comments have been received from a number of interested parties which raise concerns relating to the impact this proposal could have on the character and 'feel' of the area and impact on local residents amenity as a result of the proposed use which I intend to explore fully below.

Core Policy 9 and Policy DM5 set out the requirement for development proposals to (amongst other things) protect the amenities of existing neighbouring land users and to ensure that the proposed development itself affords an acceptable standard of amenity to future occupiers. It is therefore necessary to assess both the level of amenity for the proposed occupants of the property and the impacts on the amenities of the existing neighbouring residential properties. Both policies also require new development to complement and reflect the character of the surrounding area in terms of form and scale. Policy DM5 of the DPD states that development

proposals should ensure no unacceptable reduction in amenity including loss of privacy upon neighbouring development. The NPPF, as revised, continues to seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### *Amenity of Future Occupiers*

I turn firstly to the amenities of proposed occupiers. Whilst not forming part of the development plan, the documents Amenities and Space in HMOs - Decent and Safe Homes East Midlands: A Landlords Guide (DASH) and the Newark and Sherwood District Council HMO Amenity and Space Standards are material considerations to the assessment of proposals for HMOs. These documents have been referred to by the authority's Environmental Health Officer in his comments on the scheme which can be read in full in the consultation section above. Both documents set out the minimum amenity and space requirements in relation to Houses in Multiple Occupation (HMO) and are therefore a useful guide in the assessment of the acceptability of the proposed development on the amenities of potential future occupiers. The change of use would effectively result in the creation of 6 flats, one with 7 bedrooms and the remainder 5 bedrooms with communal facilities totalling 33 bedrooms. The plans submitted have been reviewed by the EHO who has concluded that they have no objection in principle to the scheme which has also been amended to reflect their initial comments in relation to the required kitchen areas and utilities for HMOs.

The guidance mentioned above, whilst material, does provide a guide to the assessment of the acceptability of the proposed development on the amenities of potential future occupiers, a theme that is reflected within policies CP9 (which seeks to ensure the proposed development affords an acceptable standard of amenity to future occupier) and DM5 (which seeks to resist development which creates an unacceptable standard of amenity). The proposal accords with the requirements of the HMO Amenity Space Standards and DASH guidance, which is also used when determining HMO licenses, as such I consider that given the prescribed amenity standards have been met in this scheme and that a HMO license could potentially be granted based on the plans provided, and that the application accords with policy CP9 and DM5 in respect of the amenity of future occupiers of the premises.

Comments have been received from interested parties that not all rooms have en-suites or their own kitchen facilities, however I note that neither is a requirement for HMOs. The proposal meets the bathroom and kitchen requirements set by the NSDC HMO Amenity and Space Standards for the proposed number of occupiers. Nevertheless 17 out of the 33 bedrooms would have en-suite bathroom facilities and the maximum occupiers sharing a kitchen area would be 7.

The proposed site plan includes 230 sq. m of communal private amenity space for future occupiers. Whilst I am mindful that for the level of proposed occupiers this amount of communal external space is relatively small, I am equally conscious that given the town centre location there are areas of recreational green space that would be available to residents, notably the public play park/grounds immediately to the south-west of the site across the highway and the bowling and tennis courts to the south. As such I consider the level of amenity space provided for future residents to be adequate in this location.

#### *Amenity of Existing Neighbouring Occupiers and 'Character' of the Area*

In considering the impact on neighbouring amenity it is important to understand the potential nature of the proposal, the character and context of the area, and any fall-back position in

planning terms. It is clear from case law and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) that a HMO need not always constitute a material change of use requiring planning permission. It is equally clear that whether a change of use is material is dependent on a number of factors, including the particular details of the proposal, and not simply the number of bedrooms provided.

The GPDO allows changes without the need for planning permission from a dwellinghouse (Use Class C3) to a use falling within Class C4, houses in multiple occupation. However such a permitted change is on the basis that the Class C4 use relates to small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Houses in multiple occupation for more than six unrelated individuals are generally classed as large houses in multiple occupation and are *sui generis*, that is, they don't fall within any specific use class. Equally it is important to consider the current use of the premises and the site context this creates. The property was converted to a residential nursing home (use class C2) following approval in 1989 as such, based upon permitted change of uses consent is therefore required to change the use to Sui Generis for a large HMO.

Comments have been received from interested parties relating to the existing use of the building (C2) not being a 'fall-back' position because of matters pertaining to the closure of the nursing home, however, in planning terms the building lawfully has C2 use (residential institutions), having last operated as a 34 bed nursing home. This use class includes the use of the premises for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)); use as a hospital or nursing home and use as a residential school, college or training centre. Notwithstanding matters relating to building regulations or fire safety, which I note are not material planning considerations and are subject to their own separate legislation, the building could be brought back into a C2 use without any further planning permission and thus that is the starting point for the proposed change of use.

The proposal would see a reduction of 1 bedroom from its lawful use as a nursing home. The amended information submitted to support this application states that all units would be single occupancy, resulting in a maximum occupancy of 33 residents. Currently the premises is not in operation, however in its previous use as a residential nursing home the intensity of the use of the site was likely to be less than proposed in this HMO as *generally* the elderly population are likely to have a more sedentary lifestyle than people likely to occupy this site as a HMO. It is also *less likely* that residents of the residential nursing home would have had the associated levels of comings and goings at peak commuting/work times. I am however mindful that, whilst local residents may have enjoyed a low level of comings and goings from the site as a result of its previous use and occupiers of the residential institution, the property could re-open with up to 34 residents residing in the premises with no *guarantee* that they would have a more sedentary lifestyle or reduced movements from the site. Therefore, in reality, having regard to this fall-back position, there would be a reduction in occupation by 1 occupier as a result of this proposal (not accounting for staff members or visitors associated with the residential institution which would have resulted in their own associated comings and goings).

In my view this proposed change of use therefore would not result in such an 'intensification' of occupiers of the site that would result in an unacceptable impact on the overall character of the area to warrant the refusal of this application. Whatever the occupation or background of occupants (which is not for the planning system to control) I accept that it is likely that the associated movements at AM and PM peak times would be increased with this proposed HMO, however given there are many residential properties further north, east and south of the site, in



addition to a College to the west I would not consider these additional movements to be out of character with the area such to be fatal to the application at hand which is sited within the Newark Town Centre.

Whilst the amenities of nearby neighbouring properties is an important consideration I am of the view that the given the site context there are likely to be more irregular comings and goings in this area than purely residential areas given the proximity to Newark Collage and other surrounding recreational uses. I am therefore of the view that the change of use of this premises would not be unacceptable in this context and consider that this proposal would not cause such a nuisance to neighbouring dwellings amenity and consequentially a detrimental impact upon the character of the area such that would warrant the refusal of the application.

The submitted details with this application and comments from interested parties refer to a case (ref. 15/02302/FUL) for a large HMO at no. 13 Friary Rd that was refused on the grounds of the proposal resulting in unacceptable and detrimental impacts to the amenities of nearby neighbouring properties and the character of the area by virtue of increased comings and goings creating general noise and disturbance which would cause a nuisance to neighbouring dwellings amenity in an otherwise predominantly residential street which contains families living as single households (in addition to matters of amenity standards within the premises). In my view, this proposal and the aforementioned case are materially different in that no. 13 Friary Road is within a defined and denser row of residential properties c. 110 m north whereas this application site is opposite Newark Collage (W), the Bowling Green/Tennis Courts (S), a recreation/sports ground (SW) in a large corner plot on the cross roads with residential properties only directly adjacent to the N, E and SE across the highway. It is not to say that I do not consider the area to retain some residential character, more that the cluster of uses directly surrounding the site is more diverse than the predominately residential character surrounding no. 13 Friary Road. As such, I consider that in this town centre environment and given the context of the site the principle of using this building as a large HMO would not be detrimental to the overall character or 'feel' of the area as cited by local residents.

Comments have been received in relation to the proposal being too high density for the area, however I am mindful of the town centre location of the site where typically housing density is higher. Chapter 11 of the NPPF (2019) discusses the Effective Use of Land, para 122 onwards explains the National policy approach to achieving appropriate densities and explains that planning decisions should support development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it and the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change. In my view, the application presents an opportunity to utilise a currently vacant building for much needed housing at a density that would not be out of character with this town centre location. The proposal would therefore make an effective use of the site at an appropriate density in accordance with Chapter 11 of the NPPF and one which is appropriate in respect of CP3 of the Development Plan.

With regard to the physical alterations and any potential amenity implications I note that the closest residential neighbouring occupiers lie to the north (20 Friary Road) and east (1 Beacon Hill Road). Given the arrangement of the property and separation from neighbours across the highway I do not consider the alterations proposed to the south and west facing elevations would result in any overlooking impacts that would warrant the refusal of this application. No alterations are proposed to the eastern facing rear elevation that require further consideration and I note that at

present these rooms could operate as bedrooms to serve the nursing home such that their use as bedrooms in the proposed application would not result in any greater overlooking impact than could be currently experienced.

However alterations to enlarge 3 windows on the northern facing elevation that faces 20 Friary Road (one on each floor, to serve bedrooms) are proposed. Firstly it is important to note that following an interrogation of the plans and receipt of a comment from an interested party it was identified that there was an error on the original plans incorrectly depicting window locations which has since been corrected. I am mindful that the relationship that currently exists between the application property and 20 Friary Road is close (at c. 3 m between elevations), however equally I am mindful that no windows exist in the side elevation of 20 Friary Road (save for a roof light) that would be impacted through direct overlooking. Similarly, given the arrangement of this dwelling, with a projecting range to the rear enclosing its private amenity space, I am satisfied that the alterations to the building would not materially impact this neighbouring properties private amenity space through overlooking either, particularly when compared to the existing arrangement that exists between this dwelling and the applications site's current use.

Comments have been received about the potential impact on no. 19 Friary Road which lies c. 15 m to the north of the application site, however I do not consider there would be an unacceptable impact on the amenity of this occupier by virtue of the separation distance, the presence of some boundary screening along the properties southern boundary and the presence of no. 20 Friary Road between this dwelling and the application site. Similarly I do not consider an unacceptable overlooking impact would be present with properties to the NE on Wellington Road given separation distances, the current site context, and the oblique line of site between properties and the application site.

Comments received from interested parties also refer to potential amenity impacts on surrounding residents through noise disturbance as a result of the increased number of occupants – these comments refer to potential noise nuisance from occupants using the proposed amenity area to the rear and noise from open bedroom windows. I have referred these comments to the Environmental Health Officer and they have raised no objection to the scheme on the grounds of potential noise implications. The site could currently operate with 34 residents using the site in a residential capacity and what is put forward in this case would see up to 33 residents using the site in a residential capacity. Many of the comments received in objection to this application raise concerns regarding noise nuisance from music/parties/group gatherings and anti-social behaviour in assumption as to the potential future occupiers of the site. However given the conclusion of the EHO I do not consider the proposed use would result in an unacceptable impact on neighbouring occupiers through noise disturbance.

Whilst I sympathise with the concerns and fears raised by a significant number of local residents, I conclude that the proposal would not have an unacceptable impact on the amenity of existing or future occupiers by way of general noise and disturbance or the fear of anti-social behaviour or unacceptable overlooking implications. Nor would the proposal result in such a nuisance to neighbouring dwellings amenity and consequentially a detrimental impact upon the character of the area such that it would warrant the refusal of the application, particularly when considering the fall back position of the existing lawful use and the context of the immediately surrounding area. As such I consider the proposal to accord with Core Policy 9, Policy DM5 and the provisions of the NPPF.

Policies SP7 and DM5 of the Development Plan set out the policy context for considering development that may be impacted by highway matters and parking issues.

Out of the many comments received from neighbouring residents and interested parties a continuous theme is the concern raised regarding the highways impact of the development. The comments received refer to the proposal having insufficient parking for the scale of the use proposed which would displace cars onto the public highway that is already congested and controlled by a residents permit parking scheme in the vicinity; the change of use resulting in an increase in traffic congestion; having an access arrangement that is unsafe for cars and pedestrians; increasing the risk of vehicle/pedestrian collisions; being inadequately serviced by public transport etc as set out in the consultation section.

The applicant has submitted a Transport Assessment to accompany this application in addition to a proposed site plan which shows an on-site car park with 13 spaces as well as refuse and secure cycle storage for 36 bicycles. The fence to the northern side of the access is proposed to be removed to improve visibility splays. The existing car park arrangement provides 5 car parking spaces (noting the current occupancy level could resume with 33 occupants, visitors and staff), therefore there would be a net increase in 8 vehicle spaces and 36 secure cycle spaces on site.

The Council does not have any set local parking standards for developments, changes of use or HMOs and therefore relies on a case by case assessment of the potential implications of the development and the advice of the Highways Authority as technical experts. The Transport Statement advances that car ownership levels within HMO accommodation and associated trip generations are much lower than conventional residential development due to a number of factors, but mainly that HMO accommodation is an attractive tenure option for young professionals who, due to financial constraints, tend not to have cars. As has been discussed above, the occupation or background of potential occupants is not for the planning system to control, however, I am mindful that any future occupiers would be aware of the town centre location of the site and the parking constraints prior to choosing to live here. In this case the need for a car is likely to be reduced as the site lies within very close proximity to town centre facilities and bus and train stations where facilities are within walking distance. Newark Bus Station is approximately 1km walk to the south-west of the site providing frequent bus service links. Newark North Gate Railway Station is a c. 800m walk from the site and Newark Castle Railway Station c.1.1km, the former providing frequent cross-country rail services and the latter regular services to Nottingham, Leicester and Lincoln. Both rail stations have secure and sheltered cycle parking facilities. I am therefore satisfied that the site is accessible by non-car modes of transport and is located to encourage these non-car transport modes such that the lack of a one to one ratio of parking spaces need not be fatal to the proposal.

In order to fully understand the potential impact on the highways network it is important to understand the extant permission's operation in terms of how much traffic and parking demand it could generate in comparison to the proposed used over a 24 hour period. The Transport Assessment uses the industry-standard TRICS database to estimate the trip generating potential of the existing nursing home use, the assessment concludes that the daily (00:00 to 24:00) the average estimated trip generation of a 34 bed residential institution is 31 vehicular arrivals and 32 departures. I am mindful that local residents say that this is not reflective of the actual trips generated previously from the site, however, my view is that this data should be viewed as the average trips that *could* occur from the site as a result of its current lawful use. In terms of comparing with the proposed HMO, the Transport Assessment sets out that there are no HMO

comparator sites in the TRICs database, as such 'privately owned flat' sites contained in TRICS have been used to provide a robust assessment – it is considered suitable to use 'privately owned flats' as a comparison as car ownership levels within HMO accommodation and associated trip generations are accepted to be lower than privately owned residential developments, as such this data presents a *worst case* scenario. The Transport Assessment (which was undertaken based upon a 37 person occupancy HMO before the amended plans were submitted) concludes that daily (00:00 to 24:00) the average estimated trip generation of a 33 bed HMO is 36 vehicular arrivals and 32 departures – given the amendment to the scheme to remove double occupancy rooms this figure would be lower.

The following table from page 14 of the Transport Survey compares the Net Trip Generation between the existing use and the proposed HMO:

Table 5.5 – Net Trip Generation – Existing Care Home vs Proposed Residential Flats						
Mode	Weekday AM Peak Hour (08:00 to 09:00)		Weekday PM Peak Hour (17:00 to 18:00)		Daily (00:00 to 24:00)	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
Vehicles	-1	2	2	-1	5	0
Cycles	0	0	-1	0	-1	-1
Pedestrians	-2	0	3	0	0	1
Pub. Trans.	-1	0	2	0	0	0

The analysis demonstrates that the proposed HMO use would generate a similar amount of traffic than the existing use *could* in both peak hours and over the course of a typical weekday. Given this comparison the technical traffic impact of the scheme is considered to be limited. NCC Highways have reviewed this Transport Assessment and have acknowledged that whilst the site is currently not in operation, it could be brought back into use without further regard to the LPA and thus this is the accepted starting position for assessing the difference in traffic generation between the extant and proposed uses. NCC Highways have agreed that the use of 'Private Residential flats' as a comparison with HMO use does present a worst case scenario and have accepted that when accounting for the likely occupier of the development, the site should not generate significantly more traffic than it could currently do if it were operating as a nursing home. The Highways Authority has therefore raised no objection to the proposal in this regard.

NCC Highways have commented on the amended proposed parking arrangement advising that whilst the number of on plot spaces would not enable every resident to be able to park the spaces, surfacing and manoeuvring spaces are in accordance with Part 3 of the Nottinghamshire Highway Design Guide. The Highways Authority has acknowledged that in the immediate vicinity of the development site, there are very few opportunities for on street parking owing to parking restrictions, and residents' parking schemes, however given the site's location in terms of easy accessibility to numerous amenities and facilities by foot, cycle or public transport and the specifics of the accommodation being sought, the provision is considered acceptable. The on-site cycle park, which has been amended to be covered and secure in line with the Highways Officers previous advice, is particularly welcomed as it will allow every resident the opportunity for secure, sheltered cycle parking to promote this mode of transport.

As such, whilst it is acknowledged that there would not be sufficient car parking spaces for the number of residents that could occupy this site, when compared with the existing use of the building the proposed HMO use would generate a similar amount of traffic than the existing use *could* in both peak hours and over the course of a typical weekday and as such the proposal would

not have a materially worse impact on the highways network. Whilst I sympathise with the concerns of local residents surrounding parking provision and the pressure on surrounding streets which are permit controlled, on the basis of the technical details contained within the Transport Assessment comparing the existing and proposed use and based on the comments from NCC Highways which raise no objection to the proposal given the site context and proximity to public transportation, I see no credible reason to conclude that the proposal would result in a detrimental impact on the local highway network such to warrant the refusal of this application. In coming to this conclusion I am mindful of para.109 of the NPPF which states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”, neither of these conclusions have been drawn in this case.

In relation to the current access arrangement to the site and the comments regarding danger to highway users/pedestrians, as part of the scheme it is proposed to remove the existing timber fence to the northern side of the access to improve visibility splays and ensure two vehicles can pass through the access. Comments received from interested parties raise concerns about the current access being too steep and being hazardous for pedestrians if the use of the access is to be intensified. However NCC they have welcomed the alterations to the access which will improve the current situation. The Transport Assessment has interrogated the road safety record of the local highway network within the most recently available 5-year period which has not demonstrated that highways safety in relation to collisions represents a material concern in the context of the proposed development.

Comments raised have highlighted that there is no provision for visitor or delivery parking at the site, however I would highlight that this is the case for all surrounding residential properties along Friary Road (and surrounding streets) where there is no off street parking facilities. In this case there would be a place for delivery vehicles to pull into the parking area for the premises and refuse collection would be the same for all surrounding properties such that I do not consider these comments materially alter my previous assessment of the potential highways implications of the development. Concerns have been raised that the cycle storage is in view of the highway and thus occupiers will not use it for fear of theft, however I would highlight the storage proposed is to be ‘secure’ for storage and has been placed to the front of the site in view for optimum natural surveillance to reduce the potential for theft.

Comments have been submitted regarding the lack of electric charging points on site and this being against sustainability aims. Whilst I accept that there is a national and local policy emphasis on adapting to climate change and moving to a low carbon economy I would highlight that there is no planning policy *requirement* for electric charging points to be included within development proposals and given my aforementioned commentary on the sustainable location of the site supporting non-car modes of transport, an insistence on provision is not justified.

In relation to comments received regarding the omission of the two disabled parking spaces at the request of the Highways Authority I would highlight that NCC Highways advice was *“it is not usual to propose specific disabled parking provision at residential developments and therefore it would be useful if these reverted to standard spaces to maximise the number of spaces available for all residents unless any of the cluster units are designated as accessible”*. I am mindful of the aims of SP7 and DM5 which require that attractive accesses for all are provided, including the disabled, and others with restricted mobility and I would highlight that ramped access to the building is provided on the northern side of the principal elevation via an existing ramped access leading into HMO Unit A with a parking space adjacent to it. On the basis of the comments made by NCC

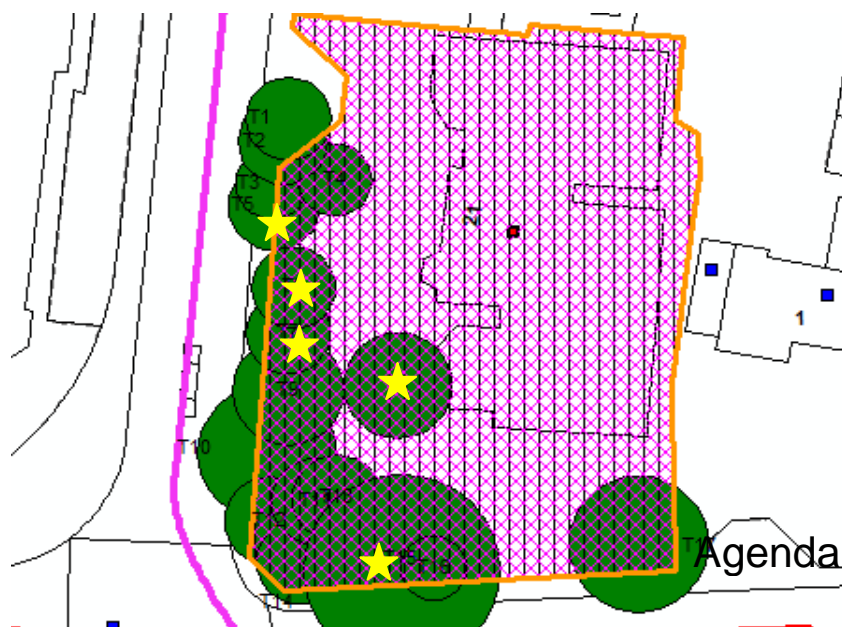
Highways and in the interest of ensuring all spaces are 'unallocated' I have not requested any disabled parking spaces be added back onto the proposed site layout plan. However following discussion with the agent I am advised that there remains sufficient space within the site layout plan to accommodate a disabled parking space such that, should Members consider it preferential that a disabled parking space is included with 12 standard access spaces rather than all 13 being standard access spaces then this could be controlled by a condition through the submission of a scheme for disabled access parking.

Overall, it is acknowledged that there would not be sufficient car parking spaces for the all residents that could occupy this site, however when compared with the existing use of the building the proposed HMO would not have a materially worse impact on the highways network. Whilst comments of local residents have been taken on board, on the basis of the technical comparative assessment contained within the Transport Assessment and the comments from NCC Highways which raise no objection to the proposal given the site context and proximity to public transportation, I see no reason to conclude that the proposal would result in a detrimental impact on the local highway network such to warrant the refusal of this application. The site is sustainably located in Newark Town Centre with primary facilities within walking distance and strong public transport links. The site plan allows for secure cycle storage to promote non-car modes of transport in addition to increasing on site car parking provision for future occupiers. I am therefore satisfied that the proposal accords with the provisions of SP7 and DM5 of the LDF and the intentions of the NPPF which is a material consideration.

#### *Impact on Ecology/Trees*

The policy context for securing development that conserves and enhances biodiversity is set out in Core Policy 12 and DM5. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

For this application an assessment of the impact on ecology relates purely to the impact on existing trees on the site. Comments received from local residents raise concerns that the trees on site should be protected with TPOs, that the car park planned will threaten mature trees, damage their roots, result in an impact on the visual attractiveness of the area; quality of life; air quality; ambiance and that any replacement trees would not be sufficient to mitigate the impact on the ecosystem as a result of the loss of mature trees. Firstly I would highlight that along the southern and western boundaries of the site are a number of mature trees which are protected by Tree Preservation Orders (TPOs).



*TPOs shown in Green Circles. Application Site edged orange and hatched purple. Trees to be removed shown with yellow stars.*

As part of the proposal 5 no. trees are proposed to be removed from the site to allow the expansion of the car park area (trees to be removed are T04 – Common Beech, Category U, T05 – Common Holly ‘Ornamental’, Category C2, T06 – Cypress species, Category C2, T07 – Common Holly ‘Ornamental’, Category C2 and T08 – Black Walnut, Category B2,3). A Mitigation Planting Strategy has also been proposed which shows additional hedging and shrubs to be planted (T20-24) along with 6 no. trees (T12, T15-T19 on the proposed site plan, 1 Upright Hornbeam, 1 Black Walnut, 1 Fastigate Beech, 2 no. Upright Crab Apple Tree and 1 Sweet Gum Tree).

The trees along these boundaries are mature specimens which visually appear to be in good structural and physiological health. The wider group contributes positively to the overall street scene and add to a sense of 'green space' in an otherwise built-up location. The works proposed to support the change of use application will not increase the footprint of the building but do include reconfiguration works to the car park to provide more on-site spaces and manoeuvring space. T04 it is a large tree, directly visible from the adjoining street. However, due to the decline in the trees' health, and the health and safety risk to the site and the adjoining street, removal is recommended - the Tree Officer has raised no objection to its removal given it is in poor condition overall (category U).

T05, 06 and 07 are all category C2 trees which means they are of 'low quality to retain' and have 'mainly landscape qualities' rather than arboricultural qualities. These trees are small overall and given their positioning clustered within the other trees in the site their removal is unlikely to significantly affect the outlook of the site. T08 however is category B2,3 which means it is of 'moderate quality to retain' and has 'mainly landscape qualities' and 'cultural value including conservation'. The removal of T08 is stated in the survey as being unlikely to change the view of the site from the public realm given its size and setback and due to its reduced crown the tree report states that it will not reduce the crown volume of the site significantly.

The survey concludes that the overall arboricultural impact of the scheme is considered to be low. New trees are proposed to be planted to mitigate the loss of trees and enhance the arboricultural value of the site - mostly to compensate for the loss of tree T08 which is in better condition than the others proposed for removal. Ideally the retention of T08 would be desirable given its condition, however owing to the site constraints it would not be possible to retain this tree without reducing the number of parking spaces provided on site.

The Tree Officer has reviewed the Tree Report submitted and after ongoing discussions and the submission of an additional Arboricultural Method Statement (AMS) and amended site plan has raised no objection to the scheme subject to conditions. Discussions have been ongoing regarding the amount of hardstanding proposed on the site within the Root Protection Areas (RPAs) of the trees which, in accordance with the British Standard 5837:2012 hardstanding cover should not exceed 20% within RPAs. The amended site plan submitted does not exceed this 20% maximum which is considered to be acceptable and the AMS details how the existing surfacing should be left in situ during construction to prevent any damage to tree roots during the construction phases. Ultimately the proposed site plan proposes a permeable paving solution with a cellweb tree root protection system to prevent compaction and allow water and air to reach the roots of

surrounding trees, subject to the submission of a more detailed arboricultural method statement the Tree Officer has raised no objection to this.

A mitigation planting strategy is also proposed to mitigate the loss of the trees to be removed from the site. Through negotiations with the Tree Officer more suitable species have been detailed which are considered to be acceptable and will mitigate for the loss of T08. Nevertheless a full landscaping scheme (including precise locations, species, size and timescales for planting) will be required to be submitted prior to the commencement of the development. Having reviewed the AMS the Tree Officer has advised that the proposed pruning details are likely to be too severe given the heights of the trees surrounding the parking areas and has suggested that side pruning may be more appropriate in this case, however he has agreed that this can be captured with the requirement to submit further details as part of the conditions suggested in the consultation section above.

Overall given the conclusions of the Tree Survey, the mitigation planting proposed and the positive conclusion drawn by the Council's Tree Officer subject to conditions, I consider the proposal accords with CP12 and DM5 in addition to the provisions of the NPPF in relation to the ecological impact of the scheme. Whilst ultimately trees are proposed to be removed from the site, the survey has concluded that overall arboricultural impact of the scheme is considered to be low, subject to more precise information the mitigation planting proposed is considered to be sufficient to outweigh the harm of the tree removal proposed and in the absence of any objection from the Tree Officer who is our technical expert I see no reason to come to a different conclusion.

#### *Other Matters*

I will now consider the remaining comments raised by local residents/interested parties, many of which I would highlight are not issues that can be *material planning considerations* in the assessment of this proposal.

#### *Management & Landlord Experience*

For example, the management of a HMO is not a material consideration, neither is the origin of the applicant, whether they are 'local to the area' or have experience in managing HMOs. 'Large' HMOs are subject to HMO licensing under 'The Housing Act 2004'. A license will only be granted after a site inspection is undertaken to assess the property under the housing health and safety rating system and any hazards identified are required to be addressed before the building can be occupied by tenants. The following documentation will need to be referenced to meet requirements:

- Building Regulation Approved Documents.
- NSDC HMO Amenity Standards – May 2018
- Housing Act 2004 – Newark and Sherwood District Council Guidance
- A Guide to the Management of HMO's and Other Shared House – Decent and Safe Homes East Midlands

In addition to the above the landlord/landlords will need to demonstrate the following to Newark and Sherwood District Council before a HMO licence can be granted:

- They are a 'fit and proper person'
- The property is suitable for occupation by the number of persons specified in the license.
- The landlord has suitable management arrangements in place.



- The property is being kept to the required standards and there are adequate means of escape if there is a fire.

Given the aforementioned procedures are in place to ensure the suitability of the HMO and its management I would reiterate that these issues fall outside of the planning process and are therefore not material to the application at hand. Nevertheless the applicant has submitted additional information to support this planning application to reassure local residents of their experience in property management.

### *Building Condition*

Many comments received from local residents raise concerns with the condition of the current property, fire safety issues resulting in the closure of the former Nursing Home, the fire safety experience of prospective tenants and the ability of a smoke/fire detection system to be sufficient in this property. Firstly, matters relating to Building Regulations and Fire Safety Regulation are not material to the determination of a planning application, neither is the occupation or age of future tenants. Whilst I appreciate local people are concerned that fire escape from the building is inadequate, as part of the HMO licensing and building regulations process this matter will be fully addressed. Nevertheless I accept that it would not be proactive to approve plans that are incapable of being granted licenses or building regulations approval, as such this matter has been highlighted to the applicant and their agent who have advised that full consideration has been given to compliance with building and fire regulations in the plans put forward in this application. In the consultation section at the beginning of this report comments can also be read from Nottinghamshire Fire and Rescue who reiterate that they are not a statutory consultee during this planning process and are engaged at licensing stage with building regulations approval. Comments received in relation to the age and fire safety experience of prospective tenants are also not material considerations and are purely generalised assumptions. Similar matters relating to water supply and legionnaires disease risk are also not material to the planning process.

### *Anti-social Behaviour*

Comments have been received stating that the proposed HMO use will increase vandalism to cars parked along the surrounding streets and will result in overflowing bins, both of which are prejudiced assumptions based on the perceived reputation of HMO occupiers and are not material to my assessment of the application.

### *Consultation Process*

Local residents have also raised concern with the consultation process for this application being carried out incorrectly. Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in Article 15 of the Development Management Procedure Order (as amended) – the relevant part for this application is part 5 which states that the application must be publicised (emphasis added) “(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier.” For this planning application the LPA sent out consultation letters on 20.04.2020 to five addresses of adjoining owners or occupiers (including those directly across the highway where relevant in this case) meeting the legislative requirement for this application type. However, it is understood that throughout the application process duplicate letters of the original Neighbour Consultation letters were distributed by an interested party to local residents one day before the closing date for the consultation period

marked on the letter itself, leading to many comments criticising the consultation process. In response to this and a number of residents raising concerns it was decided that a site notice would be displayed close to the site to advertise the application further. I am satisfied that the consultation process has been adequate in order to determine this application.

### *Disability and Disabled Access Consideration*

Comments from an interested party have questioned why the Council does not have an Officer in charge of appraising the accessibility of development proposals, however this duty falls to the Planning Officer when considering the acceptability of a development proposal.

The Equality Act 2010 (which replaced the Disability Discrimination Act 1995) cements the requirement to make reasonable adjustments in relation to accessibility when providing access to goods, facilities, services and premises. In practice, this means that due regard must be given to any specific needs of likely building users that might be reasonably met. The Building Regulations 2000 Part M 'Access to and use of buildings' sets minimum standards of design to enable reasonable access to and use of buildings by disabled people, however compliance with the requirements of Part M does not of itself signify compliance with the much broader obligations and duties set out in The Equality Act. The duty Section 149 of the Equality Act places on local authorities in the exercise of their functions, including planning, means having due regard to the three aims of general equality, i.e. needing to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act, to advance equality of opportunity, and to foster good relations.

Nationally, a key theme of the NPPF, as set out in section 8, is 'Promoting healthy and safe communities'. Here it is stated that "Planning [...] decisions should aim to achieve healthy, inclusive and safe places." To help achieve this aim the Government expects planning policies and decisions to secure accessible environments and developments. Accessibility is a part of the social dimension of sustainable development for which national planning policy presumes in favour. In respect of residential development specifically, section 5 of NPPF is concerned with 'Delivering a sufficient supply of homes'. Paragraph 60 of this section states that to achieve this local planning authorities should plan for a mix of housing to meet the needs of different groups in the community, including people with disabilities.

In this case I have considered the proposal in relation to the three aims of general equality and would highlight that the building, in part, is accessible for disabled people. Ramped access is retained to the northern side of the building where access into HMO Unit A on the ground floor is achievable, similarly there remains space on site for disabled parking facilities. I therefore do not consider that this application could be considered to discriminate or victimise people with disabilities and consider the scheme to advance equality of opportunity for access to housing. Access to, into and around the proposal will also be carefully considered from the edge of the site together with provision of suitable accessible facilities and features as part of the Building Regulations process which as discussed above, the applicant has advised they have had regard to when putting together the proposed plans submitted for consideration. On the basis of this and my assessment above, I am satisfied that whilst the comments from interested parties have been duly taken on board, that the proposal is acceptable in this regard and would not conflict with the foregoing accessibility and inclusivity aims.

### **Overall Planning Balance and Conclusion**

I have concluded that the principle of this development in this location is acceptable in accordance with Spatial Policies 1 and 2 of the Core Strategy and would meet a local housing need. I have also

concluded that given the overall limited scope of the external alterations proposed, they would not result in a detrimental impact or harm on the character or architectural merit of the non-designated heritage asset or the setting of the Newark Conservation Area.

Whilst I acknowledge the concerns and fears raised by a significant number of local residents in relation to the impact on residential amenity and the character of the area, I have concluded that the proposal would not have an unacceptable impact on the amenity of existing or future occupiers by way of general noise and disturbance or the fear of anti-social behaviour or unacceptable overlooking implications. Nor would the proposal result in such a nuisance to neighbouring dwellings amenity or consequentially a detrimental impact upon the character of the area such that would warrant the refusal of the application, particularly when considering the fall back position of the existing lawful use and the context and character of the immediately surrounding area.

In terms of highways safety, it is acknowledged that there would not be sufficient car parking spaces for the number of residents that could occupy this site. However when compared with the existing use of the building the proposed HMO would not have a materially worse impact on the highways network. Whilst comments of local residents have been taken on board, on the basis of the technical TRICs comparative assessment contained within the Transport Assessment and the comments from NCC Highways which raise no objection to the proposal given the site context and proximity to public transportation I see no reason to conclude that the proposal would result in a detrimental impact on the local highway network such to warrant the refusal of this application. The site is also sustainably located in Newark Town Centre with primary facilities within walking distance and strong public transport links. The site plan allows for secure cycle storage to promote non-car modes of transport in addition to increasing on site car parking provision for future occupiers. I therefore do not consider there would be an unacceptable highways impact as a result of this proposal.

With regard to ecological/tree impact I am mindful that there would be some immediate harm on the ecology of the area through the loss of five tree. However given the conclusions of the Tree Survey, I am satisfied that this harm can be adequately mitigated.

In addition, whilst all comments made by local residents have been duly taken on board throughout this appraisal, they have not raised any further material planning considerations that have required further assessment or weighted negatively in the balance of the scheme.

Overall I therefore conclude that the development would be in accordance with Spatial Policies 1, 2 and 7, Core Policies 9, 12 and 14 of the Amended Core strategy, Development Management policies 1, 5, 7, 9 and 12 of the Allocations and Development Management DPD, the objective of preservation set out under section 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with the relevant sections of the NPPF which is a material consideration and the guidance contained within the Newark and Sherwood District Council HMO Amenity and Space Standards. I therefore recommend that planning permission is granted.

## **RECOMMENDATION**

**That full planning permission is approved subject to the conditions shown below;**

### **Conditions**

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

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

02

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

- Site Location Plan - 635/01 Rev. B
- Proposed Basement Floor Plan - 635/07 Rev. A
- Proposed Ground Floor Plan - 635/08 Rev. C
- Proposed First Floor Plan - 635/09 Rev. B
- Proposed Second Floor Plan - 635/10 Rev. A
- Proposed Roof Plan - 635/11
- Proposed Site Plan and Landscaping - 635/13 Rev. J
- Proposed Elevations - 635/15 Rev. B

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of visual amenity and in order to preserve or enhance the setting of the Newark conservation area.

05

No part of the development shall be brought into use until precise details of the covered refuse storage (in the location shown on the approved plan ref. 'Proposed Site Plan and Landscaping - 635/13 Rev. J') have been provided including the design and materials details. The bin storage facilities shall be provided prior to the occupation of the building in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

06

No part of the development shall be brought into use until precise details of the sheltered secure bicycle storage (in the location shown on the approved plan ref. 'Proposed Site Plan and Landscaping - 635/13 Rev. J') have been provided including the design and materials details. The bicycle storage facilities shall be provided prior to the occupation of the building in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bicycle storage is provided for occupiers in the interests of highways safety and visual amenity.

07

No part of the development shall be brought into use until such time that the on-site parking provision has been implemented and maintained in accordance with the Proposed Site Plan on drawing number 635/13 revision J.

Reason: To maximise the availability of adequate off-street parking provision to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety and to promote sustainable travel.

08

No trees within the site which are shown as being retained on the approved plans shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior consent in writing of the local planning authority.

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

09

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

- a) A plan showing details and positions of the ground protection areas.
- b) Details and position of protection barriers.

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

All works/development shall thereafter be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme unless otherwise agreed in writing by the local planning authority.

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

10

#### Prohibited activities

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

- a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c) No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d) No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e) No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f) No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h) No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

11

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. 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;

car parking layouts and materials;

other pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

12

The approved soft landscaping scheme shall be carried out within 6 months of the first occupation of the building or completion of the development, whichever is soonest, unless otherwise agreed in writing by the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

13

Prior to any development/ commencement of activities, no pruning or other works shall be carried out to any retained tree without written approval from the Local Planning Authority.

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

#### Notes to Applicant

01

As part of the consideration of access to and use of the building, with particular reference to

access and facilities for all people including disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations which contains useful guidance in this regard. To this end it is recommended that access to, into and around the proposals be carefully examined from the edge of the site together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

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/](http://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.

03

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

#### **BACKGROUND PAPERS**

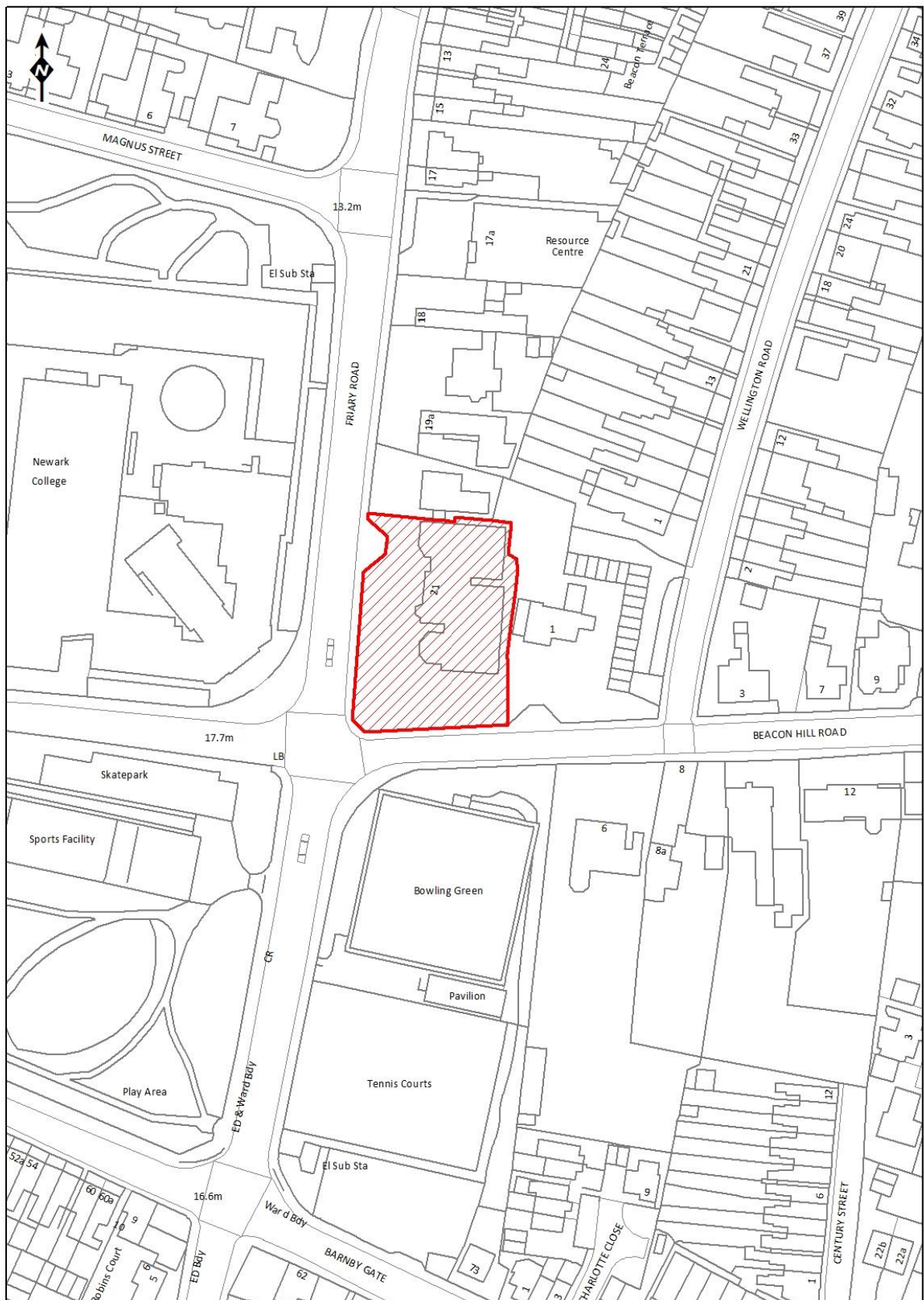
Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**





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## PLANNING COMMITTEE – 30 JUNE 2020

Application No:	20/00253/FUL		
Proposal:	Demolition of existing dwelling and garages. Construction of new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping		
Location:	Stonewold, Gravelly Lane, Fiskerton		
Applicant:	Mr & Mrs Terry		
Agent:	Mr Simon Middlecote		
Registered:	24.02.2020	Target Date: 20.04.2020	
	Extension of Time Agreed Until 3 <sup>rd</sup> July 2020		
Link to Application:	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Fiskerton Parish Council has objected to the application which differs to the professional officer recommendation. Following the referral process within the Scheme of Delegation the decision was made by the Chief Executive to allow the appeal made by the Ward Member for the application to be determined by Planning Committee.**

### The Site

The application site relates to a detached bungalow 'Stonewold' located within the village boundary of Fiskerton. The application dwelling is accessed via a shared private drive, which also serves the closest neighbouring properties 'Sceptre' immediately to the west of the site and a new dwelling currently under construction immediately to the east. The site is level in nature and backs onto a paddock area.

The application site is located close to the boundary with the conservation area (35m to the south) and is located entirely within flood zone 2.

### Relevant Planning History

No relevant planning history

### The Proposal

The proposal seeks planning permission for the replacement of the existing bungalow with a two storey 5 bedroom dwelling, with a connected annex and attached triple bay garage.

The proposed dwelling would have an L-shape layout, measuring 20.7m in width and 20m in

depth. The roof design would be dual pitched incorporating a rear facing gable feature, measuring 7.3m to the main ridge line, with the attached triple garage set lower at 6m. The dwelling would occupy the same position within the site as the existing dwelling, albeit the footprint of the proposed dwelling would be significantly larger.

The external finish to the elevations would be mixture of red facing brickwork, render and timber cladding. The roof would have a slate tile external finish.

Following discussions with the case officer, revised plans have been received which show the annex to contain a single bedroom and be limited to the ground floor only.

#### Public Advertisement Procedure

Occupiers of ten properties have been individually notified by letter.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Fiskerton Cum Morton Neighbourhood Plan (adopted December 2019)**

FCM 1: Residential development

FCM5: Character and Design Policy

FCM6: Views and Vistas

##### **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 9 -Sustainable Design

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

##### **Allocations & Development Management DPD**

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

National Planning Policy Framework 2019

Planning Practice Guidance

#### **Consultations**

**Fiskerton Parish Council –**

## **Further comments received 22/05/20**

This revised planning application has been considered in great detail by all Councilors using the criteria established in the Fiskerton-cum- Morton Neighbourhood Plan December 2019. This application cannot be supported because it does not meet the criteria described in FCM 1, FCM 2 and FCM 5 as follows: FCM 1 a) Scale: new housing proposals should be small in scale, and should be of a density consistent with the character of the neighbouring area; FCM 1b Need: new development proposals demonstrably address the need to provide suitable accommodation for the ageing population of the Parish, in line with the latest evidence. In particular, 1-2 bedroom bungalow will be supported; FCM 1d Character: Development proposals will be supported where they do not have a detrimental impact on the Character of the Parish, as detailed in the Fiskerton cum Morton Neighbourhood Profile, and instead contribute to maintaining and enhancing the existing character of the villages, in line with Policy FCM5: Character and Design. FCM 2.4 Affordable Housing From the collated comments collected from local consultations between January 2018 and March 2018, a common view was shared about the need to provide affordable housing for local people in the parish. Furthermore, these comments were backed by the need to provide more affordable housing, starter homes and semi-detached houses, mainly aimed towards enabling families and younger people to remain in Fiskerton cum Morton. FCM 5 Character and Design Policy 1) Developments will be supported provided that their design and specifications complement the established character of the villages as described in the Fiskerton cum Morton Neighbourhood Profile, taking particular account of: a) the ways in which the overall form, scale, massing, layout and proportions of new buildings and extensions relate to neighbouring buildings and impact on the character and appearance of the villages as a whole; and, g) the impact of new buildings and structures on the setting of the villages within the wider landscape. In summary, Fiskerton-cum-Morton Parish Council is unanimously opposed to this application because:

- the revised plans have the same footprint and scale as the original plans and the scale is too large for the immediate neighbourhood.
- It is very close to the boundary of a small bungalow 'Sceptre'
- It will result in over intensification and development of this site
- There will be loss of amenities due to small space for a garden
- There is space for 6 cars so there will be an issue over access and safety through a narrow driveway
- It would lead to a negative, cumulative impact upon the views and vistas as you enter the village created by two very large houses
- The Neighbourhood Plan did not identify any need for what is to all intents and purposes a 6-bedroom property.

## **Original Comments**

Object to the proposal. Overbearing impact on the properties on Gravelly Lane. Over intensification of the site as overall footprint leaves insufficient amenity space/garden. The annex building if split from the main dwelling could be enlarged at a later date i.e. separate large dwelling. The personal circumstances of the applicant are irrelevant re the purpose of the annex.

## **NCC Highways Authority –**

'This is an application to replace the existing dwelling so there will still be four dwellings served off this private drive and no further intensification of dwellings.

The Highway Authority would not wish to raise objection to the proposal.'

## **NSDC Environmental Health –**

I do not have any objections, however I would like to make the following general comments; I would be grateful, if you could place the following comments in the “informatives” as advice to the applicant: To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the demolition of the site buildings should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.

2. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.

3. Suitable measures must be taken to minimise dust and dirt during the demolition and operation of the site using best practice methods.

4. No burning of waste on site.

## **NSDC Conservation –**

Legal and policy considerations:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. It is accepted that the application site is outside the Conservation Area of Fiskerton so this statutory test does not apply directly, but the impact on the setting, character and appearance of the Conservation Area should still be a consideration. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in Section 16 of the National Planning Policy Framework (NPPF). Paragraph 193 of the NPPF, for example, states that: 3. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, Historic England Advice Note 2: making changes to heritage assets advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an assets significance and its relationship to its setting will

usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Significance of Heritage Asset:

The application site is located on Gravelly Lane, on the outer fringes of Fiskerton, beyond the boundary of the Fiskerton Conservation Area, but with the potential to affect its setting. Fiskerton's growth came about originally through agriculture and the village increased in size and prosperity with the development of industry and trafficking of goods along the River Trent. Gravelly Lane is a cul-de-sac that is host to a range of mid / late C20 bungalows that make a marginally harmful impact to the character of the conservation area. This area of the village, to the west of the historic core, has been built upon by a series of detached C20 bungalows and plays no significance to the story of the Fiskerton and its historic settlement pattern.

I have used photographs from previous applications to confirm that the building proposed for demolition is not one we would consider to be a building of local interest (non-designated heritage asset). This accords with historic OS map evidence which shows no development here. Summary of Proposal: Conservation does not object to the proposal. The loss of the host building will not harm the setting of the Conservation Area. The proposed new build, while taller than the existing bungalow, is in line with the height of the new build recently approved directly adjacent, and so will be no more imposing. As such the impact of this band of C20 development on the setting of the Conservation Area is unlikely to vary. I note a modern design for the new build, but in complementary colour materials and palette, which will ensure the proposal is not imposing in its wider setting. For clarity, given separation distances and the assimilation of this replacement building into this band of existing development, I do not think there will be any impact on the setting of any nearby Listed Building.

**LCC Archaeology** – ‘Thank you for consulting us on this application.

Having reviewed the proposal, it is unlikely that the development will have an impact on archaeological remains and there is no objection on archaeological grounds to this application.’

**Trent Valley Internal Drainage Board** – ‘The site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s Planning and Byelaw Policy, Advice Notes and Application form is available on the website - [www.wmc-idbs.org.uk/TVIDB](http://www.wmc-idbs.org.uk/TVIDB) The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.’

**Cadent Gas** -

**Representations have been received from 6 local residents/interested parties which can be summarised as follows:**

- Concerns in relation to the potential disruption to the existing shared access drive from construction vehicles, which could block access for doctors and emergency vehicles.
- Concerns regarding the impact on neighbouring driveway from the proposed garage.
- The design and height of the proposed dwelling is not in keeping with the village.
- Requests that construction times should not be before 8am and not at all on Sundays.
- Construction vehicles associated to the neighbouring access has caused damage to the paddock to the rear of the site and drainage system as well as loss of hedgerows.
- Noise from reversing construction vehicles on the neighbouring site has caused disruption to neighbouring residents.
- The proposal would result in the demolition of 1 dwelling and the erection of 2, and an inappropriate intensification of the site.
- Overlooking impact on the back gardens of the properties long Gravelly Lane.
- The dwelling currently under construction dominates the skyline and this proposed dwelling would worsen an already unsatisfactory situation.
- Concerns over the design and appearance of the roof including the number of rooflights and roofing material.
- The development will be very visible when entering the village.

### Appraisal

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

The Fiskerton-cum-Morton Neighbourhood Plan went to referendum on the 12th December 2019 and was successful, as a result the Neighbourhood Plan now forms part of the Development Plan. The Neighbourhood Plan policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Fiskerton. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

### Principle of Development

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

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

The site is situated within the Rural Areas, as defined by Spatial Policy 1 of the Core Strategy. As such Spatial Policy 3 of the Core Strategy applies. Spatial Policy 3 advises that Local housing need will be addressed by focusing housing in sustainable, accessible villages. It then goes onto advise

that beyond Principal Villages, proposals for new development will be considered against five criteria namely location, scale, need, impact and character.

The application site is located within the village of Fiskerton as identified by Policy FCM 1 (Residential development) and the proposal seeks planning permission for the demolition of the existing dwelling with a replacement. In light of the above, I am satisfied that the principle of the development at the site is acceptable subject to the assessment of site specific criteria and the five criteria within Spatial Policy 3 identified above.

#### *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 local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls

The first assessment to be made then, is whether the site is located 'in the village.' As mentioned previously, the site has been included within the village limits identified within Policy FCM 1 of the neighbourhood plan and has neighbouring dwellings in close proximity on either side. I am therefore of the view that the site falls within the village of Fiskerton and not in the open countryside.

Secondly, there is sustainable public transport to Southwell, identified as a Service Centre, via a bus service and Newark via the train station. The Neighbourhood Plan has identified a number of local services and community facilities within the combined area of Fiskerton and Morton which includes the Full Moon Inn Public House and The Bromley Public House, St Denis' Church, Morton Church Hall, Railway Station, Former Methodist Chapel, Fiskerton Village Shop, Fiskerton Post Office, Fiskerton Salon and Arthur Radford Hall

It is therefore considered that the proposal would be compliant with SP3 in this respect.

SP3 in respect of 'scale' states that '*new development should be appropriate to the proposed location and small scale in nature.*' Policy FCM 1 also has criteria in relation to scale for new residential development and states:

'new housing proposals should be small in scale, and should be of a density consistent with the character of the neighbouring area.'

The scale criterion could refer to both the amount of development and its physical scale and size. The proposal would involve a replacement dwelling which is significantly larger than the existing dwelling at the site in terms of both footprint and height. However, the proposed dwelling is comparable in terms of scale in relation to the dwelling currently under construction immediately to the east, which are material planning considerations. Furthermore, I am mindful that dwellings within the immediate locality range in size and scale and include two storey dwellings as well as single storey bungalows with relatively similar footprints to that of the proposed dwelling. Therefore, while it is acknowledged that the proposed dwelling would be one of the larger dwellings within the immediate locality, it is not considered that the scale of the development would be so large as to be considered not appropriate in this location.

Moreover, as the proposal represents a replacement one for one with no net gain, it is also considered to be small scale (neutral) in quantum.



It is considered that the proposal is compliant with the aims of both SP3 and FCM1 in this respect.

### *Need*

SP3 states that new housing will be supported where *'it helps to support community facilities and local services.'* Policy FCM 1 also refers to need and states:

new development proposals demonstrably address:

- i) the need to provide suitable accommodation for the ageing population of the Parish, in line with the latest evidence. In particular, 1-2 bedroom bungalow will be supported; or,
- ii) the need to provide suitable and affordable accommodations for young families moving into the Parish in line with the latest evidence. In particular, 1-2 bedroom houses and Starter Homes will be supported; or, iii) the promotion of the re-use and redevelopment of brownfield sites as infill within the main built-up area of the villages.

I mindful that the proposal is for the replacement of a 4 bedroom family bungalow with a 5 bedroom family house and not the provision of an additional dwelling within the village. As such, the proposal would not result in the loss or the gain of affordable accommodation for young families or 1-2 bedroom bungalows as promoted within Policy FCM 1. However, the lack of provision of this form of accommodation on a proposal of this nature is not considered to be necessarily in conflict with the aims of the policy and therefore also not fatal.

Furthermore, as the proposal includes a single bedroom annex which could be used for an elderly dependant relative, this element of the proposal is considered to comply with FCM 1 i) in providing accommodation for the ageing population of the Parish. The proposal is also considered to meet with FCM 1 iii in that the proposal would be a redevelopment of a brownfield site within the main built up area of the village.

A list of community facilities and local services has been identified previously and it is considered that the new dwelling and associated annex would help support the continued running of these.

In light of the above, I am of the view that the proposal would be compatible with criterion within SP3 and FCM 1 and is acceptable in this respect.

The remaining criteria of Impact and Character will be discussed within sections on visual amenity and heritage as well as neighbouring amenity and flood risk.

### *Impact on Character/Visual Amenities*

Policy DM5 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 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore 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.

Additionally, as the site lies in close proximity to the Fiskerton Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 12 of the NPPF are also

relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The application site is located within an area that contains dwellings which range in size, scale and design. The closest neighbouring property to the west (Sceptre) is a single storey bungalow of modern construction and immediately in front of the application site are two storey semi-detached properties along Gravelly Lane. The new building immediately to the east which gained planning permission under Ref. 18/02204/FUL is of 1.5 storeys with a relatively large footprint.

Therefore, while acknowledging that the proposed dwelling would be significantly larger than the neighbouring bungalow Sceptre as well as the dwelling it would replace, it should also be borne in mind that the immediate locality contains dwellings which range in size and scale considerably and that the proposed dwelling would be comparable to the new building to the east, I am of the view that scale and size of the proposed dwelling would not be out of character with the area.

I am also mindful that the development would be visible from Main Street when entering the village from a southerly direction, which is acknowledged as a sensitive location being within the conservation area as well as the gateway into the village. Having had regard to the mock up plans provided, which give a good visual impression of the development from this position, it is considered that the proposed development would not be as visually prominent as the new building to the east and with neighbouring properties on 3 sides of the application site, it is considered that the proposed development would assimilate well into the existing established urban area of the village.

It is also worthy of note that the application site is not close to any of the identified important views and vistas identified through the Fiskerton cum Morton Neighbourhood plan.

The roof design would be dual pitched with a low level eaves height on the south facing roof pitch as well as a rear facing gable feature. As the immediate locality contains dwellings which range in design as well as external construction material, I do not consider the bespoke design of the proposed dwelling to result in any detrimental material impact on the character of the area. Furthermore, the low eaves height of the south facing roof pitch is considered to reduce the visual prominence of the proposed development from the sensitive receptor points along Main Street.

I also note the comments from the conservation officer, who raises no objection to the proposed development, and expresses the opinion that the proposed development would be no more imposing than the existing bungalow. In light of this, I am satisfied that the proposal would not result in any harm to the character or appearance of the site or the setting of the nearby conservation area.

It is however considered appropriate to attach a condition to any grant of planning permission which removes permitted development rights in relation to Class B (additions to roofs) in order to ensure that any future extension does not result in a visually prominent roof slope from Main Street.

#### *Impact on Residential Amenity*

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Furthermore, the NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings

I am mindful of the relationship with the neighbouring bungalow Sceptre and that the proposed dwelling would have a long flank elevation which would be located close to the shared boundary with Sceptre. However, there would be a degree of separation between the two properties with approximately 7m between the flank elevation of the proposed dwelling and the closest side elevation of the neighbouring property. Furthermore, the majority of area within the neighbouring plot closest to the proposed development is in use as a driveway and not as private garden

In also considering the position of the proposed dwelling, which is slightly further forward than Sceptre and does not project beyond the rear elevation of this neighbouring property, it is considered that the proposal would not result in any material overbearing or overshadowing impact on Sceptre.

In regard to the potential overlooking impact, I am mindful that there are 2 ground floor windows and one first floor window on the gable facing the neighbouring bungalow. In terms of the ground floor windows, as these serve secondary rooms (bathroom and utility) I am satisfied that with suitable boundary treatment, which would be secured by condition, there would be no material overlooking impact from these windows. The first floor window would also serve a bathroom, and therefore with a condition requiring this window to be obscure glazed, I am also satisfied that this window would also not result in any material overlooking impact on neighbouring amenity.

In relation to the impact on the new building under construction, I am mindful that the proposed dwelling would be positioned so as to only project only marginally further into the site than the closest rear elevation of the new build. Also taking into account of the size and scale of the proposed dwelling would be very similar to that of the new building and bearing in mind that there are no windows on either of the flank elevations of the proposed dwelling and the new building which face each other, I am satisfied that the proposal would not result in material impact on neighbouring amenity.

Having considered the level of separation between the neighbouring properties along Gravelly Lane (approximately 40m), I am also satisfied that the proposal would not result in any material impact on amenity of these neighbouring properties.

#### *Impact on Highway Safety*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. The proposed dwelling would be served by the existing private driveway with no alterations proposed to the access.

The proposal also includes a parking and turning area and an integral triple garage which is considered to be adequate to serve the proposed dwelling and associated annex. In light of the above, I am satisfied that the proposal would not result in any material impact on highway safety at the site.

#### *Flooding*

The application site is located within Flood Zone 2 as defined by the Environment Agency Flood Map Strategic Flood Risk Assessment, and has a medium probability of flooding.

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

In terms of the sequential test, the proposal would pass insofar as there are no sequentially preferable sites to replace a dwelling than within the site itself. Essentially the proposal would not increase the number of properties at risk of flooding.

The application has been accompanied by a Flood Risk Assessment which sets out that the proposed floor level of dwelling would be set at 15.30m AOD which is 140mm above the modelled 1 in 100 year storm event + 20% allowance for climate change.

In terms of dealing with surface water, the FRA has set out a drainage strategy for the site and states that a *'surface water system where possible will be designed to incorporate SUDs techniques with surface run-off being disposed of via soakaway and consideration would be given to the use of permeable paving where possible such as the driveway and patio'*.

With this in mind, I am satisfied that the proposal would not result in any material impact on flood risk at the site. However, it is considered that a condition attached to any grant of planning permission which requires a detailed scheme for dealing with a surface water runoff would be appropriate in order to ensure that there is no increase in the risk of flooding to neighbouring sites.

### *Conclusion*

The application site is located within the village of Fiskerton and the proposal seeks planning permission for the demolition of the existing dwelling with a replacement, which is acceptable in principle. The proposed development is considered to meet with the 5 criteria contained within Spatial Policy 3 of the Amended Core Strategy namely location, need, scale, impact and character as well as the aims of the policies contained within the Fiskerton cum Morton Neighbourhood Plan. There has been no identified harm to the setting of the conservation area or any adverse impact on the important views and vistas described within the neighbourhood plan. Furthermore, the development is considered to be acceptable in terms of impact on neighbouring amenity and would not result in any significant increase to flood risk at the site or neighbouring sites.

Accordingly it is recommended that planning permission be approved.

### **RECOMMENDATION**

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

#### **Conditions**

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with Drawing Numbers and reports:

02-01 Site Location Plan

(20) 01 Revised Site Plan and Plans as Proposed received 13<sup>th</sup> May 2020

(20) 02 Revised sections and Elevations as Proposed received 13<sup>th</sup> May 2020

Design and Access Statement received 13<sup>th</sup> February 2020

Flood Risk Assessment Ref. 19/707 by Ward Cole Consulting Engineers

Reason: So as to define this permission.

03

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2020, by Ward Cole Consulting Engineers, reference number 19/707 and the following mitigation measures detailed within the FRA:

- a) Finished floor levels are set no lower than 15.30m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure the satisfactory provision of drainage facilities to serve the proposed development and to reduce the risk of flooding to the proposed development and future occupants.

04

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site.

05

No development shall be commenced until details and/or samples of the materials identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved.

Facing materials

Bricks

Roofing tiles

Cladding

Render

Reason: In the interests of visual amenity.

06

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

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

an implementation and phasing programme.

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

means of enclosure;

car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

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

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

09

The attached annexe hereby permitted shall only be occupied for purposes ancillary to the residential use of the attached host dwelling.

Reason: To prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

10

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

#### 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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

03

Your attention is drawn to the comments from the Environmental Health department  
To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the demolition of the site buildings should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted

to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.

3. Suitable measures must be taken to minimise dust and dirt during the demolition and operation of the site using best practice methods.

4. No burning of waste on site.

#### **BACKGROUND PAPERS**

Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**







## **Planning Committee – 30 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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 15/05/2020 and 15/06/2020)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/20/3253217	20/00441/FUL	Keepers Cottage Chapel Lane Caunton Newark On Trent Nottinghamshire NG23 6AN	Householder application for erection of a single storey rear extension to cottage	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/20/3248714	19/01778/RMA	Land To The Rear Of The Croft Great North Road Cromwell Nottinghamshire	Reserved matters approval in respect of appearance, landscaping, layout, access and scale for erection of one dwelling.	Written Representation	Refusal to approve something reserved under an outline permission
APP/B3030/W/20/3248727	19/02264/FUL	Field Reference Number 9161 Cross Lane Collingham Nottinghamshire	Proposed additional bay to existing store building.	Written Representation	Refusal of a planning application
APP/B3030/W/20/3248951	19/01810/FUL	Shady Oaks Eagle Road Spalford Nottinghamshire	Erection of detached house (resubmission of 18/02010/FUL)	Written Representation	Refusal of a planning application
APP/B3030/W/20/3249251	19/02118/FUL	Land To Rear Of 56 Winthorpe Road Newark On Trent Nottinghamshire NG24 2AB	Proposed new detached dwelling and garage	Written Representation	Refusal of a planning application
APP/B3030/W/20/3249856	19/02061/FUL	2 Chestnut Close Weston Newark On Trent Nottinghamshire NG23 6SW	Erection of a detached dwelling	Written Representation	Refusal of a planning application

APP/B3030/W/20/3251446	19/01371/FUL	Former Transport Cafe Newark Road Wellow Nottinghamshire	Demolition of the former derelict transport cafe and erection of one bungalow for residential use.	Written Representation	Refusal of a planning application
APP/B3030/W/20/3252175	19/01525/OUT	Land Adjacent Beggars Behind And Manor Cottage Main Street Morton Nottinghamshire	Residential Development of 5 units with new pedestrian/cycle link to Sports Ground via existing altered access.	Written Representation	Refusal of a planning application
APP/B3030/W/20/3252277	19/02266/FUL	Land Adjacent 50 Middleton Road Newark On Trent Nottinghamshire	Erection of 4 dwellings and associated works (resubmission of application 19/01128/FUL)	Written Representation	Refusal of a planning application

## Planning Committee – 30 June 2020

### Appendix B: Appeals Determined (between 15/05/2020 and 15/06/2020)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation to Committee	Appeal decision	Appeal decision date
18/01363/FULM	Land Off Lower Kirklington Road Southwell Nottinghamshire	Proposed residential development for 80 dwellings	Planning Committee	Committee Overturn	Appeal Dismissed	11th June 2020
19/01771/FULM	Land Off Lower Kirklington Road Southwell Nottinghamshire	Proposed Residential Development for 80 Dwellings (Re-submission 18/01363/FULM)	Planning Committee	Yes	Appeal Dismissed	11th June 2020
19/01547/FUL	3 The Riddings Southwell NG25 0BD	Householder application for proposed open bay timber frame double garage	Delegated Officer	Not Applicable	Appeal Allowed	2nd June 2020
18/00051/ENF	Corner House Farm Hawton Lane Farndon Nottinghamshire	Without planning permission A The material change of use of the land from agricultural to a mixed use consisting of agriculture and B8 open-air storage, including, but not limited to, the siting of storage containers (and their content), building materials/waste products, and the parking of vehicles not associated with the permitted agricultural use of the Land. B The creation of earth bunds surrounding the north eastern and northwestern perimeter of the land. C The laying of a hard surface (including a terram base, limestone and ballast) to facilitate the unauthorised use	Delegated Officer	Not Applicable	Appeal Dismissed	8th June 2020

19/01600/FUL	Land At 137 Barnby Gate Newark On Trent Nottinghamshire	Erection of two new apartments and creation of dropped kerb.	Delegated Officer	Not Applicable	Appeal Dismissed	2nd June 2020
19/01971/FUL	30 Tuxford Road Boughton Nottinghamshire NG22 9HU	Householder application for two storey side extension	Delegated Officer	Not Applicable	Appeal Allowed	8th June 2020
19/01611/FUL	15 Mill Lane Edwinstowe NG21 9QY	Householder application for erection of single storey extension to front elevation	Delegated Officer	Not Applicable	Appeal Dismissed	8th June 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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes  
Business Manager – Planning Development

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## Appeal Decision

Site visit made on 28 May 2020

**by Chris Baxter BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 June 2020**

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**Appeal Ref: APP/B3030/D/20/3244639**

**3 The Riddings, Southwell NG25 0BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Graham Lloyd against the decision of Newark & Sherwood District Council.
  - The application Ref 19/01547/FUL, dated 20 August 2019, was refused by notice dated 21 October 2019.
  - The development proposed is described as "Proposed open bay timber frame double garage."
- 

### Decision

1. The appeal is allowed and planning permission is granted for proposed open bay timber frame double garage at 3 The Riddings, Southwell NG25 0BD, in accordance with the terms of the application, Ref 19/01547/FUL, dated 20 August 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers S0235/01 and S0235/02A

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

3. The surrounding area is characterised predominantly by residential properties of varied styles. The built form in the area is mixed including buildings set back from Halam Road and others built close to the highway. It is this variation in the built development which contributes positively to the character of the area.
4. The proposed garage, although detached from the host property, would be sensitive in scale, design and materials appearing subservient and not an overly dominant feature within the surrounding area.
5. The proposal would be positioned close to Halam Road, similar to other buildings in the area. Given the size of the proposed garage and the existing trees and hedgerows in the area, the proposal would not be an incongruous structure and would not appear prominent within the surrounding setting.



6. Consequently, I find that the proposed garage would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies DM5 and DM6 of the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document 2013, Policy 9 of the Newark and Sherwood Amended Core Strategy 2019, Policies SD1 and DH1 of the Southwell Neighbourhood Plan 2016 and the National Planning Policy Framework which seeks development to respect the character of the surrounding area.

### **Conditions**

7. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of the character and appearance of the area, the Council requested a condition relating to materials. The proposed materials are stated on the plans and therefore this matter is dealt with in condition 2.

### **Conclusion**

8. For the reasons set out above I conclude that the appeal should be allowed.

*Chris Baxter*

INSPECTOR



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## Appeal Decision

Site visit made on 19 May 2020 by Andreea Spataru BA (Hons) MA

**Decision by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> June 2020**

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**Appeal Ref: APP/B3030/D/20/3245925**

**30 Tuxford Road, Boughton, Nottinghamshire NG22 9HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs J Forth against the decision of Newark & Sherwood District Council.
  - The application Ref 19/01971/FUL, dated 31 October 2019, was refused by notice dated 24 December 2019.
  - The development proposed is a two storey side extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a two story side extension at 30 Tuxford Road, Boughton, Nottinghamshire NG22 9HU in accordance with the terms of application Ref 19/01971/FUL, dated 31 October 2019 and subject to the following conditions:
  1. The development hereby permitted shall begin no later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (drawing no. 1321/3), Block Plan (drawing no. 1321/2), Existing and proposed elevations and floor plans (drawing no. 1321/1A).
  3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the adjoining semi-detached property, and of the area.

### Reasons for the Recommendation

4. The appeal property is a semi-detached, two-storey, pitched roofed dwelling located on a corner plot. The appeal dwelling is set-back from Tuxford Road and significantly set-in from the western side boundary. The large side garden and the low boundary treatment to the side and front of the appeal property

contribute to openness at the junction of Tuxford Road with Greenwood Crescent.

5. The plot of the appeal property is significantly larger than those of the neighbouring properties located within proximity of the site. No 32 Tuxford Road, which is the pair of the appeal property, has a significantly narrower plot. No 1 Greenwood Crescent, which occupies the corner plot opposite the appeal site, also has a narrower plot and a different orientation to the appeal dwelling. Opposite the appeal property, on the southern side of Tuxford Road, are allotment gardens bounded by a hedgerow and trees. The wider area comprises of pairs of semi-detached dwellings along Tuxford Road and Greenwood Close.
6. The proposal would provide a two-storey extension to the side, which would occupy part of the side garden. The extension would project along the full depth of the two-storey dwelling, would be slightly set-back from the front elevation and set-down from the main ridge. Whilst the extension would increase the width of the original dwelling by around 60%, given the particularities of this plot, the siting of the extension in relation to the host dwelling and its overall form, the proposal would appear proportionate and subordinate to the host property. The matching roof style and materials would also ensure that the extension is well incorporated into the original dwelling.
7. Moreover, whilst the extension would increase the overall mass and scale of the host dwelling, given the size of the plot and the siting of the extension in relation to the host dwelling, the development would not unbalance the pair of semi-detached properties to such an extent that would be detrimental to their appearance. Thus, the proposal would not be harmful to the character and appearance of the host dwelling and the adjoining semi-detached property.
8. Given the significant set-back of the extension from the front and western side boundaries, a large amount of the existing garden would be retained. This would ensure that the extension does not have a detrimental effect on the openness of the area. The set-back from the front elevation would also ensure that the general uniformity and pattern of development formed by the semi-detached properties is not affected to a significant degree. Furthermore, the extension would be located within the built up part of the street scene, which is clearly separated from the green area on the southern side of Tuxford Road. Notwithstanding the open and prominent position of the appeal site, given the siting, form and materials of the extension, the development would not be harmful to the character and appearance of the area.
9. In light of the above, I conclude that the proposal would not adversely affect the character and appearance of the host dwelling and the adjoining semi-detached property nor would it be unduly prominent in the area. Consequently, the development would not conflict with Core Policy 9 of the Amended Core Strategy and Policies DM5 and DM6 of the Allocations & Development Management Development Plan Document, which collectively require, amongst other things, developments to reflect the design, materials and detailing of the host dwelling and to respect the character of the surrounding area.

### **Conditions and Recommendation**

10. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the

approved plans. In order to protect the character and appearance of the area a condition that specifies that matching materials are used in the development is necessary. These conditions have also been suggested by the Council in the event that the appeal was allowed.

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

*Andreea Spataru*

APPEAL PLANNING OFFICER

**Inspector's Decision**

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*C Searson*

INSPECTOR