

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	15/01330/FUL	
Proposal:	Demolition of existing factory shop and erection of 6 dwellings and all associated works	
Location:	Sherwood House, Dale Lane, Blidworth	
Applicant:	The Major Oak Clothing Company	
Registered:	20 August 2015	Target Date: 15 October 2015
		Extension of Time Agreed Until 13 September 2019

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

The Site

Roughly rectangular in shape, the 0.06 hectare application site is currently occupied by the former Methodist Chapel which was last used as a clothes factory, however, is now solely used for retail, with one part-time employee. The chapel was built in 1928 to serve the needs of the planned colliery village of Blidworth. The building therefore has historic as well as architectural interest and is considered to be a non-designated heritage asset. The clothing factory use was previously housed within a modern extension that was added to the west elevation of the chapel, however, this has now been removed.

The internal finished floor level of the chapel is set above the road level by approx. 1m. The gable end of the chapel is set back from the back edge of the footway by approx. 8m. This part of Dale Lane is characterized by grassed/planted verges, often with trees, along the road.

To the east of the chapel are existing two storey semi-detached dwellings erected as part of colliery village which are set back from the footway with 6-7m deep front gardens. Opposite the site are former colliery houses also set well back from the road. To the west and north of the site are allotments. These allotments are allocated in the Allocation and Development Management DPD as a housing site for around 45 dwellings. The site is within the defined village envelope of Blidworth in a predominantly residential area.

Relevant Planning History

07/00608/FUL - Demolish factory unit extension and construct 3 new 3 bed dwellings, approved 30.08.2007 (This retained the chapel building and approved a terrace of dwellings on the footprint of the demolished extension).

08/02295/FUL - Removal of Condition 10 of planning 07/00608/FUL for the demolition of the factory unit extension and construction of 3 new bed dwellings at Sherwood House, Dale Lane, Blidworth, the applicant appealed against non-determination.

Condition 10 stated:

“The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56 (4) (a) - (d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to Section 106 of the said Act relating to the application site (which for the avoidance of doubt includes the site of the existing factory shop or former chapel) has been made by all parties with a current interest in the said site and lodged with the Local Planning Authority and the Local Authority has notified the person submitting the same that it is to the Local Planning Authority's satisfaction.

The said planning obligation will contain an acknowledgement by all such parties that had an application been made for five or more dwellings on the application site then the Local Planning Authority would have required an element of affordable housing as part of the scheme

The said planning obligation will ensure that:

- 1. In the event that planning permission is ever sought for any additional dwellings on the application site over and above the three which are the subject of this permission then on each such occasion the requirement for affordable housing shall be assessed by reference to the cumulative total of the said three dwellings plus any further dwellings which have been constructed and any dwellings the subject of a later application for planning permission.*
- 2. The said parties procure that any planters which are to be re-positioned as part of a landscape/tree/shrub planting scheme approved under condition 5 of this permission will in fact be re-positioned in accordance with such scheme and will pay all monies and enter into such deeds and agreements as the highway authority shall require in order to achieve this.*

Reason: In order to ensure appropriate provision is made for affordable housing as part of any future residential scheme and in the interests of the amenity of the area.”

The appeal was up-held on 03.02.2010 and planning permission was granted without the above condition. Although the factory extension has now been demolished, there were a number of pre-commencement conditions attached to this permission a number of which go to the heart of the permission which do not appear to have been discharged. As such it is concluded that this permission is no longer extant.

The Proposal

Full planning permission is sought for the demolition of the existing chapel and the erection of three pairs of semi-detached, two-storey, 6 No. market dwellings, each with three bedrooms. The application has been amended during the course of its consideration and reduced from its original submission as a terrace of 7 dwellings. The pairs of houses are slightly staggered in their layout with a 1m gap between. Each pair measures approx. 14m wide by 9.4 m deep. They are characterized by hipped roofs measuring approx. 5.1m to the eaves and 8.7m to the ridge.

Due to the slope of the land, the western-most pair have a ground finished floor level flush with the road, but the eastern-most pair have a finished floor level of approx. 1.2m above existing ground levels and accessed by external steps with railings. Planting is provided in small areas along the frontage between the dwellings and the parking area. To the rear of the dwellings patios are flush, with rear gardens beyond at higher ground levels accessed by steps. Each dwelling is served by two car parking spaces that are laid out in a continuous line along the frontage of the site, perpendicular to the road. In order to allow vehicular access along the whole width of the site, it will result in a loss of planting along the highway verge.

Documents submitted in support of the application comprise:-

- Design and Access Statement;
- Planning Statement;
- Bat Survey by ML-Ecology dated 19.08.2015;
- Up-dated Bat Survey Report by ML-Ecology dated 30.10.2017;
- Financial Viability Report dated 2 July 2018 by HEB Chartered Surveyors which sets out the viability of the proposed scheme and the viability of converting the existing chapel into two dwellings and the erection of a terrace of three dwellings to the west of the chapel.

The plans being considered by this application are:-

- Proposed Site Layout, Block and Location Plan (Drawing No: 010 Rev A) received 7 August 2019;
- Proposed Layouts & Elevations (Drawing No: 011) received 7 August 2019; and
- Comparison Drawing (Drawing No: 012 Rev A) received 7 August 2019.

Departure/Public Advertisement Procedure

Occupiers of 23 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 6 – Shaping our Employment Profile
Core Policy 8 – Retail Hierarchy
Core Policy 9 - Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment
MFAP1 – Mansfield Fringe Area

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Blidworth Parish Council – no comments received in relation to the reduced number of dwellings.

Current comments received on 05.03.19 on scheme for 7 dwellings – object due to over intensification of the site in relation to the number of houses and concerns over parking provisions.

Comments received 24.08.2015 on scheme for 7 dwellings – support in principle but would prefer planning for overall decision and would prefer to include some rented properties.

NCC Highways Authority – Comments received 16.08.2019 –

“Amended site layout plan 010 Rev. A

The layout is acceptable to the Highway Authority. As previously stated, the development will require the removal of the existing landscaping/shrubbery at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utility equipment will require relocating. This will be at the applicant’s expense.

Subject to permission being granted for the above by the relevant authorities, the Highway Authority would not wish to raise objection to development of this site.

It is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material in accordance with the approved plan, ref. 010 Rev. A.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access driveways/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways/parking areas to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

3. No part of the development hereby permitted shall commence until the offsite works, i.e. highway works at the site frontage, to provide suitable access from the public highway to the site have been provided as shown for indicative purposes only on plan 010 Rev. A.

Reason: In the interests of highway safety.

Note to Applicant

In order to carry out the offsite works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details.”

Comments received 01.02.2019 -

“Amended plan 001 Rev. A

The layout is acceptable to the Highway Authority. As previously stated, the development will require the removal of the existing landscaping/bushes at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utility equipment will require relocation. This will be at the applicant’s expense.

Subject to permission being granted for the above by the relevant authorities, there would be no highway objections in principle.

It is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material in accordance with the approved plan, ref. 001 Rev. A.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access driveways/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways/parking areas to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

3. No part of the development hereby permitted shall commence until the offsite works, i.e. highway works at the site frontage, to provide suitable access from the public highway to the site have been provided as shown for indicative purposes only on plan 001 Rev. A.

Reason: In the interests of highway safety.

In order to carry out the offsite works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details.”

Comments received 25.09.2018 –

“Revised site plan 752/03B

The layout of the parking spaces has been adjusted to allow easier access, which is acceptable to the Highway Authority.

As stated in my previous comments of 09/09/15, the development will require the removal of the existing landscaping/bushes at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utility equipment will require relocation. This will be at the applicant’s expense.

Subject to permission being granted for the above by the relevant authorities, there would be no highway objections in principle.

It is recommended that the following conditions be imposed:

1. No part of the development hereby permitted shall be brought into use until the access drives have been completed and surfaced in a bound material in accordance with the approved plan, ref. 752/03B.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the access drives/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the drives/parking areas to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

3. No part of the development hereby permitted shall commence until the off site works, i.e. highway works at the site frontage to provide suitable access from the public highway to the site, have been provided as shown for indicative purposes only on plan 752/03B.

Reason: In the interests of highway safety.

Note to Applicant

In order to carry out the off site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details."

Comments received 09.09.15 – "This proposal is for the demolition of the existing factory shop and the erection of 7 x 3 bed dwellings. There are two parking spaces shown per dwelling.

The parking space for Plot 7, adjacent the site boundary, appears 'tight' for manoeuvring, which may result in on street parking.

The development will require the removal of the existing landscaping/bushes at the site frontage which may be maintained by Newark and Sherwood District Council. Also, a lighting column and utilities equipment will require relocation. This will be at the applicant's expense.

As such, could the applicant submit an amended plan to provide adequate access for Plot 7 before formal conditions are imposed."

Notts Wildlife Trust - "We are pleased to see that a Bat Survey (ML Ecology, 2015) has been undertaken which allows proper consideration of protected species in the planning process. We are satisfied with the methodology and conclusions of the report and note that neither bats nor breeding birds are considered a constraint to the development.

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, we would welcome plans for biodiversity enhancements on and around the development site. These could include creating new habitats, such as installing bat and bird boxes on the new dwellings and using native species for landscaping.”

NSDC, Conservation –

“Due to its age and architectural appearance, the former Methodist chapel building is considered to be a non-designated heritage asset in accordance with Annex 2 of the National Planning Policy Framework (NPPF – revised July 2018).

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

The importance of considering the impact of new development on the significance of heritage assets is expressed in section 16 of the NPPF. Local planning authorities (LPAs) should take into account the desirability of sustaining and enhancing the significance of heritage assets and of putting them to viable uses consistent with their conservation. LPAs should also take into account the positive contribution that conserving such heritage assets can make to sustainable communities, including their economic vitality. Paragraph 197 of the NPPF specifically advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Significance of Heritage Asset

The former Methodist church on Dale Lane is contemporary with the early 20th model colliery village phase of Blidworth which is identified on the County Historic Environment Record (HER) as a Local Interest complex (comprising the former planned colliery village; HER entry M260). The HER record advises that this is one of the largest carefully planned colliery settlements built in the Nottinghamshire coalfield in the interwar period (built for the new mine opened in 1926). Over 800 houses were built by the Industrial Housing Association for the Newstead Company at Blidworth Colliery Village between 1924 and 1927. These former worker houses retain a level of homogeneity and group value, despite significant changes and adaptations in the modern period. The former church is a Primitive Methodist chapel, and was built in 1928 to meet the needs of the local community. The distinctive form and appearance of the chapel is a good example of inter-war architecture furthermore. The former Methodist church is an important element of the model colliery village plan furthermore, and has architectural and historic interest.

Assessment of Proposal

The proposal seeks permission to demolish the former chapel and the attached modern unit, and erect 7 new dwellings.

The justification for the demolition of the chapel appears to be viability. The development appraisal concludes that a scheme to convert the chapel and develop the site results in a potential loss of over £30k, whereas full demolition and redevelopment as proposed results in a potential profit of over £50k. Inevitably, it is difficult to judge some of the potential variables and assumptions on conversion given the lack of detailed condition survey or exploration of detailed alternate schemes (façade retention for example), but overall, it is accepted that the development cost analysis is based upon reasonable assumptions.

Total demolition results in complete loss of historic interest. There is some moderate harm to the significance of the planned colliery village furthermore.

It is for the decision-maker to weigh up and consider the merits of the scheme against the loss of the heritage asset. We accept that the viability report might be found compelling in this particular case.

If the scheme is approved, we would suggest a programme of historic building recording of the former chapel is agreed prior to any demolition.”

NSDC, Environmental Health – “This application is for residential dwelling on a former factory and there is clearly the potential for contamination to be present from this previous use.

As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.”

NSDC, Access and Equalities Officer – “It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people. To this end, BS 9266:2013 ‘Design of accessible and adaptable general needs housing – Code of Practice’ as well as Approved Document M of the Building Regulations contain useful guidance.

The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwellings be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. A firm wide non -slip pedestrian pathway route clear of vehicular traffic and vehicular parking is required from the edge of the site to the dwellings. Formless or granular material is unsuitable for any pedestrian route to dwellings. It is recommended that inclusive access be considered to garden areas, amenity spaces and external features.

Carefully designed ‘step-free’ approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.”

NSDC Viability Consultant – Based on 17.5% developer profit and abnormal costs of £50,000 for the residential conversion of the chapel, I agree that the conversion scheme (with three new builds) does show negative viability (-£60, 000) and the new build terrace scheme shows a positive viability (£17,281).

Representations have been received from 4 local residents/interested parties received in 2015 which can be summarised as follows:

Three letters of objection:

- Would increase localized traffic congestion;
- Noise pollution from the quantity of cars;
- Haywood Oaks Lane is prone to icing;
- There are always queues of traffic down Dale Lane and Haywood Oaks Lane from the junction next to Tesco's;
- Parking cars would conflict with adjacent pedestrian safety;
- Extra traffic would be of significant danger to cyclists, road users, pedestrians and horseriders;
- Overdevelopment of the site resulting in an adverse visual impact;
- Resembles old Victorian back to back terraces;
- Too many houses on such a small parcel of land – there would be another possible 14 people practically on their doorstep;
- The houses are higher than existing building and would overshadow their rear garden from the sun;
- This is against their human rights;
- Loss of privacy;
- Over-bearing impact;
- Ugly and out of scale in character and appearance with this historic village;
- The loss of the planting bed along the road should be preserved not removed;
- There is no lack of affordable housing in Blidworth, development of a higher standard of design and value would be more acceptable to the major source of equine contribution to the village and to preserve and enhance the character of the area;
- Dale Lane is prone to flooding with sewers regularly over spilling;
- The owner closed the factory, making everyone redundant and relocated to Estonia;
- The last time an application was put in for this many houses it was turned down by highways because of all the traffic and now there is a Tesco at the end of the road
- Maximizing profit with total disregard to social problems.

One letter of support:

- Support redevelopment of this brownfield land, gables should be added to the front elevation to provide interest to the streetscene; and
- It is understood that the chapel is in very poor condition.

No third party representations have been received to the reduced scheme for 6 dwellings.

Comments of the Business Manager

Members will be aware that the starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan *unless* (emphasis

added) material considerations indicate otherwise. At the current time the Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013).

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

Principle of Development

The site lies within the defined urban area of Blidworth, a 'Principal Village' as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle. The policy states that 10% of overall growth will be focused in Principal Villages with 25% of this within Blidworth. The principle of development is therefore considered to be sustainable, acceptable and in accordance with the Local Development Framework, the NPPF and its Planning Policy Guidance, subject to consideration of the other relevant material planning considerations which are set out below.

It is acknowledged that the loss of the retail outlet would result in the loss of one existing part-time job, which results in some negative economic harm. However it is also recognised that given the loss of the associated factory some years ago, the long term sustainability of the retail element alone was likely to prove vulnerable. The loss of this former Methodist chapel, acknowledged as a non-designated heritage asset, also represents some heritage harm, which is discussed in more detail below.

Loss of the heritage asset and impact on the character and appearance of the area

Due to its age and architectural appearance, the former Methodist chapel building is considered to be a non-designated heritage asset in accordance with Annex 2 of the NPPF. The history and significance of the chapel and the surrounding planned mining village layout, together with the national and local policy context is set out in the comments of the Council's Conservation Officer and so is not repeated here. Clearly the proposed loss of the chapel represents the complete loss of its significance and this needs to be assessed in accordance with Paragraph 197 of the NPPF which specifically advises the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In the light of this, the applicant was advised that they would need to demonstrate why the existing building could not be retained and converted. The applicant subsequently submitted a Viability Assessment. This has been considered by an independent viability consultant whose comments and advice are summarized in the consultation section above. The submitted Assessment has demonstrated that a scheme which sought to convert the existing building into residential use and constructed three new dwellings, would not be economically viable.

The development appraisal concludes that a scheme to include conversion of the chapel results in a potential loss of over £30k, whereas full demolition and redevelopment as proposed results in a potential profit of over £50k. Inevitably, it is difficult to judge some of the potential variables and assumptions on conversion given the lack of a detailed condition survey or exploration of detailed alternate schemes (façade retention for example), but overall, it is accepted that the development cost analysis is based upon reasonable assumptions.

Total demolition results in complete loss of historic interest and there is also some moderate harm to the significance of the planned colliery village furthermore. These weigh negatively in the overall planning balance, however, some positive weight must also be applied given the proven position regarding viability.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 117).

The application proposes three pairs of semi-detached properties set back from the road which would be constructed of red brick with black concrete tiles. The application site falls within a predominantly residential area characterized by two storey semi-detached dwellings erected as part of the former colliery village development. Roofs are a mix of gabled ends and hips, with the nearest dwelling immediately to the east having a hipped roof and constructed in half red brick with render at first floor level. The layout is spacious with built form set back from the road.

Although it is acknowledged that the site frontage would be dominated by car parking, which is far from ideal and the space between the proposed dwellings is limited, overall, it is considered that the proposed form and appearance of the development adequately reflects that of the existing surrounding area and whilst the loss of the significance of the chapel building is regrettable, the proposed new development would not result in unacceptable harm to the character and appearance of the streetscene or the visual amenities of the area and therefore accords with the Development Plan and the NPPF, a material consideration.

Housing Need

Chapter 11 of the NPPF goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for housing (paragraph 118 part d). Paragraph 119 sets out how Local Planning Authority's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.

Core Policy 3 states that housing densities should normally be no lower than an average of 30 dwellings per hectare net and should seek to address the housing need of the District, namely:

- family housing of 3 bedrooms or more;
- smaller houses of 2 bedrooms or less;
- housing for elderly and disabled population.

The mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.

The density of the proposed development is 100 dwellings per hectare, which accords with the policy minimum of 30 per hectare. The previous concern raised by the Parish Council on the scheme for 7 dwellings of over-intensification of development is noted, and the applicant has sought to address this by reducing the number of dwellings proposed by one. Taking into account the advice within the NPPF regarding under-utilised land, it is considered that this density of development is acceptable on this site.

It is noted that this proposal is for 6 no. 3 bedroom houses - the district wide Housing Market and Needs Assessment (2014) identified that within the Mansfield Fringe sub area (of which Blidworth is a part) the main type of property required is bungalows followed by semi-detached. Two bedroom properties are required (32.3%) in addition to three bedroom dwellings (24.8%). It is therefore considered that a need exists within the Blidworth area for 3 bedroom semi-detached style units and this proposed development would assist in meeting that need in accordance with CP3.

Impact on Neighbouring Amenity

The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Given the relationships and separation distances to existing dwellings, the main impact of the proposed development would be on the occupier of the dwelling immediately to the east of the site. The existing chapel building is single storey (with a ridge approx. 6.6m high and eaves approx. 2.4m) with two large roof gables facing east (one 4.6m high to ridge and the other 5.4m high to the ridge). The building extends along the full length of the common boundary positioned approx. 3m away. In contrast, the proposed development would be two storey and approx. 1.5m off the common boundary for a distance of approx. 5m with an eaves height of approx. 4.5m above their ground level. There would be a total distance of approx. 3.5m (at its closest point) between the side elevation of this existing dwelling and the side elevation of the proposed easternmost dwelling. To mitigate the impact on occupiers of the existing neighbouring dwelling, the proposed eaves level is approx. 0.75m lower than that of the existing dwelling (although it is acknowledged that the proposed ridge level would be approx. 0.6m above that of the existing dwelling) and the rear elevation of the existing dwelling is set at a slight angle, away from the application site.

It is considered that the reduction in length of current development along the common boundary would represent an improvement to the amenities of these occupiers in terms of the current sense of enclosure experienced, particularly at the northern end of the garden, however, it is also acknowledged that the proposed side elevation of the new dwelling although less deep, would be approx. 1.5m closer to the common boundary, and would therefore have a greater impact on the area immediately to the rear of the neighbouring house, in terms of sense of enclosure and overshadowing in the late afternoon.

There are no openings in the side gable of the existing property and the only proposed opening in the side elevation of the proposed dwelling is a bathroom window at first floor level. However, given the proposed relationship that would result, it is considered that the opening in the east elevation facing the neighbour should be removed altogether to prevent the perception of overlooking from this window. It is therefore proposed that this window shown on the approved drawings is conditioned out of the scheme.

With regard to the proposed dwellings themselves it is noted that close boarded timber fencing is proposed to the rear gardens, which are a sufficient size commensurate with the size of the dwellings such that the amenity of future occupiers would not be compromised.

Overall, taking into account the above assessment, on balance, it is considered the proposal would not conflict with the amenity criteria under Policy DM5 sufficiently to warrant refusal in this case.

Impact on Highway Safety

SP7 provides, amongst other things, that development should provide for safe, convenient access, be appropriate for the highway network in terms of the volume and nature of traffic generated, ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected; provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 reflects this.

Each dwelling is served by two on-site parking spaces positioned immediately adjacent to and perpendicular to the public highway. The Parish Council has raised concerns as to whether the on-site parking provided is sufficient to serve the development. The Highway Authority has considered the proposed parking provision as well as the potential for cars to be reversing from the site onto Dale Lane and has concluded that the proposal is acceptable in highway safety terms, subject to certain conditions. It is therefore considered that the proposal accords with the Development Plan policies and would not result in any highway safety harm.

Ecology

Core Policy 12 of the Amended Core Strategy and Policy DM7 of the A&DM DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. A Bat Survey Report was carried out by ML-Ecology, undertaken in August 2015, and a further updated Bat Survey Report was carried out in October 2017 both of which concluded that the suitability of the building to house bats was considered to be negligible and there were no signs of bat activity within any part of the building. Given this the report stated that no further surveys or mitigation are required, and in addition no sign of bird occupation were found.

However, the NPPF states that the planning system should look to provide net gains in biodiversity. Biodiversity enhancement can be provided through the use of native species for landscaping and the installation of bat and bird boxes on the new dwellings, which are secured by condition.

The proposal therefore accords with the aims of the NPPF and Core Policy 12 and Policy DM7 of the Development Plan.

CIL

The site is located in the 'Housing Low Zone' area which is zero rated for CIL purposes and therefore no CIL will be payable for this development.

Other Matters

I note the comments from the Council's Environmental Health Officers in relation to the proposed development. Given the application includes the demolition of a former factory and the construction of residential units the Contaminated Land officer has advised that there is the potential for contamination to be present from this former use. They raise no objection to the proposal provided a condition is attached to investigate potential contamination on the site. In

addition, given that the site is surrounded by existing dwellings, it is considered that a condition be imposed to require the submission of a Construction Method Statement to consider the demolition approach and the future construction plan on the site. I therefore consider that subject to the above conditions there would be no unacceptable environmental health consideration.

Planning Balance and Conclusion

It is concluded that whilst the proposal would result in the total loss of the significance of the non-designated heritage asset chapel building, which is regrettable, the applicant has demonstrated that the retention and conversion of the building is not economically viable. It is also acknowledged that the proposal would result in the loss of 1 part-time employee, which is given limited negative weight, although this can be balanced out by the economic benefits that the construction of the buildings would provide. The proposal provides 6 new dwellings which are considered to reflect the type, form and layout of existing development and the dwellings are of a suitable scale and density for the location and have been suitably designed so that they will not appear incongruous within the streetscene.

The proposal would also provide six units that would accord with the housing need within the Blidworth area for semi-detached 3 bedroom properties.

It is also considered that on balance the impact on neighbouring amenity is acceptable and there are no objections raised in terms of highway safety, ecology impacts and contamination, subject to conditions.

Weighing all material considerations in the planning balance, it is considered that the benefits outweigh the negatives in this case and as such a recommendation of approval is offered to Members, subject to conditions.

RECOMMENDATION

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

Conditions

01

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

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

02

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

Proposed Site Layout, Block and Location Plan (Drawing No: 010 Rev A) received 7 August 2019;

Proposed Layouts & Elevations (Drawing No: 011) received 7 August 2019 (as amended by Condition 9); and

Comparison Drawing (Drawing No: 012 Rev A) received 7 August 2019

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04

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

Reason: In the interests of visual amenity.

05

Prior to first occupation of any of the dwellings hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: In the interests of visual amenity and biodiversity and to preserve or enhance the character and appearance of the conservation area.

06

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

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

07

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority through the seeking of either a non material amendment or a subsequent discharge of condition application.

Reason: In the interests of residential and visual amenity.

08

No development shall be commenced until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

09

Notwithstanding the submitted plan, there shall be no window openings in the east (side) elevation of the easternmost dwelling that faces 1 Dale Lane. The first floor bathroom window openings on the side elevations of the remaining dwellings shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

010

No part of the development hereby permitted shall be brought into use until the access driveways have been completed and surfaced in a bound material in accordance with the approved plan, ref. 010 Rev. A.

Reason: In the interests of highway safety.

011

No part of the development hereby permitted shall be brought into use until the access driveways/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways/parking areas to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

012

No part of the development hereby permitted shall commence until the offsite works, i.e. highway works at the site frontage, to provide suitable access from the public highway to the site have been provided as shown for indicative purposes only on plan 010 Rev. A.

Reason: In the interests of highway safety.

013

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

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

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

014

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

Reason

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. hours of operation.

In the interests of residential amenity.

015

No dwelling on the site shall be occupied until details of one bat and one bird nest box or brick have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

016

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

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

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

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

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

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

Unless consent has firstly be granted in the form of a separate planning permission.

Reason : In order to safeguard the amenity of neighbours.

Notes to Applicant

01

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

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

02

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

03

The development will require the removal of the existing landscaping/shrubbery at the site frontage and a lighting column and utility equipment will require relocating. This will be at the applicant's expense.

04

In order to carry out the offsite works you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David Albans, tel: 0115 804 0015 for details.

05

Contamination - An advisory booklet is available – “Developing Land in Nottinghamshire: A guide to submitting planning applications for land that may be contaminated”. This is available from Planning Services, the Proactive Team of Environmental Services or the NSDC website using the following link:

<http://www.newarksherwooddc.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=7895>.

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

Natural England

Block 6 & 7 Government Buildings
Chalfont Drive
Nottingham NG8 3SN
Tel: 0115 929 1191
Fax: 0115 929 4886
Email: eastmidlands@naturalengland.org.uk

Historic England

Ancient Monuments Inspector
44 Dergate
Northampton NN1 1UH
Tel: 01604 735400
Fax 01604 735401
E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists

Nottinghamshire County Council
Trent Bridge House
Fox Road
West Bridgford
Nottingham NG2 6BJ
Tel: +44 (0)115 977 2162
Fax: +44 (0)115 977 2418
E-mail: heritage@nottscc.gov.uk

Where the presence of contamination is found or suspected the developer and/or his contractor should have regard to Health and Safety Executive guidance - “The Protection of workers and the general public during the development of contaminated land”.

Background Papers

Application Case File

For further information, please contact Julia Lockwood on ext 5902.

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

Lisa Hughes
Business Manager – Planning Development