

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 4th August 2015 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

NOTES:-

A Briefing Meeting will be held in Room G21 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7th July 2015 at 2.00pm.

PRESENT: Councillor D.R. Payne (Chairman)
Councillor G.P. Handley (Vice-Chairman)

Councillors: R.V. Blaney, Mrs C. Brooks, D.J. Clarke, M. Dobson, N.B. Mison, P.J. Rainbow, Mrs S.E. Saddington, Mrs L.M.J. Tift, I. Walker, B. Wells and Y. Woodhead.

ALSO IN ATTENDANCE: Councillors: J.D. Lee and D.J. Lloyd.

13. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors D.M. Batey and R.A. Crowe.

14. MINUTES – 9TH JUNE 2015

AGREED: that the Minutes of the meeting held on Tuesday, 9th June 2015 be approved as a correct record and signed by the Chairman.

15. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that the following Member declared an interest in the items shown below:

<u>Members</u>	<u>Agenda Item(s)</u>
Councillor Mrs M. Dobson	Agenda Item No. 5 – Land at Highfields School, London Road, Balderton, Newark (14/01964/FULM) Personal interest, as the Councillor is also a Nottinghamshire County Councillor and was a former pupil of the school.
Councillor D.R. Payne	Agenda Item No. 5 – Land at Highfields School, London Road, Balderton, Newark (14/01964/FULM) Personal interest as the Councillor was a former pupil of the school, his wife had previously taught at the school and he was a friend of one of the school Governors.
Councillor Mrs S.E. Saddington	Agenda Item No. 5 – Land at Highfields School, London Road, Balderton, Newark (14/01964/FULM). Agenda Item No. 6 Kilvington, Nottinghamshire (14/02023/FULM) Personal interests, as the Councillor is also a Nottinghamshire County Councillor.

Councillor Mrs Y. Woodhead Agenda Item No. 5 – Land at Highfields School, London Road, Balderton, Newark (14/01964/FULM). Agenda Item No. 6 Kilvington, Nottinghamshire (14/02023/FULM) Personal interests, as the Councillor is also a Nottinghamshire County Councillor.

Councillors I. Walker and B. Wells Agenda Item No. 5 – Land at Highfields School, London Road, Balderton, Newark (14/01964/FULM). Personal interests on the basis that they are friends with one of the school governors.

16. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording.

17. LAND AT HIGHFIELDS SCHOOL, LONDON ROAD, BALDERTON, NEWARK (14/01964/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for a residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a Multi Use Games Area (MUGA) and the removal of 8 TPO trees.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: Agent/Applicant's Flood Risk/Drainage Engineer; Environment Agency; Neighbour.

Councillor D.J. Lloyd local Ward Member for Newark Beacon Ward spoke against the application and reiterated his comments, which were contained within the report.

Councillor R. Rouse representing Balderton Parish Council spoke against the application in accordance with the Parish Council views, which were contained within the report.

Councillor J.D. Lee local Ward Member for Balderon North & Coddington spoke against the application and reiterated the points raised.

Members considered the report and it was commented that the cumulative impact of a range of areas of concern would warrant refusal. This was not an acceptable scheme for this site. It was commented that the opinion of Sports England was questionable as the report made it clear that the sports area was not suitable for external lighting. The pitches would therefore only be used in day time hours. The level of community use was therefore restricted. The pitches were also in close proximity to residential dwellings. The issue of noise was also noted, the noise assessment was marginal and the professional judgement for this and amenity was on the cusp of accessibility. This was considered as unacceptable. There were no natural

areas within 300 metres and no green areas for young people contrary to the SPD. The character of the development was also questioned in relation to the Woodwards and Glebe Park. Concern was raised whether the shrubs and trees on site would remain after the five-year condition had expired. The costings contained within the report were also commented upon and concern was raised regarding how they had been calculated and whether a lesser solution (which was still acceptable) could be promoted. Affordable housing was also discussed and the comments of Strategic Housing were noted. There was no affordable housing provision, which was at the expense of people on the housing register and did not address the need for affordable housing. The suitability of the route of the road to the school was questioned, as it went through the estate.

AGREED: (unanimously) that contrary to Officer recommendation, planning permission be refused by reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which cumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unacceptable and unsustainable. There were no other material planning considerations that would outweigh the harm of granting approval.

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

Councillor	Vote
D. Batey	Absent
R.V. Blaney	For
Mrs C. Brooks	For
D. Clarke	For
R.A. Crowe	Absent
Mrs M. Dobson	For
G.P. Handley	For
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

18. KILVINGTON, NOTTINGHAMSHIRE (14/02023/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought a development of 34 self-catering holiday units, a 25 bed inn building, water sports building, storehouse and outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities and the re-routing of a public right of way.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: Interested Party/Neighbours; Flawborough Parish Meeting; Agent; Access Officer; Notts Wildlife Trust; Highways; Chairman of Alverton and Kilvington Parish Meeting; Applicant's Agent; Case Officer; National Planning Casework Unit (NPCU), Department for Communities and Local Government; Services Manager at Rushcliffe Borough Council.

Mrs A. McLean representing Alverton and Kilvington Parish Meeting spoke against the application in accordance with the Parish Council views. The Parish Council had voted unanimously against the application and their comments were contained within the report. Councillor A. Pell representing Rushcliffe Borough Council, Thoroton Ward also spoke against the application and reiterated the concerns raised, she also pointed out an error in the report regarding the location of the holiday units which should read 'thirty four holiday units on the southern side of lake one.'

Members considered the application and it was commented that the development was in the open countryside, was not in keeping with the surrounding area and was over development of the area. It would cause traffic problems due to the narrow and dangerous roads. The lodges and inn were close to the small number of residents in the village and the buildings were visible from the road, not discrete like the Centre Parcs Village. There were no amenities for the lodges. Concern was raised whether the business would be sustainable due to it being seasonal. Concern was also raised regarding the lodges being sold and used as holiday homes with the potential of a six-month residency, it was commented that the Authority would not allow any other second home development in the open countryside. It was suggested that the applicant should consider establishing the sailing side of the business in the interim, then progress with the lodges if the sailing was successful. Other Members considered the application exciting and noted that it had the support of Experience Nottingham. They commented that the site had been used in the past for extraction and that a venture of this nature would be in a rural location.

A requirement was suggested of a maximum six-week stay per year for the holiday lodges if the application were to be approved.

The Business Manager Development suggested that the item be deferred to allow further discussions to take place with the applicant regarding the highway and transportation issue, the length of occupancy in the lodges and siting of the buildings.

AGREED: (with 10 votes for, 2 votes against and 1 abstention) that the application be deferred to the next meeting of the Planning Committee in order to allow further discussions to take place with the applicant regarding highways and transportation issues, the length of occupancy of the lodges and siting of the buildings.

(Councillors D.R. Payne and B. Wells left the meeting at this point.)

Councillor G.P. Handley – Vice–Chairman, was Chairman for the remainder of the meeting.

19. RULE NO. 30 – DURATION OF MEETINGS

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

AGREED: (unanimously) that the meeting would continue for the duration of business on the agenda.

20. PA FREIGHT SERVICES LTD, INTERNATIONAL LOGISTICS CENTRE, PARK HOUSE, FARNDON ROAD, NEWARK (15/00292/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the erection of a new gantry crane on an existing industrial estate. This application was deferred at the 9th June 2015 Planning Committee in order to allow a site visit, given the new membership of the Planning Committee.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Applicant's Agent.

Councillor D.J. Lloyd, local Member for Newark Beacon Ward, spoke against the application on the following grounds: five years permission was too long if discussions were taking place regarding relocation; the visual impact would have an adverse impact on the amenity of surrounding residents and the stacking of the containers was not acceptable. There should also be a condition on the hours the crane would operate due to the close proximity to residents; 9am – 4pm was suggested for weekend operation.

Members considered the application and concern was raised regarding the noise impact on the residents of the adjacent cottages and the loss of light from the leylandi and containers stacked in close proximity to the cottages. It was suggested that there be no hours of operation on Sundays; the Leylandi be topped to a reasonable height; and the containers in close proximity to the cottages should not be stacked due to the loss of light to the adjacent residents. It was also felt that five year permission was too long given that the applicant had given an undertaking to look for new premises. Members re-iterated that the Economic Development Business Unit would provide support to the applicant in securing a more suitable location for the business within the district.

AGREED: (with 10 votes for and 1 vote against) that temporary planning permission be approved for three years and the Council work proactively with the applicant to secure an alternative site.

21. REGENCY COURT, VICTORIA STREET, NEWARK (15/00643/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission for the erection of a two-bedroom bungalow on land at the rear of No. 5 Victoria Street.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Case Officer which sought two additional condition regarding soft landscape works. Condition 6 was no longer relevant.

Councillor D.J. Lloyd, local Member for Newark Beacon Ward spoke against the application on the grounds of inadequate parking provision.

Some Members considered the site not suitable due to design, no garden and no vehicular access. Other Members felt that the proposal would tidy the site and would provide much needed housing.

AGREED: (with 7 votes for and 4 votes against) that full planning permission be approved subject to conditions 1 – 5, 7 & 8 contained within the report and the two additional conditions and reasons contained within the report.

22. LAND OFF WARSOP LANE, RAINWORTH (15/00523/RMAM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought approval for the reserved matters relating to the existing outline planning permission ref: 13/01256/OUTM for up to 130 dwellings. The detailed matters related to appearance, landscaping, layout and scale.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the following: Notts County Council – Landscape and Reclamation; Notts Wildlife Trust; the Applicant; the Environment Agency; and Notts County Council as lead flood risk Authority.

Members considered the application and commented that the site was over developed with only one access. The emergency access onto Rochester Road was also considered unsuitable due to it being a narrow road. It was felt that more bungalows were required in Rainworth as there was enough affordable housing available. Members also raised concern that NHS England had not requested any contribution, as there was a big issue regarding the GP surgeries being full to capacity in that area. Members further commented that the development had encroached onto the landscape buffer zone. The Buffer zone had been requested to prevent the properties being so prominent on Warsop Lane.

AGREED: (unanimously) that applications 15/00523/RMAM & 15/00522/FULM be deferred in order to allow Officers to review the landscape buffer on Warsop Lane and for arrangements relating to the emergency exit to be clarified.

23. LAND OFF WARSOP LANE, RAINWORTH (15/00522/FULM)

The item was deferred as detailed in the Minute above.

24. 32 QUEEN STREET, BALDERTON, NEWARK (15/00835/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the erection of a two storey side and rear extensions and first floor rear extension which was a resubmission of 14/01729/FUL.

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

25. APPEALS LODGED

NOTED: there were none for this period.

26. APPEALS DETERMINED

NOTED: that the report be noted.

27. EXCLUSION OF THE PRESS AND PUBLIC

AGREED: (unanimously) that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

28. ENFORCEMENT CASE No. 12/00400/ENF

The Committee considered the report of the Deputy Chief Executive, which sought Member consideration on an ongoing Enforcement case, which remained unresolved despite Enforcement Notices, appeals and court prosecutions.

(Summary provided in accordance with Section 100(C)(2) of the Local Government Act 1972).

The meeting closed at 6.50pm.

Chairman

Application No:	15/00036/FULM		
Proposal:	Erection of 20 new build homes to replace existing consent 12/00572/FULM with social housing relocated to 17 Northgate, Newark		
Location:	207 Hawton Road, Newark, Nottinghamshire NG24 4RQ		
Applicant:	Ablehomes Ltd		
Registered:	24.02.2015	Target Date:	26.05.2015
Extension of Time Agreed until 26.09.2015			

The Site

The site lies on the edge of a suburban area in Newark, south of No. 207 Hawton Road and the modern (1980's) properties at Cardinal Hinsley Close and Grange Road. The site is within the Newark Urban Area, as defined by the Core Strategy.

The site comprises approximately 1.36 hectares of land of previously undeveloped (green field) land in flood zone 1, at lowest risk of flooding.

The site is currently used for grazing/paddock land and is relatively flat in terms of topography with some trees within it, particularly along the southern boundary. Access to the site is from Hawton Road. The footpath on the eastern side of Hawton Road ends in front of No. 205 Hawton Road.

Relevant Planning History

12/00572/FULM – Erection of 32 dwellings including car parking, landscaping and new access road. Approved 28/09/2012 which remains extant until 27/09/2015.

The Proposal

Full planning permission is sought for 20 detached market dwellings which would be arranged around a new cul-de-sac, south of Cardinal Hinsley Close. The dwellings proposed are two storey and of a contemporary design with flat/mono-pitch roofs.

There are 7 x 3 bedroom dwellings proposed being Plots 1, 2, 9, 12, 13, 14 and 15 all comprising a downstairs w.c, open plan living kitchen then at first floor 3 bedrooms (one with en-suite) and family bathroom.

There are 13 x 4 bedroom dwellings proposed being Plots 7, 8, 11, 16, 17, 18 and Plots 3, 4, 5, 6, 10, 19, 20 which each comprise the following accommodation; laundry, w.c, open plan

kitchen/diner and two living rooms at ground floor, then four bedrooms (two with en-suites) and family bathroom at first floor level.

Garages are proposed for each dwelling designed with a modern style flat roof.

This scheme offers no on-site affordable dwellings. However instead, the application offers land elsewhere (at 17 Northgate in Newark, which currently has an extant planning permission for 11 apartments and a commercial unit) plus £100k to enable Council to deliver its own affordable housing scheme on the town centre site. A planning application is imminently expected for a 12 unit scheme on the land, as part of any potential deal.

The application is accompanied by:

- A Flood Risk Assessment
- A Design and Access Statement
- A Draft Section 106 Agreement
- An Ecological Appraisal (provided upon request).

Departure/Public Advertisement Procedure

Occupiers of 53 neighbouring properties have been individually notified by letter. Site notices have been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 -Settlement Hierarchy
- Spatial Policy 2 -Spatial Distribution of Growth
- Spatial Policy 6 - Infrastructure for Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 1 - Affordable Housing Provision
- Core Policy 3 - Housing Mix, Type, and Density
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 - Landscape Character
- NAP1 – Newark Urban Area
- NAP2 – Land South of Newark

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites

- Policy DM3 - Developer Contributions
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012 and its Technical Guidance
- National Planning Policy Guidance Suite, on-line resource (March 2014)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Consultations

Newark Town Council – At Newark Town Council's Planning & Regeneration Committee meeting held on 1st April, 2015, no objection was raised to this application however, this was subject to a condition that no development could take place without planning permission being granted and a start on site of the social housing aspect at 17 North Gate, Newark.

Nottinghamshire County Council (Highways Authority) – “I refer to site layout drawing P02-A1.

Apart from the mouth of the junction at Hawton Road the vehicular access for the whole development will remain in private ownership. This will have long term implications for future residents, for example:

- Future maintenance liabilities;
- Public liabilities;
- Street cleansing;
- Lack of specific pedestrian facilities;
- Potential lack of or poor standard of lighting, drainage and so on;
- The Highway Authority will have no powers under the Highways Act; and
- The police will have no powers to remove obstructions.

A Section 106 Agreement should ensure that a maintenance company will be responsible for the future maintenance of the private roads / street lighting / private road signage etc. and that the properties served by the unadopted roads have appropriate legal covenants to prevent any future action by these residents against the Highway Authority.

To ensure the sustainability of the site and to connect with local facilities, it is required that tactile paving be provided at the junction with Grange Road, and the provision of a footway on Hawton Road to link the site with the existing footway to the north.

The applicant should note that surface water associated with the private development will not be permitted to drain into the highway drainage system.

The development offers no footways, and the lighting and drainage of the access are matters that need attention.

In addition, refuse collection requires negotiation or a bin collection point establishing near the Hawton Road junction.

A number of conditions are also requested and these are included in full as conditions 7 – 10 at the end of this report with advisory comments included as informative no. 2.

Nottinghamshire County Council (Rights of Way) – No comments have been received.

Nottinghamshire County Council (Developer Contributions) – “With regard to the above application, I can confirm that a proposed development of 20 units would yield an additional 4 primary and 3 secondary places. Based on current projections, the primary schools are at capacity and cannot accommodate the addition 4 primary places arising from the proposed development at Hawton Road Newark. We would therefore wish to seek an **Education contribution of £45,820** (4 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. I assume that the requirement for secondary provision will be covered by CIL.”

Environment Agency - The proposed development will be acceptable if a planning condition (see condition 6, where requested condition is repeated in full) is included requiring drainage details.

NCC (Lead Flood Risk Authority) – Awaiting comments.

Severn Trent Water – No objection subject to use of their standard condition. This is set out in full as condition 12 at the end of this report.

Natural England – No comments to make.

Nottinghamshire Wildlife Trust – 05/03/2015 - “Thank you for consulting NWT on the above. From the online documents for the current application (15/00036/FULM) and the previous application 12/00572/FULM) there appears to be no preliminary ecological survey undertaken. Aerial photography and descriptions of the site from within the Design and Access Statement show the site to currently be an area of pasture grassland. As the proposed development area has not been surveyed within the Ecological Statement for the Newark Extension Scheme (14/01978/OUTM), we request that an Extended Phase 1 habitat survey and/or a preliminary protected species survey is conducted. We are aware that planning permission has been granted under reference 12/00572/FULM, but we would still wish to see any ecological constraints addressed.

We also wish to remind you that under the Nation Planning Policy Framework, developments are encourage to contribute to the enhancement of the natural world. As well as any ecological mitigation which may be required, we request that ecological enhancements are included within the landscape design, such as the planting of native species of a local provenance and the installation of bird/bat boxes.”

No comments have yet been received in response to the Ecology Appraisal dated March 2015.

PCT/NHS – No response received.

NSDC (Parks and Amenity) – Confirmed that given the location of the site and site constraints provision off-site would be acceptable and should be directed to either College Close play area off Grange Road, Cherry Holt play area or Sconce and Devon Park which would be suitable for both contributions.

NSDC (Communities, Sports and Arts) – Confirmed that a developer contribution should be sought and directed to Hawtonville Community Centre in the first instance, any subsequent replacement or within Devon Ward.

NSDC (Contamination) – No comments to make.

NSDC (Access and Equalities Officer) - Observations

NSDC (Strategic Housing) - Support

“The proposed scheme at Hawton Road will provide twenty dwellings, six of which should be designated as affordable housing and defined in the Council’s current adopted policy (CP1). The applicant has sought to provide the affordable housing contribution in the form of land at 17 Northgate, Newark and a commuted sum payment of £100,000. The Council has agreed in principle for the affordable housing contribution to be made in this way subject to the developer submitting a revised planning application for 12 units on the Northgate site.

Turning now to the proposals for the housing mix on land at Hawton Road, I refer to the evidenced housing need in the Newark area (as identified in the Housing Market and Needs Assessment 2014 – Sub area Report) which identifies that Newark has amongst the highest levels of housing need for smaller affordable homes (79 and 722 homes). That said in the market sector almost half of existing households require three bedrooms (755) and total demand in this area represents the greatest requirement (863 homes) and four bedroom homes are also preferred (309). Given that the applicant is providing land subject to planning for one and two bedroom affordable homes, I am happy to support the proposed mix of housing.’

Neighbours/interested parties – Two neighbours/interested parties have made representations on this application. Their comments are summarised below:

- Object to further urban expansion at the edge of Newark.
- Should be higher priority to redevelop Brownfield land and re-use vacant buildings.
- Design is not in keeping with that of surrounding properties and would not suit the site's position;
- Increase in manmade surfaces creates an increased flooding risk
- Access to and from the site is on a busy road - many cars speed - nothing is included to show consideration of this which is a potential safety risk
- Uncertainty with regard to how the properties will be filled - where will people come

from and is the demand for this type/site of housing proven?

Comments of the Business Manager, Development

Principle of Development

The Settlement Hierarchy (CP1) defines Newark as a Sub Regional Centre, the focus for housing in the district. Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

The site now forms part of the Newark Urban Area as identified in the Newark and Sherwood Core Strategy DPD adopted in March 2011. As such the principle of residential development is considered to be acceptable in line with Spatial Policies 1 and 2 of the Development Plan. Furthermore there is an extant permission on this site for 32 dwellings which carries significant weight in setting the principle of residential development on this land. The principle is therefore considered acceptable subject to site specific considerations which are discussed in detail below.

Housing Mix, Type and Density (including Affordable Housing)

Core Policy 1 sets out that for qualifying sites, 30% on-site affordable housing would normally be expected subject to considerations regarding the nature of the housing need in the local housing market.

Affordable Housing Offer

This scheme has come about following discussion on how to provide affordable housing in association with the original 32 unit scheme. Central to those discussions was the Council's desire to increase 1 and 2 bed housing stock, including apartments. It was quickly identified that there was a potential opportunity in this particular case, given that the applicant also had within their ownership a site on Northgate, that physical off-site affordable housing provision could be considered. The currently proposed scheme for 20 dwellings is therefore promoted as far as Officers are concerned solely on the basis that it would assist in off-site delivery. Thus, whilst ordinarily a scheme of 20 units would generate a requirement for 6 affordable dwellings the total number of units now proposed is simply a byproduct of an off-site solution and the need to re-plan the site. On this basis an affordable unit number closer to the original is being sought.

Through agreement with Officers the applicant is seeking to provide the affordable housing contribution in the form of land at 17 Northgate, Newark (the former Auction Rooms which has an extant planning permission for 11 apartments plus retail premises) and a commuted sum payment of £100,000 to enable the Council to deliver a scheme of 12 affordable units (the Council would need to utilise some of its own funding from capital receipts to make up a shortfall). Officers have agreed in principle for the affordable housing contribution to be made in this way.

Strategic Housing colleagues have confirmed that the offer of land plus £100k would equate to a contribution equivalent to what would have been sought for 9 affordable units; the amount of affordable houses that would have been required by the extant 32 unit permission.

The Council are expecting the submission of a fresh planning application for 12 apartments (the Council would not develop a retail element of the scheme and it is proposed to convert this to an apartment) albeit in any event there is an extant permission for 11 dwellings at this site. This offer would therefore enable delivery of over and above the policy requirement.

Whilst unusual, this offer is seen as a creative and proactive opportunity for the Council to deliver affordable housing in a market where registered providers are facing a very competitive environment (through competing with other RSL's in bidding for funding) plus reduced funding supply from the Homes and Communities Agency coupled with lower grant levels. By offering the land of 17 North Gate (which is owned by the applicant) as a part capital contribution to affordable housing, it would enable the Council to deliver affordable apartments in the town centre (which is arguably even more sustainable than this location at Hawton Road which is at the edge of the urban area) where the demand is and would also bring about the re-use of a brownfield site at no. 17 North Gate, a prominent prime town center site within the Conservation Area, which has been stood empty for years.

There are still legal matters that need to be resolved internally by the Council in order for the affordable scheme to get the go ahead that relate to transferring the land etc. Therefore it is proposed that if the matters cannot be resolved within 12 months of commencement of development there should be a fallback position within the S106 Agreement requires the applicant to pay a sum of monies (calculated at £297,677.74) to the Council in the event that a scheme is not promoted by the Authority. This worst case scenario would then still enable the Council to deliver affordable housing elsewhere (albeit not on the Northgate site unless privately purchased) and in this regard would still meet with the intentions of CP1.

Overall, the alternative affordable housing offer is considered to be a good offer and one which warrants support.

Mix and Density

Core Policy 3 states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need.

The scheme has an extant permission for 32 dwellings. The mix and density of the extant scheme is shown in the table below compared the proposal now being sought.

	Mix	Density
Extant Scheme	6 x 1 bed units flats/terraces (all affordable) 6 x 2 bedroom terraces 4 x 3 bedroom semi-detached 12 x 4 bedroom detached 4 x 5 bedroom detached	23.8 dwellings per hectare gross = without taking account of constraints Once constraints are factored in 29.9 dwellings per hectare (1.07ha)

	32 units in total	
Proposed Scheme	7 x 3 bed detached 13 x 4 bed detached 20 units in total <i>However would facilitate delivery of 12 affordable units in town centre location (equating to 12 units)</i>	14.7 dwellings per hectares gross - without taking account of site constraints. Once constraints are factored in (including a longer private road than previous) 20 dwellings per hectare (0.997ha)

With regards the housing mix, Strategic Housing colleagues have referred Officers to the evidenced housing need in the Newark area (as identified in the Housing Market and Needs Assessment 2014 – Sub area Report) which identifies that Newark has amongst the highest levels of housing need for smaller affordable homes (79 and 722 homes). However in the market sector, almost half of existing households require three bedrooms (755) and total demand in this area represents the greatest requirement (863 homes) and four bedroom homes are also preferred (309). The fact that the proposal would bring about 3 and 4 bedroom family accommodation plus offers land to facilitate the delivery of one and two bedroom affordable homes, is however a material consideration and one that attracts some considerable weight. I am therefore satisfied that whilst the mix of this site will be primarily geared towards family homes, smaller units would also be brought forward within the same urban area and it is on this basis that I am satisfied that the proposal would not compromise the intentions of CP3.

As can be seen from the table above, the density proposed is considerably lower than the extant scheme and would be under the policy requirements of seeking to achieve a density of not less than 30dph. The previous scheme included 6 x 1 bedroom dwellings which increased density and consequently it was a more intensive scheme. This scheme is less intensive but given the constrained nature and awkward shape of the site, in my view this is not at odds with the surrounding area and would facilitate the delivery of up to 12 affordable units at an alternative site in Newark. Overall I do not consider that the lower density of c20 dwellings per hectare should be fatal to the application as an academic exercise alone and regard must also be had to the character and appearance of the area, discussed below. Furthermore I also consider that this scheme leads to better separation distances (considered in the amenity section below) between existing properties to the north so is beneficial to local residents in this regard.

Impact on 5 year housing land supply.

The extant scheme of 32 units are committed and currently count towards our housing supply. Clearly 20 units on the same parcel of land will marginally affect our housing supply figures to its detriment. However the scheme of 32 units has had permission since 2012 and has not yet come forward. The applicants are keen to progress on site and in doing so this would enable the delivery of up to 12 affordable units elsewhere which would bring the total back to 32 units. Overall I therefore do not consider that this matter is such that it should be fatal to the application.

Design and Impact on Character of Area

The awkward nature and shape of the site area limit the way in which this can be developed and has resulted in a cul-de sac arrangement. This linear layout is in my view appropriate and it would read visually as an extension to the adjacent development. Whilst the density is lower than to the north, I do not consider this to be so visually jarring that it would warrant a refusal on this basis. The plot sizes proposed are generous and the garden sizes are commensurate.

The house types proposed are contemporary in style and different to most other dwellings in the vicinity. They are designed with asymmetric mono-pitch roofs and indicate the use of large expanses of glazing and what appears to be render, rather than brick. Whilst not typical of the area, the design is in my view innovative, with modern open plan living in mind and the concept and end result would not be harmful to the visual amenity or the character of the area. The garages are simple, modern flat roof structures which are less bulky than traditional pitch roof designs.

Overall I consider that this design and layout is acceptable and is appropriate for the adjacent character, in accordance with Policy CP9 and DM5 of the Development Plan and the NPPF.

Impact on Amenity

At the time of writing this report, no neighbours had objected on the grounds of loss of privacy, in contrast to the previous extant scheme where 7 neighbours objected. However, as the site lies to the south of residential properties at Cardinal Hinsley Close the impact upon the occupiers of these dwellings has been carefully assessed.

The distances between the proposed dwellings and the existing dwellings to the north are a minimum of 25m at the nearest point and in most cases the distances are considerably more. I consider that there are sufficient distances to meet the needs of privacy, avoid loss of light, overshadowing and to avoid direct and unacceptable overlooking.

Figure 5 (Land South of Newark) of the Core Strategy which accompanies Policy NAP2A, identifies a landscape buffer along the northern boundary of the site. NAP2A requires that landscaping and structural planting is provided throughout the development. This application, along with its predecessor, shows a line of planting to be provided along this northern boundary. Normally, landscaping belts would be to a depth of 5 -10 m to achieve any meaningful structural buffer. However given that this is an extension of the urban area, a strong buffer is not considered necessary here (particularly given the separation distances described above) and as such I consider it appropriate to relax the normal requirements in this instance whilst still providing a buffer to help soften and screen the development affording enhanced privacy levels and meeting with public expectations. I take the view that this still conforms with the intension of the Core Strategy in this regard. This was also the approach taken when the extant permission was granted. The proposed northern landscaping belt would be managed by a Management Company rather than being gifted to individual properties ensuring its long term retention.

Overall I consider that the scheme accords with CP9 and DM5 in terms of protecting residential amenity.

Highway Matters

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal comprises a single access point off Hawton Road which leads onto a private driveway. The Highways Authority has confirmed that they have no objections to the scheme in terms of highway safety. This is subject to conditions shown with the recommendation section of this report (see conditions 7 to 10) and suitable clauses within the S106 to control the provision and future maintenance of the private roads and street lighting etc. They recommend an extension of a footway to link with the path on Hawton Road and the provision of a bin store (see condition 11) close to the entrance of the drive, which can be secured by condition. I consider that all these requests are appropriate in terms of sustainable development and it would be possible to control these by conditions and/or through a Section 106 Agreement. Subject to securing these matters, I consider that the proposal will accord with SP7 and DM5 of the Core Strategy.

Other Developer Contributions

Affordable housing has been set out earlier in this report. In terms of other developer contributions, the scheme is policy compliant in that every requested contribution would be met and secured through the Section 106 Agreement as follows:

Since the original approval back in 2012, the Development Plan has changed as we now have the Allocations and Development Management DPD as well as a new accompanying Supplementary Planning Document on Developer Contributions. Furthermore we, as Local Planning Authority must have regard to material changes in circumstance since the original application was granted. Amongst this backdrop, in order for the scheme to be policy compliant the proposal for 20 dwellings would need to comprises the following developer contributions, which is somewhat different form the draft heads of terms currently accompanying your application.

Public Open Space

The Council's SPD on Developer Contributions sets out that for a proposal of 20 units the following POS provision would apply:

- On-site Children's and Young Peoples Space. This cannot be provided on site given its awkward shape and nature and therefore a commuted sum would need to be payable calculated as £903.22 per dwelling (index linked to 2013) for provision and £1,004.50 per dwelling for maintenance (equating to £1907.72 x 20 dwellings = £38,154.40) and;

- Natural and Semi-Natural Green Space. Again this cannot be provided on site and thus requiring a contribution of £100 per dwelling for provision and £100 per dwelling for maintenance (equating to £200 x 20 dwellings = £4,000)

For both elements of the POS the total contribution would be £42,154.40

Community Facilities

The SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1181.25 per dwelling (index linked back to 2013) to be sought. Based on the 20 dwellings, a contribution of £23,625 is required. The community facility contribution

Education

Paragraph 72 of the NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...”*

The extant scheme did not secure any financial contribution towards primary school places because at that time, there was sufficient capacity within the primary school system to accommodate the pupils that would have been generated by the 32 unit scheme. The position has now changed and whilst there is an extant permission for lesser unit scheme, the request remains a material planning consideration.

Nottinghamshire Country Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the need for primary places arising from the proposed development.

Based on the scheme an additional 4 primary places would be required and seek a contribution of £45,820 (4 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. Secondary school places would be provided for through CIL.

This offer would be met in full and in this regard the proposal accords with Policy DM3, the SPD and the NPPF subject to securing the funds through a S.106 Agreement.

Other Contributions

NHS England have not requested any contribution and neither has the NCC Library Services. It is therefore inferred that there is no justification/demand for this in policy terms.

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.

An ecology survey has been undertaken which finds no evidence of protected species using the site and concludes that subject to the mitigation/pre-cautionary measures it outlines there would be unlikely any adverse impacts on ecology. The recommended measures form planning conditions 4, 13 and 14 of this report. Subject to these, I am satisfied that the proposal accords with the Development Plan. Ecological enhancements are also sought as expected in line with CP12 and the NPPF which would be secured by condition 15.

Flood Risk and Drainage

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include '*necessary mitigation as part of the development or through off site measures where necessary.*' Core Policy 9 requires new development proposals to pro-actively manage surface water.

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The submitted Flood Risk Assessment (FRA) also indicates that the site is at low risk from surface water flooding.

Severn Trent Water raise no objection to the current proposal, subject to their standard condition (see Condition 12) relating to foul sewer and surface water disposal being submitted and approved. Equally the Environment Agency (EA) did not raise any objection subject to the imposition of a condition relating to a surface water drainage scheme and its management thereafter. It should be noted that during the lifetime of the application NCC as Lead Flood Risk Authority has essentially taken over responsibility for managing flooding from local sources from the EA and have not yet responded to the consultation request.

Subject to the imposition of appropriate conditions, it is not considered that the proposed development would unacceptably impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9 and DM10.

Planning Balance and Conclusion

The principle of residential development is acceptable in this Sub Regional Centre and in any case there is an extant permission for 32 dwellings on the site. There are not considered to be any adverse impacts in respect of design, amenity, highway, ecology or flood risk matters arising from the scheme.

An alternative offer for affordable housing has been made comprising land within the town centre and £100k which is equivalent to an offer to provide 9 affordable units, thus securing more than the usual policy requirements in this regard. Whilst the mix of units on site is aimed at families, I am mindful that the scheme would facilitate delivery of 1 and 2 bedroom units in the town centre where demand is greatest and this weighs heavily in the balance. The density of the scheme is lower than normal policy requirements but given the site constraints this is considered acceptable and the design and layout is not considered to be at odds with the character of the area and actually improves separation distances in terms of residential amenity.

For all of these reasons, it is considered that taken as a whole, the scheme is one that accords with the intentions of the Development Plan and the NPPF and should be approved. There are no material considerations that lead me to make a recommendation to the contrary. In making my recommendation I have taken into account all of the comments raised by interested parties/neighbours.

RECOMMENDATION

Approve, subject to:

- (i) the following conditions and;
- (ii) the completion of a S106 Agreement to secure the developer contributions set out in the Notes to Applicant (03) 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

No development shall be commenced until a full schedule of all external facing materials (including samples upon request) has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

03

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 first occupation of each individual dwelling and shall then be retained in full for a minimum period of five years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04

Prior to first occupation of the development hereby approved full details of both the 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:

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. This shall include replacement hedgerow planting for the section to be removed to facilitate the access of at least equivalent length with an appropriate woody species.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

proposed finished ground levels or contours;

means of enclosure (where not covered by separate boundary treatments condition);
car parking layouts and materials;

hard surfacing materials;

minor artefacts and structures for example signs and external lighting etc

Reason: In the interests of visual amenity and biodiversity.

05

The approved soft landscaping scheme (Condition 4) relating to each individual plot shall be completed on-site during the first planting season following the commencement of that dwelling. 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. Hard landscaping relating to each individual plot shall be implemented on site prior to first occupation of each respective dwelling.

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

06 (EA requested condition)

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 hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include *details of how the scheme shall be maintained and managed after completion*

Reason: To prevent the increased risk of flooding, both on and off site.

07 (requested by NCCHA)

No part of the development hereby permitted shall be occupied until the visibility splays of 2.4m x 120m shown on drawing no .P02-A1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

08 (requested by NCCHA)

No part of the development hereby permitted shall be occupied until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details 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.

09 (requested by NCCHA)

No development shall be occupied on any part of the application site unless or until a new footway has been provided on Hawton Road to connect the site footways with the existing footway to the north to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable travel.

010 (requested by NCCHA)

No part of the development hereby approved shall commence until details of the construction, lighting and drainage of the access have been submitted to and agreed in writing by the local planning authority, and thereafter the access be provided in accordance with those details.

Reason: In the interests safety and residential amenity.

011 (required by NCCHA)

No development shall be commenced until full details of a refuse collection point/bin store have been submitted to and approved in writing by the Local Planning Authority. Details shall include the precise location, design and materials. The approved scheme shall be implemented on site prior to first occupation and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and good design principles.

012 (requested by STW)

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage has 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 to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

013

The development shall be undertaken in full accordance with the recommendations contained within paragraphs 4.1.6, 4.1.8 and 4.1.9 of the Ecology Appraisal dated March 2015 by Wardell Armstrong (regarding the checking for the presence of mammal burrows with an entrance diameter exceeding 100mm and relating to precautionary, protective measures for reptiles) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate protection is afforded to ecology in accordance with the recommendations of the ecology appraisal accompanying this scheme and in line with policies CP12 and the NPPF.

014

No development or clearance works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the local planning authority prior to any works to hedgerows being carried out. If nests are found no works to hedgerows shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

015

No development shall be commenced until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This could include (but shall not be limited to) bird and bat boxes at appropriate points within the site. This shall also include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to provide ecological enhancements in line with the CP12 of the Development Plan and the advice contained in the NPPF.

016

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

Location Plan PO1, Site Layout P02A, Elevations A (Plots 7, 8,18) P03, Elevations Aa (Plots 16, 17) P04, Plans A-Aaa (plots 7, 8, 11, 16 & 18) P06, Elevations B (Plots 5, 6, 19, 20) P07, Elevations Bb (Plot 3) P08, Elevations Bbb (Plots 4, 11) P09, Elevations Bbb (Plots 4,10,11) P09a, Plans B- Bbb (Plots 3-6, 10, 19, 20) P10, Elevations C (Plots 12, 15) P11, Elevations Cc (Plots 1, 9) P12, Plans C- Cc (Plots 1, 9, 12, 15) P13, Elevations D (Plots 2, 13, 14) P14, Plans D (Plots 2,13,14) P15, Garages (Plots 4-9, 11, 12, 15-18) P16, Garages (Plots 1-3, 10, 13, 14, 19, 20) P17

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.

017 (This matter will be controlled either by condition or by the S106 Agreement)

No development shall be commenced until full details of the landscaping buffer to the northern site boundary and areas of amenity open space as indicated on the Plan P02A have been submitted to and approved in writing by the Local Planning Authority. The 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.

The approved scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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.

Nottinghamshire County Council as Highways Authority wish to advise that:

- The developer to deposit a map with us under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private (and any to be adopted too as appropriate).
- The developer to erect road signs indicating that the roads are unadopted and to maintain the signs for as long as the roads remain unadopted, all at your expense.
- Evidence that the developer has made clear to potential purchasers of the dwellings on unadopted roads what the status of the road will mean to them in practice.
- Evidence that the applicant / developer has secured future maintenance of the roads, for example, through a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company.
- The developer to indemnify the Highway Authority against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980.*
- The boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging, boundary posts or similar.

*Note: The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. The Highway Authority must approve the working of the covenant.

The applicant should also note that the Highway Authority is likely to serve a notice on them under the Advance Payments Code (APC). This could involve significant costs.

The development will require works in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake these works the applicant will need to enter into an agreement under S278 of the Act. Please contact D Albans on 01623 520735 for details.

The application is accompanied by a Section 106 Agreement which secures the following:

Affordable Housing	<p>A) Secure ownership of land comprising 17 North Gate, Newark plus £100,000 towards the provision of affordable housing;</p> <p>Or</p> <p>B) if that cannot be resolved within 12 months of commencement of development then a commuted sum of £297,677.74 payable to the Council</p>
Public Open Space	<ul style="list-style-type: none"> • A commuted sum in lieu of on-site Children's and Young Peoples Space based on £903.22 per dwelling for provision and £1,004.50 per dwelling

	<p>for maintenance (equating to £1907.72 x 20 dwellings = £38,154.40) and;</p> <ul style="list-style-type: none"> • A commuted sum in lieu of Natural and Semi-Natural Green Space, based on a contribution of £100 per dwelling for provision and £100 per dwelling for maintenance (equating to £200 x 20 dwellings = £4,000)
Community Facilities	£1,181.25 per dwelling x 20 = £23,625 (indexed linked to 2013)
Education	Contribution to primary school places of £45,820.
Maintenance of Private Road	To secure that a maintenance company will be responsible for the future maintenance of the private roads / street lighting / private road signage etc. and that the properties served by the unadopted roads have appropriate legal covenants to prevent any future action by these residents against the Highway Authority.
Maintenance of Northern Landscape Buffer	To secure the maintenance of the landscape buffer along the northern boundary in perpetuity.

04

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

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

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

05

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

06

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

BACKGROUND PAPERS

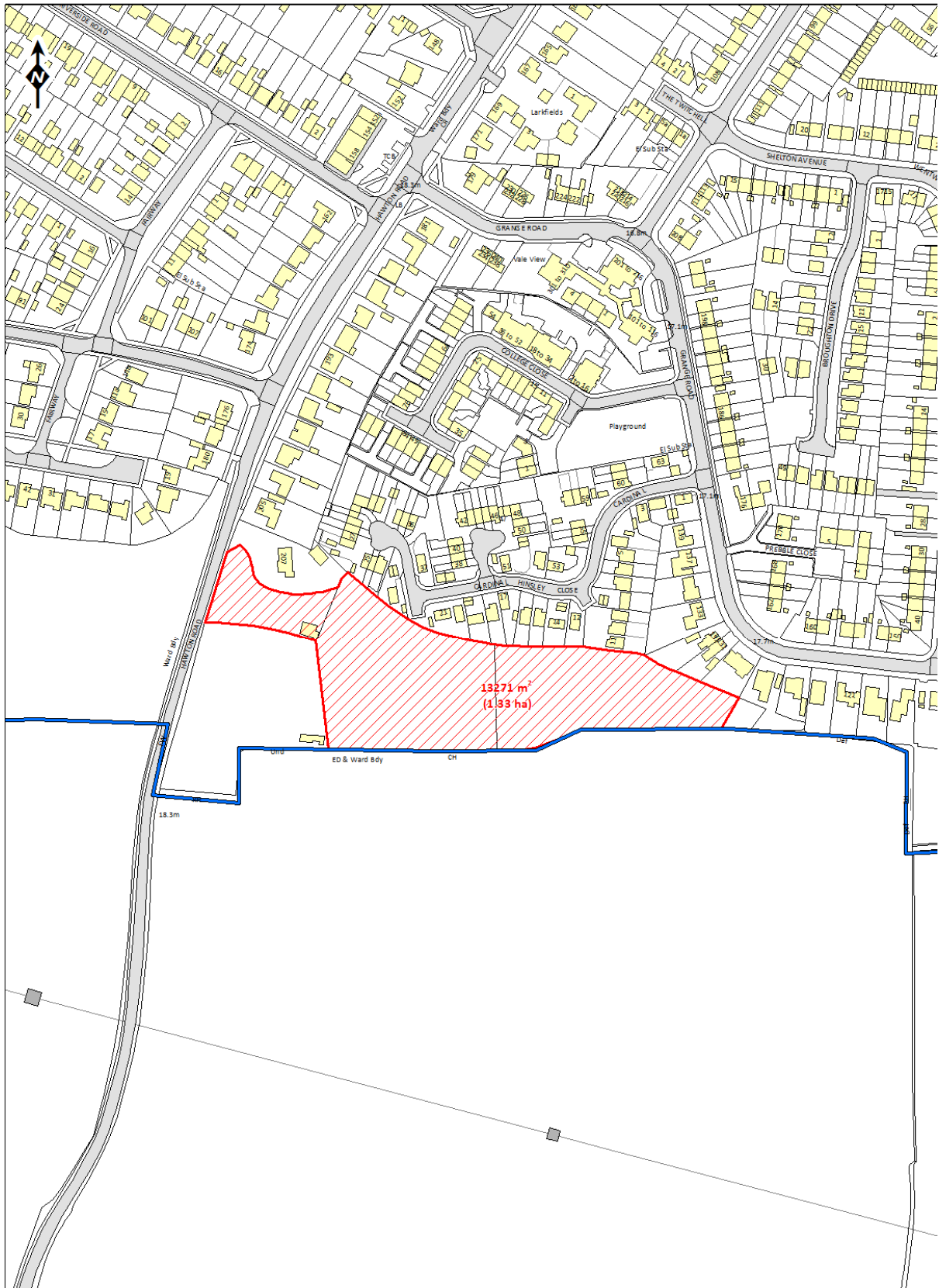
Application case file.

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.

K.H. Cole
Deputy Chief Executive

Committee Plan - 15/00036/FULM



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Application No:	14/01640/FULM
Proposal:	Remove/vary conditions 5 and 6 attached to planning permission granted on appeal at Plots 1-10 Green Park, Tolney Lane (PI Ref: APP/B3030/C/12/2186072 and APP/B3030/A/12/2186071; NSDC Ref: 12/00562/FUL)
Location:	Plots 1-10 Green Park, Tolney Lane, Newark
Applicant:	Mr & Mrs Coates, Gray, Wilson, Knowles, Calladine, Biddle and Coates
Registered:	3 December 2014 Target Date: 28 January 2015 Extension of Time agreed until 11 September 2015

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Core Strategy and within the open countryside. It is also located within Flood Zones 2 and 3 of the Environment Agency's Flood Maps. The site is located at the south-westernmost end of Tolney Lane which runs from the Great North Road, on the north-west side of the River Trent and which leads to a dead end. The site uses an existing access road that currently serves 10 pitches that were granted planning permission in 2010 under reference 10/01464/FULM, known as Hiram's Paddock, which has been extended to the south-west to serve this new site.

The site measures 1.35 hectares in area, is roughly rectangular in shape and its authorised use is as a gypsy and traveller residential caravan site. The site is sub-divided into 10 pitches, all served by a central roadway, which is defined by stone walls. The site is surrounded on three sides by open fields and to the north-east is an existing gypsy and traveller site with which it shares its access to and from Tolney Lane with the Hiram's Paddock site.

Hedges define the north-west and south-east boundaries and the Old Trent Dyke forms the south-western boundary of the application site.

Relevant Planning History

12/00562/FUL - Change of use from paddock to gypsy and traveller residential caravan site (retrospective). The application was refused on grounds of flood risk, impact on the open countryside and prematurity. The refusal was appealed and following a lengthy Public Inquiry, the Inspector resolved to grant a personal and temporary planning permission until 30 September 2018. The permission was also subject to a number of other conditions, including one that stated that all the solid walls and close boarded fences erected on the site be demolished and the debris removed from the site and replaced with post rail fences within 3

months of the date of the decision (Condition 5) and that within 3 months of the decision, the ground level within Pitch 8 shall be reduced so that the south-western boundary corresponds with the unaltered ground level on the other side of the south-western boundary fence and all resultant materials removed from the site (Condition 6). These conditions were imposed for reasons of flood risk and in particular reducing risk elsewhere.

The Proposal

Full planning permission is sought to remove/vary conditions 5 and 6 attached to the temporary planning permission issued by the Planning Inspector at appeal.

The supporting information submitted with the application states:

“The reason for these conditions is to ensure that the development would not increase the risk of flooding elsewhere through the obstruction of flood flows and the displacement of floodwaters.

The actual impact on the flood risk elsewhere was not quantified as part of the evidence put before the Inquiry and the Inspector has understandably adopted a precautionary approach in imposing these conditions.

Clearly the works required to comply with the conditions will be both disruptive and expensive to implement and the residents of Green Park have therefore instructed SLR to assess the impact of retaining the existing boundary wall and the fill on Pitch 8. If the assessment demonstrates that retention of the existing boundary wall and the fill on Plot 8 would have no adverse impact on the flood risk elsewhere then it would be unreasonable to seek their removal.”

A Hydraulic Modelling Report by SLR dated November 2014 has been submitted in support of the application.

In response to the initial concerns raised by the Environment Agency, additional modelling information was then submitted by the agent for further review.

Departure/Public Advertisement Procedure

Occupiers of 7 neighbouring properties have been individually notified by letter and a site notice displayed near the site.

Planning Policy Framework

Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Core Policy 9 (Sustainable Design)
- Core Policy 10 (Climate Change)

Allocations and Development Management DPD (adopted July 2013)

- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (PPG) on-line resource

Consultations

Newark Town Council – Object to the application on the following grounds:

- The appeal decision gave three months for the boundary wall to be removed. This time has now elapsed and the wall remains in place;
- As the Planning Inspector’s decisions have not been acted upon within the prescribed time frame, Members expected that the planning permission would be revoked.

Nottinghamshire County Council (Highways Authority) – No highways objection.

The Environment Agency – Comments on originally submitted Hydraulic Model, January 2015: “We have reviewed the documentation provided in support of the above application, and would make the following observations. It is noted that although some of the supportive documentation to the hydraulic modelling process has been submitted, we have not been provided with either the basic model details or the results files, and hence we are not able to comment upon the accuracy of the modelling exercise. There are, however, a number of questions which arise from the details presented, upon which we would wish to have clarification, before we could comment on the accuracy of the hydraulic modelling exercise. We note, for example, that the adjacent Old Trent Dyke does not appear to be represented in the modelling, and it is considered that this could be a significant omission due to the close proximity of the local ditch network and associated flood waters. We also note that the flows from the River Devon have not been included in the analysis, even though the Flood Risk Assessment (FRA) demonstrates that there are negative impacts identified "over the west bank of the River Devon".

Analysis of the presented results of the modelling exercise identifies that retention of both the fill and the boundary walls have a negative impact on flood levels, flood water velocities, and flood hazard at locations adjacent to the site and further afield. In addressing these issues, the FRA acknowledges that the boundary walls and infill result in a reduction in flood storage capacity and an impediment to flood flows. The FRA suggests that these resultant impacts are only small and hence insignificant, and hence does not present any form of mitigation to take account of these increases.

The Environment Agency does not agree with the assessment of the impact, noting that it is not in accordance with the requirements of the NPPF and associated PPG, in that development should not increase flood risk elsewhere. The drawings and text provided in the FRA clearly shows that flood risk is increased elsewhere, particularly in the areas where there are other gypsy and traveller sites.

Given our twin concerns that the modelling may not fully provide an appropriately accurate representation of the river and watercourse systems in the area of the site, resulting in, potentially

lower flows, depths, and hazards than anticipated, and the fact that the presented information still identifies an adverse impact on other third parties, the Flood Risk Assessment does not demonstrate that the removal or variation of the conditions applied by the Appeal Inspector, is appropriate.

Specifically the submitted FRA fails to:

1. Present an accurate assessment of the hydraulic systems affecting the site and the wider surrounds.
2. Demonstrate that the proposals will not increase flood risk to third parties elsewhere from the site.
3. Present appropriate mitigation measures to prevent an increase in flood risk elsewhere.”

Following receipt of further hydraulic modelling in support of this application, in response to the above concerns, the Environment Agency has commented as follows July 2015:

“The model has been reviewed by our specialist modelling team, and they have highlighted a number of issues which demonstrate that the model is not of an accuracy that would allow us to make a detailed assessment of the impact of the potential flood risk if the planning conditions were removed or varied. The key issues are incorrect generation of the hydrological flows, incorrect use of the floodplain, poor representation of the river channel and other key topographic features, and model instability which results in a significant loss of water from the model. A more detailed technical report on our analysis is available should this be needed.

It is noted that the applicant acknowledged the limitations of the model but considers it suitable for a comparison between two cases with and without the walls and filling which have taken place. We do not agree that the model is appropriate to represent these changes, and further note that even in this inaccurate state, the model still identifies that flood risk is increased to third parties as a result of the filling and wall construction. We are unable, therefore to recommend acceptance of the model as a suitable means to demonstrate that flood risk would not be increased elsewhere whilst these physical works remain in place on the application site.

Environment Agency position

In the absence of a flood risk assessment (FRA) or acceptable hydraulic modelling we object to this application and recommend refusal of the application until a satisfactory FRA has been submitted.

Reasons

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants to submit an FRA when development is proposed in such locations.

An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of a FRA, the flood risk resulting from the proposed development is unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of the application.

Overcoming our objection

You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in

itself result in the removal of an objection.”

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

Comments of the Business Manager

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Core Policy 10 of the Core Strategy states that the LDF will seek to mitigate the impacts of climate change through ensuring that new development proposals minimise the potential adverse environmental impacts during their construction and eventual operation, including the need to reduce the causes and impact of climate change and flood risk.

Policy DM5 of the Allocations and Development Management DPD states that where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

Paragraph 103 of the NPPF comments that “when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment (footnote 20 states this is required for all new development in Flood Zones 2 and 3). Paragraph 102 sets out the requirements by stating: “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.”

In assessing this application, the main issue relates to whether the submitted Hydraulic Modelling information adequately demonstrates that the retention of the stone walls on the whole site and infill on Plot 8 would result in no increased flood risk to third parties elsewhere from the site, or present appropriate mitigation measures to prevent an increase in flood risk elsewhere.

In para 38 of his decision letter the Inspector states:

“Turning to the question of whether the appeal development is likely to increase the risk of flooding elsewhere, there are 2 factors to consider, namely the impact of the solid walls which have been constructed and the raising of land levels. A significant number of solid stone walls and some close boarded timber fences have been erected around the pitches and the site, including several which are perpendicular to the likely direction of flow of any flood waters, such that they would divert that flow. All of these walls and fences only affect a small proportion of the entire width of the floodplain and Mr Walton’s evidence is that the velocities of flood waters are likely to be relatively low. However, Mr Andrews pointed out that there is no proper analysis in a FRA, including hydraulic modelling of the area with the structures in place. In any event, removal of those solid walls and close boarded timber fences and perhaps replacement with post and rail fencing would address this point. Given the lack of clear evidence regarding the potential impact of the walls and the policy presumption against this development, it would be reasonable and necessary to require their removal.”

The Inspector goes on in paragraphs 39 and 40 of his decision to set out matters in relation to the raising of ground levels, and states that Mr Walton himself agreed that levels had been raised by more than he had initially estimated, perhaps by some 300mm over the 10m squared area in the southern corner of that pitch and by up to around 500mm – 600mm towards the northwest of the pitch where it meets a ditch.

Para 41 of the Inspector's decision continues:

"Even on this basis, the amount of additional material brought into the appeal site may not be significant in the context of the entire floodplain. However, if small changes are ignored, the cumulative impact could be significant over time. No level for level, volume for volume compensation is available, but the appellants acknowledge that a condition could require the ground level to be lowered. In his own evidence, Mr Andrews indicated that drawing 1636.A.2 would be an important piece of evidence, should I be minded to dismiss the appeal and require land levels to be returned to those prior to the development taking place. Together with the comparison with adjoining land levels, it would be equally important in the context of a planning condition."

The last sentence of paragraph 42 of the Inspector's decision reads: *"The evidence indicates that the development could increase the risk of flooding elsewhere, but that could be addressed by condition requiring the removal of solid walls and fences and a reduction in the levels on Pitch 8."*

Paragraph 68 of the Inspector's decision reads in the first line *"In relation to the first main issue, although I am satisfied that the risk that this development will cause flooding elsewhere can be addressed by conditions....."*

The two conditions were imposed by the Inspector to reduce the likely increase in risk of flooding elsewhere.

In such technical specialist areas of flood risk, the local planning authority relies on the expert advice of the Environment Agency. They have assessed all the Hydraulic Modelling information submitted to support this application and conclude that the model is not of an accuracy that would allow them to make a detailed assessment of the impact of the potential flood risk if the planning conditions were removed or varied. Whilst the agent acknowledges the limitations of the model, he considers it suitable for a comparison between two cases with and without the walls and filling which have taken place. However, the Environment Agency do not agree that the model is appropriate to represent these changes, and further note that even in this inaccurate state, the model still identifies that flood risk is increased to third parties as a result of the filling and wall construction. The Environment Agency are unable, therefore to recommend acceptance of the model as a suitable means to demonstrate that flood risk would not be increased elsewhere whilst these physical works remain in place on the application site and their objection to the application remains.

Given the failure of the submitted information to adequately demonstrate that retaining the stone walls and the raised land levels would not result in an increased flood risk elsewhere, and in accordance with the Development Plan and the NPPF, it is recommended that the application be refused, and there are no other material considerations that would outweigh this policy stance in this case.

RECOMMENDATIONS

(a) Full planning permission is refused for the following reason:

The submitted Hydraulic Modelling information fails to demonstrate that the proposal would not increase flood risk to third parties elsewhere away from the site and fails to present any other appropriate mitigation measures to prevent an increase in flood risk

elsewhere. As such the impact of the proposal is not fully understood and therefore the application does not provide a sound basis on which to come to a fully considered determination for the removal or variance of Conditions 5 and 6 attached to planning permission 12/00562/FUL. As such the proposal is contrary to Core Policy 10 of the Newark and Sherwood Core Strategy DPD and Policy DM5 of the Allocations and Development Management DPD and paragraph 103 of the NPPF (National Planning Policy Framework), which is a material consideration.

- (b) Appropriate enforcement action is taken by the Deputy Chief Executive, in consultation with the Chair and Vice Chair of Planning Committee.

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.

Kirsty Cole
Deputy Chief Executive

Application No:	15/00709/FUL	
Proposal:	Erection of 3 Bed Detached Dwelling and associated works	
Location:	10A Brookland Close, Gunthorpe, Nottinghamshire, NG14 7EZ	
Applicant:	Mr I Burrows	
Registered:	13.05.2015	Target Date: 08.07.2015 Agreed Extension: 07.08.2015

The Site

The application site is an irregular shaped plot of land in the north western corner of an established residential cul-de-sac; Brookland Close. Given the positioning within an established residential area, the site is surrounded by residential curtilages of neighbouring properties and considered to be within the main built up area of the village of Gunthorpe. Access to the site is gained via a driveway between no. 10 and no. 11 Brookland Close.

The site is within Flood Zone 2 and partially within Flood Zone 3 according to the Environment Agency maps. To the west of the site, where the A6097 Bye-pass road is positioned, is the boundary of the Nottingham-Derby Green Belt, however the village of Gunthorpe is excluded from the Green Belt designation. There is a public right of way abutting the northern boundary of the site.

Relevant Planning History

As the appraisal section below details, there is planning history on the site which is relevant to the determination of this application.

- 98/50806/OUTR3 – Erect Single Dwelling – Application Permitted
- 01/01968/OUTR4 – Proposed Single Dwelling – Application Permitted
- 04/01799/RMA – Proposed New Domestic Dwelling – Application Permitted
 - *The reserved matters application was approved by Planning Committee on 7th September 2004 with a condition attached requiring works to commence no later than five years from the date of permission. Conditions were also attached in terms of seeking additional details for materials, fences and landscaping.*

The design and access statement submitted to accompany the application before Members states that works were commenced and the foundations up to slab level are evident on the plot.

The Proposal

The proposal seeks full planning permission for the erection of a two storey dwelling with three bedrooms set broadly centrally within a modest plot with rear amenity space.

Departure/Public Advertisement Procedure

Occupiers of three properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Allocations & Development Management DPD

Policy DM5 – Design

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Spatial Policy 3 Guidance Note 2014
- NSDC Housing Market and Needs Assessment – Draft Final Report 2014 – Reported to Homes and Communities Committee 26 January 2015

Consultations

Gunthorpe Parish Council - Gunthorpe Parish Council objects to this application on the grounds that:

- 1) The size of the proposed house and site are out of proportion to the neighbouring properties
- 2) There may be contention on the driveway

In view of the above, GPC have asked **Roger Jackson** to call in this application.

Cllr Jeffery, our Chairperson has asked for confirmation that she is able to speak on behalf of GPC at the planning meeting.

NCC Highways Authority – This application is a renewal of one previously approved (04/01799/RMA) to enable completion of the development due to concerns over implementation dates.

As such, there are no highway objections to this proposal.

Environment Agency –

Original comments submitted as follows:

We object to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons:

The application site lies within Flood Zone 3 & 2 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a High & Medium probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out.

You can overcome our objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

Further comments submitted as follows:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition: The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference SHF.416.004.HY.R.001.A prepared by Enzygo in April 2015 and the following mitigation measure detailed within the FRA:

- The internal finished floor levels shall be set no lower than 18.91mAOD (Above Ordnance Datum) and at least 150mm above the external ground floor levels. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

NSDC Environmental Health – No observations to make.

NSDC Environmental Health (Contaminated Land) - The application site is within 250 metres of a closed landfill site, Campbell Quarry. There remains the potential for the site to be affected by the migration of landfill gases. I would recommend that the consent be conditioned as follows:

Prior to the commencement of any works pursuant to this permission the applicant shall submit:

A scheme of remedial works to be undertaken to avoid any risk arising when the site is developed or occupied for the approval by the Local Planning Authority. The scheme must detail the precise methods proposed to prevent the build-up of gaseous material within the proposed buildings.

The development shall only be constructed in accordance with the scheme as agreed in writing with the Local Planning Authority, and the remediation scheme shall be fully implemented before the development hereby permitted is first occupied.

Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no unacceptable risks remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional gas or chemical contamination, which must be notified to the Proactive Team, Environmental Health at Newark and Sherwood District Council.

Furthermore, the proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

Nottinghamshire Ramblers - I am responding on behalf of Nottinghamshire Ramblers. This development should not impact upon Gunthorpe Footpath 3 and accordingly we have no objection.

NSDC Access and Equalities Officer – Observations relating to Building Regulations.

Two letters of representation have been received, details of which can be summarised as follows:

- The public footpath to the north of the site is private land with the public currently having access across the land – permission will not be granted for an entrance gate into this land as proposed in the application;
- Windows on the side elevations will overlook neighbouring properties;
- Neighbouring properties will suffer loss of natural light to the rear as two storey property is built so close;
- Anyone in the rear garden of the proposed dwelling will directly overlook the ground floor of neighbouring properties;
- The drainage system is already becoming blocked and further load on the drainage system will only compound the problem;

- If permission is granted there will be disruption during building work – parking and access to the plot is limited;
- The application would fail the sequential test in flood risk terms.

Comments of the Business Manager

Assessment of Planning History

Given the potential to form a significant material consideration in the determination of the current application, it is considered pertinent to firstly deal with the planning history on the site in the interests of establishing whether the site is subject to an extant permission for a residential unit as implied by the Design and Access Statement submitted to accompany the application. This states:

'Although works were commenced and the foundations up to floor slab are evident on the plot, the Council raised concerns over implementation dates. This application therefore seeks to regularize the position.'

It appears from an investigation of the Council's planning enforcement records that the Council were informed of work commencing on site in August 2009 (i.e. prior to the expiry of the application in September 2009). However, the aforementioned pre-commencement conditions relating to materials, fencing details and landscaping were not discharged formally before these works commenced. Following request from the Council, the details required to discharge the conditions were received in October 2009 and found to be acceptable.

In technical terms, given that the pre-commencement conditions were not agreed before development commenced on site, the development as commenced could be viewed as being unauthorized. However, I am mindful that the conditions required for discharge did not 'go to the heart of the permission' and at the time, the Council took the pragmatic view that given the details when submitted were acceptable, it would not have been expedient to take any further action. The applicant showed a clear intention to keep the permission extant by commencing works within the prescribed timeframe. I am conscious that an independent planning inspector attached weight to an applicant's intentions to develop a site through previous permissions in an appeal decision within North Muskham and that there is case law which suggests that a development can remain lawfully implemented even if pre-commencement conditions have not been discharged (provided that they do not go to the heart of the permission).

It is therefore my view that for the purposes of assessment of the current application, the 2004 application remains extant and any reasonable observer would conclude that works on site have commenced to erect a dwelling. Members should be mindful of this strong fallback position in that there remains a scheme capable of implementation.

Principle of Development

Notwithstanding the above, it falls for Members to assess to the current proposal against the currently adopted Development Plan.

The application site is located within Gunthorpe, which is classified as an 'other village' in line with the spatial strategy set out in Spatial Policy 1. In accordance with Spatial Policy 3, certain criteria need to be met in order for the proposal for housing to be considered appropriate. These criteria are:

- Location,
- Scale,
- Need,
- Impact, and
- Character.

Location:

The site is situated at the edge of Gunthorpe, but is within the main built-up area. It is in close proximity to Lowdham, which is classified as a 'principal village' in accordance with the Spatial Hierarchy. Gunthorpe itself has a limited range of services and facilities available, however, it is considered that the location of the site is appropriate for housing, given it would be within an existing residential estate and given the proximity to services and facilities.

Scale:

A single three bed dwelling is proposed on the site, which consists of vacant land between two existing dwellings. Concern has been raised by the Parish Council that the proposed house and site are out of scale with the existing neighbouring properties. The application site is located within a residential estate. However, it is apparent that there is more than one house type within this location. No. 10 Brookland Close is a semi-detached two storey dwelling. The dwelling has been extended, however, it is apparent that the footprint of the original dwelling is approximately 42 square metres. No. 11 Brookland Close has a larger footprint (approximately 56 square metres), however, this dwelling is a bungalow. Given the range of dwelling types and scale within the street, it is not considered that the proposed development is out of proportion to the context.

Need:

The provision of a new dwelling within Gunthorpe should meet an identified local need to satisfy the requirements of this policy. Whilst supporting information has been submitted with the planning application in the form of a 'planning statement', this in no way addresses the 'need' criteria. Newark and Sherwood District Council have undertaken a Housing Market Needs Assessment in 2014, which looks at housing needs across the district. Although this document does identify a need for both market and affordable housing across the district, it does not identify specific needs for each settlement. Therefore, it is not considered that the HMNA provides information by which this application can be considered. The onus is on the applicant to demonstrate a genuine local need for housing in locations such as Gunthorpe and, in this instance, this has not been done. As such, it is not considered that the application has satisfied the 'need' requirement of Spatial Policy 3. However given the extant permission this is a matter that needs to be weighed in the balance.

Impact:

Impact on flood risk, highways and residential amenity are considered separately below. For the purposes of the requirements of SP3 I do not consider that one additional dwelling would have an undue impact on local infrastructure.

Character:

The design of the proposed development is relatively similar to the surrounding dwellings and it is proposed to use materials that match the existing dwellings, subject to approval from the Local Planning Authority. Some of the window detailing on the front elevation is considered to be unbalanced, however this is not in itself considered to be harmful to the character of the area given the relatively discrete positioning of the plot in the corner of the cul-de-sac. I am also conscious that the plans submitted are a direct reflection of the scheme approved in 2004.

Impact on Flooding

The application site is wholly within Flood Zone 2 and partly within Flood Zone 3 according to the Environment Agency maps.

Paragraph 100 of the NPPF states that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Primarily the acceptability of development within a flood zone begins with the assessment of the Sequential Test with the aim of steering new development to areas with the lowest probability of flooding.

The above consultee section of the report details an original objection from the Environment Agency on the basis that there was no evidence that the sequential test had been carried out. On this basis, during the life of the application an additional 48 page document undertaken by 'enzygo environmental consultants' was submitted to deal specifically with the matter of the Sequential Test.

In undertaking the Sequential Test, two methods were used to identify sites. The main method was from listed potential sites within the SHLAA covering Gunthorpe Parish. However, due to the spatial extent of these sites being more suited to larger scale developments (i.e. developments in excess of a single unit), alternative sites were identified specifically within Gunthorpe which are similar to the subject site. These were defined in their likeness as garden plots of existing residential units, and identified by reviewing Google Earth satellite imagery and Ordnance Survey mapping of Gunthorpe. Whilst it may be the case that there are sequentially no other appropriate sites in Gunthorpe at a lesser risk of flood, without a robust argument that there is need for additional residential development in Gunthorpe, the Sequential Test should be ideally be applied at a District wide level. At the very least, it should consider available sites within sub-areas of the District. The site is within the Nottingham Fringe area which includes the settlement of Lowdham; a principal village identified in the Core Strategy for additional residential development.

Notwithstanding the above, the identification of an extant planning permission on the site is

significant and in this instance I find the requirement to apply the Sequential Test differs from that which would be required to a virgin site.

Paragraph 102 of the NPPF outlines the requirements of the Exception Test confirming that a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

The application has been accompanied by a flood risk assessment which has been subject to scrutiny by the Environment Agency. As confirmed by their revised comments listed above, the proposal is considered to meet the requirements of the NPPF subject to a condition requiring the finished floor levels to be set at the level stated within the FRA. In terms of increasing flood risk elsewhere, I am conscious that the level of hardstanding necessitated by the proposed dwelling has largely been accepted by the commencement of the 2004 permission and the slab levels that exist on the site.

In the context of the above, I consider it would be difficult to resist the application on the grounds of flood risk.

Impact on Residential Amenity

Despite the submitted plans being identical to those considered in 2004, an assessment of residential amenity remains of relevance in this instance given that the context of the surrounding area may have changed since the previous assessment. I have noted the comments of the Parish Council and concede that the plot size for the proposed dwelling is relatively modest in comparison to the surrounding plots, notably no. 10 Brookland Close to the south of the site. The proposed dwelling demonstrates capacity for a small rear garden with a maximum length of approximately 4.5m. Whilst this is undoubtedly a modest sized garden for a three bedroom property I am conscious that it still ensures a level of private amenity space for the proposed occupiers and I feel it would be difficult to resist the application purely on this basis, particularly given the fallback position.

In terms of impact on neighbouring residential amenity there are a number of potentially sensitive receptors. Firstly, the rear elevation of the dwelling, beyond the private amenity space for the proposed dwelling, would be orientated towards part of the rear amenity space for no. 10 Brookland Close. There is also an area of the site which wraps around the built form of no. 10 Brookland Close bringing the site boundary in very close proximity to the single storey element of the neighbouring property which has a habitable window on the rear elevation. This is an unusual arrangement which requires consideration. No. 10 occupies a relatively large plot in comparison to other properties on the western side of Brookland Close and as such there remains sufficient private amenity space which would not be overlooked by the rear windows of the proposed dwelling (there are no windows proposed on the south elevation). Given the positioning and orientation of the dwellings I am content that there would not be an adverse impact to the occupiers of No. 10 in terms of an overshadowing impact. My principal concern is the potential impact on the ground floor windows of the neighbouring property, in particular the window on the single storey element in terms of how close the boundary of the proposed dwelling would be.

Indeed I appreciate the comments in relation to overlooking from users of the rear garden. As conceded above this is an unusual scenario and in normal circumstances may amount to resistance of an application. However, in acknowledgement of the planning history of the site this presents a difficult scenario in that the extant permission forms a reasonable and realistic fallback position which would allow for the delivery of a residential unit. A condition requiring further submission of landscape and boundary details would go some way towards mitigating this impact with a suggestion that planting within the application site would be beneficial along this boundary. Although the planting would be close to the neighbouring window it would be similar to their current outlook onto the presently overgrown site.

I have also considered the impact to the residential amenity to the occupiers of No. 1 Orchard Close noting that there is a bedroom window proposed at first floor to the north elevation. It is my view that this is the most favourable position for this window as to position it on the front elevation may have greater implications in terms of overlooking to the rear garden of No. 11 Brookland Close. The outlook of the window will be largely confined to the blank gable end of No. 1 Orchard Close and given the positioning towards the front of the dwelling any outlook towards their rear amenity space would be intervened by the built form of the neighbouring dwelling. The positioning of the dwelling would be broadly in accordance with the plot positioning of No. 1 Orchard Close but it is conceded that the development would introduce a two storey gable end to a currently vacant plot. In terms of whether this would amount to an overbearing impact which would warrant refusal I have taken account of the fenestration details on the southern elevation of No. 1 Orchard Close. There are no first floor windows on the south elevation of the neighbouring dwelling and therefore I feel the potential for any overbearing impact would be limited.

Impact on Highways Network

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. The proposal demonstrates adequate space to the east of the dwelling to allow for off-street parking and maneuvering such that the proposal need not rely on-street parking. The Parish Council have commented that the proposal could lead to contention on the driveway presumably in relation to the shared arrangement with No.10 as the access is taken from Brookland Court. I consider that any instances of conflict would be rare and indeed there is adequate visibility to use the access simultaneously. Indeed this is an arrangement used on numerous established housing estates.

I appreciate from the comments received that parking is an issue in the area and that the construction of the dwelling may have an impact on this, however this would be a temporary inconvenience and would not form a legitimate reason to resist the proposal. The Highways Authority have raised no objection to the proposal.

Other Matters

Comments have been raised regarding access to a public to the north of the site. Matters of access

over private land are a legal matter between the interested parties and do not form a bearing to the determination of this current application.

Planning Balance and Conclusion

The Development Plan has evolved significantly since the 2004 permission was granted. The proposal now falls to be assessed against Spatial Policy 3. It is conceded that in usual circumstances the proposal would be resisted on the basis that it has failed to satisfy the criteria of Spatial Policy 3 (notably there is no proven local need for an additional dwelling) but also that it would fail to meet the requirements of the Sequential Test (for flooding) and potentially in relation to issues of residential amenity. However the planning history has a significant bearing to the determination of the application and significant weight has been attached to the likely fallback position of the erection of a dwelling under the 2004 permission which is considered to be extant despite the dispute as to the timing of conditions discharged. Any reasonable observer would conclude that the applicant intended to keep the permission live by commencing works within the prescribed timescale and there is case law which concludes that development can remain lawfully implemented even if conditions (which do not go to the heart of the permission) have not been discharged. The benefit of the current scheme is that it offers the opportunity to control matters of flooding and landscaping by condition. It is for these reasons that the proposal is recommended for approval subject to the following conditions outlined below.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Proposed Elevations – 3033/EL/202
- Proposed Plans – 3033/PL/104
- Proposed Site Block Plan – 3033/LO/002 Rev. A

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

Reason: So as to define this permission.

03

No development shall be commenced until details and 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 details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Roofing Tiles

Reason: In the interests of visual amenity.

04

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the southern elevation of the development hereby permitted.

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

05

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 scheme shall be implemented prior to the occupation of the 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.

Reason: In the interests of residential and visual amenity.

06

Prior to the commencement of any works pursuant to this permission the applicant shall submit:

A scheme of remedial works to be undertaken to avoid any risk arising when the site is developed or occupied for the approval by the Local Planning Authority. The scheme must detail the precise methods proposed to prevent the build up of gaseous material within the proposed buildings.

The development shall only be constructed in accordance with the scheme as agreed in writing with the Local Planning Authority, and the remediation scheme shall be fully implemented before the development hereby permitted is first occupied.

Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In acknowledgement of the proximity to the closed landfill site.

07

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference SHF.416.004.HY.R.001.A prepared by Enzygo in April 2015 and the following mitigation measure detailed within the FRA:

- The internal finished floor levels shall be set no lower than 18.91mAOD (Above Ordnance Datum) and at least 150mm above the external ground floor levels. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

08

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual and residential amenity.

09

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

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

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

All remediation in relation to land contamination should be carried out safely, ensuring that no unacceptable risks remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional gas or chemical contamination, which must be notified to the Proactive Team, Environmental Health at Newark and Sherwood District Council.

04

The proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

BACKGROUND PAPERS

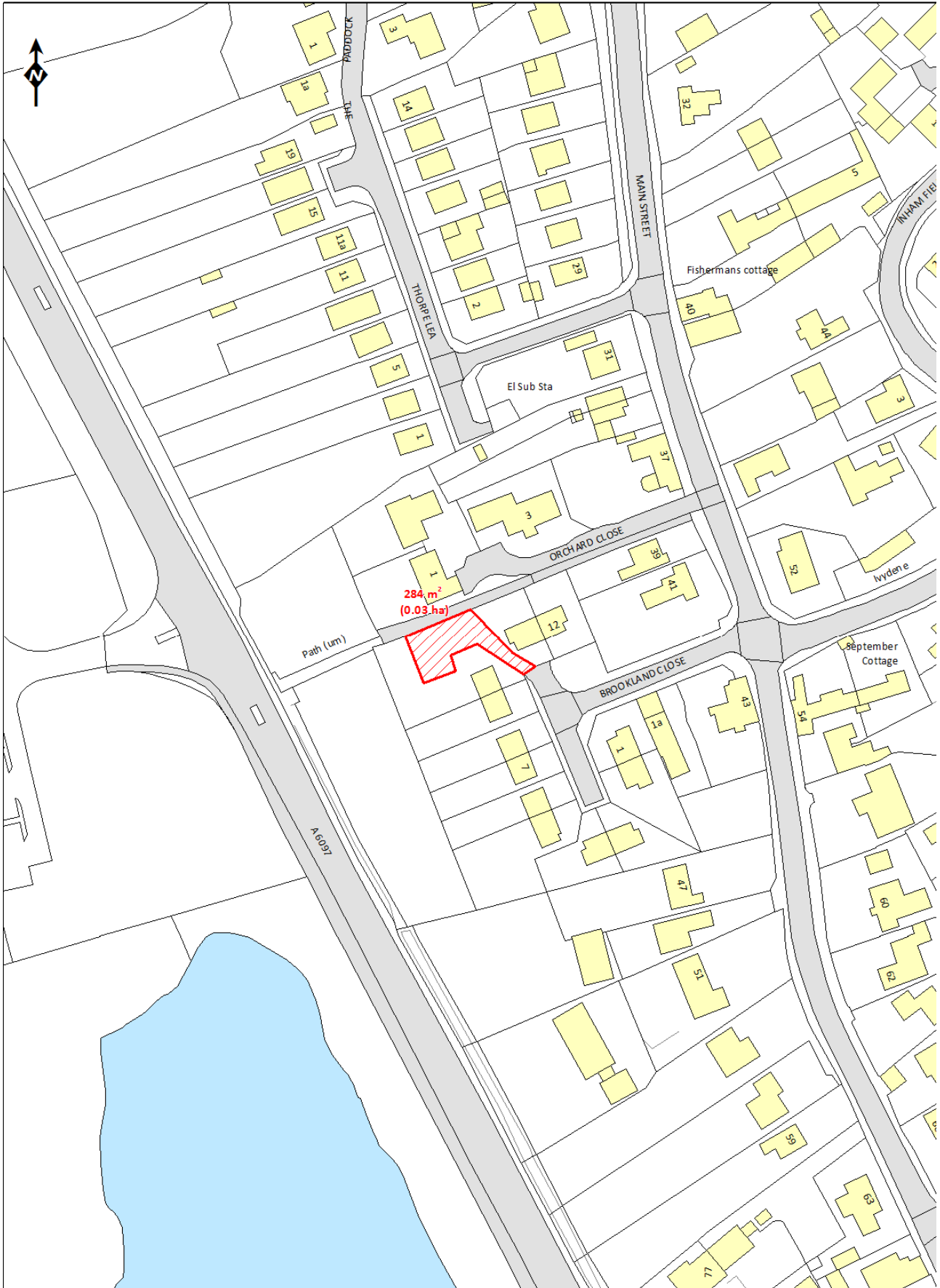
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00709/FUL



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Application No:	14/02169/FUL	
Proposal:	Installation and commissioning of a single 500kW wind turbine generator (Hub Height of 40m and Tip Height of 67m)- Minor Alteration to planning permission 13/01651/FUL	
Location:	Copt Hill Farm, Ricket Lane, Blidworth, Nottinghamshire	
Applicant:	Wheatley Energy	
Registered:	12 December 2014	Target Date: 06 February 2015
	Extension of Time Agreed: 10 April 2015	

Member Update

At Planning Committee on 07.04.2015, Members will recall that it was resolved to approve the above application subject to a S.106 Agreement to ensure that the previously approved turbine on the same site (application number 13/01651/FUL) can no longer be implemented in addition to the turbine currently proposed.

The application has been referred back to Planning Committee in light of the Ministerial Statement on Local Planning made by Greg Clark MP on 18 June 2015 (HCWS42) and the Department for Communities and Local Government’s amended online guidance on renewable and low carbon energy, which are material planning considerations. The Ministerial Statement reads as follows:

‘When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the

following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.'

The associated changes to the National Planning Policy Guidance (NPPG) repeat the bullet points above but also goes on to comment on the issue of community backing, stating:

“Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority” (NPPG, Paragraph: 033 Reference ID: 5-033-150618).

The issue as far as these new material considerations are concerned is whether, following consultation, the LPA is satisfied that the proposals address planning impacts identified by local communities and whether the proposal therefore has backing. A literal reading of the guidance would suggest that as we, as an LPA, have assessed all impacts already and that the proposal implicitly has community backing. This is somewhat at odds to the Blidworth Parish Council comments and the 2 no. individual representations received.

Council officers are currently seeking legal advice to qualify the impact of the Ministerial Statement and NPPG changes. It is expected that a full update will be provided at Committee, albeit the application is presented on this formal agenda in the interests of ensuring minimum delay.

For the avoidance of doubt, the remainder of the report below remains unchanged since Planning Committee on 07.04.2015.

The Site

The application site lies in the open countryside approximately 1 km north of the settlement of Ravenshead and 1.5 km west of Blidworth. The site lies within the Green Belt.

The application site is part of a 10 Ha agricultural unit located on the north side of Ricket Lane on a relatively flat agricultural field. The turbine would be accessed via an existing access track serving Copt Hill Farm. The surrounding area consists of a generally rural landscape with gently to steeply undulating land defined by hedgerows and blocks of woodland.

The Fountain Dale Area (containing listed buildings including house, steps and Friar Tucks Well and moat which is a Scheduled Ancient Monument (SAM)) is less than 0.5km to the north of the site.

The existing Lyndhurst Wind Farm comprising 5 turbines measuring 125m to blade tip are located approximately 1.5km north west of the site.

Relevant Planning History

13/01651/FUL – Installation and commissioning of a single 500kW Wind Turbine Generator with a height of 62m to Blade Tip at Copt Hill Farm. This application was approved under delegated powers (Blidworth Parish Council supported the proposal) in September 2014.

In considering this application, the proposal has been considered against The Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The proposed wind turbine meets

the criteria and thresholds of Part (3)(i) of Schedule 2 of the 2011 Town and Country Environmental Impact Regulations insofar as it includes a wind turbine that exceeds 15m in height.

The Local Planning Authority has applied the selection criteria set out by Schedule 3 of the Regulations and made reference to the guidance set out in Circular 02/99. Taking all matters into account, the Local Planning Authority considered an EIA was not required for the proposed development.

The Proposal

Full planning permission is sought for the erection of a single 500kW wind turbine at the site. Permission has already been granted for a turbine in the same field and this application essentially seeks to re-site the turbine 6m to the north-west of the originally approved site. This is necessary so as to avoid a gas main that crosses the site. The height of the turbine would also increase by 5m from the approved 62m to tip height to 67m. The applicant says that this increase will increase the generating capacity of the project to maximise the energy to be produced.

The Agent has confirmed that they have no intention of installing two wind turbines at the site. It is logistically not feasible due to each of blades being 27m in length and would therefore collide, also from a technical point of view installing 2 turbines that close together is not feasible in regards to the turbines generating power. The turbines would massively inhibit each other and would make the project inane. A further technical reason is that the grid connection on site only allows for the installation of one 500kW wind turbine and 2 turbines are therefore not feasible in regards to producing renewable energy.

The key components of the project comprise the turbines itself set on a foundation some 13m across of between 1-2m in depth, a crane platform and substation. Connection to the national grid would be subject to a separate application with the network operator.

The three bladed turbine (EWT DW54/500) consists of a tapered tubular steel tower 40m in height. To the head of the tower lies swivel housing containing a generator, gearbox and control equipment.

In addition to the normal requirements, the application is accompanied by the following submissions:

- Acoustic Assessment with Technical Details of Sound levels
- Conservation Impact Assessment
- Ecological Assessment, Addendum and Surveys
- Ground Investigation Report
- Heritage Assessment
- Landscape and Visual Impact Assessment (LVIA)
- Design and Access Statement
- Transport, Storage and Crane Guidelines
- Shadow Flicker Assessment
- Pre-consultation Details

Duty to consult

I am aware of the Statutory Instrument (SI) No.2932 of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013, which sought to introduce a pre application consultation procedure for developers to consult with the local community for planning applications involving more than 2 turbines or turbines with a hub height of greater than 15 metres. The SI was enacted on 17th December 2013 and only effective for turbine applications submitted after this date.

The applicant's agent has provided a copy of a pre-consultation document (4/12/2014) and have confirmed that this was posted through the mail boxes of the dwellings (prior to re-validation) within the vicinity of the site (within c500m). No consultation responses were received. Legislation does not specify what the developer actually needs to do to demonstrate compliance. I therefore take the view that the applicant has complied with the legislation and the application is lawfully made and valid.

Departure/Public Advertisement Procedure

Occupiers of twelve 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 Core Strategy DPD (adopted March 2011)

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

Allocations & Development Management DPD

- Policy DM4 – Renewable and Low Carbon Energy Generation
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012 (NPPF)
- Planning Practice Guidance 2014 (PPG)
- Wind Energy SPD, adopted March 2014
- Newark and Sherwood Landscape Capacity Study for Wind Energy Development, March 2014

Consultations

Blidworth Parish Council – Object but have not clarified on what grounds this objection is made.

Rainworth Parish Council – No comments have been received to date.

Ravenshead Parish Council – No comments have been received to date.

Ashfield District Council – No objection and refer to previous advice which stated:

The proposed turbine is located on land to the east of the Ashfield District. The eastern boundary edge is well defined by a group of mature plantations namely Harlow, Normanshill and Thieves Wood. Having reviewed the Landscape Visual Impact Assessment, supporting Zone of Theoretical Visibility and photomontages (view points 9, 10 and 14) the likely visual impact to Ashfield is considered slight, with immediate views from the District being interrupted by the existing plantations and changes in topography. It is therefore considered that the proposal would not have a significant detrimental impact on the Ashfield District. Given the existing (and consented) turbines in the wider area, the main issue is assessing an acceptable threshold for the combined/cumulative visual impacts.

Gedling Borough Council – No comments received. It should be noted that they did not object to the previous application.

Environmental Health – In relation to Shadow Flicker, it is clear that properties are likely to be affected. Therefore were the application to proceed measures to counter this issue as identified must be installed prior to operation commencing. In addition a condition requiring investigation and action to the written approval of the LPA in the event of a complaint, should also be attached to any approval given. With regards Noise the EHO comments they do not envisage any problems. However a request that conditions requiring that in the event of a complaint about noise or shadow flicker, that applicant carry out a full investigation and undertake all necessary remedial works, all to the approval of the LPA be attached to any approval given.

No comments from a contaminated land perspective.

Natural England – Advice that that their comments given in respect of 13/01651/FUL remains valid. This was:

Rainworth SSSI - The proposed location for the turbine is located just under 2km from the nearest SSSI, Rainworth Lakes, notified for its standing water and wetland communities. The proposal is therefore unlikely to have any impacts upon the notified features of this SSSI, and Natural England is satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified.

Landscape - The proposal does not appear to be either located within, or within the setting of, any nationally designated landscape.

Nightjar and woodlark within the Sherwood Forest Area - We note the development is located in the Sherwood Forest area, in proximity to habitats identified for breeding nightjar and woodlark and therefore we refer you to the Natural England's Advice Note on this matter which provides more information and outlines Natural England's recommended 'risk based approach'. Therefore

we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts (any mitigation/avoidance measure) which may include, but may not be limited to, the following:

- Disturbance to breeding birds from people, their pets and traffic;
- Loss, fragmentation and/or damage to breeding and/or feeding habitat;
- Bird mortality arising from domestic pets and/or predatory mammals and birds;
- Bird mortality arising from road traffic and/or wind turbines;
- Pollution and/or nutrient enrichment of breeding habitats.

Other - It is for the local authority to determine whether or not the application is consistent with national or local policies on biodiversity and landscape. The LPA should assess and consider the possible impacts resulting from this proposal on protected species, local wildlife sites, the potential impact on the local landscape and whether the application provides opportunities for biodiversity enhancements.

Notts Wildlife Trust – Comments as follows:

We note that the above application is an amended resubmission of 13/01651/FUL where we previously provided comment. The submitted surveys were carried out during 2014 for the previous application, however we consider that these can still be considered up to date being from the most recent survey season.

We note that the location and size of the turbine have been altered – with this in mind, we would wish to be reassured that the 50m minimum separation distance from blade tip to nearest suitable habitat feature will be maintained under this revised application (please see p15 of the Ecological Surveys report - EMEC Ecology, June 2014). It was previously calculated as 51m and therefore even a small change in location and/or blade length could potentially reduce this distance and increase the risk to bats.

We also note that the Site Plan ref PS-02 shows the access to the turbine location now coming from the south, rather than the west. We seek clarification as to whether hedgerow and/or trees would need to be removed to facilitate the revision. If this is the case and hedgerow removal cannot be avoided, mitigation and compensation recommendations should be provided. These may include timing of works to avoid the bird breeding season between 1st March and 31st August and compensatory planting elsewhere using native species. We would also recommend a further assessment of the tree labelled as number 9 on Figure 6 of the EMEC report, if it is to be affected, to confirm that it does not support roosting bats.

We would also maintain that a pre-start ecological walkover survey should be conditioned in order to ensure that the situation with regard to protected species has not changed in the time since the surveys were undertaken.

English Heritage – No comments have been received. However they raise no objections to the previous scheme and advised that the scheme should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

NSDC Conservation – We have given advice previously on this proposal and I refer you to those comments (see below). The submitted scheme seeks to make a minor amendment to the

approved planning permission in regards to its location and tip height (ref: 13/01651/FUL). The amended location will be 6m north-east of the granted location and the overall tip height will rise from 62m to 67m.

The changes are relatively minor in respect to the permission already granted, and will not exacerbate impact. The overall height change, as measured from sea level, is only 3m. In landscape terms relative to visual receptors previously identified, the proposal will not be significantly different from that already approved.

In reaching this view, I have considered our legal duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Previous comments: We note that the height of the turbine has been reduced from 102m to 62m (to blade tip). We acknowledge that this will significantly reduce harmful impact on nearby heritage assets, notably those in the Fountain Dale area. Due to its proximity and form, the turbine still presents a degree of adverse impact on the setting and experience of nearby heritage assets, so our assessment of the proposal otherwise remains unchanged. However, we accept that the scale of harm has been significantly reduced.

Prior to the reduction in height of the turbine (revised plans received 21 March 2014) and receipt of additional information in relation to the heritage impacts of the proposal it was considered that there is some harmful impact on the Fountain Dale cluster of heritage assets, but that this is less than substantial and can be weighed against public benefit (in-line with para.134 of NPPF). Full reasons are set out in the *Impact on Heritage* section below.

NCC Highways – The amendments do not materially change previous comments and they offer no objection subject to condition (see condition 8) and note to applicant.

NCC Archaeology – No comments received.

NCC Rights of Way – Nothing further to add than previous advice which stated:

This proposal is approximately 360m as the crow flies from the nearest public footpath & 540 m from the nearest bridleway. Therefore, this wind turbine, should not interfere with any public rights of way in the immediate area.

British Horse Society – No comments received.

NATS – NATS objected to the proposed development as it believes the development would cause an adverse impact to the Claxby and associated air traffic operations of NATS without suitable mitigation. An agreement has been entered into between NATS and Wheatley Energy Ltd dated 27th May 2014 for the design and implementation of an identified and defined mitigation solution in relation to the development that will be completed under agreement. NATS is therefore prepared to withdraw its objection to the proposed development.

CAA – No specific comments. Confirmation of procedural matters.

National Police Air Service – No comments received.

MOD – No objection. If permission is granted request a condition be imposed (see condition 9)

The Joint Radio Company Ltd – no problems foreseen.

Derbyshire, Leicestershire and Rutland Air Ambulance – No comments received.

Midlands Air Ambulance – No comments received.

Lincs and Notts Air Ambulance – No comments received.

North Midlands Helicopter Support Unit – No comments received.

Nottinghamshire Police Helicopter Division – No comments received.

NCC (Landscape Architects in the capacity as Landscape Consultants). The proposal is acceptable in landscape terms and recommend approval. Their full comments are attached as an Appendix.

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

- This is the wrong site as there are 20 plus livery yards which will all be affected
- Horses will be spooked by the turbine;
- Lane is predominantly single lane traffic and trying to ride a horse is bad enough;
- Adjacent livery businesses will not be able to stay so that will be hundreds of pounds I will have lost;
- Previous comments (made in respect of 13/01651/FUL) have not yet been addressed;
- Construction will overshadow part nearby property and be too close to the boundary - concerns about topple distance;
- Concerns regarding shadow flicker and how this would impact on nearby property;
- Noise – what will be done to minimise excessive noise;
- Impact on cell phones/magnetic fields – will it prevent emergency calls;
- Is infrastructure of Cross Lane/Ricket Lane adequate for this;
- What impact/upheaval will it cause?
- Government have reiterated their objection to single turbines so why should this go ahead?

Comments of the Business Manager

Principle of Development – Renewable Energy and Green Belt

Renewable Energy

The UK Government is committed to meeting binding targets set by the EU Renewable Energy Directive (15% by 2020). The Government, in 2009, published its Renewable Energy Strategy which in turn envisages an energy mix from renewables required to meet its own prescribed targets. These targets have been maintained under the coalition Government.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012. The Framework replaced a series of national policy statements, circulars and guidance including Planning Policy Statement 22 'Renewable Energy' (PPS22) and Planning Policy Statement 5 'Planning for the Historic Environment' (PPS5). Although the thrust of the previous policy in these documents has been carried forward into the Framework, the wording is more condensed and there have been some changes in policy. The Noise Policy Statement for England (DEFRA - 2011) also remains in effect and is cross referenced in the Framework in a footnote to Paragraph 124.

A core principle of the NPPF is that planning should, *'Support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.'* The NPPF policy on renewable and low carbon energy is set out in section 10 of the document. NPPF paragraph 93 indicates that, *'Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'*. NPPF paragraph 94 states that, *'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change'* in line with the objectives and provisions of the Climate Change Act 2008.

NPPF paragraph 97 includes that Local Planning Authorities should *'recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'*; *'have a positive strategy to promote energy from renewable and low carbon sources'*; *'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts'*; and *'consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources'*.

NPPF paragraph 98 concerning the determination of planning applications includes provisions that Local Planning Authorities should in summary not require applicants to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

In March 2014 the Department for Communities and Local Government (DCLG) launched its Planning Practice Guidance. This replaced a number of previous planning practice guidance documents including, of particular relevance to the consideration of this application, Planning practice guidance for renewable and low carbon energy (2013) and PPS 25: Development and Flood Risk Practice Guide (2009). The Guidance sets out that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. In identifying suitable areas for renewable and low carbon energy local authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. In this respect the Guidance states that Cumulative landscape impacts and cumulative visual impacts are best considered separately.

The District Council's commitment to climate change is set out by Core Strategy Core Policy 10 and Policy DM4 of the Allocations & Development Management DPD. The policies indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development and recognises that the support for renewable and low carbon development is key to meeting the challenge of climate change.

In determining this application it is necessary to take into account that the applicants already have an extant planning permission for a turbine of a similar scale granted last year. This represents a fallback position that should be afforded significant weight. There is a policy presumption in favour of sustainable development it will be necessary to these positive impacts and materials considerations with any negative effects.

Green Belt

A similar proposal for a turbine just 6m away has already been found to be acceptable in terms of its impact on the Green Belt and this is a significant material consideration that should be afforded substantial weight.

The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Policy DM4 of the DPD states that planning permission will be granted for renewable energy projects where its benefits are not outweighed by detrimental impact upon the purposes of including land within the Green Belt arising from the individual or cumulative impact of proposals.

The proposed turbine and associated development would reduce the openness of the Green Belt, albeit it would be a very slender structure with a relatively compact foundation. The proposed turbine constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. As such, the turbine would have an adverse impact on the openness of the Green Belt. It is necessary to consider whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development in accordance with Paragraphs 87 and 88 of the NPPF.

Paragraph 91 of the NPPF acknowledges that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The NPPF also states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The application estimates that the power output of the proposed wind turbine at Copt Hill Farm is now 1,900,000 kWh per annum (the previous approval was 1,650,000 kWh), based on the average wind speeds. The turbine would generate enough electricity for the operation of the farm and the surplus would be fed back into the grid.

The amount of electricity generated would make a valuable contribution to meeting national targets for renewable energy generation. Paragraph 98 of the NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

As such, I conclude that the benefits of the scheme associated with the production of energy from renewable sources and the benefits to the rural economy are sufficient to outweigh the harm by reason of inappropriate development and the limited harm the openness of the Green Belt. I consider these benefits to amount to very special circumstances necessary to justify the development in the Green Belt.

Visual and Landscape Impacts – Landscape Setting, Cumulative Landscape and Cumulative Visual Impacts and Impact on Heritage Assets

Given that Blidworth Parish Council raised objection to the scheme, the LPA commissioned Independent Landscape Advice from NCC to assist the decision making process. Their comments are contained in full in the attached Appendix.

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

The District Council has undertaken a Landscape Character Assessment (February 2010) 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.

Within the Newark and Sherwood Landscape Character Assessment, the application site falls within the Sherwood Policy Zone Blidworth Wooded Estates (S PZ 46). This area has undulating topography and the majority of the area is permanent improved and unimproved pasture. There are some detracting features in that there is some breakdown of the field pattern due to subdivision of field areas into smaller paddocks for horse grazing. Busy roads pass through the area. The landscape condition is described as very good with the landscape sensitivity described as moderate.

The Policy Action for this area is to 'Conserve' which the LCA defines as '*actions that encourage the conservation of distinctive features and features in good condition.*' There are no statutory landscape designations at the site or in the vicinity of the site.

The proposed turbine would require minimal land take to allow its footing and associated works to be developed, when considered in relation to the wider landscape. It would also utilise an existing access road and track with a relatively short length of new access being created into the field where the proposed turbine would be located.

The Newark and Sherwood Landscape Capacity Study for Wind Energy Development (NSLCS) was published in March 2014 following public consultation. The study examines the sensitivity and capacity of the district's landscape to wind turbine development at a range of scales. It has been prepared to help inform planning application decisions for wind turbines, and will play a role in steering wind energy development to the most appropriate locations within the district boundary. Landscape sensitivity to wind turbines is defined as follows in the NS LCS:

'Sensitivity is the relative extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.'

The Newark and Sherwood Landscape Capacity Study (March 2014) identifies the development of a small-medium (31 to 50m tip height) turbine as having moderate capacity and the development of a medium (51 to 80m) turbine as having high-moderate sensitivity. The proposed turbine at 67 metres is classed as a medium turbine. The mixed scale of the landscape suggests that there could be some limited potential for single turbines and clusters of two to three turbines. The overall aim for this area is a landscape with occasional wind energy.

In assessing the impact on the landscape, I am mindful of the recently published Planning Practice Guidance which states that in relation to both cumulative landscape and cumulative visual impacts of proposals these issues are best considered separately. These have also been assessed by the Independent Landscape Consultants.

Having considered the proposal in relation to all matters relating landscape including setting and cumulative impacts, the Independent Advice received is that the increase in height of 5 metres has a negligible effect and as such the proposal is acceptable and should be approved. I concur with this assessment and do not intend to reiterate this but rather rely on their assessment attached to this report. Subject to conditions requiring landscape enhancement through mitigation planting, I conclude that the proposals would have an acceptable impact on the landscape character of the area in accordance with Core Policy 13.

Impact on Heritage Assets

Impacts on heritage were considered in detail for the original consented application and found to be acceptable. The Conservation Officer has assessed the revised scheme and confirms that in their view the proposal would not exacerbate impact. The overall height change, as measured from sea level, is actually only 3m. The previous assessment has therefore been updated below.

Core Policy 14 of the Core Strategy aims to secure, *'the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens, Listed Buildings and buildings of local historic importance, Conservation Areas and other cultural assets of significant value.'* This policy is supported by Policy DM9 of the Allocations & Development Management DPD.

The site is not located partly or wholly within any World Heritage Site, Conservation Area or Area of Archaeological Importance. There are no Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens or Registered Battlefields on the site. Notwithstanding this, Core Policy 14 of the Core Strategy and NPPF paragraph 132 indicates that development may still be contrary to policy where it has a detrimental impact on the setting of heritage assets.

A Conservation Impact Assessment and Cultural Heritage Impact Assessment and Setting Study have been submitted to address the impact of the proposal upon both designated and non-designated heritage assets listed as required by the Conservation Officer. This included further information on the following:

- Impact on the designated assets comprising Fountain Dale, including the moated SAM, Fountain Dale House & outbuildings (Grade II listed), flight of steps and gateway east of the house (Grade II) and Friar Tuck's Well (Grade II). This might include further photomontages from The Robin Hood Way (to north of Fountain Dale) and written analysis;
- Impact on non-designated heritage assets, notably Copt Hill Farm which may include remnants of the 18th/19th century farmstead (see historic map attached) - this should be based upon info from the County HER.

This submitted study concluded that the proposed turbine would have little impact on the setting of the listed buildings or SAM. This is either because the asset is screened by trees or hedges to an extent that views of the turbine would be severely if not completely restricted; the asset exists within its own setting and does not rely on the wider area to preserve its special character or appearance; and the asset is located within an area whereby the surrounding topography is such that the turbine simply won't be visible.

The Conservation Officer has advised that the proposed turbine will be visible from a number of material viewpoints in which impact on heritage assets is worthy of consideration. In this case, there are two significant clusters of heritage assets to consider:

- i) Fountain Dale, including the moated SAM, Fountain Dale House & outbuildings (Grade II listed), flight of steps and gateway east of the house (Grade II) and Friar Tuck's Well (Grade II);
- ii) Blidworth, notably the conservation area, Church of St Mary (Grade II*) and tower mill (Grade II).

Fountain Dale -

The main house is dated to the mid-18th century, although it has a 19th century frontage. The house has numerous associated features including an outbuilding, wall and gate pier, as well as wider elements such as an early 19th century set of stone steps. The fish ponds between Fountain Dale and the moated site SAM are further evidence of the historic manorial nature of the grouping, presumably related to the medieval hunting lodge thought to have existed within the moated site during the 13th century. The quirky well head known as 'Friar Tuck's Well' is located at the eastern limit of the ponds. The group of designated heritage assets comprising Fountain Dale House appear to be relatively well screened by woodland from the proposed turbine. However, due to the scale of the turbine, it is likely that the structure will be prominent in the areas around this heritage asset grouping, thus affecting the way in which the assets are experienced, particularly on the Robin Hood Way. The moated scheduled monument and Friar Tuck's Well to the northeast of Fountain Dale House, for example, sit on the Robin Hood Way, and although they are currently overgrown and appear well screened by woodland, there is inter-visibility between the existing turbine group to the north (Lindhurst Farm) and the proposed turbine in this context.

The setting and landscape experience of the Fountain Dale grouping was assessed as less than substantial harm for the purposes of paragraph 134 of the NPPF. The Conservation Officer considers that the proposal will not result in substantial harm to the designated heritage assets in this grouping due to the extensive woodland coverage.

It should be noted that The Robin Hood Way has regional significance as a walking route. The existing turbines to the northeast are prominent in aspects along this route in the Blidworth vicinity and it is likely that a further turbine, especially of this scale, will result in degrees of inter-visibility and cumulative impact with the group of 5 turbines to the north. In the context of the wider landscape character between Rainworth, Blidworth and Harlow Wood, this impact is not considered to be substantially harmful to the significance of any specific identified heritage assets, or indeed the general understanding or enjoyment of the historic environment of this area.

Blidworth –

The proposal is not felt to harm the wider setting of the Blidworth Conservation Area (CA). Whilst the immediate setting of the CA can be identified in the fields and undulating landscape between New Lane and Ricket Lane, longer views from a number of vantage points in and around the CA demonstrate that the existing turbines are only occasionally prominent. The distance between the proposal site and the CA, furthermore, is significant enough to ensure that impact will not result in substantial harm. Again, whilst cumulative impact and inter-visibility is relevant, Conservation does not feel that the proposal causes any substantive harm to the CA or its setting.

Historic churches were often constructed to be landmarks within the landscape. On approach to Blidworth from the west or along Main Street from the east, the tower of the Church of St Mary (Grade II*) is relatively prominent, although it should be noted that the scale and height of the church tower is such that it is not a dominating landscape feature within the wider landscape. The built environment on higher ground on the north side of the road also partially screens the church from northern aspects of the wider landscape. The mill tower is relatively squat. The land to the west of the mill tower currently screens the mill from the proposal site. Overall, it is felt that the proposal will not adversely affect the setting of the church or windmill.

General comments –

Overall, the impact of the turbine on the character and appearance of the area is not likely to cause substantial harm to the significance of any specific or group of heritage assets. As such, any adverse impacts identified should be treated as less than substantial harm for the purposes of paragraph 134 of the NPPF. The harm can be weighed against any public benefit. In this instance, on balance, I consider that the generation of electricity for use in farm operations with surplus being fed into the grid represents a public benefit sufficient to offset the perceived less than substantial harm.

Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

The Heritage Statement submitted prepared by Trent and Peak Archaeology 2014 confirms that direct impacts to sub-surface archaeology may be possible during the construction of the turbine. As such, it is recommended that a planning condition requiring further investigation is required in this instance. This is included as condition 16.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development and Policy DM4 seeks to ensure no detrimental impact upon amenity, including noise pollution, shadow flicker and electro-magnetic interference.

Noise

NPPF paragraph 123 states that, '*Planning policies and decisions should aim to:*

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'*

In respect of renewable energy and low carbon energy development, it is stated in a footnote to Paragraph 97 that *'in assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.'*

Planning Practice Guidance 2014 recently replaced The *'Planning Practice Guidance for Renewable and Low Carbon Energy'* (which in itself replaced the PPS22 Companion Guide) and advises that the report *'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'* should be used by local planning authorities when assessing and rating noise from wind energy development. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.

An Acoustic Assessment has been submitted as part of the application which has been reviewed by our Environmental Health Officer. The Assessment considers noise impact at the 4 nearest residential properties and stables that are not financially involved in the proposal. The Assessment concludes that noise emissions at the nearest sensitive receptor would be above the recommended 35dB LA90, 10 min but below the 40dB LA90 10 min threshold in line with the guidance contained in the ETSU-R-97, up to a wind speed of 10 metres per second at 1.5 metres height. The survey submitted was in line with the worst case scenario in line with the guidance on noise impacts. The Assessment therefore considers that noise emissions associated with the operation of the proposed EWT 500kW wind turbine would not result in any loss to the nearest noise sensitive receptors.

Having taken the advice of the Environmental Health Officer, I am satisfied that provided conditions are attached (see Conditions 3, 4 and 15) requiring that in the event of a complaint about noise, that the applicant carry out a full investigation and undertake all necessary remedial works, then neighbouring amenity will be protected.

It is therefore considered that the proposed turbine would not have a detrimental impact in respect of noise and as such the proposals would accord with Policy DM4 in terms of impact on amenity, the NPPF and guidance outlined in ETSU-R-97.

Shadow Flicker

As stated in Planning Practice Guidance, under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. It is also only properties located 130 degrees either side of north, relative to the turbines that can be affected at these latitudes in the UK. It has been accepted on previous planning applications considered and is stated within the Department for Energy and Climate Change document on submitted that only observers located within 10 times the rotor diameter of a wind turbine (in this case 540m) may be affected by shadow flicker. The Visual Receptor map submitted as part of the application indicates that within this shadow flicker zone there are three properties which are not financially involved with the project (residential property 320m directly to the east is not in the shadow flicker zone). These residential properties are listed below:

- SFR5 - dwelling (Greenfields) located circa 375m north-north east

- SFR7 – dwelling (Stokely) located circa 463m north-north east
- SFR8 – dwelling (Fountain Dale Lodge) located circa 314m west

The submitted shadow flicker report states that the effect of shadow flicker on these potential shadow flicker receptors is limited as the site is very well screened by tall mature trees and hedgerows as well as the undulating nature of the topography in this area. If the shadow flicker receptors were to experience any shadow flicker from the proposed turbine the time period of experiencing shadow flicker would be limited. In summary, shadows may be cast on a maximum of 78 days over a year on the windows of Receptor 8 (the events will last no more than 43.8 minutes (0.73 hours) on any one day), 48 days over a year on the windows of Receptor 7 (the events will last no more than 28.2 hours (0.47) on any one day) and 44 days over a year on the windows of Receptor 5 (the events will last for no more than 30.6 minutes (0.51 hours) on any one day). These results are based on worst case scenario and in reality these events may not always coincide with the correct weather conditions. This could be mitigated through turning off the turbines during the brief periods when conditions are likely to occur. This could be dealt with by condition 17.

I therefore consider that any impact in terms of shadow flicker would be minimal and would not be so detrimental so as to warrant a refusal of permission on these grounds. Environmental Health have raised no concerns in this respect. I consider that it would be reasonable to attach a condition to any planning consent requiring that a scheme for the investigation and alleviation of shadow flicker be submitted on receipt of a written request from the LPA following any complaint in this respect. With such mitigation protocol in place it is likely that any residual effects can be reduced to a satisfactory level that is not significant, protecting the amenity of nearby properties from the potential effects of shadow flicker. Subject to conditions 3, 4 and 17 the proposal would therefore not need to be considered as a potential detrimental impact under Policy DM4.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and Policy DM4 seeks to ensure no detrimental impact upon the ecology of the local or wider area.

An Ecology Survey along with an Addendum Report (EMEC Ecology, June 2014) has been submitted by the Applicant. On the basis of the information provided, Nottinghamshire Wildlife Trust and Natural England raise no objection to the application subject to conditions requiring the implementation of mitigation measures set out in these reports. I have noted the request of Nottinghamshire Wildlife Trust in relation to a pre-start ecological walkover survey but in the context of the mitigation measures set out in the ecological report, I do not consider this to be necessary.

The impact upon nightjar and woodlark within the Sherwood Forest Area has also been assessed and the Wildlife Trust agree with the conclusion of the ecological consultant that the field is not regularly used as a foraging resource or commuting route and therefore any significant impact on these populations is unlikely.

Overall, subject to conditions (see 5, 14 and 18) it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of Core Policy 12 and Policy DM12 of the DPD.

Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

The applicant/agent has provided swept path analysis for the HGVs expected to the site from the A60, and entering the application site. The largest vehicle expected may be up to 30m in length. The route for all traffic associated with this proposal is to be from the A60 Nottingham Road, onto Ricket Lane. The existing access into Copt Hill Farm from Ricket Lane should be used and will require widening (as shown on dwg. 264469-1201.1) to allow safe access into the site and the applicant should provide detailed drawings to show the extent of the works in the highway to assess whether the temporary surfacing is acceptable at the point of access. Therefore, subject to the a condition requiring details of alterations to the existing Copt Hill Farm access, the Highways Officer raised no objection to the proposal.

Overall, subject to conditions, it is not considered that the proposed development would have an adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM4 of the DPD.

Safeguarding, Telecommunications, Television Interference

Various organisations have been consulted with regard to aviation safety. None of these have raised any safeguarding concerns.

The Ministry of Defence, Civil Aviation Authority raise no objection to the proposed scheme. The Civil Aviation Authority and Ministry of Defence have requested that information be provided at least six weeks prior to the start of construction, to allow for the appropriate notification of the relevant aviation communities to take place.

NATS have confirmed that an agreement is in place for a mitigation solution and therefore their original concern has been overcome.

I note that the Joint Radio Company has also raised no objections to the proposal in respect of radio systems operated by utility companies.

I consider that there are unlikely to be any undue impacts on terrestrial TV service given that we have now had the digital switchover in this area, and therefore there should be no undue issues with television interference as a result of this development.

Decommissioning

Conditions (11 and 13) would be attached to any consent requiring a decommissioning and site restoration scheme to be submitted on expiration of any planning consent.

I am mindful that the NSLCS includes that NSDC will seek confirmation from applicants that they are agreeable to a bond being secured to ensure that suitable funds are available to carry out decommissioning and restoration works at the end of the life of a turbine. In this instance a bond has not been secured. I am mindful that the proposal relates to a single turbine with minimal

works associated with the turbine, access and ancillary equipment. The cost of decommissioning and restoration of the land should therefore be comparably low. In this instance I therefore consider that the suggested condition with site restoration scheme would be commensurate to the scale of the proposal and consider it would be unreasonable to withhold a consent solely on the absence of a bond.

Public Rights of Way

The proposed turbine would be a sufficient distance away from the nearest right of way so as not to present any safety hazards to the users of the nearest public rights of way.

Other Issues

Impact on horses

I have had regard to the advice contained with The British Horse Society Advice Note on Wind Turbines and Horses. This report highlights that there have been no formal trials to establish horses' responses to turbines but recommends that a separation distance of three times the blade tip height should be required between a turbines and any route used by horses. The proposal is for a single turbine and the requirement for such a separation distance is not as critical in this instance. The British Horse Society have been consulted but no response has been received either to this scheme or the previously approved scheme. The proposed turbine would be located more than 70 metres from the edge of Ricket Lane and I consider this to be adequate.

Topple Distance

It is noted that one neighbour has expressed concern regarding the topple distance (albeit in the context of falling on adjacent properties land rather than in respect to highway safety). The turbine is not within topple distance of any dwelling. The 67m turbine would be located c69m from Cross Lane and c74m from Ricket Lane this exceeding fall over distance. The Highways Authority raise no objection to the scheme in terms of highway safety.

Balancing Exercise and Conclusions

The application is considered to comply with the relevant Development Plan policies and is strongly supported by national policy. Whilst the proposal is 'inappropriate by definition', the harm to the openness of the Green Belt is considered to be limited. The benefits relating to the amount of energy produced amount to very special circumstances to justify the development in the Green Belt. In relation to the 'less than substantial harm' identified for heritage assets, I also conclude that the energy generated from the scheme outweighs this harm. The impact upon the landscape when taking into account cumulative impacts and the fact that this is the replacement of a turbine with extant planning permission at the site, is considered to be acceptable. In light of there being no significant environmental, social or economic impacts arising from the proposal, it is recommended that the application is approved 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 approved plans;

SS-050W PS-01 Location Plan (dated 05/12/2015)

SS-050W PS-03 (Block Plan) dated 05/12/14

SS-050PW PS-04 (Wind Turbine Elevations) dated 05/12/2014

264469-100A1.1 (A60/Ricket Lane Junction)

24469-110B0.1 (S Bend on Ricket Lane)

264469-130B.1 (Left Turn into Site)

264469-100B0.1 (A60/Ricket Lane Junction)

264469-120A1.1 (junction off Ricket Lane and Right hand turn into site)

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

Reason: For the avoidance of doubt and in order to define the permission.

03

Prior to the commencement of the development hereby permitted, a scheme shall be submitted and approved in writing by the local planning authority setting out the protocol for the assessment of shadow flicker and noise in the event of any complaint being received, including the remedial measures to be taken. Operation of the wind turbines shall be in accordance with the approved protocol.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

04

Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging disturbance from shadow flicker and/or noise from the turbine at a dwelling that is lawfully occupied and lawfully existing at the time of this consent, the wind turbine operator shall at its expense provide a scheme for the investigation and alleviation of shadow flicker and/or noise in accordance with the protocol required by Condition 3. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with the scheme thereafter.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

05

All works should be undertaken in accordance with the mitigation recommendations set out in sections 5 and 6 of the Ecological Surveys (prepared by Emec Ecology June 2014) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

06

The turbine installed on site shall comprise a "EWT DW54/500kW" wind turbine (as shown on drawing number SS-050PW PS-04 EWT dated 05/12/2014) which shall be no larger than the maximum dimensions submitted as part of the application and no part of the structures shall carry any logo or lettering other than as required for health and safety reasons.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the amenity of nearby residential occupiers in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

07

Prior to the commencement of development precise details of the following matters shall be submitted to and approved in writing by the Local Planning Authority.

- details of the colour/finish to the nacelle, blades and tower of the wind turbine
- details of the precise location, design, materials and colour to be used for the construction of the sub-station
- precise details concerning the extent of the turbine foundations and plinth

Once approved in writing the development shall be completed in accordance with the approved details and maintained as such thereafter.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

08

No part of the development hereby permitted shall be brought into use until the existing Copt Hill Farm access is altered to accommodate the construction traffic associated with the proposal, with details to be first submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

09

No development shall be commenced until the operator of the wind turbine has provided written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority:

- i) Proposed date of Commencement of Development
- ii) The maximum extension height of any construction equipment.

Within 14 days of the date on which electricity is first exported from the development, the operator of the wind turbine shall provide written confirmation of the following details to the Ministry of Defence (MOD), Civil Aviation Authority (CAA) and Local Planning Authority:

- i) Earliest possible date of completion of construction
- ii) The height above ground level of the highest potential obstacle
- iii) The position of that structure in latitude and longitude

In the event that the anticipated date of completion of construction varies from that which has been notified to the MOD and CAA, an update shall be provided in writing to both parties prior to construction extending beyond the date of which they have been notified.

Reason: In the interests of air traffic safety.

10

All electrical cabling between the turbine and the sub-station shall be located underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

11

If the wind turbine hereby permitted ceases to operate for a continuous period of 12 months then a scheme for the decommissioning and removal of the wind turbine and ancillary external housing equipment shall be submitted within six months of the end of the cessation period to the Local Planning Authority for its written approval.

Reason: in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

12

The planning permission hereby granted shall be for a temporary period only, to expire 25 years after the date of the commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission in the interests of the character and appearance of the surrounding area and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

13

Not later than six months before the date on which the planning permission hereby granted expires, the wind turbine and external housing shall be dismantled and removed from the site and the land reinstated to its former condition in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of the development. The scheme to be submitted shall include the dismantling and removal of the turbine and external housing above existing ground levels and the removal of the turbine base and foundations.

Reason: In the interests of visual amenity and the openness of the green belt in accordance with the aims of the NPPF, Spatial Policy 4B, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

14

No hedge or shrub 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 in accordance with Core Policy 12 of the Core Strategy and Policies DM4 and DM7 of the Allocations & Development Management DPD.

15

The turbine shall not produce an audible tone requiring a correction as set out in "The Assessment and Rating of Noise from Wind Farms" - ETSU-R-97.

Reason: In order to safeguard the amenities of residential properties in accordance with the aims of the NPPF and Policies DM4 and DM5 of the DPD.

16

No development shall take place within the application site until details of an archaeological scheme of mitigation have been submitted to and approved in writing by the Local Planning Authority. The scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation and should ensure that all phases of ground disturbance at the site are archaeologically monitored in circumstances that will allow archaeological features to be recorded. Once the scheme has been approved in writing by the Local Planning Authority, the scheme shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site in accordance with Core Policy 14 of the Core Strategy and Policy DM9 of the DPD.

17

Prior to the turbine being first brought into use a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority which sets out what measures will be employed to mitigate for adverse impacts arising from shadow flicker upon receptor properties identified in the Shadow Flicker Assessment by Long Life Energy dated 17/02/2015 forming part of the application. The approved scheme shall be implemented in accordance with the agreed measures upon being brought into use and shall remain in place for the lifetime of the development.

Reason: To ensure that adequate protection is afforded to the properties identified as being adversely affected by Shadow Flicker in the interests of residential amenity in accordance with Policy DM5 of the DPD.

18

No new tree or hedge planting should be undertaken within 73 metres of the turbine base, to avoid future encroachment of the 50 metre standoff distance (between blade tip and linear feature).

Reason: In order to comply with Natural England Guidance and to ensure the protection and enhancement of natural habitat on the application site, in the interests of nature conservation and in line with Core Policy 12 of the adopted Core Strategy.

19

No development shall be commenced until full details soft landscape mitigation including hedgerow enhancement has 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.

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 12 and 13 of the Core Strategy and Policies DM5 and DM7 of the Allocations & Development Management DPD.

20

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with Core Policy 12

and 13 of the Core Strategy and Policies DM5 and DM7 of the Allocations & Development Management DPD.

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

02

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

03

The applicant must contact Malcolm Goodall, Abnormal Load Officer at Nottinghamshire County Council (Highways) on tel. 0115 977 4490, prior to any works commencing and also discuss the temporary removal of the road signs in the grass verge adjacent to the A60 which be at the applicant's expense.

04

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 Highway Act 1980 (as amended) and therefore, land over which you have no control. In order to undertake the works you may need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans (01623) 529735 for details.

BACKGROUND PAPERS

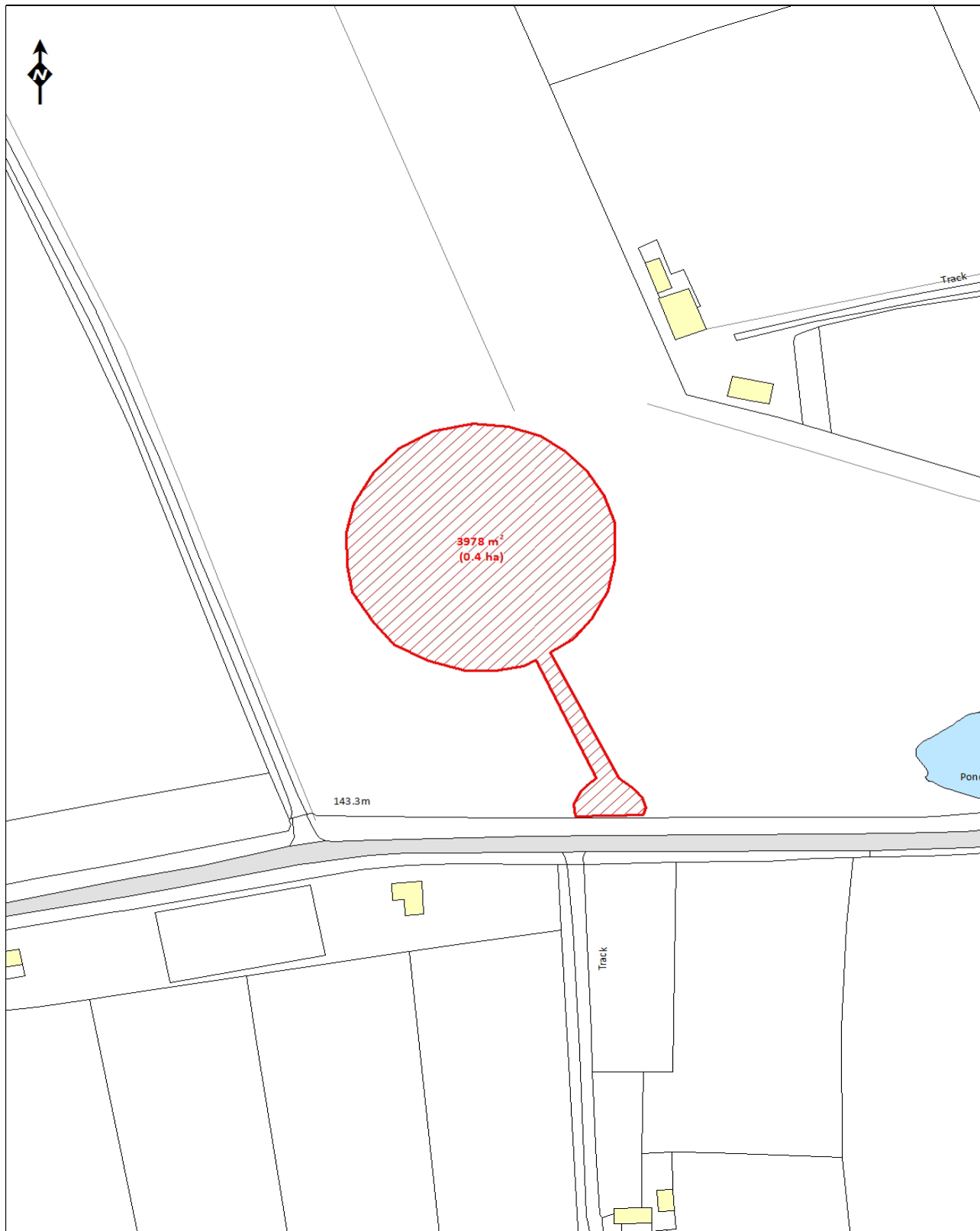
Application case file.

For further information, please contact Helen Marriott on ext 5793.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 14/02169/FUL



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This matter is being dealt with by:
Helen Jones
Reference: 14/02169/FUL
0115 977 4552
helen.jones@nottscc.gov.uk
www.nottinghamshire.gov.uk

FAO Helen Marriott
Senior Planner,
Development Business Unit,
Newark and Sherwood District Council,
Kelham Hall,
Kelham,
Nottinghamshire,
NG23 5QX

18th March 2015

Dear Helen,

Planning Application Reference No: 14/02169/FUL

Proposal: Proposed erection of a single 500kW wind turbine with a hub height of 40 metres and 67metres in height to blade tip,

Location: Copt Hill Farm, Ricket Lane, Blidworth

Applicant: Wheatley Energy

The following comments have been prepared by Helen Jones of the Nottinghamshire County Council (NCC), Landscape and Reclamation Team acting as Landscape and Visual Impact Assessment (LVIA) consultants to Newark and Sherwood District Council (NSDC). The comments have been formulated on the basis of submitted documentation. NSDC were also contacted to obtain a list of turbines in the planning system and to update their status at 12th February 2015, in order for these to be considered in the cumulative landscape and visual impact assessment. There is already a consented development on this site (planning application reference 13/01651/FUL which was approved in September 2014). The basis for these comments is to treat application reference 14/02169/FUL as a new application in its own right. Since the original planning approval the Newark and Sherwood Landscape Capacity Study for Wind Energy Development, commissioned by NSDC and prepared by Land Use Consultants in March 2014 has been adopted as a Supplementary Planning Document by NSDC. Other wind turbine applications have also been granted approval since September 2014.

The following documents and drawings have been referred to in order to produce these comments:-

Documents

- LVIA – Life Long Energy – December 2014
- Design and Access Statement – Life Long Energy – dated 8th December 2014
- Pre consultation details – Life Long Energy - dated 4th December 2014
- NWT comments Claire Sambridge – Helen Marriott NSDC

Drawings

- Site location Plan – Life Long Energy – SS-050W PS-01 - 05.12.2014
- Site Plan – Life Long Energy – SS-050W PS-02 - 05.12.2014
- Block Plan – Life Long Energy – SS-050W PS-03- 05.12.2014

- Viewpoint 1 – Life Long Energy
- Viewpoint 2 – Life Long Energy
- Viewpoint 3 – Life Long Energy
- Viewpoint 4 – Life Long Energy
- Viewpoint 5 - Life Long Energy
- Viewpoint 6 - Life Long Energy
- Viewpoint 7 – Life Long Energy
- Viewpoint 8 - Life Long Energy
- Viewpoint 9 - Life Long Energy
- Viewpoint 10 – Life Long Energy
- Viewpoint 11 – Life Long Energy
- Viewpoint 12 – Life Long Energy
- Viewpoint 13 – Life Long Energy
- Viewpoint 14 – Life Long Energy

- ZTV (15km) - Life Long Energy – Figure 07 – December 2014
- ZTV (15km) - Life Long Energy – Figure 06 – December 2014
- Cumulative turbine locations (15km) - Life Long Energy – Figure 09 – December 2014
- Cumulative ZTV (15km) - Life Long Energy – Figure 10 – December 2014

- Regional Landscape Character Assessment - Life Long Energy – Figure 03 – December 2014
- Landscape Policy Zones - Life Long Energy – Figure 04 – December 2014
- Designations within 5km – Life Long Energy – Figure 05 – December 2014
- Receptors within 2km – Life Long Energy – Figure 08 – December 2014

- EWT international datasheet
- Revised elevations wind turbine – EWT DW54 / 500 Wind Turbine – Life Long Energy – SS-050W PS-04 05.12.2014
- Swept Path Analysis drawings – A60 and site entrance - Collett Consulting

Key documents and drawings from the previous planning application reference 13/01651/FUL have also been referred to, these are as follows:-

- Revised LVIA – Life Long Energy – February 2014
- Design and Access Statement – Life Long Energy – 6th September 2013
- Revised Site location Plan – Life Long Energy - 21.03.2014
- Revised Site Plan – Life Long Energy – SS-050W PS-02 - 21.03.2014

1. Landscape and Visual Impact Assessment Methodology

The Landscape and Visual Impact Assessment has followed the methodology set out in the Landscape Institute and the Institute of Environmental Management and Assessment in Guidelines for Landscape and Visual Impact Assessment' – Third Edition (GLIVA3) – May 2013.

There are also references to other guidance such as the Countryside Agency and Scottish Natural Heritage (2002) Landscape Character Assessment: guidance for England and Scotland and other publications by Scottish Natural Heritage (SNH) related to Visual Assessment of wind farms.

In the NCC comments, I have made reference to the Newark and Sherwood Landscape Capacity Study for Wind Energy Development, commissioned by NSDC and prepared by Land Use Consultants in March 2014.

Study Area

The Zone of Theoretical Visibility (ZTV) and Cumulative Zone of Theoretical Visibility (CZTV) were defined as a 15 km radius. Viewpoints were selected within a 10km radius area. A smaller study area of 5 km radius was used for the assessment of landscape effects

2. The existing site

The 0.30 hectare application site is located within an agricultural field on land to the west of the village of Blidworth, and is surrounded by land in agricultural use. The site lies within an area of open countryside between the urban developments of Mansfield to the north west, Rainworth to the north east, Blidworth to the east, and Ravenshead to the southwest.

The proposed site will be accessed from a newly constructed access track of Ricket Lane to the south. The closest Public Rights of Way to the proposed site are the Robin Hood Way to the north of the proposed site and Blidworth Bridle Way 9 to the west and Blidworth Bridle Way 7 to the north east

The closest residential properties, not connected with the proposed development, are residential properties on New Lane to the north east, Providence Farm to the north, and Fountaindale Lodge and Brackendale to the west of the proposed site

The site is at a level of approximately 142 m AOD, just below the crest of a ridge between Blidworth and Ravenshead. The surrounding landscape is gently undulating

Scattered farms occur throughout the landscape linked by minor roads. The fields are generally regular in shape and include long 'strip' fields which reflect medieval farming practices. Fields are enclosed by field boundaries with mature hedgerows with scattered mature hedgerow trees. There are small blocks of deciduous woodland scattered throughout the area as well as larger coniferous plantations.

In a 360 degree view from the site the following operational wind turbines are located:-

- 5 number 3 bladed turbines – Lindhurst Farm
Height 125m to tip (Application reference 06/002014/FUL) – 1.6 km from the proposed site to the closest turbine
- 1 number 3 bladed turbine – Cottage Farm
Height 102m to tip (Application reference 13/00406/FUL) – 1.2 km from the proposed site
- 1 number 3 bladed turbine – Baulker Farm
Height 77m to tip (Application reference 11/00873/FUL) – 4.4 km from the proposed site

3. Proposed Development

The applicant now seeks consent to erect a medium height turbine (as defined by the LUC study referenced previously) on land to the west of Blidworth. The proposed development is described in both the Landscape and Visual Impact assessment (LVIA) and the Design and Access Statement– Life Long Energy – dated 8th December 2014)

The proposed turbine is an EWT Direct Wind 54/500 type as illustrated on the proposed turbine elevation – Life Long Energy - SS-050W PS -04 dated 05.12.2014. The proposed turbine is three bladed and now has a maximum height of 67 metres to the blade tip, an increase in height of 5 metres from the previous application. In all other respects the turbine design is the same as the previous application and the only change is in its height. There is also a very minor change in its location from grid reference 457098 356277 to grid reference 457095 356282. The amended location will be 6m north-west of the granted location. The minor relocation is to accommodate the gas main which runs across the site.

Ancillary works associated with the application are shown on drawing SS-050W PS -02 dated 05.12.2014 and includes the following:-

- Proposed temporary access track extension from existing field entrance – approximately 90 metres in length and 4 metres wide. The track will be constructed in a hard surface of a specification to be agreed.
- Turbine hard standing – The cranes used to install the turbine require a solid level hard standing next to the turbine base. The proposed hard standing will be approximately 17m x 34m as shown the above drawing although not labelled as such and large enough to accommodate all of the heavy equipment manoeuvring. The hard standing will presumably be left in-situ following construction and covered with topsoil

- Cable - this will be required to connect the substation to the grid connection point. Although not stated by the applicant this would presumably run along the proposed access track. This cable would be installed underground and would be adopted by the Distribution Network Operator. No new overhead cables will be required.

No details have been provided about the turbine foundation, or any associated electricity substation and these are required from the applicant.

4. Physical Impact of the proposed development on the landscape

The direct physical impact of the proposed development on the landscape fabric of the existing site, at the construction stage, has been described in the applicants LVIA (Paragraph 6.2). The physical effects upon the landscape are considered to be **moderate - slight adverse** on the receiving Policy Zone S 46 Blidworth Wooded Estatelands as a result of physical construction operations and therefore not significant. The physical effects upon the landscape are considered to be **slight adverse** on the same Policy Zone as a result of movement of vehicles and therefore not significant. The physical effects on adjacent Policy Zones and the Sherwood Landscape Character area have also been considered, none of these are assessed as significant. I am in agreement with these conclusions.

The works will result in the removal of 0.3 km² of agricultural land, although existing agricultural operations will continue on completion of the scheme. There will also be the excavations necessary for the ancillary works described above.

Information is provided by the applicant about the delivery route of the turbine components to the site, in the Swept Path Analysis drawings included with the application, these only indicate tree pruning rather than any removal of vegetation to bring the components to site. It seems likely that no further vegetation removal will be required other than that described above as the proposed site is adjacent to Ricket Lane.

5. Impact on the landscape character of the study area

The hierarchy of Landscape Character Assessment that exists is as follows: firstly at the national scale are National Character Areas (NCAs) as defined by Natural England (formerly Countryside Commission/ Countryside Agency). This is followed at a regional scale by the East Midlands Regional Landscape Character Assessment (2010), Natural England and thirdly at the most detailed scale, by the Nottinghamshire Landscape Character Assessment (2009), Nottinghamshire County Council, of which the NSDC Landscape Character Assessment is a part.

NSDC in partnership with NCC has undertaken this Landscape Character Assessment (LCA) 2010 to assist decision makers in understanding the potential impact of proposed development on the character of the landscape.

The above assessment is underpinned by policy justification in that Landscape Character Assessment has taken place at a national, regional and county level in line with government planning guidance, and at the county level LCA is supported by its adoption as Supplementary Planning Document (SPD) in December 2013 to the Newark and Sherwood District Council Core Strategy.

The Newark and Sherwood District Council Core Strategy Core Policy 13 addresses issues of landscape character. A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Strategy Core Policy 13. 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 proposed turbine is located within the Sherwood Landscape Character Area, which has been divided into 62 Policy Zones. The application site is located in Sherwood Policy Zone 46 – Blidworth Wooded Estatelands

The landscape condition of the Blidworth Wooded Estatelands is defined as “very good”. The area has a unified pattern of elements as the majority of the area is permanent improved and unimproved pasture. There are some detracting features in that there is some breakdown of the field pattern due to subdivision of the field areas into smaller paddocks. Busy roads also pass through the area. Despite this, overall this is a visually unified area. Ecological integrity is moderate with areas of permanent pasture, interconnecting mature hedgerows and small woodlands. Cultural integrity is good in that the field pattern is intact which reflects the Sanderson Plan of 1835, with well-maintained and mature, species rich hedgerows. Overall, a visually unified area with a very strong functional integrity /habitat for wildlife leads to a very good landscape condition.

In the LCA, the landscape sensitivity of the Blidworth Wooded Estatelands is defined as ‘moderate’. The components of the landscape character are characteristic of the Sherwood LCA. The time depth is historic (post 1600) giving a moderate sense of place overall. However the medieval field pattern around the historic core of Blidworth is intact throughout the area. Some elements of the landscape such as mature hedgerows are possibly ancient, the evidence being the number of species being contained within the hedgerows. This leads to a moderate sense of place overall. The undulating landform is apparent with intermittent tree cover provided by bushy hedgerows giving a moderate visibility of features. There are panoramic views to the north and south from the high point of New Lane to the north of the area. A moderate sense of place and moderate visibility leads to a moderate landscape sensitivity overall.

Core Policy 13 of the Strategy indicates that the development proposals positively address the recommended actions of the Landscape Policy Zones in which proposals lie and demonstrate that such development would contribute towards meeting landscape conservation and enhancement aims for the area. The Policy Action for this area is ‘Conserve’, which the LCA defines as ‘actions that encourage the conservation of distinctive features and features in good condition’, these are specifically to:-

Landscape Features

- Conserve the historic pattern of permanent unimproved and improved pasture
- Conserve mature hedgerows and mature trees to pasture areas and roadsides
- Conserve the possibly ancient mature hedgerows and mature trees to New Lane
- Conserve small woodlands with acid grassland to the north of the area
- Create opportunities for restoring areas of heathland where appropriate

Built Features

- Conserve the sparsely settled character of the area by concentrating any new development outside of this area of historic field pattern and within the core of Blidworth Village
- Conserve the existing field pattern by locating any new small scale development within the existing field boundaries
- Promote sensitive design and siting of new agricultural buildings and temporary stables for horses
- Promote measures for reinforcing the traditional character of farm buildings using vernacular building styles

The Newark and Sherwood Landscape capacity study for wind energy development by LUC, has shown the location of the proposed site to have medium – high sensitivity to medium height turbines (51 to 80 metres) Figure 5.3

The applicant's assessment of sensitivity of the study area is summarised in Table 13 (LVIA) in a range from low to high. The sensitivity of the Policy Zone in which the site is located is Moderate with a medium capacity to accept change, which is lower than the LUC assessment above.

Applicants conclusions of the Landscape Character Appraisal

The Landscape and Visual Impact Assessment was submitted as a stand-alone document with the Planning Application. The applicant has appraised the landscape and visual character using 14 viewpoints which were not agreed in advance with NSDC.

The landscape character is described at a national, regional and local level in the baseline landscape assessment of the LVIA. The site is located in National Character Area 49 – Sherwood. The criteria for assessment of landscape sensitivity and the magnitude of change have been provided in the methodology of the LVIA. The assessed levels of landscape sensitivity and the magnitude of change are used to determine the degree of significance of effect on landscape character. A significant effect in terms of the Environmental Assessment Regulations is generally defined as one which is above Moderate, but this is not defined in Table 6 (GLIVA)

A summary of the effects on Landscape Character is provided in Table 18 (LVIA) at the construction, operational and decommissioning phases. Operational phase landscape impacts on the Sherwood RLCA in which the proposed site is located are assessed by the applicant as **moderate -slight adverse**. Operational phase landscape impacts on the receiving Policy Zone 46, are assessed by the applicant as **moderate - slight adverse**. The Landscape effects on adjacent Policy Zones and the Sherwood Landscape Character area have also been considered. A greater level of impact of **moderate adverse** is assessed for Sherwood Policy Zone 4 Rainworth Lodge Wooded Estatelands because of its 'more sensitive landscape character (paragraph 6.3.1). I would argue that the landscape character of Sherwood Policy Zone 46 is also sensitive due to its field pattern described earlier and the level of landscape impact on this area should also be at least **moderate adverse**, and this has been underestimated by the applicant. However I am in agreement that there are no significant adverse effects on landscape character.

No mitigation of the landscape impacts has been identified by the applicant; I consider that there is some scope to provide some mitigation, with planting works on the surrounding farmland on land within the applicant's ownership. This could include (taken from the Policy action for the Policy Zone described earlier) to 'Conserve mature hedgerows and mature trees to pasture areas and roadsides' This would help to deliver some key actions for the Policy Zone Sherwood 46. Plant species should be suitable for the Sherwood Landscape Character Area

6. Visual Impacts of the proposed development on the visual character of the study area

The proposed development would comprise the installation of a 500kW turbine which has a maximum height of 67 metres to the blade tip, a hub height of 40 m, with a rotor diameter of 54m. The design and height of the proposed turbine is therefore known and the visual impact can be predicted.

The Landscape and Visual Impact Assessment (LVIA) includes an assessment from 14 viewpoints, which have not been agreed in advance with NSDC. The full visual assessment is described in section 7 (LVIA) and is summarised in Table 19 (LVIA). Photomontages have been created for each of these viewpoints. This summary indicates that there is a range from negligible to minor/moderate adverse visual effects, these visual effects are classed as not significant (i.e. None of the effects are above moderate adverse) I am in agreement with the conclusions of the visual assessment.

Viewpoint	Distance to Site (Km)	Visual Receptors	Sensitivity of Visual Receptor	Magnitude of Change	Overall Visual Effect	Visual Effect Significance
1	2.64	Users of Public Footpath and Bridleway, road users	Low – due to distance from site	Very Low	Slight-Negligible	Not significant
2	3.40	Residents	Low – due to distance from site	Negligible	Negligible	Not significant
3	0.64	Recreational walkers	Medium – due to distance from site	Medium	Minor to Moderate	Not significant
4	0.94	Residents, road users	Medium – due to distance from site	Medium	Minor to Moderate	Not significant
5	2.75	Residents, pavement users, road users	Low – due to distance from site	Low	Slight	Not significant
6	1.40	Residents, road users	Medium – due to distance from site	Low	Minor	Not significant
7	1.42	Recreational walkers	Medium – due to distance from site	Low	Minor	Not significant
8	1.16	Recreational walkers, farm workers	Medium – due to distance from site	Medium	Minor to Moderate	Not significant
9	0.95	Road users	Low	Negligible	Negligible	Not significant
10	2.92	Road Users	Low	Negligible	Negligible	Not significant
11	8.88	Recreational walkers	Low	Negligible	Negligible	Not significant
12	6.75	Recreational Walkers	Low	Low	Slight	Not significant
13	6.87	Recreational Walkers, Residents	Low	Negligible	Negligible	Not significant
14	5.60	Road users	Low	Negligible	Negligible	Not significant

7. Cumulative Landscape and Visual Impact Assessment

The current situation in the study area is that there are 6no large and 1 medium approved or operational turbines (LUC size definition) within the 360 degree view from the proposed site, within 5km of the proposed site.

- 5 number 3 bladed turbines – Lindhurst Farm
Height 125m to tip (Application reference 06/002014/FUL) – 1.6 km from the proposed site to the closest turbine

- 1 number 3 bladed turbine – Cottage Farm
Height 102m to tip (Application reference 13/00406/FUL) – 1.2 km from the proposed site
- 1 number 3 bladed turbine – Baulker Farm
Height 77m to tip (Application reference 11/00873/FUL) – 4.4 km from the proposed site

The Cumulative Landscape and Visual Impact Assessment (CLVIA) was carried out by the applicant visiting each of the 14 viewpoints and considering all of the turbines visible and taking into account all of those known to be in the planning process.

These turbines together with all turbines in the planning system at the time the CLVIA was carried out are illustrated on LVIA Figure 09 - Cumulative turbine locations and are listed in Table 20 of the LVIA. This shows all turbines, existing operational turbines, consented turbines, and any other turbines in the planning system at October 2013 to illustrate the above as well as the location of the proposed site. A Cumulative Landscape and Visual Impact Assessment ZTV was produced as LVIA Figure 10.

The cumulative LVIA concludes that there is a **minor adverse to non – significant** cumulative effect on landscape character, which is not significant. This is on the basis that there are already the other turbines listed above within the same Landscape Policy Zone (paragraph 8.2). However this is incorrect the Lindhurst turbines are in the adjacent Sherwood Policy Zone 11 and the Cottage Farm turbine is in S PZ 04. This is instead a cumulative effect on landscape character when considering the adjacent Policy Zones, I would consider that this is at least a **minor adverse** cumulative effect and is underestimated.

The main area of cumulative visibility of the proposed turbine with the operational and consented turbines would be to the north east. The cumulative LVIA concludes that there is a **Minor adverse** cumulative effect on visual receptors, which is not significant. However the cumulative impact on users of Public Rights of Way has not been considered in detail in the LVIA, if the proposed turbine added to those already visible is considered this impact may have been underestimated, although it is accepted that mature vegetation in the area does provide some screening

Overall the LVIA concludes that there is a **minor adverse** cumulative effect arising as a result of the proposal, NCC consider that this is an underestimate. However I am in agreement that there are no significant adverse cumulative effects

8. Sequential Impact

This is described as the sequential effect where the observer sees different wind turbine developments from different viewpoints whilst travelling thorough the landscape and is considered in section 8.4 of the LVIA. The study concludes that the single turbine will have a **minor adverse** effect which is not significant. This conclusion is accepted as the turbine is some distance from the main vehicular routes through the area – B6020 and A617 Rainworth bypass. From the A617 Rainworth bypass the Lindhurst Farm turbines are dominant and the proposed application is a further 1.6 Kilometre distant.

9. NSDC Landscape Capacity Study

This report has not been referred to in the applicants landscape and visual impact assessment although it was available in March 2014, NCC have therefore referred to it in these comments.

On a strategic level the NSDC Landscape Capacity Study sets out an overall aim for each of the identified landscape character types. Within the NSDC Landscape Capacity Study Table 2.5 (Page 14) sets out levels of wind energy development within the landscape.

These are:

A **landscape without wind energy** is considered to be an LCT within which no wind energy developments are located. There may, however, be in views of wind energy developments located in neighbouring types of landscape. Some landscapes in this category may be able to accommodate small scale turbines, for example associated with farm buildings, and this is clearly set out where this is the case.

A **landscape with occasional wind energy** is considered to be an LCT within which a very small number of wind energy developments are located. In this landscape, the wind energy developments are usually clearly separated and whilst each development influences the perception of the landscape at close proximity, they do not have a defining influence on the overall experience of the landscape (developments would not result in a significant cumulative impact on the LCT as a whole) The LCT would not be dominated by wind turbines.

A **landscape with wind energy** is considered to be an LCT within which several wind energy developments are located; where the landscape may be perceived as having wind turbines visible in more than one direction; and/or where wind energy developments have a strong influence on the character of the landscape *but* are not the defining characteristic of the landscape character. It will still be possible to appreciate the character of the landscape without wind turbines dominating every view in the LCT.

A **wind farm landscape** is considered to be an LCT where turbines are the defining influence on the landscape character of the area. All other landscape features are seen in the context of extensive wind energy development

The proposed turbine development is located in Landscape Character Type A3 – Wooded Estate lands and the overall aim for this LCT has been assessed as **a landscape with occasional wind energy** in terms of the level of development likely to be acceptable. In this landscape, the wind energy developments are usually clearly separated and whilst each development influences the perception of the landscape at close proximity, they are not the defining characteristic of the overall experience of the landscape.

Having reviewed the guidance within the NSDC Landscape Capacity Study in relation to this proposed development and the surrounding landscape I conclude that there is some capacity to accommodate this wind turbine development without it becoming a defining characteristic.

However, depending on the size, cluster size and position further wind turbine developments other than those already discussed may start to have a cumulative impact on the surrounding landscape.

10. Impact of the increase in height of the turbine, and minor change in location of the turbine

10.1 Physical Impact of the proposed development on the Landscape

The route used to bring the turbine components to site has not changed between the Planning application reference 13/01651/FUL and 14/02169/FUL, these 2 applications are identical in both the Design and Access Statements using a route from the A60 via B 6020 and then onto Ricket Lane. The comments from Nottinghamshire Wildlife Trust highlight that on entry to the site itself the location of the temporary access matting used during the construction period differs slightly. In Drawing – PS-02 – dated 05.12.14 this access is from the south and in Drawing PS-02 - 21.03.14 the access is from the west. However this amendment does not appear to involve the removal of mature vegetation, the Wildlife Trust have requested further details on this matter and also replacement mitigation planting if this is necessary.

10.2 Landscape character

An increase in the turbine height of 5 metres will not change the conclusions drawn previously that there will be a moderate to slight adverse impact on the landscape character of the above landscape character area

10.3 Visual Impact.

NCC have produced drawings to illustrate the Zone of Theoretical Visibility (ZTV) of the proposals using the Map Info professional 12.5 with Vertical Mapper 3.7 software

LR/PRRH062/44 – baseline Zone of Theoretical Visibility

LR/PRRH062/45 – 62 metre turbine Zone of Theoretical Visibility

LR/PRRH062/46 – 67 metre turbine Zone of Theoretical Visibility

LR/PRRH062/47 – combined 62 metre and 67 metre turbine Zone of Theoretical Visibility

Drawings LR/PRRH062/45 and 46 indicate that there is very little difference in terms of the ZTV between the 2 turbine heights, the drawings are almost identical. The differences are shown on Drawing LR/PRRH062/47 where the very small fringes of blue visible show the areas where the 67 metre turbine would be visible but the 62 metre turbine would not.

It must be emphasised that these drawings illustrate the worst case scenario and are based on topography only and do not take into account the screening effect of buildings and vegetation. But even in the worst case scenario they show minimal difference in visual impact due to the increase in height from 62 to 67 metres.

10.4 Cumulative impact

Additional wind turbines have been approved since the applicants Figure 9 was produced, these are as follows:-

- 13/009893/FUL - Mickledale Lane 87m
- 13/01061/FUL - Lurcher Farm 48.5 m
- 13/01371/FUL - Inkersall Grange 77m

However these are more than 5 kilometres from the site, these are located on the A614 road corridor and are visually separated from the proposed development. Therefore they will not increase the level of cumulative landscape and visual impact within the study area.

11. Summary

- **The landscape and visual impact assessment of the proposed development has been carried out to the appropriate methodology.**
- **Additional information is required from the applicant concerning turbine foundations and any ancillary buildings required.**
- **The physical effects upon the landscape are considered to be moderate - slight adverse on the receiving Policy Zone S 46 Blidworth Wooded Estate lands as a result of physical construction operations and therefore not significant. The physical effects upon the landscape are considered to be slight adverse on the same Policy Zone as a result of**

movement of vehicles and therefore not significant. I am in agreement with these conclusions.

- A summary of the effects on Landscape Character is provided in Table 18 (LVIA) at the construction, operational and decommissioning phases. Operational phase landscape impacts on the Sherwood RLCA in which the proposed site is located are assessed by the applicant as slight adverse. Operational phase landscape impacts on the receiving Policy Zone 46 – Blidworth Wooded Estatelands, are assessed by the applicant as moderate - slight adverse. However I consider that this is an underestimate and should be moderate adverse.
- I consider that there is scope for mitigation which would help to deliver some key actions for the Sherwood Policy Zone 46 – Blidworth Wooded Estatelands , which should be requested
- Visual Impact is in a range from negligible to minor/moderate, and is not significant which I am in agreement with
- Overall the LVIA concludes that there is a minor adverse cumulative effect arising as a result of the proposal, NCC consider that this is an underestimate. However I am in agreement that there are no significant adverse cumulative effects
- The sequential impacts of the proposed turbine have been assessed by the applicant as minor adverse and I am in agreement with this assessment.
- Having reviewed the guidance within the NSDC Landscape Capacity Study in relation to this proposed development and the surrounding landscape I conclude that there is some capacity to accommodate this wind turbine development.
- The Impact of the increase in height of the turbine, and the minor change in the location of the turbine have been considered but it is concluded that these will have negligible impact on the conclusions already drawn for physical impact on the landscape, impact on landscape character of the study area, impact on the visual character of the study area, and cumulative landscape and visual impact.

12. Conclusion

The proposed development is submitted for a site on which there is an existing consent by NSDC for a similar proposal. NCC have independently considered the current application and on the basis of the above summary recommend that the application should be approved. Although certain the levels of significance of impact on the landscape character of Sherwood Policy Zone 46 – Blidworth Wooded Estatelands have been underestimated this not sufficient for these to become significant effects.

The change in height and the minor amendment to the site location between this and the previous applications is negligible in its effect.

NCC therefore recommends the approval of the proposed application.

Yours sincerely

Helen Jones
Landscape Architect
Nottinghamshire County Council

Application No:	15/00986/FUL	
Proposal:	Proposed conversion of brick and tile outbuilding to dwelling	
Location:	Furleys Cottage, Old Epperstone Road, Lowdham, Nottinghamshire, NG14 7DG	
Applicant:	Mr Chic Pillai	
Registered:	08.06.2015	Target Date: 03.08.2015
		Agreed Extension: 07.08.2015

The Site

The application site forms part of the ample residential curtilage of an existing property known as 1 Furleys Cottage. The property is an end terrace with associated outbuildings within the curtilage including the outbuilding to which this proposal relates. Part of the curtilage at the north western corner of the site is laid as a paddock area which is understood to have been previously used in association with the outbuilding which was in the past used for stabling. The outbuilding is now understood to be used for storage in association with the host property.

The site falls within a small hamlet of properties to the north west of Lowdham. The site is washed over by the Nottingham-Derby Green Belt. The northern boundary of the site abuts the Epperstone By-pass albeit the boundary is heavily vegetated. There is a public footpath to the west of the site.

Relevant Planning History

The application has sought pre-application advice on the above proposal. Prior to this the following applications were refused at the site:

06/00794/FUL - New detached private dwelling & double garage. Application refused.

06/01924/FUL - Erection of 1 No. house and detached garage (Resubmission). Application refused and dismissed at appeal.

The Proposal

The current proposal seeks to create an additional residential unit within the site through the conversion of an existing single storey outbuilding. It is intended to extend the building to the south east elevation following demolition of an existing lean to on the north-west elevation. The proposal also involves the infill of the short overhang on the south east elevation and the insertion of windows, doors, rooflights and solar panels. External materials will introduce vertical timber

cladding on the south east elevation.

The dwelling will be accessed via an additional widened access created from Old Epperstone Road and afforded an ample residential curtilage surrounding the outbuilding. This would include an existing detached stable block in the south eastern corner of the site which currently serves No. 1 Furleys Close.

Departure/Public Advertisement Procedure

Occupiers of ten properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 4B: Green Belt Development

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Allocations & Development Management DPD

Policy DM5 – Design

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Conversion of Traditional Rural Building Supplementary Planning Document 2014

Consultations

Lowdham Parish Council – Inappropriate development in green belt area and too close to the rear of Furley's Cottage.

NCC Highways Authority – This proposal includes the construction of a new access which will serve the existing dwelling and the existing access will serve the proposed dwelling. The position of the proposed access, as shown on drawing no. PL02, is acceptable to the Highway Authority.

Therefore, subject to the following condition being imposed, there are no highway objections to this application:

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 5m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

Note to applicant: The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: (0115) 993 2758 to arrange for these works to be carried out.

NSDC Environmental Health (contaminated land) - The above application includes the conversion of agricultural buildings (stables & storage) 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 Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

Furthermore, the proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

Nottinghamshire Ramblers - I think this property shares a boundary with Lowdham Bridleway 11 which joins Old Epperstone Road to the A6097. I note from the Design and Access Statement that the development will be confined within the existing curtilage of the property. As long as the bridleway remains open during and after the development we would have no objection.

No letters of representation have been received from neighbouring parties.

Comments of the Business Manager

Principle of Development

The site is situated within the Nottingham-Derby Green Belt where development is strictly controlled both by National Planning Policy and Spatial Policy 4B of the Core Strategy. The NPPF states that the re-use of an existing building within the Green Belt would not comprise inappropriate development provided that the building is of a permanent and substantial construction, it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt.

The proposed development would not conflict with the purposes of including land in the Green Belt. It would re-use the existing building and the existing site boundaries that are currently defined for the existing residential curtilage. Following a site visit and indeed confirmation through the submission of a structural survey, it is considered that the building is of permanent and

substantial construction. For these reasons it is not considered that the conversion of the existing building would have a detrimental effect on the openness of the Green Belt.

Notwithstanding the acceptance of the re-use of an existing building, the proposal also includes the extension of the outbuilding. Again this is potentially accepted as appropriate development in the Green Belt provided that the extension can be considered as a proportionate addition. As confirmed by the applicants Design and Access Statement, the existing building has a floor area of approximately 137m². The proposed extension measures approximately 8.3m by 6.25m and would therefore have a floor area of approximately 48m². Taking account of the lean-to element to be demolished (17m²), this would amount to a floor area increase of approximately 22%. I consider this to be in the realms of a proportionate addition and therefore accept that the proposal represents appropriate development in the Green Belt.

Impact on Residential Amenity

The above site description has already alluded to the fact that the existing residential curtilage of 1 Furleys Cottage is generous in size. Indeed the site area is confirmed by the Design and Access Statement as being 0.4 hectares in extent. I have noted the comments of the Parish Council which states that the outbuilding is too close to the rear of Furleys Cottage. Whilst in principle the division of a 0.4 hectare site to two residential curtilages appears acceptable, it is conceded that given the application relates to the conversion of an existing outbuilding, the constraints of the site are somewhat established making equal division of curtilage more difficult.

Additional plans have been sought during the life of the application to confirm the proposed arrangement for the residential curtilages of both the host and the proposed dwelling. These demonstrate that the proposed converted dwelling will enjoy the majority of the existing residential curtilage leaving the host dwelling with their existing front garden and a small area to the rear and side. I have carefully considered the proposed arrangement initially in the intention of negotiations of a revised scheme which showed a more equal distribution of curtilage. However, I concede that given the constraints of the site this would be difficult without compromising other aspects of residential amenity. For example, if the current paddock area was retained for the host dwelling there would be significant concerns in terms of overlooking from the fenestration details on the north-west elevation of the converted outbuilding.

The remaining curtilage for 1 Furleys Cottage, whilst being modest in size, would be broadly in line with the other terraces along Furleys Cottage (albeit it is acknowledged that the host dwelling has been previously extended such that it now represents a larger dwelling than the other terraces). I am mindful of the intentions of the applicant to move from the host property to the converted outbuilding and thus presumably the host dwelling will be available for separate occupation. In deciding whether to resist the application on the basis of the impact to the host properties residential amenity I am conscious that any prospective occupier would be aware of the situation and that the proposal does at least ensure a degree of amenity space is retained. Moreover, due to the boundary treatment along the road frontage, the front garden could actually be considered relatively private in amenity terms.

The built form of the development is largely established and due to the single storey nature of any additions I do not consider there to be an issue in terms of the development creating an overbearing impact.

To revert back to the proximity of the proposed dwelling and the host dwelling, consideration also needs to be given to the arrangement of living space in terms of potential for overlooking. Given the orientation of the outbuilding, the majority of the proposed outlook will be towards amenity space reserved for the proposed dwelling. I therefore do not consider that the proposed dwelling will create any undue amenity impacts. Perhaps the greatest potential for an adverse amenity impact is through overlooking from the rear elevation of the host property to the amenity space immediately north west of the outbuilding (the current paddock area). However through careful boundary treatment I consider that this could be largely mitigated and it would be difficult to resist the application on this basis given the ample size of the proposed residential curtilage.

Impact on Character

The conversion largely relies on the established form of the outbuilding retaining positive elements of the building such as the pantiled roof. Whilst the extension and alterations to the south east elevation introduce new materials in terms of the timber cladding, this is considered to be an honest departure from the existing red brick character of the outbuilding. The outbuilding is not considered to be of a traditional nature such that additional windows and the use of modern detailing would be resisted in principle.

The agent has helpfully submitted an illustration of the proposal during the life of the application which is considered to greatly assist in the interpretation of the submitted plans. Given the positioning of the outbuilding behind the host dwelling, any impact to the surrounding area is limited. In any case I have identified no harm to character of the surrounding area arising from the development.

Other Matters

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 highways authority have assessed the proposed access arrangement and found the submitted details to be acceptable subject to condition. I do not consider that an additional residential unit would have a detrimental impact to the highways network.

The application has been accompanied by an ecological survey. The survey concludes that no evidence of bats or nesting birds were found and therefore the proposed use would have no detrimental impact to wildlife. The survey outlines a number of mitigation recommendations and subject to compliance with these recommendations I do not consider that the proposal would have an adverse impact on protected species.

Conclusion

The proposal is considered to represent appropriate development in the Green Belt. Whilst it is conceded that the division of residential curtilages will lead to a somewhat unbalanced separation, it is considered that this is the most appropriate solution given the constraints of the site. Impact on residential amenity is not considered to be so detrimental as to warrant a refusal of the application. As such, the proposal is recommended for approval subject to the conditions outlined below.

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 approved plans reference:

- Proposed Site Plan – PL02
- Proposed Ground Plan – PL 05
- Proposed Roof Plan – PL 06
- Proposed House Elevations – PL 07

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

Reason: So as to define this permission.

03

No development shall be commenced until details and 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 details unless otherwise agreed in writing by the local planning authority.

- Facing Materials

- Bricks
- Roofing Tiles
- Cladding

Reason: In the interests of visual amenity.

04

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, 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 - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand along solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand alone wind turbine on domestic premises

Reason: To preserve the openness of the Green Belt.

05

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 scheme shall be implemented prior to the occupation of the 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.

Reason: In the interests of residential and visual amenity.

06

The development shall be carried out in strict accordance with the mitigation measures outlined by the Protected Species Survey carried out by EMEC Ecology and dated November 2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology protection.

07

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 5m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

Notes to Applicant

01

The proposed development is in a Radon Affected Area. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

02

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

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

03

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

Background Information

Application case file.

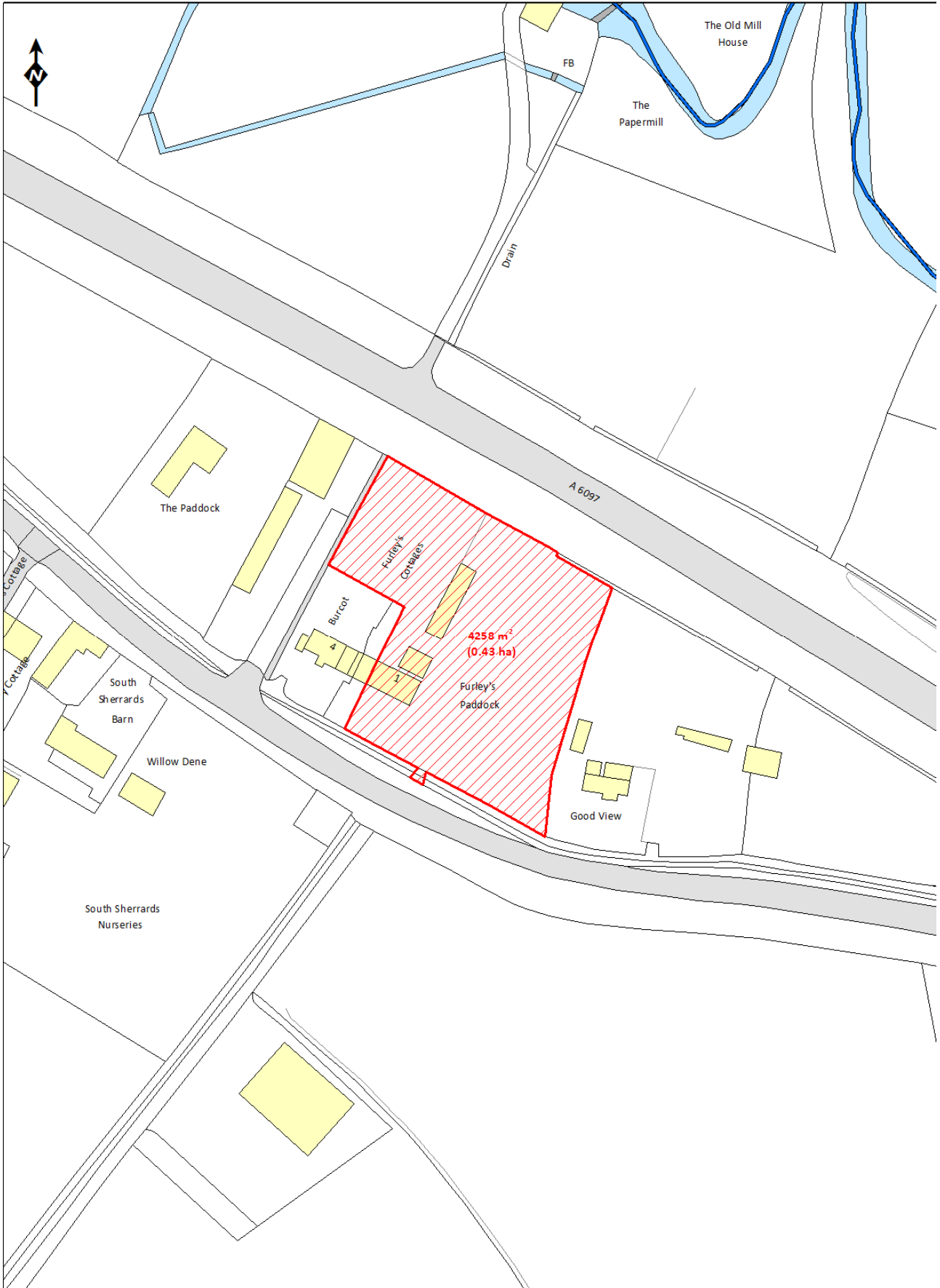
For further information, please contact Laura Gardner on ext: 5907.

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

Kirsty Cole

Deputy Chief Executive

Committee Plan - 15/00986/FUL



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Application No:	15/00522/FULM		
Proposal:	Residential Development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM		
Location:	Land off Warsop Lane, Rainworth		
Applicant:	Taylor Wimpey UK Limited		
Registered:	26.03.2015	Target Date:	25.06.2015
Extension of time: Agreed in principle			

This application was deferred at Planning Committee on 7th July 2015 with a request for further information relating to the extent of the landscaped buffers to the southern and western boundaries of the site and the likely density of future development on the remaining eastern half of the allocated land which sits outside the application site. This report has been updated with further consultation responses received and further information regarding density:

The Site and Surroundings

The site comprises part of an agricultural field measuring approximately 5.93 hectares which has outline planning permission for up to 130 dwellings (planning application no.13/01256/OUTM). The parcel of land within the field subject to consideration in this application is irregular in shape and measures 0.69 hectares. The wider site is located to the east of the B6020, Warsop Lane and forms approximately half of an allocated site for residential purposes, with the remainder of the allocation located immediately to the east. The wider site is roughly rectangular in shape and lies to the southern edge of Rainworth. Residential properties and a public house are located to the north of the wider site, whilst a primary and secondary school are located to the northwest (on the opposite side of Warsop Lane). St George’s Catholic Church is situated adjacent to the southern boundary of the wider site and a bus stop exists to the front of the church. Agricultural fields surround the site to the south and west, with sporadic detached dwellings/farms interspersed. The wider site is bounded by hedgerow to the boundary with Warsop Lane.

The application site itself is within the settlement of Rainworth although land to the south and west forms part of the Nottinghamshire-Derby Green Belt.

Relevant Planning History

13/SCR/00016 In July 2013, a screening opinion was sought (under the Environmental Impact Assessment Regulations) for a residential development of up to 140 residential units with associated access, public open space and landscaping. The Local Planning Authority issued a response confirming that an EIA would not be required in this instance.

13/01256/OUTM Outline planning permission was granted on 30th January 2014 for residential development of the site for up to 130 dwellings.

15/00523/RMAM The Council is currently considering a separate reserved matters planning application following Outline approval 13/01256/OUTM for residential development of up to 130 dwellings with associated access.

The Proposal

For background information, the separate reserved matters application being considered under planning application no. 15/00523/RMAM shows the layout of 130 dwellings on a condensed area within the site leaving a parcel of land measuring 0.69 hectares.

This newly condensed scheme would leave a surplus parcel of land centrally located within the previously approved site that is situated between a proposed area of public open space containing a L.E.A.P. and the eastern boundary of the site. It is on this parcel of land where full planning permission is now sought for an additional 30 dwellings (above the previous maximum permitted 130 dwellings) to be erected. For absolute clarity, the two applications together would bring the scheme to 160 dwellings on this part of the site allocation.

As this relates to a full planning application, full details of access, appearance, landscaping, layout and scale have been provided for the additional 30 dwellings.

The additional dwellings include a mix of 2, 3 and 4 bedroomed properties. The dwellings are set within plots with front and rear amenity space with rear gardens measuring a minimum 8.5m in depth.

Floor plans and elevations have been submitted which show a range of two and two-and-a-half storey houses. A street scene plan has been submitted to give some context of how the proposed dwellings would relate to each other and a materials dispersion plan has also been provided showing three brick types to be dispersed in groups through the wider development including the parcel of land in this application. It features properties on corner plots adjacent to the public open space which are to be finished in full height cream render, consistent with feature properties elsewhere on the wider site. Four roof tile types are proposed, a mix of black, red, brown and slate grey, again to be dispersed in groups throughout the wider development. Other materials include white PVC-U window frames, fascias and soffits, black rainwater goods and stone cills. Front doors are proposed in various colours. 9no. of the properties in this area would also be served by garages and plans have been provided showing garage depths of 6.43m. To rear garden boundary treatments would largely consist of 1.8m high close boarded fencing. 2.0m high fencing with trellis is proposed to those properties where rear amenity space abuts the main public realm. Plot nos. 89 – 90 and 94 – 96 have rear boundaries adjoining a parking court on the wider development site and these properties would have brick rear boundaries with railings.

The proposed layout shows 5 of the additional 30 dwellings would be affordable house types and the position of these units is indicated as being towards the eastern boundary of the site but centrally located within the context of the wider site.

The additional dwellings proposed would be accessed via the main access road for the wider site with some of the proposed properties fronting this road and others accessed via a cul-de-sac of this road.

The application site would be developed at a density of 42 dwellings per hectare and this is considered in detail later in this report.

The planning application is also accompanied by the range of supporting information also submitted under planning application no. 15/00523/RMAM including an Arboricultural Method Statement, Tree Survey, Constraints and Protection Plans, technical drawings relating to the proposed highway works and construction details along with Traffic Regulation Order proposals, a Proposed Foul and Surface Water Drainage Plan, Proposed Bird and Bat Box Locations, a Reptile Survey and Reptile Habitat Enhancement Plan, a Construction Environmental Management Plan, an Engineering Layout including proposed finished floor levels, Design and Access Statement, Residential Travel Plan, Transport Assessment and a Revised Flood Risk Assessment.

Since the Planning Committee on 7th July 2015, a Landscape Management Scheme has been provided.

Departure/Public Advertisement Procedure

Occupiers of 16 neighbouring properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy Ra/Ho/2 Rainworth - Housing Site 2
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance (on-line resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013).

Consultations

Rainworth Parish Council – Object to the proposal mainly for the reasons set out within their response to application no. 15/00523/RMAM which are set out in that report. If a further 30 dwellings were then to be allowed then the site would be even more over intensified as there would then be 160 dwellings on an area capable of sustaining only approximately 95 dwellings on this application and there could also be a potential loss of open space allocation for the site.

NSDC Housing – No comments received.

NSDC Waste – The bin collection points on the revised plans are acceptable and there are therefore no issues with waste management. It will be prudent to ensure that all prospective residents are advised about collection arrangements if they are affected by these arrangements.

NSDC Planning Policy – Comments contained within the appraisal below.

Notts County Council (Planning Policy) – Comments received related to the issues being considered under the reserved matters application for the wider site but made reference to the National Planning Context which is incorporated into the appraisal within this report.

A further response was received following Planning Committee on 7th July 2015 which summarised the County Council’s comments on all issues and concluded as follows:

‘The County Council do not have objections to the proposed development from a Strategic Highways perspective.

The County Council do not have any objections to the proposed development from a Minerals or Waste perspective.

In relation to Travel and Transport at this time it is not envisaged that contributions towards local bus service provision will be sought. In terms of infrastructure the County Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.’

Notts County Council (Archaeology) – No comments received.

Natural England – Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is

unlikely to affect any statutorily protected sites.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs).

Parks and Amenities – For the additional 30 dwellings would be seeking the following:

Amenity green spaces – additional 432m² of on-site open space plus maintenance contribution of £8,264.10 (plus indexation from 2013)

Provision for children and young people – additional 540m² of on-site open space plus maintenance contribution of £30,135 (plus indexation) or off-site contribution of £27,096.60 (plus indexation)

Outdoor sports facilities – additional off-site provision contribution of £21,561 (plus indexation) and maintenance contribution of £33,549 (plus indexation)

Community, Sports and Arts Development – No objection to the proposed development but it will require a contribution towards Community Facilities in the Rainworth area as per the current SPD at £1,181.25 per dwelling anchored at December 2013 plus indexation as appropriate at the point of payment. Furthermore the contribution should be allocated to community facility infrastructure improvements at Rainworth Village Hall.

Notts County Council (Education) – The proposed development of 30 dwellings would yield an additional 6 primary and 5 secondary places. Based on current pupil projections, the additional primary and secondary places can be accommodated in existing schools. The County Council will therefore not be seeking an education contribution on the above proposed development at Warsop Lane Rainworth.

Environmental Health – No comments received.

Nottinghamshire Wildlife Trust – The Trust wish to provide the following observations:

ppSPA & SANGS

As discussed within their previous comments under application 13/01256/OUTM, the Trust's concerns were regarding the indirect impacts of the residential development to the possible potential Special Protection Area (ppSPA) within the Sherwood area for nightjar and woodlark. In regards to an additional 30 houses, with the average population per a household at 2.3, this would increase the population by an additional 69 residents (however, this number could be greater at full capacity).

Therefore, suitable SANGS and other mitigation will need to be available, should the application receive permission. It is stated within Delta-Simmons response that,

"The potential direct and indirect impacts upon nightjar and woodlark, when considered both individually and cumulatively, are considered to have a negligible, and therefore non-significant. Therefore, specific mitigation measures/avoidance measures are not considered necessary."

Whilst the Trust appreciate that 30 houses in itself may not cause significant impacts, the additional housing along with application 15/00522/FULM and other applications within the ppSPA, will contribute to a further increase in population. Therefore, the Trust would suggest that precautionary measures are still worthwhile. As a result, the additional 30 houses should not compromise the open spaces proposed under 15/00522/FULM. Further to this, the Trust would encourage any additional area of open space onsite for new residents (as previously suggested 12ha/1000 individuals) and/or additional forms of mitigation (such as contribution to offsite management and/or providing educational information). This point is further emphasised as the Trust wish to remind, that whether or not an SPA is designated, Local Authorities must comply with Article 4(4) of the Birds Directive to "prevent deterioration or pollution of habitats" used by Annex 1 birds, even where outside protected areas.

Further Comments

The Trust would also wish to provide the following comments, in response to Delta-Simmons:

"Nightjar and woodcock are known to occur on Rainworth Heath, to the north of Rainworth, which to access would involve walking up Warsop Lane and crossing the A617, covering a total distance of approximately 1.5 km to reach the heathland. Much of the walk would be through the dense residential housing of Rainworth village to reach the heathland and, therefore, it is anticipated that the majority of dog walkers from the Site would favour the area immediately surrounding it for daily dog walks, including Tippings Wood LNR within 400 m to the south-west of the Site which is promoted on the Nottinghamshire County Council website for recreational use, and also features a car park. With well-marked routes, there is the opportunity to enjoy it whilst ensuring sensitive habitats are not disturbed.....There is not anticipated to be any damage to breeding or feeding habitat at Rainworth Heath if any of the residents of the proposed development who visit the site follow signage and remain on well-marked routes, as would be anticipated."

This is agreed to an extent, however, the LPA should be mindful that even when information boards and signs are provided, individuals do not always stay to the paths or keep dogs on leads (for example, unauthorised vehicles are currently a major issue to nature conservation areas within Nottinghamshire). Further to this, it is accepted in David-Simmon's response that residents are likely to travel by car to other open sites within the area (at weekends). Hence the need for a 5Km buffer for the ppSPA. Therefore, there is the likelihood that new residents may visit

Rainworth Heath for recreational purposes. Even if individuals remain on the well-marked paths, it should not be ignored that there may be an increase in footfall on the SSSI, which could be increased further by the additional 30 houses. Again, this should be a material consideration, and further emphasises the need to provide adequate SANGS and mitigation wherever possible.

It is also stated that:

“Cats are known to cover a radius of no more than 400m from their home, and therefore, there would be no risk to the nightjar and woodlark population from them.”

This is accepted. However, Tipping Wood LNR is within 400m of the proposed development. There is the opportunity with any information leaflets given to new residents, to advise to fix a quick-release collar with a bell onto cats. This has been found to reduce a cat’s ability to catch prey by 30%.

Following the provision of revised landscape plans and additional information relating to proposed reptile habitat, Nottinghamshire Wildlife Trust provided further comments which are being addressed under the reserved matters application (ref.15/00523/RMAM) but can be summarised as follows:

Southern Buffer

The Trust note in a response from the applicant that there is reference to a reduction in the size of the southern buffer, and a suggestion to increase planting in this area. Within the revised landscape proposal, the Trust note an increase in shrub planting. The Trust welcome the proposed planting with native species, as this is likely to provide some ecological value for a range of species. However, an increase in the density of shrub within this area is likely to reduce the suitability of the habitat for reptiles. The Trust wish to encourage the applicant to consider the inclusion of rough grassland, in order to maintain connectivity and provide habitat for reptile species throughout the site.

Management

The Trust also note within the applicant’s letter a reference to future management under a S106 agreement. The Trust would expect to see a proposed long-term biodiversity management plan for the site, preferably prior to determination of the application (as mentioned in our response under application 15/00523/RMAM in regards to the reptile mitigation areas) and for this plan to subsequently be undertaken during and after construction works.

Reptile Mitigation

A reptile mitigation plan has been provided under 15/00523/RMAM. This includes hedgerow, scrub and rough grassland areas in the north-eastern open space. The Trust note on the revised landscape plan provided, that this area includes shrub species, but does not appear to include the sections of hedgerows suggested in the reptile mitigation plan to reduce impacts of disturbance.

Invasive Species

The Trust note *Cotoneaster horizontalis* is included within the landscape plan. This species was added to Schedule 9, Part 2 of the Wildlife and Countryside Act 1981 in 2010. As stated under Section 14(2) of the Act, it is an offence to plant or cause the growth in the wild of any plant listed under Schedule 9. Therefore, the Trust would expect to see this species removed from the landscape design.

Notts County Council (Ecology) – Landscaping has the potential to deliver enhancements for biodiversity, through the use of native, locally-appropriate species, especially around the site boundaries and in areas of greenspace. To this end, it is recommended that the submitted plans are amended to address the following points:

1. In the Native Shrub Mix, the proportions of Dogwood and Hawthorn should be swapped, to ensure a more naturalistic native shrub mix (i.e. at least 25% Hawthorn).
2. Beech, Hornbeam, Norway Maple and Whitebeam should be removed from boundary areas (i.e. southern/western boundaries) and ideally greenspace areas. It is suggested that Pedunculate Oak, Field Maple and Wild Cherry (and possibly also Small-leaved Lime) would be suitable replacements.
3. The recommendations made in the Reptile Survey report relating to the provision of hibernaculae (see section 5.2.2) should be incorporated.

Severn Trent Water – No objection to the proposal subject to the inclusion of the following condition:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and 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 to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Environmental Services (Contaminated Land) – No observations from a contaminated land perspective.

Police Architectural Liaison – No comments received.

NHS Nottinghamshire – No comments received.

Notts County Council (Highways) – Refers to the latest planning layout drawing TWY034-01E which is generally acceptable; addressing earlier issues raised informally.

The red line site boundary does not meet up with the existing public highway at Warsop Lane. Therefore access to this application site is reliant upon delivery of the scheme put forward under planning application 15/00523/RMAM (or a similar scheme brought forward in the future to comply the outline permission 13/01256/OUTM). Normally the red line boundary would be drawn up to the public highway boundary but this has not occurred in this case. The Planning Authority should therefore satisfy itself that access to this application site is secured; perhaps through legal agreement, tying the applications together or by some other means.

Similarly there is a red line boundary issue at one of the cul-de-sac at the eastern end of the site where half the width of the road is subject to application 15/00523/RMAM and the other half subject to this application. Again, delivery of the whole width of road should be sought.

In a repeat of comments made on application 15/00523/RMAM, concern has been raised about the delivery of the 'allocated housing' development to the east of this site if the proposed roads

are not constructed and adopted as public highway up to the land ownership boundary. This is not a highway concern, but may compromise the ability to deliver the housing allocation to meet LDF targets.

The Transport Assessment has been checked and found to be robust and acceptable.

Likewise, Travel Plan revision C is also approved for implementation.

Attention is drawn to Condition 10 of the outline permission and the need to satisfy this condition by providing off-site highway improvements prior to occupation of any dwelling.

If the matters raised in the Highway comments above are satisfactorily addressed, then conditions are suggested as follows:

- to ensure drives, parking and turning areas are surfaced in a hard bound material for a minimum of 2.0m behind the highway boundary,
- that any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres,
- that details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved,
- that the access driveway/parking area serving any dwelling is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway prior to its first occupation.

- No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.

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

- Any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres.

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

- Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

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

- 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 driveway /parking area to the public

highway in accordance with details first submitted to and approved in writing by the LPA. 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.

Access and Equalities Officer – Building Regulations approval will be required.

Community Safety Co-Ordinator – No comments received.

The Environment Agency – Following the provision of the revised flood risk assessment, the Environment Agency confirmed that they had no objection to the proposed development, subject to the imposition of a planning condition relating to surface water drainage.

Drainage plans have been provided and the Environment Agency have confirmed as follows:

‘The information provided has been amended slightly since we made our previous decision in that the 23 soakaways which were located within multiple back gardens have been split so that the individual plot soakaways are located entirely within a single plot boundary. The reason for this is to overcome potential future ownership and maintenance issues with soakaways located across multiple plots.

An additional benefit of having more soakaways is that the surface area which infiltration can take place would be substantially increased and therefore the soakaways should infiltrate into the ground at an increased rate.

Based on the understanding that the total storage capacity is no less than what was previously agreed, we have no requirement for a surface water condition.’

Lead Local Flood Risk Authority – Nottinghamshire County Council are aware that the EA have already commented on these proposals and have no further comments to make.

Neighbours/interested parties – 1no. written representation has been received raising the following concerns:

- **the area is a habitat for various endangered species with hedgehogs, bats, newts (greater crested have been seen (11/07/2015) and many red status birds. The development will degrade habitats.**
- **Impact on traffic.**
- **Impact on local amenities including doctors which are already stretched.**
- **Building on this land would set a precedent for further development in the area, further degrading the Green Belt. There are sites in the Mansfield area that have better access and are brownfield.**

Comments of the Business Manager Development

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning

applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Paragraphs 47 and 49 of the NPPF states that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

The principle of the development is considered acceptable and the delivery of housing is a significant material planning consideration. As at 1st April 2014 the District had a housing supply of 6.83 years. The Council has been assessing the 2014/15 position by gathering relevant information, which has now been completed. Whilst not yet formally published it is true to say that as of 2014/15 the Council cannot demonstrate a 5 year land supply against the adopted Core Strategy housing target (adopted pre-NPPF).

Members may be aware that the NPPF when published introduced a requirement to define housing targets by reference to Objectively Assessed Need (OAN) via collaborative working (the duty to cooperate) with neighbouring Authorities. This Authority, in collaboration with Ashfield and Mansfield District Council's has commissioned work on a Nottingham Outer Strategic Housing Market Assessment (SHMA), which is the vehicle from which an OAN is derived. The draft SHMA has identified an OAN figure of 454 dwellings per annum from 2013-2033. Whilst at an early stage of consultation it is clear that if this were to be the Council's housing target (which it is currently not) the Council would have a lower overall housing requirements and annual requirement and thus, in officers submission, would achieve a 5 year supply. For the purposes of this application, at this time, I would suggest that Members note the absence of a 5 year supply based on delivery of currently adopted targets and weigh this very heavily in a planning balance.

The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2 which confirms that the allocated scale of housing growth in Rainworth over the plan period (to 2016), is 15% of Service Centre growth. This equates to 425 dwellings over the plan period.

The site forms part of Rainworth Housing Site 2 as identified in Policy Ra/Ho/2 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the wider site is allocated for residential development providing around 190 dwellings with associated public open space. The principle of residential development for up to 130 dwellings on the western portion (roughly half) of the allocated site has already been approved under planning permission ref.13/01265/OUTM.

Policy Ra/Ho/2 sets out a detailed approach for the bringing forward of the site. This policy informed the consideration of the outline planning application and remains a material consideration in the consideration of full planning application. This policy requires the;

- Preparation of a comprehensive Master Plan for the whole of the site setting out the broad location for development and the phasing of new development;
- Management of the sites gateway location;
- Provision of strategic buffer landscaping to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt ;
- Assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary;
- Provision of the sites main access point from Warsop Lane with any secondary point not being via the existing estate roads to the north and east;
- Positive management of surface water;
- Incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities;
- Developer funded improvements to the public foul sewer system and wastewater treatment works to ensure there is sufficient capacity to meet the needs of the development;
- Investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary; and
- Investigation of potential archaeology and the securing of any necessary post-determination mitigation measures.

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

Through the sites inclusion as part of the allocation Ra/Ho/2 the principle of development in this location has already been established and the site has already been accepted as being suitable for up to 130 dwellings through the granting of outline planning permission on the western half of the allocated site. The principle of further residential development is acceptable in this location predicated on other considerations such as whether a further 30 dwellings would result in a comprehensive development which accords with the relevant aspects of the District's development plan (including the requirements of the site allocations policy set out above) and provided it doesn't preclude the future development of the remainder of the allocated site from coming forward. Other such considerations are considered in detail below.

Density, Mix and Affordability

Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings or which have a site area of 0.4ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The application concerns only part of the allocation Ra/Ho/2 and a key aspect in the consideration of the previous outline planning application was whether the proposal would inhibit the full delivery of the allocated site. It remains crucial, that the allocated site is brought forward in a coherent and comprehensive manner. This issue becomes even more prevalent in the consideration of this application as the proposed additional 30 dwellings would result in an overall development of 160 dwellings on the western half of the site allocation and consequently more of the overall anticipated housing numbers originally envisaged (190) of the total allocation when factoring in infrastructure including those to meet highway and drainage requirements.

The applicant has provided a masterplan as part of the Design and Access Statement submitted in accordance with the requirements of the site allocation policy. The layout plan submitted as part of the application also shows the infrastructure to be provided on the remainder of the western half of the allocated site including public open space and the provision of strategic landscaped buffers to the south and western boundaries with the aim of addressing the site's gateway location and provision of strategic landscape buffering to the south and west of the site.

Density

The highway authority has previously confirmed when considering the outline planning application that they are satisfied that a single point of access, subject to specifications on width, would be suitable for a total quantum of development for the wider allocated site of circa 240 dwellings. This would represent a relatively high level of development for the site when compared with the numbers envisaged in the site allocation (around 190 dwellings in total). However, this was considered in detail by the outline application for the western half of the allocated site (ref.13/01256/OUTM), and it was considered at the time that development of the whole allocated site at approximately 240 dwellings could be achieved whilst still delivering a high quality sustainable development in compliance with the Council's adopted policies.

In summary, when the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation, it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development the Inspector made it clear that this was a matter for the planning application process; the test of soundness was satisfying the targets of the Core Strategy.

In the case of Ra/Ho/2 the sites gateway location, adjacency to the green belt and the resulting need for strategic landscape buffering were all important site characteristics which informed the setting of a notional capacity of around 190 dwellings across the allocated site. In considering the outline planning application for a proposed broad level of development of up to 130 dwellings, a key consideration was whether this would present a constraint to the full delivery of the allocation, policy requirements being met across the allocation or that it would be likely to give rise to unacceptable local environmental, highway or amenity impacts.

Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development and particularly not for statistical reasons alone. As explained above, the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the

settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in future rounds of site allocation. District wide, a greater amount of development helps to provide and maintain a 5 year land supply and thereby provide protection from inappropriate development.

Given development of the allocated site at this level has already been established, the consideration here therefore is whether distribution of this development with a higher proportion of development (160 dwellings should the additional 30 dwellings proposed be granted planning permission) on the eastern half of the site, would in any way prejudice the future development of the remainder of the allocated site.

160 dwellings on this half of the allocated site would in theory leave scope for a further 80 dwellings to be provided on the eastern half of the allocated site assuming that access could only be provided off Warsop Lane. If an alternative vehicular access was to be considered in the future this could potentially allow more dwellings on the other part of the allocated site but that would currently be contrary to RA/Ho/2 which provides that the main entrance should be via Warsop Road and secondary accesses should not be via existing estate roads to the north and east.

The master plan provided within the Design and Access Statement submitted indicates that 80 dwellings could be provided on the ~~western~~ eastern half of the allocated site at a density of 30 dwellings per hectare once associated infrastructure and open space has been provided. The plan shows the continuation of the southern landscaped buffer and a higher proportion of public open space than indicated on the eastern portion, however, I am mindful that this would be consistent with the requirement under Policy Ra/Ho/2 for the incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities.

If one considers the requirements for all on site open space and children's play space, together with infrastructure and landscape requirements I am satisfied that a density of 30 dwellings per hectare can be achieved within the site, albeit if greater developable land is available than envisaged through the masterplanning exercise (undertaken by the current applicant) it is accepted that development on the eastern portion of the allocation could be c22 dwelling per hectare. It is not considered that this would be fatal to promoting a residential scheme on the eastern side, nor should this be a reason to refuse planning permission. It is noted that the land owner and a developer interested in the eastern portion of the site have commented on the reserved matters application for the wider site (15/00523/RMAM) and whilst concerns have been raised this is primarily with respect to ensure that access is not prejudiced.

Whilst the proposals would mean the density of development on the eastern ~~western~~ half of the allocated site would be significantly less than that on the western ~~eastern~~ half, development at that density would still meet the density requirements set out in the Core Strategy and in my view would ensure that an effective and efficient use of allocated land is achieved now whether or not development of the eastern ~~western~~ half of the site comes forward in the future. **Development at a lower density would also provide scope for an appropriate addition to the Preston Road Recreation Ground, and an opportunity for any developer to provide a high quality product on the eastern portion which could include some larger units to complement an overall mix.** The plans submitted under the reserved matters application also show the main access roads to continue towards the boundary of the western portion of the allocation, providing scope for these roads to be extended to form a loop should the remainder of the allocated site be developed in the future.

The table below (fig.1) shows the impact of the proposal on the density of the western portion of the allocated site showing the previously approved density (planning ref.13/01256/FUL), the density of the site being considered under planning application 15/00523/RMAM and the overall density once the additional dwellings proposed under this application are factored in:

Fig.1

Site	Area – in hectares (Ha)	No. of dwellings	Anticipated Density – dwellings per hectare (dph)
13/01256/OUTM – Land off Warsop Lane	5.93Ha net / 4.12Ha without site specific constraints (including open space and anticipated road infrastructure)	Up to 130	22dph / 32dph
15/00523/RMAM – Land off Warsop Lane	5.93 net / 3.2Ha without land forming part of 15/00522/FULM (0.69Ha) and open space / landscaped buffers (1.118Ha) and highways (i.e. roads, footpaths and verges that are adoptable (0.93Ha)	130 dwellings	22dph / 41dph
15/00522/FULM – Land off Warsop Lane	5.93 net / 3.882Ha without open space / landscaped buffers (1.118Ha) and highways (i.e. roads, footpaths and verges that are adoptable (0.93Ha)	160 dwellings	27dph / 42dph

The table shown as figure 1 indicates that 160 dwellings on the western half of the allocated site would result in an increase in density when compared with the density calculation for the reserved matters application which excluded the parcel of land under consideration in this application. The density of the proposal where site constraints are factored in would still meet the requirements of Core Policy 3 which requires development densities to be no lower than an average of 30 dwellings per hectare net.

If the density is based on the net area of the site, a development of 160 dwellings would equate to a density of 27 dwellings per hectare which is closer to the requirement in Core Policy 3 than the existing outline planning permission. Where development densities are below 30 dwellings per hectare net individual site circumstances need to be taken into account. The housing allocation required a design that addresses the sites gateway location and manages the transition into the main built up area including the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt. These features are still being provided as part of the scheme being considered under planning application no.15/00523/RMAM and the adequacy

of the buffers are considered in the report for that application.

Housing Mix and Affordability

The proposed plans show the proposed development would be similar to that under consideration under the reserved matters application for the wider site and would include a mix of house types (3no. 2 bed roomed houses, 26no. 3 bed roomed houses and 1no. 4 bed roomed house). This would meet the requirements of Core Policy 3 of the Core Strategy in that it would provide a range of house types with a weighting towards 2 and 3 bed roomed properties.

I am mindful that in considering the outline application Strategic Housing requested that any affordable housing on the site should be a mix of 1, 2 and 3 bed properties. The affordable housing indicated on the application site equates to 5 units (3 x two-bedroomed properties and 2 x three-bedroomed properties). This equates to 15% of the additional dwellings under consideration and would reflect the percentage of affordable housing secured on the wider site under the S106 Agreement relating to the previous outline planning permission. Whilst viability issues on the site were considered as part of the outline planning permission and it was established at the time that the site could only realistically achieve 15% on site provision for affordable housing, a new viability assessment has been submitted as part of this latest application to consider the current circumstances and whether a higher or lower percentage of affordable housing and other developer contributions could be achieved.

The Council's Viability Consultant has reviewed the applicant's viability assessment and has taken into account the other developer contribution requests received during consultation on this application (which are set out in detail under the Developer Contributions section of this report). The Viability consultant has confirmed that realistically the site could deliver 3 affordable dwellings out of the 30 additional dwellings proposed which equates to a 10% of the additional dwellings and therefore lower than the 15% secured on the remainder of this half of the allocated site. Notwithstanding this, the applicant has agreed to retain their original offer of 5 affordable units which will ensure affordable units are provided at a consistent level across the site. I consider this to be an added benefit to the provision of affordable housing in the area should planning permission be forthcoming for the additional dwellings.

As with the wider site, I note that the proposed dwellings do not include any 1 bedroomed properties in this instance, however this is consistent with the fact that a lesser proportion of affordable units would be secured in this instance due to the impact this would have on viability. Overall, I am satisfied that the indicative house mix would still be in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

On balance, I am satisfied that increasing the density on the eastern half of the site allocation will result in a more effective and efficient use of the land and would not preclude the development of the other half of the site allocation. Once constraints are factored in the proposed density would meet the density requirements of Core Policy 3. An appropriate level of affordable units will also be secured as part of any planning permission in accordance with the aims of Core Policy 1.

Design/ Character of the Area/Landscape

Policy DM5 sets out the Design criteria for proposals and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form.

The predominant house type in the surrounding area comprises 2-storey dwellinghouses. The general height of new housing will be 2-storey with 6 no. of the additional dwellings proposed being 2.5-storey. The housing allocation policy (Ra/Ho/2) states that the housing development should have an 'appropriate design which addresses the site's gateway location and manages the transition into the main built up area'. The application site is located in a central position within the wider site and would therefore be set away from the north, west and southern boundaries assisting its integration into the wider landscape.

The mix of house types proposed includes L-shaped properties to some corner locations. Properties at key focal points close to the open space/L.E.A.P. on the wider site are also shown to be finished in full height cream render with Grovebury Breckland Black roof tiles to further enhance legibility. The majority of the proposed dwellings would have gabled roofs which would ensure a consistent style across the wider site.

Rainworth is designated as part of the Sherwood National Character Area (NCA 49) and under the Newark and Sherwood Landscape Character Assessment it is designated 'Blidworth and Rainworth Wooded Estatelands', covered by Policy Zone SPZ18. Identified threats to the landscape character of the zone include ".....residential expansion of Rainworth....." and any development in the area should seek to minimise such a threat. The impact on the wider setting is mainly being considered under the details submitted for planning application no.15/00523/RMAM as that application includes consideration of the proposed areas of public open space, the landscape buffers to the western and southern boundaries, and the majority of the dwellings located to the perimeter of the site.

The landscape scheme on the portion of the site being considered under this application includes 3no. trees to be planted within this part of the site, including towards the eastern boundary. Planting schemes for the gardens serving the proposed properties have also been provided. Existing hedgerows are shown to be retained to the eastern boundary and the applicant has confirmed that this will lie outside the proposed residential boundaries. ~~At the time of writing final details of a landscape management plan are awaited and an update can be provided to Planning Committee as to whether any further conditions are required to secure appropriate maintenance.~~ **A landscape management scheme has now been provided and further consultation has been undertaken with Nottinghamshire Wildlife Trust.** Provided conditions secure provision and maintenance of the landscaping details submitted, I am satisfied that the details will be sufficient to ensure the landscape scheme is appropriate and also enhances biodiversity on the site in accordance with the aims of Core Policy 12 and Policy DM7.

The Parks and Amenities Officer has requested 432m² of amenity open space and 540m² of space for children and young people. The submitted plans for the wider site (being considered under planning application no.15/00523/RMAM) make provision for this additional space on the overall layout and I am satisfied therefore that the additional space proposed could be integrated into the wider scheme should planning permission be forthcoming on both applications before Members.

Overall, from a design perspective I am satisfied the proposed dwellings would reflect the design approach for the wider site being considered under planning application no.15/00523/RMAM and would assist in fulfilling the requirements of Policy Ra/Ho/2 as well as the requirement in the NPPF for proposals to optimise the potential of the site to accommodate development. The scale of the development which is primarily 2 storey and its central location within the wider site will also help to minimise the impact of the development on the wider landscape in accordance with Policies DM5 and Core Policy 13.

Amenity

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

The dwellings on this part of the wider site will only share boundaries with other properties on the new development. The submitted layout shows minimum interface distances between proposed dwellings ranging between 18.0 m and 26.5 m between neighbouring rear elevations. Whilst I consider that these distances are not particularly generous, I am satisfied that they are close to what is typically considered acceptable and would offer a suitable level of amenity for future occupiers.

Policy DM5 also requires private amenity space to be proportionate and appropriate to the development it is intended to serve. I am satisfied that the amount of rear amenity space to each of the proposed properties is acceptable.

Whilst I consider the level of amenity afforded by the development for future occupants is acceptable, I consider it would be reasonable and necessary to remove permitted development rights for extensions to the dwellings to ensure a suitable level of amenity is retained.

Overall, I am satisfied that the proposed plans accord with the objectives of Policy DM5.

Highway Matters

Policy Ra/Ho/2 requires that the principal access to the site be provided off Warsop Lane and the point of access details were approved as part of the outline planning permission. This included consideration as to whether the access arrangements would preclude the full development of the allocated site at a later date and the Highway Authority confirmed at the time that subject to specific dimensions the single main access proposed onto Warsop Lane would be acceptable to serve up to approximately 240 dwellings. A development of 160 dwellings would therefore still leave scope for the rear portion of the site to be developed for approximately 80 dwellings and the impact on the delivery of development on the full allocated site is considered under the section relating to density above.

17 no. of the properties under consideration in this application would be served off the main access roads the details of which are being considered under planning application no.15/00523/RMAM. The remaining 13 no. dwellings being considered here are accessed via 2no. cul-de-sacs. Technical drawings relating to the proposed roads have been considered as part of this application.

The Highway Authority have raised no specific concerns relating to the 30 dwellings under consideration in this application subject to a series of conditions being attached and there being provision to ensure the development is delivered as a comprehensive scheme. I consider that any legal agreement could cover this issue, requiring the spine roads shown on the approved plans to be completed in their entirety before any of the additional dwellings being considered under this application are first occupied.

With regards to the collection of waste, the submitted plans have been updated to include bin collection points and the Council's Waste Collection team have confirmed that these details are acceptable.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/2 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Ecology

Sherwood Special Protection Area (SPA)

In considering the outline planning application, it was acknowledged that the substantial population of Nightjar and Woodlark in the Sherwood Forest area might justify its classification as an Special Protection Area ('SPA') under the EU Birds Directive, or at least its identification as a potential SPA ('pSPA'). At the time the Nottinghamshire Wildlife Trust agreed with the Screening Assessment submitted, in that there would be no direct habitat impact and that with regards to the Indirect Effects set out in the Screening Assessment, the Trust agreed the site was too far away for cat predation to have a significant impact on nightjar or woodlark (although they will predate the lizards).

The Trust advised that any increase in recreational pressure can cause an indirect impact on ground nesting birds e.g. from dogs and that any increase in numbers of people would also lead to more disturbance generally. The Trust recommended that the development needed to provide Suitable Alternative Natural Green Space (SANGS) to demonstrate that the design of the scheme could reduce the likelihood of increased recreational pressure at Rainworth Heath/Rufford and Blidworth.

The following mitigation measures were agreed:

- Provision of 0.43ha of Public Open Space in addition to a landscape buffer is proposed to be provided within the development. This would link through to further Public Open Space (taking the total P.O.S. on the housing allocation to approximately 1.69Ha) on the eastern portion of the allocated site when that comes forward and would sit alongside the existing Preston Road recreation ground.
- The revised wider concept plan submitted showed Public Open Space of a size and position (alongside the existing Preston Road recreation ground) which would allow for provision for dog walkers within the open space to reduce the likelihood of dog walkers seeking to use the prospective Sherwood Forest Area sSPA.
- A condition for the provision of information to all new residents within the development 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. This could form part of the 'welcome pack' to first occupants following legal completion and remain with the property in the event of a change of ownership in the future.
- A SANGS contribution of £30,000 to be used for the provision of Suitable Accessible Natural Green Space in accordance with the Natural England Advice Note 110711 within the west of the Newark and Sherwood District.

The above provisions are carried forward as part of the reserved matters application for the wider site in that Public Open Space totalling 0.72Ha (0.44Ha to the north eastern corner of the site/0.28Ha centrally located with a L.E.A.P.) is shown on the application site. This increase in

public open space will help to reflect the need for additional SANGS to cater for the additional population in the 30 dwellings proposed. The masterplan submitted continues to show how the proposed open space would link through to further public space on the eastern portion of the allocated site, a sample information leaflet for new residents has been provided and a SANGS contribution for the wider site remains in place. Added recreation benefits within the proposed wider scheme include a footpath to be provided through the southern landscape buffer as well as a green link between the two areas of public open space. I note Nottinghamshire Wildlife Trust and Natural England raise no objections in this regard and I am satisfied that the measures being incorporated into the detailed scheme submitted as part of this reserved matters application will help to ensure that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Since the original report to Planning Committee the bird information leaflet to be issued to new residents has been amended to incorporate suggestions made by Nottinghamshire Wildlife Trust.

Other Ecology Matters

The majority of ecology matters raised by statutory consultees are being addressed and considered as part of the reserved matters application for the wider site which offers the main opportunities for biodiversity enhancement and ecological mitigation measures through the areas of open space, and landscaped buffers and the proposed the bird/bat boxes. A condition could be attached to any consent requiring the proposed protection measures for the existing hedge to the eastern boundary to be put in place before the development commences and for the proposed landscaping including new trees to be provided before the dwellings on this part of the site are first occupied.

I am therefore satisfied that the sites location within a comprehensive development which includes landscape features incorporating biodiversity enhancement and ecological mitigation means that the objectives of Core Policy 12 and Policy DM7 will be appropriately addressed.

Archaeology

Policy Ra/Ho/2 states that the development will be subject to ‘the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.’

The outline planning permission for the wider site included a condition requiring a geophysical investigation to be undertaken before development commences with any necessary mitigation measures to be undertaken. A report has been submitted as part of this application and this was also provided at the pre-application stage. The County Council’s Archaeologist was consulted at the time and confirmed the Geophysical technique had clearly worked in that it indicated the remains of ploughing activity, but no other features were visible. Therefore the County’s Archaeologist had no further comments or recommendations to offer on this site.

Given the above, I am satisfied that the development of this site raises no archaeological issues requiring further consideration under Core Policy 14 and Policy DM9.

Flooding/Drainage

In order to meet the requirements of the housing allocation policy, the application needs to address the following:

- The positive management of surface water through the design and layout of the development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include “necessary mitigation as part of the development or through off site measures where necessary.” Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it is situated within a wider site exceeding 1ha in size, a Flood Risk Assessment has been submitted with the planning application. Following receipt of the Environment Agency’s original holding objection, a revised Flood Risk Assessment and Drainage Strategy has been submitted. ~~The Environment Agency have now withdrawn their objection subject to a condition being attached to any planning permission. However no comments have been received to confirm whether the drainage strategy submitted meets the requirement of this condition.~~ I note the comments from Severn Trent Water raising no objection to the proposals subject to suitable drainage plans for foul and surface water drainage being approved by the Council and therefore they equally have not confirmed whether the submitted plan is suitable. At the time of writing this report, I am also awaiting the comments of the Lead Local Flood Risk Authority.

Consideration has also been given to drainage of the wider allocated site and the applicant has advised that in terms of storm drainage, the application site drains entirely to soakaways (highways and private water) and no allowance has been made to drain the retained land. The applicant considers that the remainder of the allocated site would need to provide it’s own soakaways (assuming the ground conditions are the same as the application site) or design another approved drainage system in due course. The applicant considers it is logical to assume that ground conditions on both sites are the same due to their proximity, but they cannot be totally sure as they have not investigated the retained land. Regarding foul water the application site would drain into the existing system in Rochester Road, which they advise that they have received confirmation it can take their flows. The retained land may use their system in the future, but any developer would need to establish with the Water Authority that sufficient capacity exists in the foul system downstream from the connection point to cater for their flows. Alternatively they would need to establish a different point of connection.

~~For the purposes of this report I have attached the Environment Agency’s recommended condition to my recommendation below and an update on any further responses from these consultees and any amendments to conditions will be provided verbally at the Planning Committee meeting.~~

The Environment Agency have now confirmed that the drainage plans submitted are acceptable based on the understanding that the total storage capacity is no less than what was previously agreed, and therefore there is no requirement for a surface water condition. Officers have sought clarification on the minimum total storage capacity and an update will be provided at the Planning Committee meeting.

Subject to an acceptable foul and surface water drainage system for the site being agreed between the applicant and the above consultees, **and the minimum total surface water drainage storage capacity being confirmed and agreed**, the proposals will meet the policy requirements set out above.

Coal Mining

The housing allocation policy for the site states that the development will be subject to ‘the investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures.’ The Cultural Heritage Appraisal submitted with the outline application for the wider site (ref.13/01256/FUL) sets out the mining history of the area although no reports relating to the investigation of potential impacts arising from former coal mining activities were submitted at the time. However, correspondence with the Coal Authority was provided which confirmed the application site was located within the Coal Mining Development Low Risk Area. As such, The Coal Authority advised that they would not expect coal mining legacy issues to require specific consideration during the determination of the application, and a Coal Mining Risk Assessment was not necessary. A standard was attached to the outline planning permission drawing the applicant’s attention to the fact that the proposed development lies within a coal mining area and that account should be taken of any coal mining hazards to stability in their proposals. A similar note could be attached to any planning permission for this application.

Land Contamination

The site has been in longstanding agricultural use and I note that Environmental Health raised no observations from a contaminated land perspective. A condition was attached to the outline planning permission relating to the wider site requiring the site to be monitored and assessment undertaken, including mitigation should contaminants be found during development in accordance with Policy DM10. A similar condition could be attached to any planning permission for this application.

Developer Contributions

Policy DM3 relates to ‘Developer Contributions and Planning Obligations’ and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability assessment for the site has been undertaken for the additional 30 dwellings proposed and this has been reviewed by the Council’s Viability Consultant taking into account requests for developer contributions received through consultation on this application. The following contributions were agreed as being the maximum level of contributions under which a viable scheme for 30 dwellings on the application site could be delivered:

Fig.2

Contribution	Policy requirement	Anticipated contribution	Monitoring Contribution	Monitoring Contributions Notes
<ul style="list-style-type: none"> Affordable housing (affordable rental and shared ownership) 	30%	15% on site	Physical Provision £264	Based on 4 site visits
<ul style="list-style-type: none"> Off-site financial contribution to sports pitches in the locality 	£718 per dwelling for provision/improvement and £1118.30 per dwelling for maintenance	£21,561 (plus indexation) £33,549 (plus indexation)	Physical Provision £264 Financial Contribution £240	Based on 4 site visits
<ul style="list-style-type: none"> POS On site and formula for shortfall of full amount on site 	<ul style="list-style-type: none"> Childrens Play Space 18 sm/unit (540 sq m on site open space for 30 units additional to that previously secured by S106 Agreement under planning ref.13/01256/OUTM) plus maintenance contribution of £30,135 (plus indexation) or off-site contribution of £27,096.60 (plus indexation) Amenity Open Space 14.4 sm/unit (432 sq m on site open space for 30 units additional to that previously secured by S106 Agreement under planning ref.13/01256/OUTM) plus maintenance contribution of £8,264.10 (plus indexation from 2013) 	ON SITE PHYSICAL PROVISION PLUS MAINTENANCE CONTRIBUTIONS AS PER THE POLICY REQUIREMENT	Physical Provision £396 Financial Contribution £240	This is based on 6 site visits / reviews

<ul style="list-style-type: none"> Off-site financial contribution to community facilities in the locality 	£1,181.25 per dwelling	£35,438	Financial Contribution £240	
TOTAL		£128,947.1 plus 15% affordable housing		

CIL

The site is situated within the Mansfield Fringe Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

Conclusion

Following the sites allocation through the Local Development Framework and the outline planning permission in place, the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matters for consideration under this reserved matters application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/2 and the other core strategy and development plan policies taking into account the proposal to provide an additional 30 dwellings on the site meaning that a total of 160 dwellings would be provided on the western half of the allocated site.

On balance, subject to resolution of drainage of the site through the receipt of favourable consultation responses from the relevant consultees, the proposals could be accommodated on site in compliance with the Council's adopted policies which seek to ensure high quality sustainable development is delivered in the District. Furthermore, it has previously been accepted that development of the full allocated site for circa 240 dwellings with a single point of access could be accommodated subject to such development meeting remaining policy requirements. I consider the distribution of development with a higher proportion to the west would still leave scope for development at a density of 30 dwellings per hectare (and therefore at an appropriate density in compliance with policy) and suitable amenity space linking into existing facilities at Preston Road to the remaining portion of the allocation site.

For these reasons a recommendation of approval is made.

RECOMMENDATION

Approve, subject to:

- (i) the following conditions and;
- (ii) the completion of a S106 Agreement to secure the developer contributions set out in figure 2 in the Committee Report and requiring the spine roads shown on the wider approved plan (within the control of the applicant) to be completed in their entirety before any of the additional dwellings being considered under this application are first occupied.

Conditions

01

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

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

02

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

- Proposed layout plan drawing no.TWY034-01 Rev E
- The corresponding drawings in House Type Planning Drawings March 2015 (including the garage drawings contained within) updated with revised elevations for house type PT36 (previous drawing substituted for drawing no.PT36/6/PL2 Rev A) and revised floor plans for house type PT41 (previous drawing substituted for PT41/6/PL1).
- Materials Dispersion Plan drawing no.TWY034-07 Rev A
- Engineering Layout drawing no.TWY034/501 Rev A
- Tree Survey dated 23rd January 2015, Tree Survey Plan 15-08-01, Tree Constraints Plan 15-08-02, Tree Protection Plan 15-08-05 and Arboricultural Method Statement ref.1508/DP/AMS001 dated 11.03.2015
- Landscape Proposals 1 of 2 drawing no.15-08-03 Rev D
- Landscape Proposals 2 of 2 drawing no.15-08-04 Rev D
- Proposed bird and bat box locations drawing dated 13th March 2015
- Construction Environmental Management Plan drawing no.TWY034-10
- Reptile Habitat Enhancement Plan dated 8th June 2015
- Residential Travel Plan Rev C dated 20.05.2015
- Report on fluxgate gradiometer survey October 2014
- **Revised Delta Simons Woodlark and Nightjar Information Leaflet received 1st July 2015**
- **Proposed Levels and Drainage Sheet 1 of 3 drawing no.TWY034/100 Rev C**
- **Proposed Levels and Drainage Sheet 1 of 3 drawing no.TWY034/101 Rev C**
- **Proposed Levels and Drainage Sheet 1 of 3 drawing no.TWY034/102 Rev D**
- **Landscape Management Scheme dated 07.07.2015**

unless otherwise agree 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

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, including extensions to the property and the insertion or replacement of doors and windows.

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: Development within the curtilage of 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) Order 2015 or any amending legislation) in the interest of residential amenity.

04

~~Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens, cultivation and other operations associated with plant and grass establishment and also include provision for the eastern boundary hedge to be retained outside residential curtilages. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority.~~ **Before development is commenced time periods for implementation of the landscaping approved under Condition 2 of this planning permission shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out and maintained in accordance with the agreed timescales and maintenance thereafter shall be in accordance with the landscape management plan approved under condition 2 of this planning permission. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of 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.**

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas 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).

06

Any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres.

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

07

Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

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

08

No dwelling forming part of the development hereby permitted shall be occupied until its access driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway in accordance with details 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 dangers to road users.

09

The rear boundary treatments (on plots 89, 90, 94, 95 and 96) abutting the parking court, which serves plots 46 -50 on the wider site as shown on the approved plans, shall be retained as a brick wall to a maximum height of 1.5 metres with 300mm high metal railings over at all times.

Reason: In the interests of visual amenity and to ensure a suitable level of natural surveillance in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

010

Before development commences the Delta Simons Common Lizard *Zootoca vivipara* Mitigation and Compensation Strategy dated June 2015 shall be updated and submitted to the Local Planning Authority for approval. The update Strategy shall include a tool box talk for site workers, details as to the methodology for vegetation clearance and whether this will be done in stages to allow reptiles an opportunity to move off site, that any clearance works undertaken between March and October are done so under the supervision of a suitably qualified ecologist, clarification of the lifespan of the future management regime and consideration of any other features to discourage disturbance to habitats. Once agreed in writing by the Local Planning Authority through consultation with the Nottinghamshire Wildlife Trust, the development shall be completed and maintained fully in accordance with the agreed updated Mitigation and Compensation Strategy.

Reason: In the interests of ensuring appropriate ecological mitigation is incorporated into the development in accordance with the objectives of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

011 (As requested by STW, unless drainage is resolved before Committee)

No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme for the provision of mains foul sewage infrastructure on and off the site (including upgrading works, where required, to the infrastructure to which the development will be connected) for the phase of development in which the building is located have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme for the phase in which the dwelling is located.

Reason: To ensure the provision of a satisfactory means of foul sewage disposal in accordance with Policy Ra/HO/2 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

~~012 (As requested by the EA, unless drainage is resolved before Committee)~~

~~No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:~~

~~— Undertake comprehensive infiltration testing in accordance with the BRE 365 guidance to clarify whether or not infiltration into the ground is a viable means of disposing surface water from the site.~~

- ~~— Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.~~
- ~~— Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the Greenfield runoff rates for the site.~~
- ~~— Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in ‘Science Report SC030219 Rainfall Management for Developments’.~~
- ~~— Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and 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.~~
- ~~— Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.~~

~~Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.~~

~~013~~
012

No part of the development hereby approved shall become occupied unless or until highway improvements have been carried out to the satisfaction of the Local Planning Authority in liaison with the Highway Authority:

- (i) at the Southwell Road/Warsop Lane junction to amend the white lining scheme to provide a right turning facility.
- (ii) at Warsop Lane/New Access to provide a right turn ghost island facility including pedestrian refuges and new street lighting (as shown for indicative purposes only on drawing no. 90306-D003 Rev. D).

Reason: In the interests of junction capacity, the minimisation of delays and highway safety.

~~014~~
013

No part of the development hereby permitted shall commence until the visibility splays of 2.4m x 65m at the proposed site entrance off Warsop Lane are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

~~015~~

014

No part of the development hereby approved shall become occupied until off-site traffic management works comprising of extending the 30 mph speed restriction on Warsop Lane are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

~~016~~

015

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 (2011).

~~017~~

016

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of groundwater pollution and to ensure that on site contamination issues are addressed in accordance with Policy DM10 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

~~018~~

017

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

019

018

The Delta Simons Woodlark and Nightjar Information Leaflet received 26th June 2015 and approved as part of this permission shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion and written confirmation shall be provided to the Local Planning Authority that this has taken place upon request.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

Informatives

01

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

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

02

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

03

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

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

BACKGROUND PAPERS

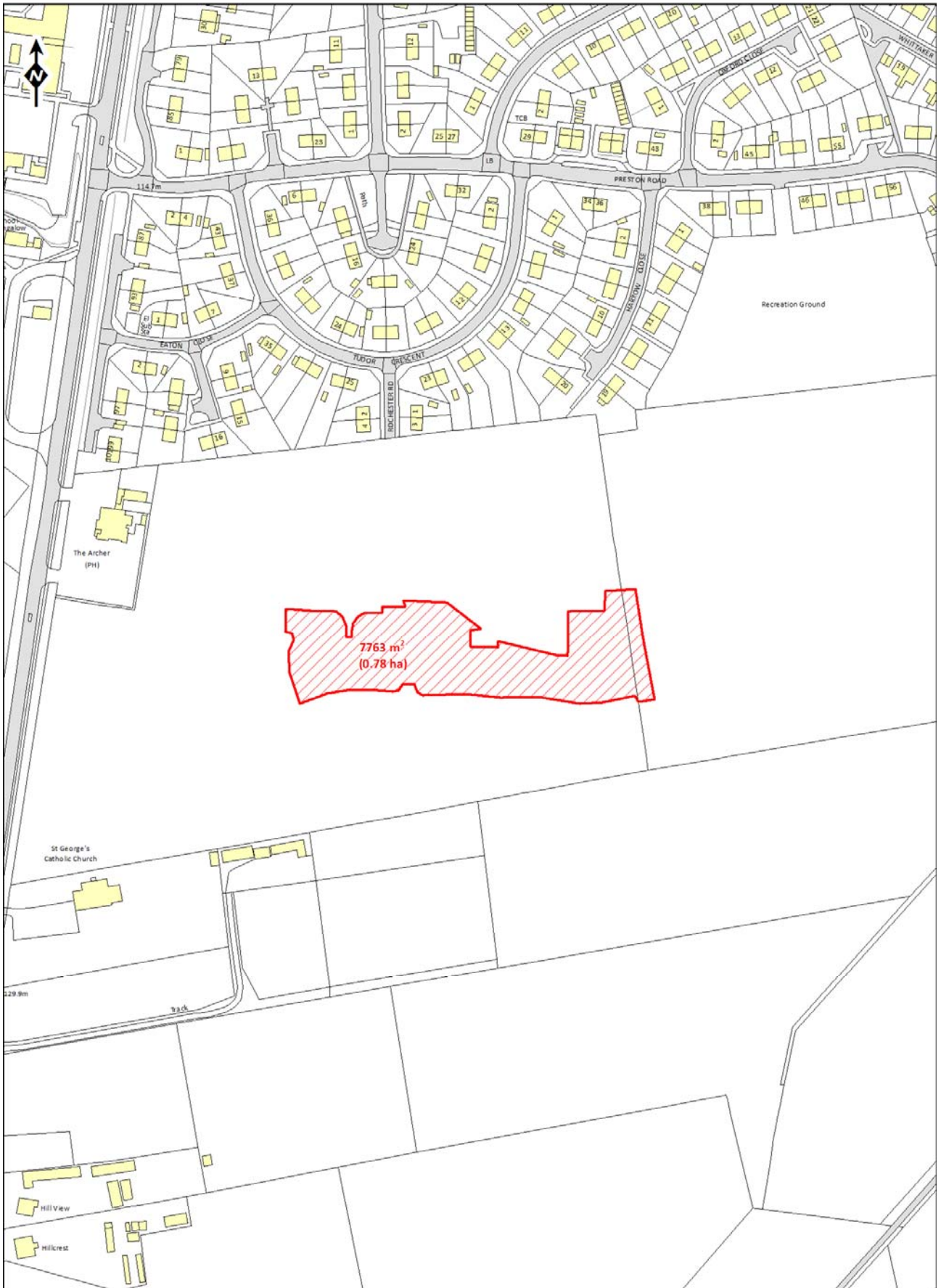
Application case file.

For further information, please contact Martin Russell on 01636 655837.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00522/FULM



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Application No:	15/00523/RMAM		
Proposal:	Reserved Matters Application following Outline Approval Ref 13/01256/OUTM - Residential development of up to 130 dwellings with associated access		
Location:	Land off Warsop Lane, Rainworth		
Applicant:	Taylor Wimpey UK Limited		
Registered:	26.03.2015	Target Date:	25.06.2015
Extension of time: Agreed to 31.08.2015			

This application was deferred at Planning Committee on 7th July 2015 with a request for further information relating to the extent of the landscaped buffers to the southern and western boundaries of the site and the likely density of future development on the remaining eastern half of the allocated land which sits outside the application site. This report has been updated with further consultation responses received. The additional information requested to illustrate landscaping will be presented at Planning Committee:

The Site and Surroundings

The site comprises an agricultural field measuring approximately 5.93 hectares located to the east of the B6020, Warsop Lane and forms approximately half of an allocated site for residential purposes, with the remainder of the allocation located immediately to the east. The site is roughly rectangular in shape and lies to the southern edge of Rainworth. Residential properties and a public house are located to the north of the site, whilst a primary and secondary school are located to the northwest (on the opposite side of Warsop Lane). St George’s Catholic Church is situated adjacent to the southern boundary of the site and a bus stop exists to the front of the church. Agricultural fields surround the site to the south and west, with sporadic detached dwellings/farms interspersed. The site is bounded by hedgerow to the boundary with Warsop Lane.

The application site itself is within the settlement of Rainworth although land to the south and west forms part of the Nottinghamshire-Derby Green Belt.

Relevant Planning History

13/SCR/00016 In July 2013, a screening opinion was sought (under the Environmental Impact Assessment Regulations) for a residential development of up to 140 residential units with associated access, public open space and landscaping. The Local Planning Authority issued a response confirming that an EIA would not be required in this instance.

13/01256/OUTM Outline planning permission was granted on 30th January 2014 for residential development of the site for up to 130 dwellings.

15/00522/FULM The Local Planning Authority is currently considering a separate planning application seeking full planning permission for residential development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM.

The Proposal

This application seeks approval for the reserved matters relating to the existing outline planning permission ref.13/01256/OUTM for up to 130 dwellings. The detailed matters being sought are namely appearance, landscaping, layout and scale.

A proposed layout plan has been submitted showing a total of 160 dwellings, however 30 of these dwellings are located centrally on the site extending between a proposed L.E.A.P. and the eastern boundary. These 30 dwellings do not form part of the reserved matters application and are being considered under the separate application for an additional 30 dwellings, planning application ref.15/00522/FULM.

The 130 dwellings being considered under this reserved matters application include a mix of 2, 3 and 4 bedroomed properties. The dwellings are set within plots with front and rear amenity space with rear gardens measuring a minimum of 8.5m in depth.

Floor plans and elevations have been submitted which show a range of two and two-and-a-half storey houses and one bungalow. A street scene plan has been submitted to give some context of how the proposed dwellings would relate to each other and a materials dispersion plan has also been provided showing three brick types to be dispersed in groups through the development and feature properties on corner plots and at the site entrance to be finished in full height cream render. Four tile types are proposed, a mix of black, red, brown and slate grey, again to be dispersed in groups throughout the development. Other materials include white PVC-U window frames, fascias and soffits, black rainwater goods and stone cills. Front doors are proposed in various colours. Many of the properties would also be served by garages and plans have been provided showing garage depths of 6.43m. To the rear, garden boundary treatments would largely consist of 1.8m high close boarded fencing. 2.0m high fencing with trellis is proposed to those properties where rear amenity space abuts the main public realm.

The proposed layout indicates the position of the proposed 20 affordable housing units (to meet the requirement in the S106 Agreement previously secured) with 9 of these located centrally and the remaining 11 located towards the south eastern corner of the site.

The main access road is positioned as per the outline approval with a single point of access just north of the central point of the boundary of the site on Warsop Lane. The access branches off to create two distinct spine roads which would sit parallel to the northern and southern boundaries. Several cul de sacs are proposed off the main access roads.

The proposed public open space includes a centrally located L.E.A.P. and further open space abutting the northern boundary and extending to the eastern boundary. The northern area of open space includes a 'footpath/cycle link/emergency access' through to Rochester Road. The two main areas of open space are linked by the estate road and a green footpath link between

some of the proposed properties. Further amenity space is provided in the form of green space and a foot/cycle path adjacent to the southern landscaped buffer. To the western boundary with Warsop Lane, the landscape plans submitted show sections of the existing boundary hedge to be retained and small areas of incidental soft landscaping adjacent to this. 1.1m high bow top metal railings are proposed to the perimeter of the L.E.A.P. and 1.1m high timber post and rail fencing is proposed to the boundary of the northern public open space where it abuts the highway.

To the southern boundary the landscaped buffer approved at the outline stage is shown to be retained and revised landscape plans have been submitted providing detail on the proposed planting mix which includes native screen woodland planting and wildflower meadow areas.

A wider concept master plan has been submitted as part of the Design and Access Statement setting out the broad location for development for the whole of the allocated site which includes land to the east of the application site. This illustrates how the proposed position of the public open space to the northern boundary could link into existing areas of recreation on Preston Road, (which may provide an opportunity for biodiversity enhancement through the provision of Suitable Alternative Natural Green Space (SANGS) – see appraisal section of this report under ‘Ecology’).

The site (excluding the land proposed for an additional 30 dwellings) shows 130 units at a density of 22 dwellings per hectare or 41 dwellings per hectare once site specific requirements for public open space, landscape buffers and highway requirements are factored in.

The planning application is also accompanied by an Arboricultural Method Statement, Tree Survey, Constraints and Protection Plans, technical drawings relating to the proposed highway works and construction details along with Traffic Regulation Order proposals, a Proposed Foul and Surface Water Drainage Plan, Proposed Bird and Bat Box Locations, a Reptile Survey and Reptile Habitat Enhancement Plan, a Construction Environmental Management Plan, an Engineering Layout including proposed finished floor levels, Design and Access Statement, Residential Travel Plan, Transport Assessment and a Revised Flood Risk Assessment.

Since the Planning Committee on 7th July 2015, a Landscape Management Scheme has been provided.

Departure/Public Advertisement Procedure

Occupiers of 16 neighbouring properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density

- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy Ra/Ho/2 Rainworth - Housing Site 2
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance (on-line resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013).

Consultations

Rainworth Parish Council – Object to the proposal.

The Parish Council considered this matter in detail at its special meeting on 16th April 2015.

Rainworth Parish Council voted to recommend rejection of the application

The Council was surprised that this application applied only to half of the SPD site Ra/Ho/2. It had previously made its recommendation of acceptance to the Outline planning application based on the assumption that the 130 dwellings referred to represent the whole of the site when in fact it referred to only about approx. 50% of the site area.

Based on the total dwellings proposed under the SPD for the whole site this particular element of the site should hold no more than 95 dwellings any more than this will result in over intensive development of the portion of the site.

If, per chance, the other half of the development also proposes a similar level of intensification then it may contain approximately some 150 similar dwellings and the Council feels that this total would bring the number of dwellings on the SPD site to 280 as opposed to the 190 as recommended in the SPD report.

- 1) It is some three years since the local infrastructure was considered and since then there have been seen to be additional pressures on the local primary schools that were not foreseen at the time.
- 2) It is well known that children of secondary school age are being bussed out of Rainworth for school as Joseph Whitaker cannot cope with local demand.
- 3) The Warsop Lane Health Centre is currently grossly overloaded with long delays in getting routine appointments, and no-one can be sure what the effect of the “merger” with the Sherwood Medical Practice (Clipstone and Farnsfield) will have not to mention the additional load being planned for the Health Centre in the event that the Hillside practice is also merged into this facility.
- 4) Severn Trent have done considerable drainage and flooding works on Southwell Road and Warsop Lane but the problems of foul flooding are still occurring at the junction of Southwell Road and Warsop Lane. An additional 280 dwellings would exasperate this current unacceptable position.

If the total projected housing of 280 dwellings were to proceed this could potentially result in approx 560 extra motor vehicles and the Council feels that the proposed access as covered in the outline planning would be totally inadequate and that parking on site would also be insufficient. The Outline permission for 130 dwellings considered only the vehicular access for those. The DPD identified that any secondary access should not be via existing estate roads to the north and east. There was no other access onto Warsop Lane proposed and so the totality of the whole site should be considered at this time and not wait until the second phase of construction is considered. The proposed entrance/exit on Warsop Lane is very close to the brow of the hill and concerns were raised regarding the lack of visibility to those wishing to exit from the development.

The 30mph speed limit signs in situ at present need to be re-located further up Warsop Lane towards Blidworth to avoid a sudden speed limit drop close to the proposed entrance/exit of the site.

NSDC Housing – No comments received.

NSDC Waste – The bin collection points on the revised plans are acceptable and there are therefore no issues with waste management. It will be prudent to ensure that all prospective residents are advised about collection arrangements if they are affected by these arrangements.

NSDC Planning Policy – Comments contained within the appraisal below.

Notts County Council (Planning Policy) – Make reference to the National Planning Context which is incorporated into the appraisal within this report.

Comments have also been provided in respect of the County Planning Context and can be summarised as follows:

Waste

In terms of the Nottinghamshire Waste Core Strategy (December 2013), there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding the existing waste management facilities (as per Policy WCS10).

As a large development the County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

Minerals

The site does not lie within a Mineral Safeguarding and Consultation Area and as such the mineral safeguarding policy set out in the emerging Minerals Local Plan does not need to be considered. The County Council therefore does not wish to raise any objections to the proposal from a minerals perspective.

Strategic Planning Issues

Strategic Highways

The County Council do not have Strategic highways objections to the proposed development. The detailed comments of the Highway Authority have been provided separately and are summarised below.

Travel and Transport

Bus Service Support

The Council has conducted an initial assessment of this site in the context of the local public transport network.

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

Infrastructure

The Council reserves the right to consider appropriate enhancements to bus stop infrastructure in the vicinity of the development. Further information about specific enhancements can be discussed with the developer by direct contact with Transport & Travel Services.

The Council will wish to negotiate funding with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

Nottinghamshire County Council requests that the proposed new bus stop locations and accessibility isochrones meeting 6Cs design guidelines are marked on all relevant plans going forward. The Council specification for bus stop facilities includes real time departure displays and raised kerbs and should be complemented by Automatic Vehicle Location (AVL) and Traffic Light Priority (TLP) where appropriate.

The provision of detailed bus stop locations will mean this information is in the public domain for comment from adjacent properties / prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.

Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Landscape and Visual Impact

No assessment of the Landscape and Visual Impact of the proposals appears to have been submitted either at outline application or as part of the current applications. The development should be assessed based on current best practice as given in the Guidelines for Landscape and Visual Impact Assessment, 3rd edition (Landscape Institute and Institute of Environmental Management and Assessment 2013). The need to maintain visual separation between Rainworth and Blidworth make the visual impact of the development when viewed from the south particularly significant and a visual impact assessment may inform the required mitigation measures.

Landscape Character

The site south of Rainworth is designated part of the Sherwood National Character Area (NCA 49) and under the Newark and Sherwood Landscape Character Assessment it is designated 'Blidworth and Rainworth Wooded Estate lands', covered by Policy Zone SPZ18. Identified threats to the landscape character of the zone include ".....residential expansion of Rainworth....." and any development in the area should seek to minimise such a threat.

A landscape Strategy of Conserve and Create has been applied to this zone. The proposed development must take account of the recommended landscape actions which include:

- "Create and reinforce field boundaries and hedgerows where these have become degraded or lost"
- "Create small deciduous woodlands where appropriate"
- "Create small scale woodland/ tree planting to soften new development, preferably in advance of development."

These actions are directly applicable to the scheme and the Landscape Proposals plans are considered with these actions in mind.

Buffer Landscaping

Policy Ra/Ho/2 (Rainworth –housing site 2) of the Newark and Sherwood Allocations and Development Management DPD requires

".....the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt"

Although native tree and shrub planting is proposed along the southern boundary, in sections this is very limited; for an approx 75m of the boundary, only infill planting to the hedge and 5 specimen trees are designated to supplement the existing vegetation. This will not provide an adequate softening of the new development, particularly in winter months. Additional planting, and as a probable pre-requisite, additional space, is required along this southern boundary. It is noted that the width of southern landscape strip has been reduced from typically 15-20m wide in

the outline planning submission (drawing KS02 Illustrative Layout) to typically 12-14m wide in the current plans (drawing TWY034-01/020). The provision of this adequate buffer planting should not be compromised in order to accommodate the additional 30 dwellings which form application Ref: 15/00522/FULM.

Planting Proposals

Landscape Proposals drawings 1 & 2 (ref 15-08-03 and 15-08-04) give detailed proposals for the planting works across the site. These are generally acceptable with the following points to be noted:

- Species – within the immediate residential area of the development the ornamental species selected are suitable. For the boundaries and landscape buffer, the species selected should concur with those listed in the N and S Landscape Character Guidelines for the Sherwood Character Area. To this end it is recommended that *Carpinus betula*, *Sorbus aria*, *Viburnum opulus* and *Acer platanoides* in these zones are replaced with species more synonymous with the Sherwood Character Area.
- Tree planting locations – there is a dearth of proposed tree planting in the eastern portion of the site: additional tree planting should be introduced here in the interests of visual amenity.
- Buffer planting to the southern boundary – see comments above.
- Maintenance- duration of the maintenance as proposed should be clarified.

Existing Tree Protection

Comprehensive tree protection measures have been proposed for the development to ensure that the existing trees and hedgerows to be retained are not damaged. Whilst this is supported, the developer must ensure that these measures are put into place at the absolute start of development. Layout of service runs and proposed trenching must be informed by the tree protection requirements of the site. It is noted that a 'ground protection' tree protection area is given for the southern side of the trees along the southern boundary of The Archer PH, but that buildings (garage to plots 1/2 and another building of unknown function) are proposed within this area. Conflicts such as this should be checked for and addressed to ensure the tree protection measures are not 'lip service' only.

L.E.A.P. access

The scheme indicates two access points to the LEAP but these are close together and both on the southern side of the space. In addition, for those approaching the LEAP on foot from the NE, the footway narrows down to approx. 1m wide south of plot 69 and running beside the open space, which creates safety concerns for children accessing the play area. This footway should be widened and/ or an additional gateway provided to the north to facilitate safe access.

In summary, the Landscape and Reclamation Team do not support either of the current applications (15/00523/RMAM and 15/00522/FULM) due to the lack of information on landscape and visual impact of the development and the inadequate buffer zone to the south of the site.

Rights of Way

This is clearly intended as an open space for residents, rather than a footpath/cycleway, and certainly has benefits in terms of health, green space etc. The shown path does not link directly onto any existing definitive rights of way or public open spaces, so therefore it would not be of benefit to NCC to adopt this path. There are also future maintenance issues for the area, greater than those of a path surface alone, with grassed areas and trees to manage. Despite not being of benefit for NCC to adopt, it will certainly enhance the site for future residents and add greatly to the area of open space available on site.

Looking to the future, this path may well link onto other open spaces if the adjacent land is developed, and if this were the case, there is potentially a further link to nearby NCC managed green spaces (the woodland you mentioned) and existing NCC rights of way.

The County Council's Landscape Officer provided the following comments on the revised landscape plans:

The County Council are happy to rely on the advice of Nottinghamshire Wildlife Trust regarding mitigation for any lizards on the site.

In the County's previous response they noted –

- The applicant had not carried out an LVIA or landscape appraisal – this still appears to be the case
- Tree species shown on the landscape plan were not in line with the recommendations for this part of the county – these have not been changed
- Entrances to the LEAP were on the same side – this has been changed although the layout on the latest landscape plan does not entirely tally with the layout on the latest uploaded site plan
- Lack of buffer to southern boundary – the grassed area has now been replaced with native woodland mix (planting at 1 mc/s?). Whilst this is welcomed for the area between the path and the boundary, the Landscape Officer is not convinced this is a practical solution between the path and the estate to the north, as some of the beds taper in width. Depending on the maintenance regime and whether the shrubs are planted in bare earth or grass, they anticipate this could be rather unsightly in the future. They would suggest removing the woodland to the north of the path, and shifting the path over towards the north so the southern bed is wide enough to be effective on its own.

On the basis of the above they do not support the revised proposals.

Notts County Council (Archaeology) – No comments received.

Natural England – 'Natural England has previously commented on this proposal and made comments to the authority in our letter dated 21/11/2013 for application 13/01256/OUTM (our Ref 98619)

The advice provided in our previous response applies equally to this reserved matters although we made no objection to the original proposal.'

Natural England's comments on the outline application can be summarised as follows:

No objection – no conditions requested

The application is in close proximity to Rainworth Lakes SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England therefore advise that this SSSI does not represent a constraint in determining this application.

Natural England would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and Natural England recommend that the LPA seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application.

Natural England notes that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, Natural England's advice is that the proposed development would be unlikely to affect any European Protected Species. This advice is based on the information currently available and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

With regards to Biodiversity enhancements, Natural England consider that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, Natural England draws the LPA's attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Natural England have also considered the revised plans and have raised no further issues.

Parks and Amenities – Confirmed that the maintenance contributions secured would cover the maintenance of the path through the proposed southern buffer.

The only other comment made in respect of the Reserved Matters application related to the design of the play area. A detailed layout is shown on drawing number 15-08-03 however the site development plan (dwg no TWY034-02 A) shows a completely different, and much less detailed, layout. Requested confirmation of the proposed layout.

Community, Sports and Arts Development – No objection to this proposal. The issue of community facilities contribution was addressed at the outline stage and is referenced in the Section 106 Agreement.

Notts County Council (Education) – No comments received in respect of the reserved matters application.

In considering the outline planning application the County Council confirmed there was sufficient space to accommodate the projected number of additional primary aged pupils. Secondary School provision in the District is addressed through the Community Infrastructure Levy.

Environmental Health – No comments received.

Nottinghamshire Wildlife Trust – The Trust have reviewed the documents available and wish to provide the following comments:

Reptiles

A holding objection was placed by NWT under application 13/01256/OUTM in regards to further information of reptiles. It was agreed that translocation surveys, as suggested in the Phase 2 Ecological Assessment by Landscape Science Consultancy (July 2012), would be suitable, but a receptor site was yet to be secured.

The Trust note that further surveys undertaken by Delta-Simons found a small population of common lizard. As a result of this, the following methodology was suggested in section 5.2.1 of the Reptile Survey (March 2015):

“Since reptiles hibernate over-winter and are considered to most likely be within off-Site woodland and scrub, or mammal burrows beneath on-Site hedgerows, as there is no other suitable habitat for hibernation on-Site, the grassland should be mown and scrub cut back during the winter (November-mid-March) before the development is due to commence; and By maintaining a shorter grassland sward height (maximum 15 cm) and managing scrub and bracken to maintain it at a low level until construction works commence in each area of the Site, it will discourage any reptiles from returning to the Site until the development is complete.”

The following is also stated in condition 15 of 13/01256/OUTM:

“Before development is commenced in any phase the results of a dedicated reptile survey in respect of that phase shall be submitted to and approved by the District Council. Should reptiles be found, mitigation on site or details of a local receptor site shall be set out in the report. Once approved the development shall be completed in accordance with the approved reptile report and

the other recommendations within paragraphs 6.3.2 and 6.3.3 of the Ecological Assessment (November 2011) submitted as part of this application”

The Trust’s concern is that by cutting the vegetation onsite, this will create open ground suitable for basking reptiles. Since suitable (foraging and hibernaculum) habitat for the species was identified immediately adjacent to the (east of the) site, there may be the risk that reptiles will move from these areas offsite, to the mown areas onsite to bask. Therefore, the Trust would suggest that translocation should still be the preferred option, as this will guarantee that reptiles will not be on the site during works. The Trust wish to emphasise that reptiles are protected under the Wildlife and Countryside Act 1981, in which it is an offence to deliberately or recklessly kill or injure. Insufficient mitigation to prevent injury or death to reptiles during works could be considered as reckless.

Furthermore, it is generally advised that surveys should be undertaken between March to October, with April, May and September being the optimal time for survey. The surveys undertaken by Delta-Simmons were undertaken in October only. From the information provided, the conditions for the surveys were suitable, and a small population of lizards found. The total number of lizards found was less than previous surveys undertaken by Landscape Science Consultancy in 2012, however, this could be a result of the surveys being undertaken only in October, and therefore, it should be assumed that a small population of common lizard are still present onsite.

As a result, reptiles should be suitably mitigated for as stated in condition 15, and should be a material consideration during the decision process. Common lizards are not actually common in Nottinghamshire and have declined dramatically over many decades. They are now quite scarce and predominantly found only on the Sherwood sandlands, in the few areas not affected by intensive agriculture and commercial forestry.

Mitigation

Within the ecological reports by Landscape Science Consultancy (November 2011 & July 2012) under application 13/01256/OUTM, it was noted that the western, southern and eastern hedgerows and field margins provide ecological value. Both David-Simmons and Landscape Science Consultancy found common lizard to be within the eastern hedgerow (in which suitable habitat lays adjacent offsite).

Within David-Simmons response it is stated that:

“We recommend that the boundary hedgerow sections on the western and southern boundaries are improved with supplementary planting, as this was recommended in the 2011 ecology report, and that a buffer strip of grassland is included on the inside of them, that is infrequently managed. Along the northern aspect hedgerow should at least be retained/ enhanced along the northern edge of the open space. Therefore, there will be connectivity for wildlife, and habitat for birds and reptiles, where feasible.

A landscaping plan of the proposals will be included with the planning application. However, within the landscaping plan the WT requested a buffer along the eastern boundary to maintain an ecological corridor to Tipping Wood. This is not feasible in the medium- long term and, therefore, we do not recommend that this is included since there is the potential to develop the land to the east, as was noted by NWT.”

Whilst the Trust welcome the improvements of the western and southern boundary hedgerows and wildflower planting, the Trust still wish to suggest a buffer on the eastern boundary. This will allow connectivity to the habitats created within the open space to the north of the site, and retain the hedgerow and adjacent vegetation for common lizard. This is particularly important if the adjacent site, where there is considered to be suitable habitat for common lizard, is to be developed, as the eastern buffer would contribute to retained habitat and connectivity between the two proposed developments. Further to this, as reptiles are sensitive to disturbance, current landscape plans within the proposed SANGs could be considered limited value to common lizard. An eastern corridor could mitigate for this factor by providing further undisturbed habitat onsite. Also, suitable management of the eastern boundary could retain mature habitat corridors for other species from the urban boundaries of Rainworth to the surrounding countryside, and further enhance the green infrastructure of the site.

This will also fulfil the following within paragraph 109 of the National Planning Policy Framework by “minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” and paragraph 118 in which, “opportunities to incorporate biodiversity in and around developments should be encouraged.”

Further to this, it is advised that retained hedgerows are not included within proposed residential gardens, as this can result in over-management and deterioration of the ecological values of the hedgerows. As the hedgerows were determined to be of ecological value and connectivity within the ecological reports, we therefore advise that the hedgerows are adequately retained and a buffer provided.

SANGS

The Trust note that the following has been provided in current landscape plans under this application, as suggested in response to NWT’s previous comments under 13/01256/OUTM:

“ Relocation of the proposed area of public open space to the northern boundary of the site to link through to further open space on the remaining portion of the allocated housing site when that comes forward and to sit adjacent to the existing Preston Road Recreation Ground. This will provide a more comprehensive area of Public Open Space and provide residents including dog walkers with a more useable and accessible recreation space adjacent to their homes”

Within these open areas, the Trust welcome the native wildflower and woodland planting, which could provide ecological enhancements within the landscape scheme. The Trust also welcome the enhancements to the hedgerows and the proposed management at 3m.

The following hedgerow management methods would be most beneficial to wildlife:

- Cutting in January and February will allow wildlife the opportunity to utilise the winter berry crop, and will not disturb nesting birds.
- Cutting should encourage the development of an 'A' shaped profile, to maximise density at the hedge base rather than hedge top.
- Where possible, cutting using a reciprocating blade-type cutter, rather than a flail would be most beneficial to the hedge structure.

- Each cut should be made higher to allow a small increase in height of each year. This will maximise the lifespan of the hedgerow on site.

ppSPA & leaflet information

The Trust wish to highlight the following from Delta-Simmon's response:

"In response to the leaflet that was produced by Delta-Simons at the request of the NWT to inform new residents of the proposed development of the potential recreational impacts upon nightjar and woodlark at Rainworth Heath, the NWT are concerned that our advice that dog walks in the SSSI and LNR should be avoided after dusk during spring and summer is inadequate, and rather they suggest that dog walks within the SSSI and LNR are avoided during peak nesting season in May and June. Alternatively they suggest that keeping dogs on leads and not straying from footpaths would be sufficient to avoid detrimental effects to ground nesting birds (to an extent). Whilst Delta-Simons will update the leaflet accordingly to stress that dogs should be kept on short leads within the SSSI, it would seem unreasonable to recommend that residents of the proposed 160 new properties within Rainworth should all avoid walks on the SSSI in May and June when the rest of the general public are free to visit."

Within NWT's previous response under application PREAPP/00301/14, it was suggested that alternative open areas to walk dogs were considered during the summer months. This was to suggest that residents are made aware and mindful of the impacts of recreational disturbance. However, the Trust agree that it should be sufficient to advise new residents to keep dogs on a short lead at all times during the nightjar and woodlark breeding season (February to August inclusive), and to refrain from straying off of the paths.

Bird & Bat Boxes

The Trust welcome the proposed bat and bird boxes. Bat boxes on the southern boundary would also be beneficial, as this would be adjacent to the wider countryside and potential foraging habitat. Both bat and bird boxes should be installed at 4m or above to avoid predation and/or vandalism. Bird boxes should only be orientated to the south if within a shaded area.

Drainage

As stated in Delta-Simmons response, Natural England raised awareness to the sensitivity of the nearby SSSIs to changes in water quality and flow. It is essential that this is adequately considered during the planning process, and included within the constructive management plan.

Following the provision of revised landscape plans and additional information relating to proposed reptile habitat, Nottinghamshire Wildlife Trust provided further comments which can be summarised as follows:

The Trust have reviewed the additional documents available, particularly the revised landscape plans and reptile mitigation plan. (The Trust also refer to their response under 15/00522/FULM which is likely to cross reference with their response to the reserved matters application).

Reptiles

The Trust greatly welcome the area of reptile habitat proposed within the open space on the north eastern corner and believe this to be an improvement on the previous landscape design. It is hoped that the proposed onsite mitigation will retain the small population of common lizard found during the surveys. The Trust are generally satisfied with the proposals, but strongly advise a management plan, which should include the creation of the habitat and the long-term after care. This is to ensure that the proposed mitigation remains suitable to sustain the lizard population throughout the lifetime of the development. Ideally, the Trust advise that at least an indicative version of this is made available before considering the application. The plan can then be finalised and subsequently implemented as a condition. The Trust would also expect to see a S106 agreement to secure the long-term management.

The Trust expressed their concerns within their previous response regarding the proposed reptile mitigation methodology during site clearances. Following provision of a Reptile method statement the Trust confirmed that they would still suggest a capture and release technique as the preferred precautionary measure. However, it is accepted that a detailed method statement for the chosen technique of strategic exclusion has been provided, and the Trust are generally satisfied with the information provided. The Trust understand that the population onsite was considered to be small and that the Site does not provide ideal hibernation habitat. Therefore, the Trust would strongly advise that a condition is set for the method statement to be followed during works, and for site workers to be given a “tool box talk.” The Trust would advise for vegetation to be cleared in stages rather than a single large scale removal in order to allow reptiles sufficient opportunity to move offsite. Any clearance works undertaken during March to October must be undertaken under the supervision of an ecologist.

Mitigation/Landscape Design

The Trust also greatly welcome the proposed habitat creation and management and are satisfied with the information provided. Further information on the planting of grassland seed mixes may be relevant within any landscape design and management/aftercare proposals for the Site. The proposed management should be set as a condition and secured accordingly through a S106 agreement if required. The Trust advise that this management lasts the lifetime of the development (generally long-term refers to 30 years, the Trust note in the mitigation strategy submitted this is up to 25 years).

The Trust note that there will be public access into the ecological mitigation areas, with information boards for the site. Whilst this is welcomed, and they would encourage residents to engage with natural open spaces, the Trust would also suggest the applicant considers a post and rail fence adjacent to the footpath, to discourage disturbance to the habitats. The Trust do, however, welcome the post and rail fence separating the ecological mitigation from the amenity areas, providing some form of division from the amenity open space.

The Trust also welcome the proposal to create the onsite habitat at the earliest opportunity to allow the habitat to become established. We would advise that machinery or equipment is not stored in this area during works.

Notts County Council (Ecology) – Landscaping has the potential to deliver enhancements for biodiversity, through the use of native, locally-appropriate species, especially around the site boundaries and in areas of greenspace. To this end, it is recommended that the submitted plans are amended to address the following points:

1. In the Native Shrub Mix, the proportions of Dogwood and Hawthorn should be swapped, to

ensure a more naturalistic native shrub mix (i.e. at least 25% Hawthorn).

2. Beech, Hornbeam, Norway Maple and Whitebeam should be removed from boundary areas (i.e. southern/western boundaries) and ideally greenspace areas. It is suggested that Pedunculate Oak, Field Maple and Wild Cherry (and possibly also Small-leaved Lime) would be suitable replacements.

3. The recommendations made in the Reptile Survey report relating to the provision of hibernaculae (see section 5.2.2) should be incorporated.

Severn Trent Water – No comments received.

Environmental Services (Contaminated Land) – No observations from a contaminated land perspective.

Police Architectural Liaison – No comments received.

NHS Nottinghamshire – No comments received.

Notts County Council (Highways) – Refers to the latest planning layout drawing TWY034-02E which they consider to be generally acceptable; addressing earlier issues raised informally. However, concern has been raised about the delivery of the 'allocated housing' development to the east of this site if the proposed roads are not constructed and adopted as public highway up to the land ownership boundary. This is not a highway concern, but may compromise the ability to deliver the housing allocation to meet LDF targets. In a similar fashion, clarification is still sought that the emergency link footpath/cycle path will be delivered since it is understood that the red site boundary and land ownership boundary do not match, leaving a small strip along the northern site boundary at Rochester Road.

The Transport Assessment has been checked and found to be robust and acceptable.

Likewise, Travel Plan revision C is also approved for implementation.

Attention is drawn to Condition 10 of the outline permission and the need to satisfy this condition by providing off-site highway improvements prior to occupation of any dwelling.

The footpath running along the south side of the development will not be adopted as public highway and therefore a suitable management/maintenance arrangement should be agreed by the LPA and implemented.

If the matters raised in the first paragraph of the Highway comments above are satisfactorily addressed, then conditions are suggested as follows:

- to ensure drives, parking and turning areas are surfaced in a hard bound material for a minimum of 2.0m behind the highway boundary,
- that any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres,
- that details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved,
- that the emergency link footpath/cyclepath connecting with Rochester Road shall be constructed and open for use prior to the occupation of the 100th dwelling; and

- that the access driveway/parking area serving any dwelling is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking area to the public highway prior to its first occupation.

The Highway Officer has also confirmed that a condition would not be required for a barrier to the footpath/cycle path/emergency link as a 'barrier'/restriction would be built in to their S38 Agreement. Furthermore the Highway Officer has confirmed that further to his County Planning colleagues reference to bus stop contributions, this is not something they will be pursuing in this instance.

Access and Equalities Officer – Building Regulations approval will be required.

Community Safety Co-Ordinator – No comments received.

The Environment Agency – Following the provision of the revised flood risk assessment, the Environment Agency confirmed that they had no objection to the proposed development, subject to the imposition of a planning condition relating to surface water drainage.

Drainage plans have been provided and the Environment Agency have confirmed as follows:

'The information provided has been amended slightly since we made our previous decision in that the 23 soakaways which were located within multiple back gardens have been split so that the individual plot soakaways are located entirely within a single plot boundary. The reason for this is to overcome potential future ownership and maintenance issues with soakaways located across multiple plots.

An additional benefit of having more soakaways is that the surface area which infiltration can take place would be substantially increased and therefore the soakaways should infiltrate into the ground at an increased rate.

Based on the understanding that the total storage capacity is no less than what was previously agreed, we have no requirement for a surface water condition.'

Lead Local Flood Risk Authority – Nottinghamshire County Council are aware that the EA have already commented on these proposals and have no further comments to make.

Neighbours/interested parties – Two letters have been received from a third party with the second representing their updated position following the provision of revised plans relating to the access and its extent in relation to the eastern boundary. The third party raises concern that the revised plan and annotation is not sufficient to guarantee a ransom strip will not exist in the future and that they believe road adoption should be secured completely up to the site boundary to ensure the remainder of the housing allocation is not compromised. The third party has suggested a condition be attached to any planning permission requiring that the road access points to the eastern boundary are constructed as far as physically and practically possible up to the boundary and any remaining land up to the actual boundary and for the width of the constructed highway is included within the highway adoption agreement.

A further letter has been received from the owners of the adjoining eastern portion of the allocated site in support of the application requesting that access roads and therefore road adoption should extend completely up to the boundary of the application site to avoid a ransom

strip in the future. This should be secured by condition.

1no. written representation has been received raising the following concerns:

- **the area is a habitat for various endangered species with hedgehogs, bats, newts (greater crested have been seen (11/07/20156) and many red status birds. The development will degrade habitats.**
- **Impact on traffic.**
- **Impact on local amenities including doctors which are already stretched.**
- **Building on this land would set a precedent for further development in the area, further degrading the Green Belt. There are sites in the Mansfield area that have better access and are brownfield.**

Comments of the Business Manager Development

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Paragraphs 47 and 49 of the NPPF states that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

The principle of the development is considered acceptable and the delivery of housing is a significant material planning consideration. As at 1st April 2014 the District had a housing supply of 6.83 years. The Council has been assessing the 2014/15 position by gathering relevant information, which has now been completed. Whilst not yet formally published it is true to say that as of 2014/15 the Council cannot demonstrate a 5 year land supply against the adopted Core Strategy housing target (adopted pre-NPPF).

Members may be aware that the NPPF when published introduced a requirement to define housing targets by reference to Objectively Assessed Need (OAN) via collaborative working (the duty to cooperate) with neighbouring Authorities. This Authority, in collaboration with Ashfield and Mansfield District Council's has commissioned work on a Nottingham Outer Strategic Housing Market Assessment (SHMA), which is the vehicle from which an OAN is derived. The draft SHMA has identified an OAN figure of 454 dwellings per annum from 2013-2033. Whilst at an early stage of consultation it is clear that if this were to be the Council's housing target (which it is currently not) the Council would have a lower overall housing requirements and annual requirement and thus, in officers submission, would achieve a 5 year supply. For the purposes of this application, at this time, I would suggest that Members note the absence of a 5 year supply based on delivery of

currently adopted targets and weigh this very heavily in a planning balance.

The proposal site is located in Rainworth, a Service Centre, allocated for development in the Core Strategy (adopted 2011) under Spatial Policy 1 and Spatial Policy 2 which confirms that the allocated scale of housing growth in Rainworth over the plan period (to 2016), is 15% of Service Centre growth. This equates to 425 dwellings over the plan period.

The site forms part of Rainworth Housing Site 2 as identified in Policy Ra/Ho/2 of the Allocations and Development Management DPD (adopted July 2013). The DPD confirms the site as one of the two sites allocated for housing development in Rainworth. The Policy sets out that the wider site is allocated for residential development providing around 190 dwellings with associated public open space. **The principle of residential development for up to 130 dwellings on this portion of the allocated site has already been approved under planning permission ref.13/01265/OUTM.**

Policy Ra/Ho/2 sets out a detailed approach for the bringing forward of the site. This policy informed consideration of the outline planning application and remains a material consideration in the consideration of this reserved matters application. This policy requires the;

- Preparation of a comprehensive Master Plan for the whole of the site setting out the broad location for development and the phasing of new development;
- Management of the sites gateway location;
- Provision of strategic buffer landscaping to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact on the Green Belt ;
- Assessment and identification of the impact of development on the highway network with mitigation measures being provided where necessary;
- Provision of the sites main access point from Warsop Lane with any secondary point not being via the existing estate roads to the north and east;
- Positive management of surface water;
- Incorporation of new, enhanced strategic open space to form an addition to the existing Preston Road facilities;
- Developer funded improvements to the public foul sewer system and wastewater treatment works to ensure there is sufficient capacity to meet the needs of the development;
- Investigation of the impact of former coal mining activities within Rainworth with mitigation measures being provided if necessary; and
- Investigation of potential archaeology and the securing of any necessary post-determination mitigation measures.

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy DM2 refers to development within sites allocated in the ADMDPD being supported for the intended use provided that they comply with the relevant Core and Development Management policies relating to site specific issues.

The principle of development on this site has been established through the granting of outline planning permission. It is however important that the detail of the proposal is able to satisfy the relevant aspects of the District's development plan with the addressing of the requirements of the site allocations policy particularly important in this respect.

Density, Mix and Affordability

Core Policy 3 'Housing Mix, Type and Density' sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings or which have a site area of 0.4ha or above, with the Core Policy setting out that a level of 30% will be sought. In doing so however consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The application concerns only part of the allocation Ra/Ho/2 and a key aspect in the consideration of the outline planning application was whether the proposal would inhibit the full delivery of the allocated site. It remains crucial, that the allocated site is brought forward in a coherent and comprehensive manner. This issue becomes even more prevalent in the consideration of this reserved matters application as the proposed 130 dwellings and associated infrastructure would not occupy all of the land on this portion of the allocated site. Land is shown to be set aside for an additional 30 dwellings being considered under the concurrent application also before Members on this Committee agenda. Whilst the principle and detail of the proposed additional dwellings is not a determining factor under this reserved matters application, it is important to consider the impact of the condensed layout for 130 dwellings on density and whether the density and housing mix put forward meets the above policy requirements. The impact of the condensed layout on the character and appearance of the area is considered later in this report.

The applicant has provided a masterplan as part of the Design and Access Statement submitted in accordance with the requirements of the site allocation policy. The layout plan submitted as part of the application also shows that whilst the proposed 130 dwellings have been condensed on to a reduced area of the application site when compared with the outline consent, the layout would still incorporate public open space and the provision of strategic landscaped buffers to the south and western boundaries with the aim of addressing the site's gateway location and provision of strategic landscape buffering to the south and west of the site. The area of public open space and likely effectiveness of the landscaped buffers is considered later in this report, however for the purposes of considering the density of the development, it is acknowledged that condensing the development onto a smaller proportion of the site has not prevented provision of these features.

Density

The principle of up to 130 dwellings on the eastern portion of the allocated site has been established through the granting of outline planning permission under planning application ref.13/01256/OUTM. Therefore the main consideration in respect to consideration of density for this reserved matters application is whether condensing these dwellings onto a smaller proportion of the site still results in a density which meets the requirements in the Core Strategy and does not preclude development of the wider site allocation coming forward. The ability to provide additional dwellings on the site is considered in report for the separate application under planning ref.15/00522/FULM.

The table below (fig.1) sets out the number of dwellings anticipated over the wider site which was

allocated as part of the Allocations and Development Management DPD and informed by the Strategic Housing Land Availability Assessment (SHLAA). The table also includes the two sites considered as part of the SHLAA process that were eventually adopted as Rainworth Housing Site 2 (Policy Ra/Ho/2). 'SHLAA Site 1' related to the land being considered as part of this application but also included the land occupied by the neighbouring Public House. The table also indicates the density of development envisaged under the outline planning permission and the density of development on the condensed area proposed under the current application:

Fig.1

Site	Area – in hectares (Ha)	No. of dwellings	Anticipated Density – dwellings per hectare (dph)
SHLAA Site 1 – Western portion of Rainworth Housing Site 2 including existing PH		131	
SHLAA Site 2 – Eastern Portion of Rainworth Housing Site 2		105	
Policy Ra/Ho/2 Rainworth Housing Site 2	10.93Ha	Around 190	18dph
13/01256/OUTM – Land off Warsop Lane	5.93Ha net / 4.12Ha without site specific constraints (including open space (1.13Ha) and anticipated road infrastructure (0.68Ha)	Up to 130	22dph / 32dph
15/00523/RMAM – Land of Warsop Lane	5.93 net / 3.2Ha without land forming part of 15/00522/FULM (0.69Ha) and open space / landscaped buffers (1.118Ha) and highways (i.e. roads, footpaths and verges that are adoptable (0.93Ha)	130 dwellings	22dph / 41dph

The table shown as figure 1 indicates that 130 dwellings condensed on a smaller proportion of the eastern portion of the site allocation would equate to 41 dwellings per hectare (the impact of an additional 30 dwellings on the density of this half of the site allocation is being considered separately under planning ref.15/00522/FULM). This meets the requirements of Core Policy 3 which requires development densities to be no lower than an average of 30 dwellings per hectare net. If the density is based on the net area of the site, a development of 130 dwellings would equate to a density of 22 dwellings per hectare. Where development densities are below 30 dwellings per hectare net individual site circumstances need to be taken into account.

The housing allocation required a design that addresses the sites gateway location and manages the transition into the main built up area including the provision of strategic buffer landscaping to the south and west of the site to maintain a physical and visual break between Rainworth and Blidworth and to minimise the impact of development on the Green Belt. The reduction in anticipated number of dwellings for the wider site between the SHLAA process and the wider site being allocated can be attributed to the fact that the Council erred on the side of caution bearing in mind the landscape buffer that would need to be provided and housing mix and areas of open space were unknown. The increase to 41 dwellings per hectare when compared with 32 dwellings per hectare on the outline permission is no doubt exaggerated now that more precise details of highway infrastructure can be given, there is an increase in open space provision and the parcel of land being considered under planning application no.15/00522/FULM has also been excluded from the calculation. However, the density of the development at 22dph where the wider site is taken into consideration, does indicate that there may be scope for a more efficient use of the land.

Housing Mix and Affordability

The proposed plans show the proposed development would include a mix of house types (12no. 2 bedroomed houses (including 1no. bungalow), 89no. 3 bedroomed houses and 29no. 4 bedroomed houses). This would meet the requirements of Core Policy 3 of the Core Strategy in that it would provide a range of house types with a weighting towards 2 and 3 bedroomed properties. The provision of a bungalow amongst the 2 bedroomed dwellings further enhances the mix to meet the requirement for smaller homes. I consider that such a mix would contribute towards meeting the needs of different groups including the needs of families, the elderly population or people with disabilities.

I am mindful that in considering the outline application Strategic Housing requested that any affordable housing on the site should be a mix of 1, 2 and 3 bed properties. The viability issues on the site were considered as part of the outline planning consent and this was reflected in the level of contributions secured in the Section 106 Agreement associated with the planning permission. It was established at the time that the site could only realistically achieve 15% on site provision for affordable housing. I note that the proposed dwellings do not include any 1 bedroomed properties in this instance, however this is consistent with the fact that a lesser proportion of affordable units has been secured in this instance due to the impact this would have on viability. Overall, I am satisfied that the indicative house mix would still be in keeping with the character of the area and would meet the overall objectives of Core Policy 3.

On balance, I am satisfied that condensing the previously established 130 dwellings onto a smaller proportion of the eastern half of the site allocation will result in a more effective and efficient use of the land. The previous outline planning permission accepted that 130 dwellings on this land would not preclude the development of the other half of the site allocation. Once constraints are factored in the proposed density would meet the density requirements of Core Policy 3. However, the acceptability of the condensed layout is also subject to the impact it has on the other considerations set out in the remainder of this report.

Design/ Character of the Area

The predominant house type in the surrounding area comprises 2-storey dwellinghouses. The general height of new housing will be 2-storey with 42no. of the dwellings being 2.5-storey and 1no. dwelling being a bungalow. The housing allocation policy (Ra/Ho/2) states that the housing development should have an 'appropriate design which addresses the site's gateway location and

manages the transition into the main built up area'. The development predominantly consists of buildings that are no higher than 2-storeys particularly to the outer edges of the development. From a design perspective (amenity is considered later in this report) I consider there is scope for the proposed 2.5 storey dwellings and the position and design of these buildings is such that they will be integrated so as not to dominate the overall character of the site and will help to provide legibility particularly where they are situated close to the site entrance.

The mix of house types proposed includes L-shaped properties to some corner locations. Several properties at key focal points across the development are also shown to be finished in full height cream render with Grovebury Breckland Black roof tiles to further enhance legibility across the site. The majority of the proposed dwellings would have gabled roofs which would ensure a consistent style across the site and would also reflect the design of existing dwellings adjoining the site.

Plot 18 which is located close to the boundary with properties on Eaton Close has been designed to include a hipped roof where it faces the boundary with these properties, and whilst different to the majority of roofs on the proposed development is discreetly positioned in the north western corner of the site. The proposed bungalow which is also located close to the boundary with existing properties on Eaton Close is of a modest scale measuring a maximum 4.4m in height. I am satisfied that this will add variety to this corner of the site whilst retaining features including a gabled roof and materials to match neighbouring properties on the development which will aid its visual integration into the scheme. The provision of this property will also add to the housing mix as considered above.

The provision of landscape buffer zones to both the western and southern boundaries of the site complies with the requirements of the housing allocation policy. As with the illustrative plan considered at the outline stage, the landscape buffer would not be as wide as indicated on the Proposals Map within the DPD. At the outline stage the proposed southern buffer was shown to equate to an area of 0.56 hectares. Now that precise details of property curtilages and road layouts has been accounted for, the proposed buffer has been reduced to an area totalling 0.32 hectares. Similarly the western buffer has been reduced from 0.11 hectares to 0.078 hectares. I note the comments made by the County Council with regards to the reduction in depth to the landscaped buffer and their questioning whether it is still likely to provide a buffer sufficient to aid the transition into the Green Belt. The applicant has provided revised landscape plans following the County Council's original comments which seek to address some of the issues raised as well as those raised by ecology consultees. The revised plans indicate native species included within the proposed planting schedule including larger areas of woodland planting, where previously wildflower meadow areas were proposed, along the southern landscape buffer.

Whilst the width of the proposed southern buffer has been reduced in some areas compared with that envisaged at the outline stage, I am still satisfied that following the amendments to the landscape plans, a substantial buffer will still be provided facilitating the physical and visual break between Rainworth and Blidworth and helping to minimise the impact on the adjacent Green Belt. Similarly whilst the western buffer has reduced, the buffers broaden where they meet to the south western corner adjacent to Warsop Lane, which will be the most prominent viewpoint in the public realm as people enter Rainworth. Planting species across the site have also been reviewed including the replacement of non-native species and additional tree planting is to be provided towards the eastern boundary of the site.

A tree survey has been submitted as part of the reserved matters application. Existing planting largely relates to the perimeter of the site and particular consideration needs to be given to the removal of hedgerow to the western boundary of the site with Warsop Lane to facilitate the provision of the access being considered as part of this application. The Tree Survey outlines the existing trees and hedgerows on the site and the possible impact the proposed development may have on them. I note that comprehensive tree protection measures have been submitted to ensure existing trees and hedgerows to be retained are not damaged. I note the points made by the County Council in their consultation response regarding layout of service runs and proposed trenching must be informed by the tree protection requirements of the site and that a 'ground protection' tree protection area is given for the southern side of the trees along the southern boundary of The Archer PH, but that buildings (garage to plots 1/2 and another building of unknown function) are proposed within this area. I note that these buildings only slightly stray into the ground protection area and that there are no other such conflicts on the site. The applicant has also confirmed that two phase protection measures have been allowed for in this location as per the Arboricultural Method Statement submitted. Condition 14 of the outline permission requires the development to be carried out in accordance with any approved Arboricultural Method Statement and any reserved matters permission can refer to the tree protection plans and arboricultural method statement submitted amongst the approved plans and documents. It is noted that the arboriculture statement provided includes that the tree protection measures detailed are installed prior to commencement of development and with regards to the provision of underground services, particular care will be taken in the routing and installation of services with any excavations adjacent to root protection areas to be excavated using hand tools or compressed air soil displacement and installation of service routes using trenchless solutions such as microtunnelling.

~~At the time of writing, final details of a landscape management plan are awaited and an update can be provided to Planning Committee as to whether any further conditions are required to secure appropriate maintenance of soft landscaped areas.~~ **A landscape management scheme has now been provided and further consultation has been undertaken with Nottinghamshire Wildlife Trust.** Provided conditions secure provision and maintenance of the landscaping details submitted, I am satisfied that the details will be sufficient to ensure the landscape scheme is appropriate and also enhances biodiversity on the site in accordance with the aims of Core Policy 12 and Policy DM7.

The Parks and Amenities officer has raised no concerns with regards to the location and size of public open space which includes a L.E.A.P. in a relatively central position and further amenity space to the northern boundary and to the southern landscaped buffer both of which incorporate footpaths. Following the receipt of revised plans the L.E.A.P. on the landscape plan is now more closely aligned with the indicative L.E.A.P. layout on the site layout plans and the revised plans also show footpaths in to the L.E.A.P. from the north and south to cover the point raised in the County Council's consultation response. I consider that the provision of open space on the site and how they are integrated into the development helps to realise a suitable level of SANGS on the site. The Council will ultimately be responsible for the maintenance of these areas as well as the footpath through the southern buffer. The northern area of open space could also link through to an extension to the Preston Road facilities should the western portion of the site allocation come forward, providing a single more comprehensive area of open space having potential leisure and ecological benefits.

I am mindful that the condensed layout of the proposal results in an area of surplus land within the eastern portion of the site allocation and this land is proposed to be developed for an

additional 30 dwellings under planning application no.15/00522/FULM. Consideration needs to be given to the possibility that planning permission is not forthcoming on this surplus land, and the impact this would have on the appearance of the scheme and relationship with the character of the area. I note that the land in question is centrally located away from the wider site boundaries and sits between the proposed area of public open space where the proposed L.E.A.P. is located and the boundary with the eastern portion of the site allocation. I do not consider it would not be reasonable to attach conditions requiring works to be undertaken to this land as it would not be unusual for part of a development site to remain undeveloped. However, in such circumstances the developer would need to consider where there is likely to be an impact on the marketability of the wider site and whether they would need to take steps to maintain the site.

Overall, I consider the design of the development fulfils the requirements of Policy Ra/Ho/2 and meets the requirements of the NPPF including that it will optimise the potential of the site to accommodate development through the condensed footprint.

Impact on the Wider Landscape

The site lies on the southern outskirts of the village on land which is undulating with the highest area of ground occurring along the western and southern boundaries. There is a notable dip in the north-central part of the site from which the land rises again towards the boundary with land at Woodpecker Drive.

As noted in the County Council's comments, the site south of Rainworth is designated as part of the Sherwood National Character Area (NCA 49) and under the Newark and Sherwood Landscape Character Assessment it is designated 'Blidworth and Rainworth Wooded Estatelands', covered by Policy Zone SPZ18. Identified threats to the landscape character of the zone include ".....residential expansion of Rainworth....." and any development in the area should seek to minimise such a threat.

A landscape strategy of Conserve and Create has been applied to this zone. The proposed development must take account of the recommended landscape actions which include:

- "Create and reinforce field boundaries and hedgerows where these have become degraded or lost"
- "Create small deciduous woodlands where appropriate"
- "Create small scale woodland/ tree planting to soften new development, preferably in advance of development."

Whilst a LVIA has not been submitted as part of the application, I am mindful that the principal of the development has already been accepted and the plans submitted and consultation responses received, provide sufficient detail to be able to make an assessment of the proposals against the relevant policies and the Newark and Sherwood Landscape Character Assessment. As identified above, the proposals include retention of existing hedgerows where practicable and landscape buffers are proposed to the southern and western boundaries. The revised landscape plans have sought to address some of the issues raised in initial consultation responses from the County Council and ecology consultees. The revised plans indicate native species are to be used as set out in the planting schedule including larger areas of woodland planting where previously wildflower meadow areas were proposed along the southern landscape buffer. Whilst the proposed footpath would dissect the woodland planting, I am satisfied that the proposed buffer will be sufficient to

soften the appearance of the development and help transition into the Green Belt. The position of the path within the southern buffer and the tree species mix suggested by the County Council's landscape officer has been taken into consideration by the applicant in the latest layout and landscape proposals and any further comments received on this matter will be provided to Members at Committee. Hedgerows to the western and eastern boundaries are also shown to be reinforced where retained.

The scale of the development which is primarily 2 storey will also help to minimise the impact of the development on the wider landscape.

I am satisfied that the scale and design of dwellings and the associated soft landscaping within the landscaped buffers and areas of public open space including the planting species proposed meets the aims of the landscape strategy for the area and will help to assimilate the development into the wider landscape in accordance with Core Policy 13.

Amenity

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

The submitted layout shows minimum interface distances between proposed dwellings ranging between 18.0 m and 26.5 m although the majority of properties have a distance in the region of 20.0m between neighbouring rear elevations. Whilst I consider that these distances are not particularly generous, I am satisfied that they are close to what is typically considered acceptable and would offer a suitable level of amenity for future occupiers.

The nearest existing neighbouring properties are located to the north of the application site at Eaton Close and Rochester Road. I note that the proposal includes the following details with the aim of reducing any impact on neighbouring amenity:

- Plot 18 is angled to prevent any direct overlooking of rear gardens and has a hipped roof to reduce the scale and bulk of the proposal close to the boundary.
- Plot 19 is a bungalow with no rooms within the roof space and this will ensure there are no undue overlooking impacts on the dwellings at no.14 and no.16 Eaton Close.
- The remaining proposed properties along the northern boundary are such that there is sufficient distance and angle between neighbouring properties to prevent any undue impact on neighbouring amenity.

Following discussions with the applicant, a revised engineering plan has also been submitted showing finished floor levels to the dwellings adjacent to the northern boundary of the site to be in the region of 0.5m lower than existing levels. I consider this will further reduce any impact on neighbouring amenity.

Policy DM5 also requires private amenity space to be proportionate and appropriate to the development it is intended to serve. I am satisfied that the amount of rear amenity space to each of the proposed properties is acceptable. I note that a small number of the proposed gardens are irregular in shape, in particular at Plot 34 which is almost triangular. However, I am satisfied that in the overall context of the development this is acceptable.

Whilst I consider the level of amenity afforded by the development for existing and future occupants to be acceptable, I consider it would be reasonable and necessary to remove permitted development rights for extensions to the dwellings to ensure a suitable level of amenity is retained.

Overall, I am satisfied that the proposed plans accord with the objectives of Policy DM5.

Highway Matters

Policy Ra/Ho/2 requires that the principal access to the site be provided off Warsop Lane and the access details were approved as part of the outline planning permission. This included consideration as to whether the access arrangements would preclude the full development of the allocated site at a later date and the Highway Authority confirmed at the time that subject to specific dimensions the single main access proposed onto Warsop Lane would be acceptable to serve up to approximately 240 dwellings. A development of 130 dwellings would therefore still leave scope for the rear portion of the site to be developed for approximately 110 dwellings which was considered at the time would help to avoid the scenario where an approval on this part of the site would prevent the remainder of the allocated site coming forward at a later date. Whether additional dwellings can be accommodated on this portion of the site without prejudicing the development of the eastern portion of the allocation is being considered separately under Planning Application ref.15/00522/FULM.

This application includes full details of the internal estate roads and parking arrangements and the Highway Authority have been consulted on these reserved matters.

I note that the Highway Authority have requested that as a minimum the roads should be adopted up to the boundary leading into the remainder of the housing allocation to the east so as not to prevent the remainder of the site coming forward at a later date. This issue has also been raised by a third party. The applicant has advised that they do not own a narrow strip of land (approximately 0.5m in depth) adjacent to the eastern boundary of the site and that they have taken the road as far as is practicable up to their boundary. The layout plan has also been updated to show the end of the two proposed roads leading up to the eastern boundary adjusted so that they align with the applicant's legal boundary position. I am satisfied therefore that the layout of the access leaves scope for the roads to continue through to the eastern portion of the allocated site. The plans have also been amended to include a notation stating 'Future road link' following a request from the Highway Authority. Neither the applicant nor the Council has control of the ransom strip and this is an issue that would need to be resolved between the land owner in question and any potential developer of the remainder of the allocated site.

Prior to their final formal comments contained within this report, the Highway Officer raised concerns in relation to the proposed parking court serving plots 47 – 50 and asked whether a better design solution could be found. The applicant has advised that they have considered reconfiguration of this part of the development to remove the requirement for a parking court but have been unable to produce a solution. In order to improve surveillance of this area and thereby make it more attractive for residents to utilise the parking court, through negotiation with the applicant the submitted plans have been amended to incorporate brick walls with railings to the upper sections on all plots that share a boundary with the parking court. This will allow for better views through to the parking court for residents. Brick walls and railings are also considered to be a better design solution than fence panels to the boundaries with the parking court, which would be quicker to deteriorate and would be managed/replaced differently by the various property

owners. Furthermore, pedestrian accesses have been included to the rear entrances of these four properties for convenience which are relatively legible and would hopefully encourage the use of the spaces. On balance, whilst this design solution is not ideal, as this is the only parking court in the scheme and serves only four properties, I am satisfied that in the context of the overall development, the provision of the parking court will not be so detrimental to the character of the area or highway safety so as to warrant a refusal on these grounds.

The Highway Authority have also confirmed that the latest version of the Travel Plan submitted (Revision C) is acceptable.

During consideration of the application, I received enquiries relating to land ownership where the proposed 'Footpath / Cycle Link / Emergency Link' through the proposed public open space to the north of the site meets the boundary with Rochester Road. The suggestion was made that the verge at the head of Rochester Road was in private ownership. The Highway Authority have since confirmed that the land in question is within their ownership and therefore this would not preclude the provision of the proposed link on to Rochester Road. There is a separate narrow ransom strip to the northern boundary in the ownership of the original vendor of the application site, however, the applicant has confirmed that the original vendor will sign any S38 Agreement with the County Council to deliver the 'Footpath / Cycle Link / Emergency Link'. With regards to the control of use of this link, the Highway Authority have confirmed that a condition requiring details of a suitable barrier to restrict use of the link to pedestrians and cyclists only other than in the case of emergency is not required as they will ensure such restriction is built into the S38 Agreement design.

With regards to the Parish Council's suggestion of a requirement to relocate speed signs, the Outline Planning Permission includes various requirements for highway works to be undertaken and this includes Condition 12 which requires off site traffic management works comprising of extending the 30 mph speed restriction on Warsop Lane. The Highway Authority have raised no further concerns with regards to parking and access and I am satisfied that their suggested conditions could be attached to any decision.

I also note the Highway Officer has confirmed that a bus stop contribution is not being pursued in this instance.

With regards to the collection of waste, the submitted plans have been updated to include bin collection points and the Council's Waste Collection team have confirmed that these details are acceptable.

I am therefore satisfied that the proposed access arrangements would meet the requirements of Policy Ra/Ho/2 in being suitable to serve the level of development and would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy.

Ecology

Sherwood Special Protection Area (SPA)

In considering the outline planning application, it was acknowledged that the substantial population of Nightjar and Woodlark in the Sherwood Forest area might justify its classification as a Special Protection Area ('SPA') under the EU Birds Directive, or at least its identification as a potential SPA ('pSPA'). At the time the Nottinghamshire Wildlife Trust agreed with the

Screening Assessment submitted, in that there would be no direct habitat impact and that with regards to the Indirect Effects set out in the Screening Assessment, the Trust agreed the site was too far away for cat predation to have a significant impact on nightjar or woodlark (although they will predate the lizards).

The Trust advised that any increase in recreational pressure can cause an indirect impact on ground nesting birds e.g. from dogs and that any increase in numbers of people would also lead to more disturbance generally. The Trust recommended that the development needed to provide Suitable Alternative Natural Green Space (SANGS) to demonstrate that the design of the scheme could reduce the likelihood of increased recreational pressure at Rainworth Heath/Rufford and Blidworth.

The following mitigation measures were agreed:

- Provision of 0.43ha of Public Open Space in addition to a landscape buffer is proposed to be provided within the development. This would link through to further Public Open Space (taking the total P.O.S. on the housing allocation to approximately 1.69Ha) on the eastern portion of the allocated site when that comes forward and would sit alongside the existing Preston Road recreation ground.
- The revised wider concept plan submitted showed Public Open Space of a size and position (alongside the existing Preston Road recreation ground) which would allow for provision for dog walkers within the open space to reduce the likelihood of dog walkers seeking to use the prospective Sherwood Forest Area pSPA.
- A condition for the provision of information to all new residents within the development 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. This could form part of the 'welcome pack' to first occupants following legal completion and remain with the property in the event of a change of ownership in the future.
- A SANGS contribution of £30,000 to be used for the provision of Suitable Accessible Natural Green Space in accordance with the Natural England Advice Note 110711 within the west of the Newark and Sherwood District.

The above provisions are carried forward as part of the existing application in that Public Open Space totalling 0.72Ha (0.44Ha to the north eastern corner of the site/0.28Ha centrally located with a L.E.A.P.) is shown on the application site. The masterplan submitted continues to show how the proposed open space would link through to further public space on the eastern portion of the allocated site, a sample information leaflet for new residents has been provided and the SANGS contribution for the site remains in place. Added recreation benefits within the proposed scheme include a footpath to be provided through the southern landscape buffer as well as a green link between the two areas of public open space. I note Nottinghamshire Wildlife Trust and Natural England raise no objections in this regard and I am satisfied that the measures being incorporated into the detailed scheme submitted as part of this reserved matters application will help to ensure that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Since the original report to Planning Committee the bird leaflet to be issued to new residents has been amended to incorporate suggestions made by Nottinghamshire Wildlife Trust.

Other Ecology Matters

In relation to site specific ecology matters I note the Nottinghamshire Wildlife Trust is now generally satisfied with the habitat creation plan, planting mix and the reptile mitigation proposals submitted. The applicant has also advised the landscape details will be amended to ensure that the hedgerow to the eastern boundary is outside residential curtilages. I am still awaiting details of the Landscape Management Plan for the site which should cover this point as well as long term maintenance. I also note the additional comments received from the County Council's Landscape Officer, particularly those relating to the position of the footpath within the southern buffer and the species mix. The applicant is currently considering these points and an update can be provided at the Planning Committee meeting. Subject to final confirmation of these details being provided, and these being considered acceptable, a suitable condition could be attached to any planning permission requiring the open space areas and landscape buffers to be maintained in accordance with the final plan. Ultimately it will be the Council who is responsible for the long term maintenance of these areas through the Section 106 Agreement attached to the outline permission.

Vegetation clearance during the bird breeding season has been controlled by way of a condition on the outline permission. Detail of bird/bat boxes have been submitted and have been welcomed by the Wildlife Trust. Any permission could reference these amongst the approved plans with Condition 16 on the outline permission requiring the development to be completed in accordance with any approved bat/bird box details.

I am satisfied that the details submitted as part of this application will help to increase biodiversity and enhance wildlife corridors in accordance with Core Policy 12 and Policies DM5 and DM12.

With regards to Natural England's recommendation that enhanced green infrastructure (GI) provision is considered as part of the development I note the indicative plans show the provision of the landscaped buffer and that this would incorporate pedestrian and cycle links.

I note that Natural England have considered the site's close proximity to Rainworth Lakes SSSI and that they are satisfied that the proposals will not damage or destroy the interest features for which the site has been notified.

Archaeology

Policy Ra/Ho/2 states that the development will be subject to 'the investigation of potential archaeology on the site and any necessary post-determination mitigation measures secured by condition on any planning application.'

The outline planning permission on the site included a condition requiring a geophysical investigation to be undertaken before development commences with any necessary mitigation measures to be undertaken. A report has been submitted as part of this reserved matters application and this was also provided at the pre-application stage. The County Council's Archaeologist was consulted at the time and confirmed the Geophysical technique had clearly worked in that it indicated the remains of ploughing activity, but no other features were visible. Therefore the County's Archaeologist had no further comments or recommendations to offer on this site.

Given the above, I am satisfied that the development of this site raises no archaeological issues

requiring further consideration under Core Policy 14 and Policy DM9.

Flooding/Drainage

In order to meet the requirements of the housing allocation policy, the application needs to address the following:

- The positive management of surface water through the design and layout of the development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime.
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.

Development Management Policy DM10, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *“necessary mitigation as part of the development or through off site measures where necessary.”* Spatial Policy 9, Core Policy 9 and Development Management Policy DM5 require consideration and mitigation to be undertaken where flood risk and water management issues arise.

The site is not located within Flood Zone 2 or 3 however as it exceeds 1ha in size, a Flood Risk Assessment has been submitted with the planning application. Following receipt of the Environment Agency’s holding objection, a revised Flood Risk Assessment and Drainage Strategy ~~has been~~ **was** submitted ~~and at the time of writing this report, I am awaiting the further comments of the Environment Agency and the Lead Local Flood Risk Authority. I have also received no comments from Severn Trent Water at the time of writing. An update on any responses from these consultees will be provided verbally at the Planning Committee meeting.~~

Consideration has also been given to drainage of the wider allocated site and the applicant has advised that in terms of storm drainage, the application site drains entirely to soakaways (highways and private water) and no allowance has been made to drain the retained land. The applicant considers that the remainder of the allocated site would need to provide it’s own soakaways (assuming the ground conditions are the same as the application site) or design another approved drainage system in due course. The applicant considers it is logical to assume that ground conditions on both sites are the same due to their proximity, but they cannot be totally sure as they have not investigated the retained land. Regarding foul water the application site would drain into the existing system in Rochester Road, which they advise that they have confirmed can take their flows. The retained land may use their system in the future, but they would need to establish with the Water Authority that sufficient capacity exists in the foul system down stream from the connection point to cater for their flows. Alternatively they would need to establish a different point of connection.

The Environment Agency have now confirmed that the drainage plans submitted are acceptable based on the understanding that the total storage capacity is no less than what was previously agreed, and therefore there is no requirement for a surface water condition. Officers have sought clarification on the minimum total storage capacity and an update will be provided at the Planning Committee meeting.

Subject to an acceptable foul and surface water drainage system for the site being agreed between the applicant and the above consultees, **and the minimum total surface water drainage storage capacity being confirmed and agreed**, the proposals will meet the policy requirements set out above.

Coal Mining

The housing allocation policy for the site states that the development will be subject to ‘the investigation of the potential impact arising from the legacy of former coal mining activities within Rainworth and the implementation of any necessary mitigation measures.’ The Cultural Heritage Appraisal submitted with the outline application sets out the mining history of the area although no reports relating to the investigation of potential impacts arising from former coal mining activities were submitted at the time. However, correspondence with the Coal Authority was provided which confirmed the application site was located within the Coal Mining Development Low Risk Area. As such, The Coal Authority advised that they would not expect coal mining legacy issues to require specific consideration during the determination of the application, and a Coal Mining Risk Assessment was not necessary. A standard informative was attached to the outline planning permission drawing the applicant’s attention to the fact that the proposed development lies within a coal mining area and that account should be taken of any coal mining hazards to stability in their proposals.

Land Contamination

The site has been in longstanding agricultural use and I note that Environmental Health raised no observations from a contaminated land perspective. A condition was attached to the outline planning permission requiring the site to be monitored and assessment undertaken, including mitigation should contaminants be found during development in accordance with Policy DM10.

Phasing

The conditions on the outline planning permission included reference to submission of details by phase and this was built in to the planning permission at the request of the applicant at that time. Condition 2 of planning permission 13/01256/OUTM required submission of a phasing plan. The current applicant has confirmed in writing that the intention is to carry out the development in a single phase. Should planning permission be forthcoming, I therefore consider it reasonable to include a condition stating that for the purposes of Condition 2 of the outline permission, phasing relates to a single phase and any outstanding conditions referring to phase shall be discharged prior to commencement of the development.

Developer Contributions

Policy DM3 relates to ‘Developer Contributions and Planning Obligations’ and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability assessment for the site was undertaken during consideration of the outline planning application and the following contributions were agreed as being the maximum level of contributions under which a viable scheme for up to 130 dwellings on the site could be delivered:

Contribution	Formula (if required)	Anticipated contribution	Monitoring Contribution	Monitoring Contributions Notes
<ul style="list-style-type: none"> Affordable housing (affordable rental and shared ownership) 	30%	15% on site and £322,198 towards off site affordable housing	Physical Provision £264 Financial Contribution £240	Based on 4 site visits
<ul style="list-style-type: none"> Off-site financial contribution to sports pitches in the locality 	£719 per dwelling for provision/improvement and £636 per dwelling for maintenance(Therefore £1,355 per dwelling)	£176,150	Physical Provision £264 Financial Contribution £240	Based on 4 site visits
<ul style="list-style-type: none"> POS On site and formula for shortfall of full amount on site 	<p>IF ALL PHYSICALLY ON SITE:</p> <ul style="list-style-type: none"> Childrens Play Space 20 sm/unit (2600 sq m total for 130 units) Amenity Open Space 15 sm/unit (1950 sq m total for 130 units) <p>TOTAL 4550 SM (LAYOUT PROVIDED PROVIDES 4300 SM which is shortfall of 250SM) However the revised wider concept plan indicates that across the whole of the allocation 1.71Ha of landscape buffer amenity open space would be provided.</p> <p>IF ALL ON SITE WOULD ALSO BE THE FOLLOWING MAINTENANCE CONTRIBUTIONS</p>	<p>ON SITE PHYSICAL PROVISION TO INCLUDE PLAY EQUIPMENT</p> <p>£146,120</p>	<p>Physical Provision £396</p> <p>Financial Contribution £240</p>	This is based on 6 site visits / reviews

	<ul style="list-style-type: none"> • £909 maintenance for Children Play Space per dwelling (TOTAL OF £118,170 IF 130 UNITS) • £215 maintenance for Amenity Open Space (TOTAL OF £27950 IF 130 UNITS) <p>TOTAL of £1124 per unit for maintenance of all open space</p>			
<ul style="list-style-type: none"> • Off-site financial contribution to community facilities in the locality 	£1424.37 per dwelling	£185,168	Financial Contribution £240	
<ul style="list-style-type: none"> • SANGS 	Provision in the West of the District	£30,000	Financial Contribution £240	
TOTAL	£861,760			

The outline planning permission included a Section 106 Agreement securing the above contributions. I note the comments of the Parish Council relating to the potential impact on local infrastructure, namely schools and the health centre, however the County Council's Education team and the Health Authority were consulted on the outline application and this reserved matters application and no requests for contributions have been received.

CIL

The site is situated within the Mansfield Fringe Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

Conclusion

Following the sites allocation through the Local Development Framework and the outline planning permission in place, the principle of development in this location is not contested. The presumption in favour of sustainable development within the NPPF and reflected in Policy DM12 is also acknowledged. In terms of decision making this presumption means approving developments that accord with the development plan without delay.

The substantive matters for consideration under this reserved matters application is the level of compliance achieved with the policy requirements of Policy Ra/Ho/2 and the other core strategy and development plan policies taking into account the proposal to develop 130 dwellings on a condensed footprint within the application site.

Subject to resolution of drainage of the site through the receipt of favourable consultation responses from the relevant consultees, the proposals demonstrate that 130 dwellings could be achieved on a condensed area within the application site whilst still complying with the Council's adopted policies which seek to ensure high quality sustainable development is delivered in the District. Furthermore, it has previously been accepted that development at this level can be accommodated with a single point of access without preventing development of the wider allocated site at a similar level.

For all these reasons a recommendation of approval is made.

RECOMMENDATION

Approve, subject to the following conditions:

01

The development hereby permitted shall begin not later than two years from the date of this decision notice.

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

02

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

- Proposed layout plan drawing no.TWY034-02 Rev F
- House Type Planning Drawings March 2015 (including the garage drawings contained within) updated with revised elevations for house type PT36 (previous drawing substituted for drawing no.PT36/6/PL2 Rev A) and revised floor plans for house type PT41 (previous drawing substituted for PT41/6/PL1).
- Materials Dispersion Plan drawing no.TWY034-07 Rev A
- Engineering Layout drawing no.TWY034/501 Rev A
- Tree Survey dated 23rd January 2015, Tree Survey Plan 15-08-01, Tree Constraints Plan 15-08-02, Tree Protection Plan 15-08-05 and Arboricultural Method Statement ref.1508/DP/AMS001 dated 11.03.2015
- Landscape Proposals 1 of 2 drawing no.15-08-03 Rev E
- Landscape Proposals 2 of 2 drawing no.15-08-04 Rev E
- Proposed bird and bat box locations drawing dated 13th March 2015
- Construction Environmental Management Plan drawing no.TWY034-10
- Reptile Habitat Enhancement Plan dated 8th June 2015
- Residential Travel Plan Rev C dated 20.05.2015
- Report on fluxgate gradiometer survey October 2014
- **Revised** Delta Simons Woodlark and Nightjar Information Leaflet **received 1st July 2015**
- **Proposed Levels and Drainage Sheet 1 of 3 drawing no.TWY034/100 Rev C**
- **Proposed Levels and Drainage Sheet 1 of 3 drawing no.TWY034/101 Rev C**
- **Proposed Levels and Drainage Sheet 1 of 3 drawing no.TWY034/102 Rev D**
- **Landscape Management Scheme dated 07.07.2015**

unless otherwise agree 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

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, including extensions to the property and the insertion or replacement of doors and windows.

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: Development within the curtilage of 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) Order 2015 or any amending legislation) in the interest of residential amenity.

04

~~Before the development is commenced a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include time periods for implementation, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens, cultivation and other operations associated with plant and grass establishment, maintenance schedules for the areas of public open space and the southern and western landscape buffers as well as minimum heights for the hedgerows to the eastern and western boundary. The management plan shall also include provision for the eastern boundary hedge to be retained outside residential curtilages. Once the landscape management plan is approved in writing the approved landscaping shall be completed in accordance with the approved timescales, or such longer period as may be agreed in writing by the local planning authority. Before development is commenced time periods for implementation of the landscaping approved under Condition 2 of this planning permission shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out and maintained in accordance with the agreed timescales and maintenance thereafter shall be in accordance with the landscape management plan approved under condition 2 of this planning permission. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of 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.

Reason: To ensure the development conserves and enhances biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

05

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive and any parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking areas 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).

06

Any garage doors shall be set back from the highway boundary a minimum distance of 6.1 metres.

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

07

Details of measures to prevent the deposit of debris upon the adjacent public highway during construction shall be submitted and approved in writing by the LPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

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

08

The emergency link footpath/cyclepath shown on the approved layout plan connecting with Rochester Road shall be constructed and open for use prior to the occupation of the 100th dwelling.

Reason: To promote sustainable travel and provide adequate access.

09

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 driveway /parking area to the public highway in accordance with details first submitted to and approved in writing by the LPA. 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.

010

For the purposes of Condition 2 of the outline planning permission 13/01256, the email dated 24th June 2015 confirmed that the details submitted as part of this reserved matters application are to be carried out in a single phase and therefore any outstanding details required to be submitted by phase to discharge conditions on 13/01256/OUTM shall be discharged prior to commencement of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

011

The rear boundary treatments (on plots 89, 90, 94, 95 and 96) abutting the parking court, which serves plots 46 -50 on the wider site as shown on the approved plans, shall be retained as a brick wall to a maximum height of 1.5 metres with 300mm high metal railings over at all times.

Reason: In the interests of visual amenity and to ensure a suitable level of natural surveillance in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

012

Before development commences the Delta Simons Common Lizard *Zootoca vivipara* Mitigation and Compensation Strategy dated June 2015 shall be updated and submitted to the Local Planning Authority for approval. The updated Strategy shall include a tool box talk for site workers, details as to the methodology for vegetation clearance and whether this will be done in stages to allow reptiles an opportunity to move off site, that any clearance works undertaken between March and October are done so under the supervision of a suitably qualified ecologist, clarification of the lifespan of the future management regime and consideration of any other features to discourage disturbance to habitats. Once approved in writing by the Local Planning Authority through consultation with the Nottinghamshire Wildlife Trust, the development shall be completed and maintained fully in accordance with the agreed updated Mitigation and Compensation Strategy.

Reason: In the interests of ensuring appropriate ecological mitigation is incorporated into the development in accordance with the objectives of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Informatives

01

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

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

02

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

03

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

04

This permission effectively discharges conditions 1, 2, 3, 4, 5, 8, 13, 14, 16, 18 and 20 of the outline planning permission (13/01256/OUTM) subject to the development being completed in accordance with the approved details.

BACKGROUND PAPERS

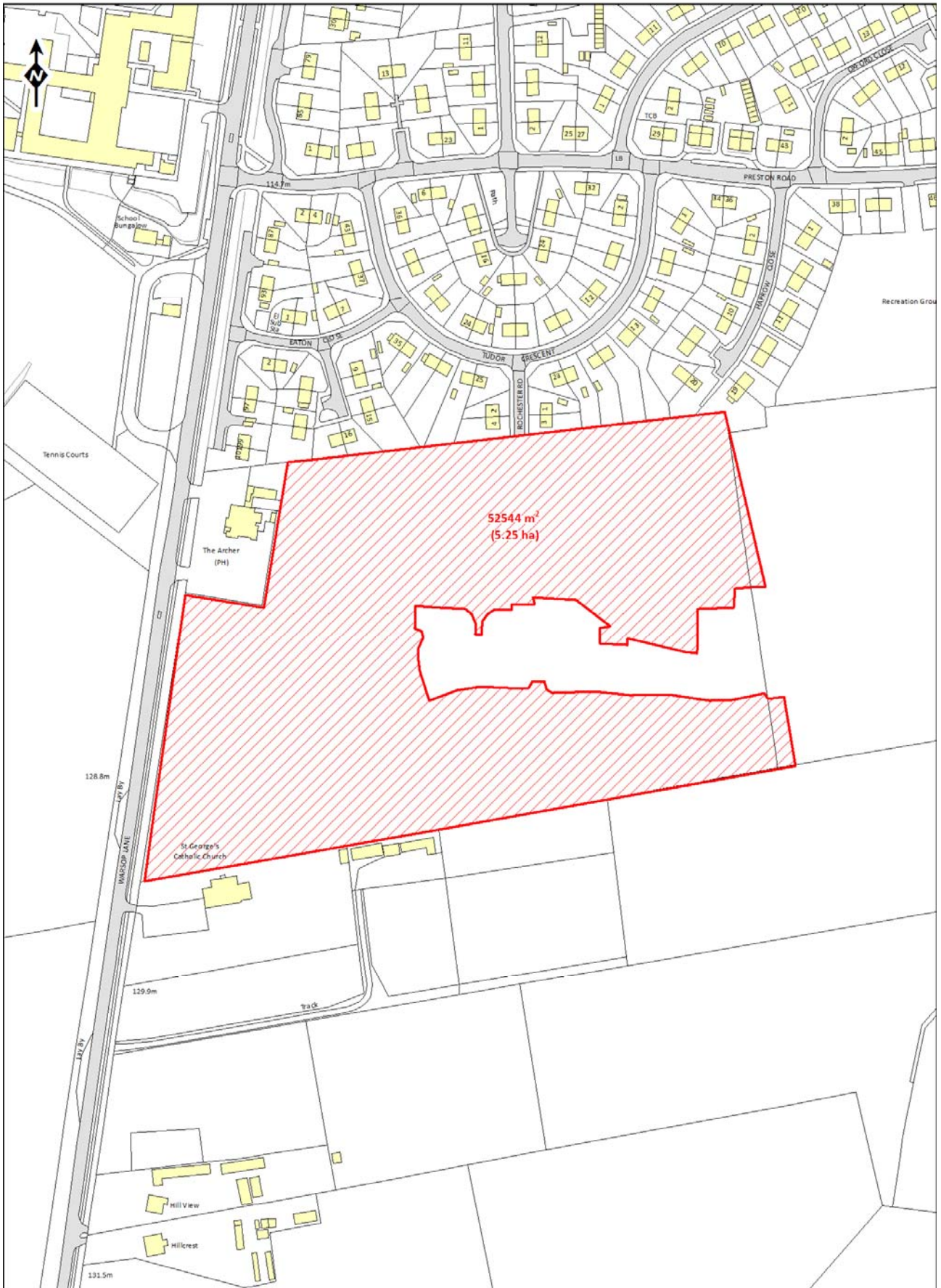
Application case file.

For further information, please contact Martin Russell on 01636 655837

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00523/RMAM



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APPEALS A

APPEALS LODGED (received between 31st May and 21st July 2015)

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

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact on Technical Support (Growth) Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/D/15/3033326	14/01850/FUL	Westfield Cottage Gonalston Lane Hoveringham Nottinghamshire NG14 7JH	Householder Application for Single Storey Extension to form Kitchen/Dining Area	Householder Appeal
APP/B3030/D/15/3043842	15/00112/FUL	Station House Station Road Kirklington Nottinghamshire NG22 8NJ	Householder application for side, front and rear extensions to form triple garage, dining hall and enlarged utility room to ground floor and a further bedroom. Master bedroom with galleried landing to first floor.	Householder Appeal
APP/B3030/W/15/3078151	15/00467/FUL	Land South Of Ricket Lane Blidworth Nottinghamshire	New stable block	Written Representation
APP/B3030/W/15/3084350	13/01363/FUL	Land At Brecks Farm Maplebeck Nottinghamshire	Erection of 1 No. 500kW wind turbine measuring 60m to the hub and 87m to the blade tip (additional bat survey) - (Slight amendment to application site boundary and position of turbine)	Written Representation

APPENDIX B: APPEALS DETERMINED (APPEALS B)

App No.	Address	Proposal	Decision	Decision date
14/01563/FUL	Brooklands Ricket Lane Blidworth Mansfield NG21 0QW	Householder application for the erection of a two storey extension & alterations	ALLOW	03.06.2015
14/00837/FUL	Field 1302 Off Great North Road Weston Nottinghamshire	Single wind turbine of up to 74m in height with ancillary development.	DISMISS	29.06.2015
14/00932/FULM	Mulberries Potter Hill Road Collingham Newark On Trent Nottinghamshire NG23 7PY	Proposed 71 bedroom, level 5 dementia care unit with a hospice, end of life wing	DISMISS	30.06.2015
14/01071/FUL	1 Nursery Court Newark Nottinghamshire NG24 1NP	Demolition of single garage and erection of detached one bedroom house (Resubmission of 14/00353/FUL)	DISMISS	08.06.2015
14/01921/CPRIOR	Old Hall Farm Greaves Lane Edingley Nottinghamshire NG22 8BJ	Proposed change of use of agricultural barn to residential dwelling	APPWIT	09.06.2015

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact Technical Support (Growth) on Ext 5554 or planning@nsdc.info.

Matt Lamb
Business Manager Development