

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, 1 November 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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1. Apologies	
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<u>PART 1 - ITEMS FOR DECISION</u>	
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PART 2 – ITEMS FOR INFORMATION

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PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

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.

None

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 4 October 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

ALSO IN

ATTENDANCE: Councillors: Mrs I. Brown, Mrs G. Dawn and D.B. Staples.

82. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor D.M. Batey.

83. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

84. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

85. MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2016

AGREED that the minutes of the meeting held on 6 September 2016 be approved as a correct record and signed by the Chairman.

86. MINUTES OF THE MEETING HELD ON 13 SEPTEMBER 2016

AGREED that the minutes of the meeting held on 13 September 2016 be approved as a correct record and signed by the Chairman.

87. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda Item 11 was taken as the first item of business.

88. NEWARK NORTHGATE STATION, LINCOLN STREET, NEWARK (16/01036/LBC)

The Committee considered the report of the Deputy Chief Executive, which sought listed building consent for the alterations to the station forecourt, demolition of part of the platform boundary wall to create a new gated access for servicing purposes, new cycle parking facilities and new fenced bin store.

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

Councillor A.C. Roberts representing Newark Town Council spoke against the application in accordance with the views of the Town Council, as contained within the report.

Councillor Mrs G. Dawn, as local Ward Member for Newark Bridge Ward endorsed the points raised by Newark Town Council and spoke against the application on the following grounds. She felt that the plans had not been thought out correctly and the proposed space was too small to undertake everything proposed. The location of the retail store and customers having to cross the busy area was considered a safety risk. There were no collection points for taxis at the front of the station although there was a drop off point. The provision for taxi waiting areas was also not adequate.

Members considered the application and as the Committee were only concerned at this stage with listed building consent it was suggested that the item be deferred in order for Virgin Trains East Coast to address the unsafe access arrangements which had been commented on within the report by Nottinghamshire County Council. Members further commented that whilst they had no objection regarding the listed building, they were concerned about the traffic arrangements and also the car park to the south of the station, as the proposals would prevent access into that car park. There would also be a level of congestion in the new designed car park and concern was also raised regarding the location of the bus stops. It was therefore suggested that the Authority contact Network Rail and Virgin at a high level to encourage resolution of the safety issues raised.

AGREED (with 13 votes for and 1 abstention) the application be deferred pending a meeting between the Business Manager Regeneration and Growth and Virgin Trains East Coast.

89. STUD FARM COTTAGE, RUFFORD (16/00846/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the demolition of the currently disused egg packing station and the construction of a steel framed grain store.

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

The Business Manager Regeneration and Growth informed Members of the pending appeal regarding the hedgerow on this site and stated that the application before Committee would not impact on that hedgerow. An additional condition was also sought stating that the use of the building would remain for agricultural purposes only.

Members considered the application and asked whether the cladding could be green to blend into the environment. The Business Manager Regeneration and Growth confirmed that green coloured cladding could be added into the conditions.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and the following additional conditions:

- (i) to ensure that agricultural use only for the grain store; and
- (ii) green coloured cladding be stated in the conditions.

90. LAND AT COCKETT LANE, FARNSFIELD (16/00769/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the erection of eighteen dwellings (in lieu of the commercial B1 and B2 employment) of which thirteen would be market housing and five would be affordable.

Councillor Mrs L. Healy representing Farnsfield Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Members considered the application and concern was raised regarding the removal of the mixed use area of the permission which may lead to the short fall in this area for employment use. It was commented that mixed use of the overall site had been approved at the earlier planning stage. The hedgerow was also considered to be crucial and should be maintained as a natural rural hedge, it was therefore suggested that an additional condition be included to secure its retention. Members also felt that more bungalows on the development would have been desirable and more in line with the Parish Council's plan for the village.

AGREED (with 12 votes for, 1 vote against and 1 abstention) that full planning permission be approved subject to:

- (i) the conditions contained within the report, subject to making more robust conditions 15, 16, and 17 to retain hedgerow to Cockett Lane in a 'non manicured state' and to supplement native planting;
- (ii) that no new substantive material considerations are raised as part of the Departure consultation; and
- (iii) the signing and sealing of a Section 106 Agreement to secure contributions set out in the 'offers' column of the Developer Contributions Table contained within the report.

91. FAR BARN, PRIORY ROAD, THURGARTON (16/01252/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission to convert the detached barn to a single five bedroom residential dwelling incorporating extensions to the south and east of the barn and the erection of a triple bay garage/store/plant room.

Members considered the application and it was commented that this was a beautiful stone built barn with agricultural history. The application was for a large garage and store room which would not over shadow the adjacent building. A Member commented that he felt that the barn was of architectural merit and deserved the best. It was suggested that if the Committee were minded to approve the application a condition be included specifying that the extension be built using natural stone. The stone should not be artificial and would need to be discussed with the Business Manager Regeneration and Growth and Conservation Officer.

AGREED (with 12 votes for and 2 votes against) that contrary to officer recommendation, full planning permission be granted subject to the following:

- (i) conditions on the previous approval; and
- (ii) natural stone being specified.

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	Against
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For
J. Lee	For
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	Against
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

92. LAND ADJACENT TO IVY COTTAGE, HAWKSWORTH ROAD, SYERSTON (16/01130/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought outline planning permission for the erection of two detached dwellings with single access point from Hawksworth Road.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant and agent.

Members considered the application and the local Ward Member commented that the land had no merit for agricultural use other than grazing. Only three dwellings had previously been built in the village. The access and visibility from both directions was good. He also felt that the application was in keeping with SPATIAL Policy 3, scale, need, location and character. The proposal was also in keeping with land infill.

Another Member commented that Syerston was a lovely SP3 village and the field was attractive with grazing sheep. In order to achieve the proposals the access would need to be re-aligned on Hawksworth Road. There were limited facilities within the village and no need for the proposed houses. The development would lead to the loss of the field and open space and would impact on highway safety.

(Councillor B. Wells left the meeting during the officer presentation and took no part in the vote).

AGREED (with 11 votes for and 2 votes against) that outline planning permission be refused for the reasons contained within the report.

93. WALESBY GARDEN CENTRE, BRAKE ROAD, WALESBY (15/01642/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the change of use from agriculture to equestrian centre including the erection of a horse stable block and use of land as a paddock.

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

Members considered the application and clarification was sought regarding what provision had been made for parking, given that the overspill car park would be used for grazing purposes. The Business Manager Regeneration and Growth confirmed that the Highways Authority were happy with the car parking provision.

(Councillors Mrs M. Dobson and J. Lee left the meeting during the officer presentation and took no part in the vote).

AGREED (with 12 votes for) that full planning permission be approved subject to the conditions contained within the report.

94. LAND TO THE SOUTH OF BILSTHORPE ROAD, EAKRING (16/00819/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the erection of nine environmentally sustainable eco homes, publically accessible wildlife area and associated development including landscaping, allotments, sustainable drainage reed bed and pond system, PV panels, cycle storage, and electric car recharging facilities.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: Eakring Parish Council; the agent and applicant. A revised technical report had been submitted by the agent which was appended in full to the late item schedule. The applicant had also submitted a letter detailing the themes and aim of their application which was also appended in full to the late item schedule. The Business Manager confirmed that the applicant had not offered that the units could be tied for rent in the late item schedule. The applicant had previously stated that any rental tie, should it be offered, would not be in perpetuity.

Members considered the application and the local Ward Member commented that Members had earlier in the meeting considered what local people required, which she felt should be given weight for this application. She considered that the application blended in to the environment with wind turbines in the background. The proposal was innovative and offered affordable housing for local people. A Member commented on two other similar projects within the district and their success but considered that the proposals before them were not quite acceptable at present as they were not sufficiently innovative and there were areas of concern. The proposal was neither affordable nor low cost to meet an exception site. It was also commented that the site was visible from the road and the development looked like bunkers. The Hockerton project by comparison was not visible from the road and blended in to the environment. It was further commented that the application was outside of the village envelope in open countryside and was out of keeping with the rest of Eakring village. Concern was also raised regarding the time period for renting the properties and whether the properties would be sold off in the future.

Members considered the option of deferral given the additional information provided in the schedule of communication and also the opportunity for the applicant to consider the points raised. Some Members felt that a deferral would not be necessary given that the applicant had already been given ample opportunity and made a firm offer (and a clear mechanism to secure this) for what was being proposed.

A vote was taken to defer the application and was lost with 5 votes for and 9 votes against.

AGREED (with 9 votes for and 5 votes against) that full planning permission be refused for the reasons contained within the report.

95. APPEALS LODGED

NOTED that the report be noted.

96. APPEALS DETERMINED

NOTED that the report be noted.

97. 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.

(Councillors: J. Lee, D.R. Payne, I. Walker and B. Wells left the meeting at this point).

98. URGENT ITEM OF BUSINESS – THE PLOUGH, MAIN STREET, CODDINGTON

The Chairman agreed to accept this item as an urgent item of business on the grounds that the Authority was required to respond to the Planning Inspectorate by the 7 October 2016. The Business Manager - Growth and Regeneration sought Members views on a pending appeal in the light of a recent appeal decision.

The Committee agreed that consideration of the item be taken as exempt because it related to consideration as to whether the Council should continue to defend a planning appeal and the public interest in treating the matter as exempt in order to reach a decision outweighed the public interest in disclosure.

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

The meeting closed at 7.18pm

Chairman

Application No:	16/01052/FUL	
Proposal:	Material change of use of public house to dwelling, removal of prefabricated garage and single storey extensions. Construction of first floor extension and new detached double garage. Form new garden from land formerly part of the Old Farm House.	
Location:	The Red Lion Public House, High Street, South Clifton	
Applicant:	Mr Mark Goodall	
Registered:	06.07.16	Target Date: 31.08.2016

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

The Site

The application site relates to a currently vacant public house located at the junction of High Street and Back Street and its associated curtilage which extends along High Street and land to the north of the site which form part of the grounds to the Old Farm. The public house is sited within the village of South Clifton and within the designated Conservation Area.

The site comprises the public house together with a detached garage. The site is surrounded by residential properties and their curtilages.

Description of Proposal

The application proposes the change of use of the public house to a residential dwelling with the addition of a first floor extension to the south of the main building and the erection of a detached garage. The application also includes the demolition of a prefabricated detached garage and single storey extensions. The application also proposes the inclusion of part land to The Old Farm to be used as garden for the proposed dwelling.

The proposed extension to the property would have maximum dimensions of 7.6m in depth and 4m in width with an eaves height of 4.2m. The extension and conversion would create a 4 bedroom dwelling. The proposed garage would be 6.1m x 6.1m.

Relevant Planning History

92/50974/OUT- Erect five houses– Refused 26.04.1993

92/50975/FUL- Change of use of public house to private dwellinghouse– Refused 26.04.1993

93/51496/FUL- New access to public house car park and additional/repositioning of parking spaces– Approved 21.01.1994

Public Advertisement Procedure

Occupiers of eight 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

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Allocations and Development Plan Development Plan Document (DPD)

Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy

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 Adopted (NPPF) March 2012

National Planning Policy Guidance Notes (2014)

Consultations

South Clifton Parish Council: - objects to this application on the following grounds:

The meeting was extremely well attended by 93 members of the public from South and North Clifton and Spalford.

Four Parish Councillors were present and Councillor Mrs Maureen Dobson (by the request of many members of the public).

The Applicant was present.

There was an overwhelming feeling from many of the members of the public that a change of use application should have been received before a planning application.

When asked 80 members of the public objected to the change of use of the property from a Commercial Business of a public house to a residential dwelling.

7 members of the public abstained when asked during the tick box exercise and 6 member of the public were in favour of the proposal.

Many villagers whom which the Parish Council represent feel that is would be a loss of a community asset for the village.

It was felt that despite letters to the District Council there was a lack of consultation with the Parish Council over this property in general.

A great number of the villagers feel that The Red Lion is a sustainable asset that should have the opportunity to continue. It was also alleged by several members of the public, that they had approached the Brewery for purchase of the Red Lion as a commercial interest and therefore an asset to the village. These offers were not taken up by the Brewery and it was felt by these individuals, that the building had not been supported and maintained by the Brewery consequently which made it an impossible commercial asset moving forward. A previous Landlady of The Red Lion was also present at the meeting and stated that the pub was in a viable position in the not too distant past. The Parish Council has no written evidence to this fact, but it was felt very strongly that this needed to be noted.

A large number of the public had read through the Design and Access Statement and found a number of errors that appeared and wished these to be brought to the attention of the District Council.

On page 2 of the paper listed under Accompanying Documents several members of the public could not understand why the Viability Assessment and Market Evaluation documents were not available on District Council's Website. It was felt that these were necessary to enable a decision to be reached and that all the facts were not available to allow a decision to be made

Section 2 - Proposed Development (Paragraph 2)

As previously mentioned above it was felt it was incorrect to state that there had been interest in purchasing the property as a public house. (The Parish Council has no written evidence to back this claim up at present).

Section 2 - Proposed Development (Paragraph 3)

The number of registered voters in South Clifton is 248 and 166 in North Clifton which is far greater than the 150 mentioned.

The Coronation Hall does not have a fully licensed bar, it has in the past had a small number of occasional licenses for special occasions. The catering is provided by individuals for their own occasions. There are no other premises with a fully licensed bar within 3.8 miles.

Section 2 - Proposed Development (Paragraph 4)

Collingham is not three miles south of the village of South Clifton, The Grey Horse is 5.6 miles away as the nearest point in Collingham. There are nine public houses within a radius of 6 miles and not 18 as stated.

Section 3 - Site Appraisal (Paragraph 4)

It was felt as previously mentioned that the state of the building did not deter potential commercial buyers and one of these buyers was present at the meeting.

Section 7 - Heritage Statement (top of page 12)

CP14 along with DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance was quoted.

It was felt that this heritage asset should remain as a Public House and this was the best way to sustain its significance.

In the Application for Planning Permission there is a question under the section entitled Description of the Proposal. The Question is “Has the building, work or change of use already started?” This question was answered as No. Building work has already started and the District Council Planning Officers have been informed of this by Councillor Mrs Dobson.

The specific objections to the plans from the Parish Council are listed below :-

It is clear that a planning application for change of use does not need to be made before plans for restoration and repair are submitted. However, technically until such time as an application is granted the property remains as a public house and the plans should be considered in that light.

Whilst the plans are generally acceptable there are shortcomings when considering them for a public house. For example, the adequate toilet facilities on the ground floor have not been retained.

Having looked at the plans in detail the Parish Council feel there is an issue with a brick wall facing High Street. The existing 1m high brick wall will be raised to 1.8m using reclaimed bricks to match the original. It is felt very strongly by the Parish Council that it is not within keeping with the vision of the village. It would create an almost tunnel effect at that end of the village. The village has an openness to it and it was felt that this would be comprised by the raising of the wall. The three houses next to the proposed conversion have lower walls and open front gardens. This is repeat of other sections of the village. Mr Goodall the applicant did say that the plans for the wall had been revised.

The Highways Authority in a letter dated 18.07.2016 have stated that they would not support the application for two reasons with the second one being the proposed raising of the height of the wall as this would severely restrict driver visibility when leaving the access.

The Parish Council feel that the visibility for a vehicle turning left from Back Street onto High Street would be severely restricted. The footpath is extremely narrow in this area and it was felt that pedestrians would be at greater risk with the traffic edging out around the corner to look for oncoming traffic.

Comments on Amended Plans

Parish Council maintain their objection.

The meeting was extremely well attended by 43 members of the public from South and North Clifton and every one of those who attended voted to reject the application. In addition 4 Parish Councillors were present.

Although the amendments were thought to be minor issues the importance attached to the meeting was because the proposal was entitled “Material change of use of public house to a dwelling...” for the first time and those present wanted to comment on this aspect and this provided the main focus of the meeting.

It was clear that the overwhelming feeling was that the Red Lion should remain as a public house and that the proposal should be rejected. As comments have not been required for the latest Design and Access Statement the inaccuracies therein also were a focus of the meeting.

The amended Design and Access Statement contains a number of items which can be refuted/corrected.

In many places there is still reference to the former Red Lion. This is incorrect, as the Red Lion is still at this time a temporarily closed Public House.

Also, at this time much work has already started and specifically the concrete sectional garage has been removed. Rendering has also been removed from the front of the building and although stated that the internal works carried out does not fall within the compass of planning it is clear that a great amount of internal demolition has been carried out without any Building Control. It is understood that the owner has been strongly advised to stop further demolition work within the building and the Parish Council are now concerned at the strong evidence that this work has been carried out to avoid Building Regulation Compliance.

Although the Red Lion has been on the market for some time it is incorrect to say there has been little or no interest. There have been offers made and documentary evidence is available to this effect.

South Clifton has some 248 voters, so the population is considerably in excess of 250. In addition, within walking distance, North Clifton has another 142 voters, giving many more local population than stated.

The Village Hall is not a suitable alternative to the Red Lion and has never had nor has any intentions to have a continual licence. It has never been in competition with the Red Lion, in fact the previous landlord did run the occasional licence for special events.

The available figures for the last full financial year 2007 before the Red Lion was sold to the Brewery showed that it was financially viable with a net profit of £34k. The latest financial viability study presented by the owner shows that with a managed structure there would be a loss in the first year of £32k. However, using the same figures but as a community owned asset with a tenant structure it can be shown that a profit of £50k can be achieved to support the tenant. This shows that the Red Lion will be able to be financially viable in the future. The fact that a number of public houses in the wider area are doing well clearly shows that under the right regime the Red Lion would also be able to contribute to well to the village community.

The closest public house is 3.8 miles away and can only be reached by personal transport. Any of the surrounding public houses can in no way be described as part of the North or South Clifton community. There are no footpaths or even cycle paths to any of the surrounding public houses and the nearest taxi service is in Saxilby which is over 8 miles away.

It is pertinent that previous attempts to capitalise by developers in 1993 for change of use were refused due to a lack of suitable alternative facilities.

The National Planning Policy Framework sets out guidelines for supporting a Prosperous Rural Economy by 'promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship'. We believe that these guidelines should be followed, with a definitive rejection of the proposal.

Clearly, the requirements of Spatial Policy 8 for 'sufficient provisions of such facilities in the area' cannot be met in this case and has certainly not been justified in the Design and Access Statement.

In Item 5 there is the incorrect use of 'former' again and 'no interest shown' in purchase. Collingham, at more than 6 miles distance, is not exactly on the doorstep of the village as portrayed in the Design and Access Statement and certainly not an addition to our village community.

It is worth noting that the Hollies, The Old Sugar's Store, May Cottage and The Old Saddler's are not listed properties, although all have a common historical context with the Red Lion.

Environment Agency - Flood Zone 2 and Standing Advice applies

Comments on the Amended Plans;

The proposal falls within our flood risk standing advice and we have no comments to make.

NCC Highways –

Potentially the proposal is likely to generate less traffic than the current use and therefore it is acceptable in principle. However the proposal suggests two changes to the property that are objectionable and revisions should be sought.

1. The proposal to have a gravel hardstanding forming the access/ parking/turning area could result in deleterious material being dragged on to the public highway. To overcome this, the access should be surfaced in a hard bound material for a minimum distance of 2 metres from the back edge of the footway.

2. It is proposed to raise the height of the brick wall fronting High Street to 1.8m. This will severely restrict driver visibility when leaving the access, and amendment should be sought. It may be possible to have part of the wall raised but keep sufficient lengths of it as it exists to maintain adequate visibility.

The Highway Authority would not support this application until such amendments are made.

Comments on the amended plans

The amended drawing 16/011P06E is acceptable from a highways point of view and therefore no objections are raised. There are no highway conditions required on any approval notice.

Conservation Officer

The Red Lion PH is situated in a central and prominent position within South Clifton Conservation Area (CA). To the north of the site is the Grade II listed The Old Farm. The associated Pigeoncote to the south-east of the farmhouse is separately listed Grade II and the remaining associated barn buildings are curtilage listed structures. Further north on the west side of Back Street is the Grade II listed The Hall. There are a number of buildings of local interest on the south side of High Street, opposite the site, including The Hollies, The Old Sugar Store, May Cottage and further to the east, The Old Saddlers. The existing buildings comprise the main two-storey 18th century building with M-plan roof design, built with red brick (although the front elevation has been rendered) and red clay pantiled roof and modern timber casement windows. There is a long rear single storey projection of brick and pantile of historic interest which has the appearance of a former cart shed/stabling facilities. The property has more recent single storey additions (including a lean-to addition to the south elevation of the principal building, two flat roofed single storey additions to the cart shed and a small first floor rear addition) and a detached pebble dashed single storey

garage in the north east corner of the site. The principal building fronts Back Street and there is a sea of hardstanding to the rear providing on-site parking which is accessed from High Street. Historically the site was much larger to the rear but it appears that in the 1990's additional housing was built to the east of the site (see the attached 1996 and 2001 maps).

South Clifton Conservation Area was designated in 1994. It is essentially a medieval settlement within open countryside. It is a traditional agricultural village made up of a loose arrangement of farms, crofts and cottages centred along Front Street and Back Street (see historic extract from 1835). This building contributes positively to the significance of the Conservation Area, notwithstanding the unsympathetic modern additions.

The proposal seeks to convert the building from a public house into a single dwelling and make various external alterations. The main external alterations comprise the removal of the two single storey additions to the cart shed, erect a first floor extension above the single storey addition to the main two storey building and erection of a detached double garage. In addition there is the insertion of new windows and openings, the removal of existing render from the front elevation, the incorporation of an additional building and additional land to the north to be incorporated into the curtilage that currently belongs to The Old Farm (Grade II listed), the removal of leylandii trees along the road boundary and increase in the height of the boundary wall.

The proposed first floor addition to the main house reflects the form and M-plan roof of the principal building. In terms of its scale, it is subservient with eaves and ridge height below that of the main house and there is also a small step back from the front elevation of the main house. The existing window openings at ground floor level in the south elevation already exist but are horizontal in emphasis. It was advised at pre-application stage that these proportions should ideally be altered to a more vertical emphasis given the prominence of the elevation on the corner of the site, but this has not been taken on board in this submission. Given that the window openings already exist and it is proposed to increase the height of the boundary wall adjacent to them, which will reduce their prominence, it is considered that the character and appearance of the CA would be preserved. The removal of the existing single storey modern flat roofed additions (to the south and east elevations) to the traditional cart shed are welcomed and would better reveal the significance of the historic form and fabric of the building. It was advised at pre-application stage that in the south elevation, three or four large cart shed openings in a regular rhythm with very simple framed (timber or aluminium frame) glazed openings (no glazing bars) which could be fixed windows or door openings, would better reflect its former use and move away from a more domesticated appearance. Two large cart shed openings have been incorporated, which goes some way. If they were to repeat a glazed opening to serve the hall area, it would mean that the rooflight inserted to let in light could be deleted. The fenestration detailing to the large glazed openings have been simplified but are still somewhat domestic in their appearance. This is fine within the main house but should be simple framed openings in the cart shed. In the north elevation, the door detail should be a solid vertical timber door and the fenestration detail should match the window on the south elevation (a simple frame only). Please seek the amendments outlined. The existing timber casement openings, often with top-hung openers are not original. New windows are shown on the submitted drawings and the application form states they are to be timber frames. A condition should be imposed to control the glazing detail, methods of opening etc. It is also proposed to remove the existing render on the front elevation and take it back to the original red brick. I would advise that great care needs to be taken with this work as if the face of the bricks are damaged in this process, it would undermine and weaken the brick and exacerbate their deterioration, as well as impacting on their attractiveness. The existing detached single garage has a negative impact on the character and

appearance of the Conservation Area and its removal is supported. The principle of erecting a new detached brick and pantile double garage is acceptable although at pre-app stage it was recommended the garage be placed in the south-east corner of the site to provide some increased sense of enclosure along the street and there is evidence of a building in this location from the 1887 historic map – see attached. However, this advice has not been followed. It would be better re-sited, please suggest.

The removal of the existing leylandii trees in the south-west corner of the site is acceptable, as is the increase in height proposed, provided brickwork and bond match the existing. Coping detail will be important and the detail should be conditioned. The proposal also includes the incorporation of a brick and pantile single storey building adjacent to Back Street and additional land to the north of the site. This is currently within the curtilage of the Old Farm, which is a Grade II listed building and means that this out-building is a curtilage listed structure. Historic maps show that the boundary between Old Farm and the former pub too has always been in this position. Further discussions were had at pre-app stage regarding this and I concluded that provided the existing brick wall between the two properties was retained (with a small pedestrian opening through only) to mark the historic boundary and provided the new boundary with Old Farm was defined by a soft more temporary method (ie hedge), it may be something that Conservation could support.

I note that the plans show the historic brick boundary wall between the two properties to be completely removed. This is not acceptable and needs amending. Please request. The proposed new boundary treatment is acceptable.

As the application currently stands Conservation therefore objects.

Comments on Amended Plans

No objection subject to the imposition of conditions.

Trent Valley Internal Drainage Board - The site is within the Board's district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

Representations of objection have been received from 65 local residents and a petition with 307 signatures has been submitted. The representation can be summarised as follows:

- The pub is at the heart of the community and having lost other amenities in the village, shop, garage and post office do not wish to lose the pub.
- It is a focal point for the community and the last remaining village asset.
- The pub provides a support network for more vulnerable members of the community.
- A community bar is needed in the village.
- Would be a loss to the community.
- Poor management and maintenance has led to the demise of the pub. The pub was systematically run down. The pub hasn't been run/managed in ways which optimise its potential since it's been brewery owned.
- It is not a 'former' pub as change of use has not been granted. The change of use should be a separate application.
- Regards to the NPPF in respect of conserving heritage assets, promoting the retention and development of local services and Policy SP8.

- There is a responsibility under paragraph 70 of the NPPF to safeguard the use of this pub as a community facility.
- There would be a shortage of employment opportunities.
- There is no sufficient alternative provision in the village. The village hall is not a suitable alternative to a pub.
- It is the only (licensed) social venue in the village
- Should be viewed with the Red Lion Reloaded Business Plan
- There is a viable and feasible business plan which the community can make happen.
- There is a desire in the local community to run the pub as a community venture.
- There have been numerous sale offers that the brewery did not accept.
- There is scope for diversification on the site. It could diversify as a use for parish meetings, reading clubs, shop or café.
- There are examples of operator ownership schemes that are thriving.
- This community facility should be safeguarded
- NSDC should apply an article 4 direction to the pub.
- An application to list the public house as an Asset of Community Value (ACV) has been made.
- Insufficient community consultation. Not adhered to NSDC LPA Principle of Consultation.
- There has been a lack of transparency and support to the community by officers of the Council.
- It is the LAST pub in the village of South Clifton which is also accessible from North Clifton by foot. The next nearest pub is 3.5 miles away only accessible by car. The pub serves an adult community of 300+ people (number of people registered to vote at the last opportunity) it is situated on a tourist cyclist route 647 and ramblers/walkers route "The Trent Valley Way" the village is featured as a tourism growth area, with a number of holiday homes available to rent within the village.
- It is the only community facility in the village and hosts/acts as a centre for sports and clubs
- The submitted plans to convert this public house are completely unacceptable. The end result would be over power the village, the garage now moved near to the street line which isn't in line with any other building on that side of the road would stick out like a sore thumb and would be detrimental to the street aesthetics'.
- As a dwelling the building would dominate the character of the area. The use of brick and render would change the character of the building.
- The extensions would overpower the village.
- Use of brick on the upper half would be unsympathetic and out of keeping.
- The garage and extension is unsympathetic and incongruous and would be detrimental to the character and appearance of the surrounding area.
- It's historical value is priceless.
- The proposal would impact on heritage assets.
- The ironwork that is handmade should be preserved, the horse tethering ring.
- The use of the garden from listed property The Old Farm would alter the historical value.
- There is no need for this kind of open market housing in the village. South Clifton already has enough large houses.
- The extension would overlook two houses from the upper elevation.
- Works have started on the property and the owner is continuing to work on the property.
- The design and access statement is full of inaccuracies and so is the revised one. It is inconsistent and contains questionable statements.
- The applicants research is not independent.
- It is strange that NSDC Conservation have not included the Red Lion as being part of the heritage of the village of South Clifton – it was almost certainly been included as part of a fictional tale by Thomas Miller writing in the 1840s

- There has been a tribunal action which sets a legal precedent in terms of Financial Viability- It was considered that Financial Viability is subjective, and the results as applied to a brewery owned pub should not be used to apply to a community owned pub.

Representations of support have been received from 3 local residents. The representation can be summarised as follows:

- The use of the premises as a pub is not viable. There are only 50 dwellings in South Clifton which is not enough to support a public house.
- The building is in a poor condition and needs restoring
- The building is decaying rapidly
- It was not adequately supported as a pub

Comments of the Business Manager

Description of Development and Works Undertaken To-Date

The Red Lion ceased to operate as a public house in January 2015 and since this date the premises have been left vacant. Objections have been raised to the description of the proposed development which originally described the proposal as a 'former public house'. The description of the proposal has been amended as no material change of use had been applied for or consented and the property currently is a public house. Even though not trading in land use planning terms a use still retains its classification even if closed for a period of time.

The changed description of development also now refers explicitly to a material change of use. This was implicit previously but given local concerns it was considered appropriate to offer an unambiguous description of development. As Members will be aware from previous schemes it is not uncommon for an applicant to apply for a planning permission which comprises a change of use and operational development (e.g. built form). For the avoidance of any doubt this is perfectly acceptable as a matter of law.

This application relates to the consideration of the change of use and the associated changes to the property, the extension, demolition, detached garage and garden.

Further objections have been received with regards to the works undertaken on the site to date and whether the application should be retrospective. There has been some internal and external works taking place whilst the application is being determined. The internal works have included removal of plaster and repairs to the roof. The building is still vacant and in law no change of use has taken place until it is ready for occupation. Therefore, the premises are still lawfully a public house. Works undertaken to date are not development, save for the removal of external render from the building which would require consent. Whilst this is a breach of planning control the key matter to assess is whether the work is harmful and thus whether action should be taken. The removal of the render is not considered so harmful as to unacceptably affect the character of the area or the Conservation Area and thus warrant immediate enforcement intervention. Indeed, this application seeks to regularise this one element of the works which is retrospective in nature.

Principle of Development

The application site is located within the village of South Clifton which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

However, as the proposal is for the conversion of the public house which included a residential element, albeit at first floor level only, I am satisfied that there would be no net gain in housing within the village. In also taking into account the position of the site, central within the village and that the proposal would retain a building which contributes positively to the Conservation Area, the proposal would comply with the aims of Policy SP3. By the very nature of the building, retaining only a single dwelling (i.e. ensuring no net gain) it will by definition create a larger unit of residential accommodation.

The application site however, is a public house which is, based on its established and lawful planning use, a community facility. As such Spatial Policy 8 is applicable in this instance. SP8 states that the loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that:

- Continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its usability and the identification of a potential future occupier; and
- That sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost; and
- There is sufficient provision of such facilities in the area.

Paragraph 70 of the NPPF, states that planning decisions should; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.

The applicant has submitted a viability and financial assessment of the premises as well as detailing the marketing undertaken and the cost to refurbish the premises to be used as a public house. Marketing has been undertaken since 2013 by Sydney Philips, the property was advertised from June 2013 to July 2014 at a price of £255,000 which was then reduced to £195,000. During this time it was advertised 11 times in the Publicans Morning and permanently listed in Daltons Weekly, Morning Advertiser and Businesses for Sale. Prior to this, Star Pubs confirmed that they marketed it for 4 years. From July 2014, Musson Liggins marketed the property for 2 years on the internet and local advertising, at a price of £169,000. Having looked at other public houses for sale across the District I am satisfied that both the scope of advertisement and cost was reasonable.

The viability assessment submitted with the application on behalf of the applicant draws to the conclusion that the premises operating as a public house would not be viable.

A further viability and business plan has been submitted by Red Lion Reloaded, a local community led group of individuals who are looking to purchase the site and run it as a public house (whilst not a planning consideration, pause to note that at present the premises are not for sale and the applicant cannot be compelled to sell). This assessment looks at where local trade comes from, potential customers and activities to draw customers in, visiting groups and the flexibility the site could offer. The report also looks into past trading. Red Lion Reloaded table a 'Tenant Model' to run the public house as opposed to the managed house model detailed by the applicant. Red Lion Reloaded have put forward a business plan which they believe to be viable and would retain the community facility in the village.

Both of these plans/assessments have been critically appraised on behalf of the Council by an independent expert (Christies and Co.) who not only value public houses but equally have experience in the licensed property sector. Christie and Co. comments on the financial and viability assessment of the applicant is as follows;

The Property has demonstrated that it is incapable of providing a reasonable return in terms of either a rental income to the freeholder or a wage to the tenant/lessee.

Unfortunately it is too romantic an ideal that all of the pubs in every village can remain forever more; that is, without subsidy or grant assistance. In many villages, insufficient local residents' supporting such businesses means that their "local" has become unviable. This results in closure and alternative use. Those best placed to survive will most likely offer good value pub food and have spacious trading areas to allow flexibility of use and a reasonable capacity. Unfortunately, The Red Lion has none of these attributes. Compared with other pubs in the area, for example The White Hart in North Scarle, the Red Lion has historically not received enough support or custom from local residents to remain profitable.

Having regard to these factors, I do not consider the Red Lion public house to be a viable business as it stands or after a programme of refurbishment.

The business plan of Red Lion Reloaded was appraised, with concluding comments stating;

In conclusion, neither the Red Lion Reloaded Viability study nor the draft Red Lion Reloaded Business Plan give me confidence that this is a viable proposal. I do not believe that there is a large enough population locally, or a sufficient amount of passing or potential destination trade to support the business. In my opinion the projected trade is unachievable and the underlying figures are in my opinion flawed.

Unfortunately, I therefore reiterate my comments from my viability study that I do not consider the Red Lion public house to be a viable business as it stands or after a programme of refurbishment.

Comments received during consultation are noted in terms of a tribunal action in relation to financial viability for a brewery owned pub or community owned pub. Although the website link provided within these comments is not an available webpage, it is clear that it is associated with the website 'community shares.' Officers note that the Red Lion Reloaded business plan is based on a Community Benefit Society. It is accepted that relevant professionals can disagree and that consequently viability information can, to a degree, be a subjective science. However, as national planning guidance makes clear viability is a material planning consideration and this Authority has instructed the services of an independent expert in the field. I am satisfied that it remains appropriate to attach weight to the advice received via the Council's consultant, which includes a view on both the applicant's and community's viability appraisals.

Following an assessment and independent review it is accepted that the continued use of these premises as a public house is unviable. It is equally clear, in my view, that the property has been extensively marketed without success for a pub or another community use. On this basis there are no grounds, in my opinion, to resist the application on the first criterion of Policy SP8.

The other criterion in Policy SP8 are that sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost and that there is sufficient provision of such facilities in the area. It cannot be argued that the application is providing a facility of the same quality or better and if approved the application would result in the loss of a community facility. However, the site marketing has not identified interest for a non-public house community facilities or any scheme(s) offering other comment benefits. There are other community facilities within the village in the form of a village hall and a community sports centre. The nearest public house would be 3.8 to 5 miles from the village (clearly beyond reasonable walking distance). On this basis the application would fail to meet the criteria of the second and third bullet points of SP8. However, when taken as an overall balance, in the context that the marketing has not identified alternative uses and that the continuation of the building as a pub has found to be unviable, I must conclude that it would be difficult to resist the application on this basis. Given the evidence presented to the LPA and indeed independently assessed, if the application were to be refused, the likely scenario is that the public house would remain vacant and thus potentially fall into a state of disrepair. The proposed use on the other hand will secure the long term future of the building as a domestic residence.

In conclusion, whilst the loss of a community facility is regrettable, in this instance, the proposal is considered to, on balance, meet the tests of Policy SP8 and the principle of the development supported.

ACV – Asset of Community Value

An application to list the public house as an asset of community value has been made to the local authority following the concerns of the Parish Council and local residents, over the loss of this community facility. This application has been determined and the premises have not been listed as an ACV. Notwithstanding this I have detailed above my opinion that the assessment of this planning application requires an assessment against the fact that the lawful use of this premises is currently as a public house, which is a community facility in land use planning terms (irrespective whether it attracts the ACV designation). Based on purely this land use planning assessment the loss of the pub, whilst regrettable, remains acceptable in principle, subject to assessment of all other material planning considerations.

Impact on Visual Amenity

The assessment of the development in terms of character is assessed both by SP3 and CP9 of the Core Strategy and DM5 of the Allocations and Development Management DPD.

Policy SP3 of the Core Strategy requires that new development should not have a detrimental impact on the character of the location of the site. Policy CP9 identifies that the District Council will expect new development to be of a high standard of sustainable design that, amongst other things, demonstrates an effective and efficient use of land that where appropriate promotes the re use of previously developed land and optimises site potential at a level suitable to the local character of the area.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm and is a matter of paramount concern in the planning process. The Local Planning Authority has a general duty to give special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act').

With regards to the impact on the Conservation Area Paragraph 132 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset great weight should be given to its conservation. Any harm should be weighed against the public benefit of the proposal.

Paragraph 137 of this document adds that opportunities should be sought to enhance or better reveal the significance of heritage assets when considering development in conservation areas and within the setting of heritage assets.

Core Policy 14 of the Core Strategy relating to the historic environment identifies the District Councils aim to secure the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment.

Policy DM9 of the Allocations and Development Management DPD (Protecting and Enhancing the Historic Environment) further reflects this guidance.

The Red Lion PH is situated in a central and prominent position within South Clifton Conservation Area (CA). To the north of the site is the Grade II listed The Old Farm. There are a number of buildings of local interest on the south side of High Street, opposite the site, including The Hollies, The Old Sugar Store, May Cottage and further to the east, The Old Saddlers. The existing buildings on the site comprise the main two-storey 18th century building with M-plan roof design, built with red brick (although the front elevation was rendered) and red clay pantiled roof and modern timber casement windows. There is a long rear single storey projection of brick and pantile of historic interest which has the appearance of a former cart shed/stabling facilities. The property has more recent single storey additions (including a lean-to addition to the south elevation of the principal building, two flat roofed single storey additions to the cart shed and a small first floor rear addition) and a detached pebble dashed single storey garage in the north east corner of the site.

The proposal seeks to convert the building from a public house into a single dwelling and make various external alterations. The main external alterations comprise the removal of the two single storey additions to the cart shed, erect a first floor extension above the single storey addition to the main two storey building and erection a detached double garage. In addition there is the insertion of new windows and openings, the removal of existing render from the front elevation, the incorporation of an additional building and additional land to the north to be incorporated into the curtilage that currently belongs to The Old Farm (Grade II listed), the removal of leylandii trees along the road boundary and increase in the height of the boundary wall.

The proposed first floor addition to the main house reflects the form and M-plan roof of the principal building. In terms of its scale, it is subservient and respects the character and form of the building to which it will relate. The removal of the existing single storey modern flat roofed additions to the traditional cart shed are welcomed and would better reveal the significance of the

historic form and fabric of the building. Amended plans have been submitted to replicate the cart shed openings and removal of a rooflight and to reposition the garage to the frontage of the site at the request of the Conservation Team. The location of the garage at the frontage would provide some increased sense of enclosure along the street and there is evidence of a building in this location from the 1887 historic map.

There is no objection to the removal of the existing leylandii trees or the increase in height of the wall. The historic brick boundary wall between the Old Farm and the site is to be retained and the proposed boundary treatment between the two properties is acceptable.

I note the comments from the Conservation Section and the overall conclusion, on receipt of the amended plans, that the proposed development would not have an adverse impact on the character and appearance of the Conservation Area or upon the setting of nearby listed buildings.

I concur with the comments of the Conservation Section and I am satisfied that the proposed development would be appropriate in scale, form and layout and would pay due respect to the existing building and the local vernacular.

The proposal would therefore comply with the policies listed above.

Impact on Residential Amenity

The proposal relates to the conversion of an existing building to be used as a residential dwelling and on the whole the main building on the site remains unaltered. The application does include the demolition of a flat roof extension to the east of the building and the removal of a concrete garage as well as an extension and the erection of a new detached garage.

The flat roof and garage to be demolished lies to the east of the site towards the boundary with the nearest residential property. The removal of these structures would not impact on the outlook or amenity of these properties and could be seen as an improvement. The proposed garage is to be sited forward towards the southern boundary of the site to High Street adjacent the side gable of the neighbouring property. This dwelling has no principle windows facing the site and siting in line with the frontage of the neighbouring properties it is not considered that the proposed garage would adversely impact on the residential amenities of the adjoining property. The proposed extension to the property is to the western boundary and would not have an adverse impact on this dwelling.

To the south and west of the site are residential properties on High Street and Back Street. Due to the separation distance afforded by the highway and existing boundary treatments it is not considered that the proposed extension to the premises would have any adverse impact on the adjoining properties to the south or west.

To the north of the site is the garden area to The Old Farm House, a listed building. The application proposes the land to the north of the property to be used as the residential garden which will be screened by a 1.2 metre high post and rail fence with a hawthorn hedge. The boundary and garden area is some distance from the dwelling to the north and it is not considered that the proposal would have any adverse impact on the residential amenities of this property.

Given the siting of the proposed dwelling and garage and the relationship with neighbouring properties, I do not consider that the proposed development would give rise to any amenity issues by virtue of any privacy, material overbearing or overshadowing impact. The proposals are unlikely to have any detrimental impact in terms of overshadowing or overbearing impacts, loss of light or privacy and as such comply with Policy DM5 of the DPD.

Highways and Parking

The application proposes to utilise the existing access and provide an area of parking and turning to the southeast of the property. The application also includes the erection of a detached double garage sited to the frontage of the site. The highway authority raised concern at the initial proposal over the use of gravel on the drive and not hard standing and the proposed raising of the wall restricting visibility. Amended plans were submitted showing the parking and turning area as hardstanding and the retention of a section of wall to the frontage at the existing height and then raising to 1.8m away from the access, separated by 7.6 metres. The position of the garage has also been altered to address the comments of the Conservation Officer, the new location was considered acceptable by the highway authority whom have raised no concerns over the position of the garage in respect of visibility.

The site can provide satisfactory parking and turning areas as well as acceptable visibility out of the access. The Highway Authority have no objection to the proposal and it is not considered that the development would have a detrimental impact on highway safety.

Ecology

Policy DM5 of the Allocations & Development Management DPD states in relation to ecology that:

‘Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.’

As the application relates to the conversion of an existing building the application was accompanied by a Protected Species Survey. This survey concluded that the property has a low roost potential and that whilst there were low levels of foraging in the vicinity of the public house there was no evidence of emergence or return outings.

Flooding

The site lies within Flood Zone 2 which has a medium probability of flooding. The use of the site as a residential dwelling is classed as a use which is more vulnerable in this flood zone. A flood risk assessment was submitted with the application which concluded that the site had a low risk of flooding except the potential residual surface water risk and extreme fluvial event. The application does relate to an existing building and the Environment Agency have expressed no comment in respect of this application. The proposal is considered an acceptable form of development in this location. In this context it is noted that the existing public house already includes the opportunity for residential occupation in association with the management of the use.

Application Consultation

A number of objections have been received with regards to the insufficient consultation. The application notification was undertaken as soon as the application was received by the authority and notification was undertaken in line with the Town and Country Planning (Development Management Procedure) Order 2015.

Concern has also been raised that the applicant has not undertaken public consultation. Members will be aware that whilst pre-application discussion with the wider community is encouraged (by both guidance and this Council), it is not compulsory, save for wind turbine proposals. There is no reason to not consider the application before the Authority now. Indeed a planning application process allows for community participation, one which has been engaged with based on the volume of representations received. It is understood that the overall recommendation may be unpalatable albeit that represents the view of Officers in applying the policies of the Development Plan and all other material planning considerations in a planning balance.

Application Inaccuracies

Concern has been expressed with regards to the inaccuracies within the Design and Access Statement. This was raised as a concern to the applicant who submitted a revised statement and again concern has been expressed in relation to inaccurate comments. Members will be aware of similar instances in the past whereby there may be inaccuracies/challenges in an applicant's submission. It is not for the LPA to ensure that an applicant revises all sentences in a submission until the LPA agrees with them. The key issue is around whether there is sufficient information to come to a view. Do Planning Committee Members, as decision makers, understand what the proposal and the material planning considerations you should assess and balance in coming to an overall view. In my view this report sets out how Members are able to do just that.

Conclusion

The proposed development would be acceptable in terms of its impact on neighbouring properties, highways and would not result in any adverse impact to the character and appearance of the surrounding area. The loss of the public house, which is a community facility, is regrettable but the application has been independently reviewed and the continued use of the premises as a public house is not considered to be financially viable. On the basis of this and on balance of the evidence available approval is recommended.

RECOMMENDATION

That full planning permission is approved subject to the following conditions.

Conditions

01

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

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

02

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

Site Layout 16/011 P06E received 06/09/16

North elevation, garage plan and elevations as proposed 16/011 P05A received 06/09/16

West, South and east elevations as proposed 16/011 P04B received 06/09/16

Floor plans as proposed 16/011 P03A received 06/09/16

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 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 order to preserve or enhance the character and appearance of the Conservation Area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Verges and eaves

Rainwater goods

Coping to boundary wall

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

05

The bricks to be used in the construction of the extension of the boundary wall and garage hereby permitted shall match those used in the existing wall in terms of type, colour and texture, size, profile and bonding pattern unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

06

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

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

hard surfacing materials

Reason: In order to preserve or enhance the character and appearance of the Conservation Area and in the interests of visual amenity and biodiversity.

07

The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. The existing brick work shall be re-pointed using a flush jointed lime based mortar mix.

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.

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

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

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the character and appearance of the conservation area.

09

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

02

The applicant'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.

03

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 there is adequate proof that (all or part) of the existing building has been in a lawful use for a continuous period of 6 months within the past three years. This floorspace can therefore be counted towards CIL deduction subject to the usual notification requirements.

Background Papers

Application case file.

For further information, please contact Jennifer Wallis on ext. 5419.

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:	15/01153/FULM	
Proposal:	Change of use from current vehicle sales site to redevelopment for 5 no. houses and 4no. shop units with flats.	
Location:	Former Squinting Cat Public House Mansfield Road Clipstone Nottinghamshire	
Applicant:		
Registered:	5 August 2015	Target Date: 4 November 2015
	Extension of Time Agreed In Principle	

The Site

The application relates to the site of a former public house and car park located within a ribbon of commercial properties on the southern side of Mansfield Road at its junction with Central Avenue. The site is located within the urban area of Clipstone and within a Local Centre as identified within the Proposals Map. The former public house building has been demolished and the land is currently used for motor vehicle sales predominantly in the form of transit vans.

The site is bounded by a dwarf brick wall to both roadside frontages. To the Central Drive boundary there is a 2m high palisade fence and gates, providing vehicular access to the site, set behind the wall. There is currently a prefabricated outbuilding and large tent construction within the site which is the subject of enforcement proceedings.

The land levels fall away towards the south of the site towards the side boundary of the rear garden of the adjacent dwelling on Central Drive.

The surrounding area comprises of single and two storey detached, semi-detached and terraced residential properties, commercial properties, garage and car dealerships which were part of the growth of the settlement attached to the former coal mine.

The immediately adjoining property on Central Drive is a detached bungalow set approximately 1m lower than the application site. The boundary treatment along this boundary comprises a 2m high brick wall. This neighbouring dwelling has an obscure glazed bathroom window to the side elevation facing the site and a conservatory and raised patio area to the rear.

To the west on Mansfield Road the site is adjoined by a two storey detached property, set back from the highway with off street parking provision to the front which comprises a ground floor newsagents/shop with residential accommodation above. This property has a two storey side/rear extension which extends to the boundary with the application site.

Relevant Planning History

Planning permission was refused in January 2012 for the demolition of the public house and change of use of site to vehicle sales with siting of portakabin office on the grounds of the unjustified loss of a community buildings and undue impact of proposed fencing and the temporary building on the visual amenity of the area – application ref. 11/01236/FUL.

Conditional planning permission was refused by Planning Committee in May 2012 for demolition of public house and change of use of site to vehicle sales and erection of a single storey building to be used as sales on the grounds that the application failed to demonstrate that alternative provision for the community facility that would be lost had been made, that there was sufficient provision of the same community facility in the area, that it was no longer viable for the building to remain in community use and that the proposal would be harmful to the character and appearance of the area - application ref. 12/00187/FUL. A subsequent appeal was lodged against this refusal which the Planning Inspectorate allowed in November 2012. The use of the site for car sales was implemented.

A Planning Enforcement Notice was issued in November 2014 to remove an unauthorised and visually harmful marquee that has been erected on the site. On appeal the enforcement notice was subsequently upheld and required the notice to be complied with within 6 months of the date of the appeal decision. The marquee has now been taken down and removed from site.

Following a recent enforcement investigation in relation to the compliance of the planning conditions attached to the Planning Inspector's decision for the use of the site for car sales in relation to the layout of the site. On a recent inspection by Officers in October 2016 the site was predominantly laid out in accordance with the layout plan approved by the Planning Inspector.

The Proposal

Full planning permission is sought for the change of use of the site for residential/commercial development. The initial proposal related to the erection of 7 no. 2 storey dwellings and 4 no. retail units with flats above and associated parking.

Following negotiations with the applicant revised plans have now been deposited which propose the following:-

- 2 no. two storey 3 bed semi-detached dwellings set to the rear of the site – House Type 5. These dwellings would have 2 no. off street parking spaces to the front of each property.
- A terrace of 3 no. two storey 3 bed dwellings fronting Central Drive – House Type 6. Each of these dwellings would have 2no. off street parking spaces predominantly to the frontage of the properties.
- 4 no. retail units with 4 no. 2 bed flats above fronting Mansfield Road. 4 no. parking spaces serving the proposed flats and 2 staff parking spaces are proposed to the rear of the retail units. A further 6 no. parking spaces (including 1 staff space) are proposed to the front and northern side of the building. A loading bay to serve the shop units is shown to the rear of units 1 and 2.

The development would be accessed via the existing vehicular access from Central Drive and from a pedestrian access from Mansfield Road.

It is proposed to lower land levels by some 0.3m towards the southern boundary of the site.

Departure/Public Advertisement Procedure

Occupiers of 26 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 District Council Core Strategy DPD (adopted 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 3 – Housing Mix, Type and Density
Core Policy 8 – Retail Hierarchy
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM11 – Retail and Town Centre Uses
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Clipstone Parish Council – Object to the proposal.

The adjoining dwelling on Central Drive would be unduly affected. There are too few parking spaces. There is already a problem with car parking in the immediate area which would be compounded by the current design. Some car parking spaces may be of insufficient size.

Following re-consultation the following objections have been received from the Parish Council:-

- Issues with regards to car parking have not been resolved.
- Concern as to access for delivery lorries or emergency vehicles
- Overdevelopment for a site that size
- No disabled parking
- Out of keeping with local area (bungalows)
- Detrimental impact on neighbouring services
- Detrimental Impact on neighbouring businesses

NCC Highways Authority – Initial comments raised the following concerns:-

‘The access into the site is a one-way arrangement with access from Central Drive. There is the concern that a vehicle will have difficulty turning into the bend of the access road adjacent Shop Unit 1 shown on the site layout plan. Could the layout be amended to address this to ensure the largest vehicle expected is able to adequately negotiate the bend to gain access to the loading bay/parking bays? Once an amended plan is submitted, formal conditions can be imposed.’

On receipt of revised plans in December 2015 the following comments were received:-

'The amended layout now shows 5 houses and 4 shop units with 4 flats above. As stated in my previous comments, the access into the site is a one-way arrangement with access from Central Drive.

There is still the concern that a vehicle will have difficulty turning into the bend of the proposed access road at the corner of shop unit 1, adjacent the shop frontage at Mansfield Road, which appears to be a too 'tight' manoeuvre for a car to negotiate in order to gain access to the loading bay/parking bays. With this type of issue, a layout plan is required with vehicle swept path analysis demonstrating the vehicle movement/turning within the site for both this bend and the bend adjacent shop unit 4, to ensure that the largest vehicle to the site is able to negotiate these bends. Also, could the size/type of delivery vehicle to the site be clarified.

It should also be noted that the vehicle parking bays for the residential use within the site and adjacent Central Drive should have dimensions of 2.4m x 4.8m.'

Following the submission of further revised plans (Revision B) the following comments were received:-

'The revised layout now provides 5 houses, instead of the 7 previously proposed, 2 at the rear of the site and 3 on Central Drive, and 4 shop units with 4 flats above.

There are a number of issues which require addressing:

- There are 3 staff parking spaces provided and 6 customer parking spaces, which for 4 shop units is considered insufficient. The concern is that staff would park in any customer bays that may be available, leading to customers parking on street in the vicinity which must be discouraged. Further parking for both staff and customers must be considered.
- The footpath within the site, surrounding the shops, is shown to have a width of 1.2m which is inadequate for use by pedestrians and pedestrians with pushchairs etc. and should be a minimum of 1.8m whilst still maintaining sufficient carriageway width for vehicular access.
- Provision should be made for pedestrians visiting the site from Mansfield Road i.e. a suitable gap in the site boundary wall.
- The 2 parking spaces adjacent Shop Unit 4 are not easy to access and to exit from, once parked. The layout requires alteration to address this.

The Highway Authority would wish to raise objection to this proposal, as submitted, until the above issues are addressed.'

Following further discussions with the Highway Authority revised plans (Amended site layout Rev. C) have been deposited as outlined above and the following comments have been received from the Highway Authority:-

'As stated in previous comments, the layout now shows 5 houses, with 4 shop units and 4 flats above. The access into the site is still shown as a one-way arrangement, with vehicular access from Central Drive, which is to be widened as part of this proposal.

The plan demonstrates that a car sized vehicle can adequately manoeuvre around the site. There are 3 staff parking spaces, and 5 customer parking spaces. There is also 1 parking space per flat. There is 1 less customer space as provision has now been made for pedestrians by way of two 'gaps' in the front boundary wall. This area will need protecting, within the site, by way of bollards to ensure it is not used as a parking bay.

The footpath within the site, at the front of the shop units, is now shown to have a width of 1.8m which is acceptable.

Whilst it could also be said that the shops are small enough to attract local customers which may arrive on foot, there are still concerns over the level of parking provided and it is considered that parking may occur randomly within the site. Could the applicant consider that possibly an additional 2 tandem parking spaces could be provided adjacent Plot 3, and still maintain the access width into the site.

The vehicle swept path analysis has been carried out using a car 0.4m long. It is assumed that the service vehicles will enter the site using the one way system, therefore, the vehicle tracking should be carried out using the largest vehicle to the site. The largest size of vehicle, in connection with deliveries to the site has still not been clarified. The agent/applicant should confirm the size of vehicle for the deliveries to the site, along with the delivery times, in an effort to avoid busy retail opening hours.

As such, the Highway Authority would not wish to raise objection to this proposal subject to the above issues being resolved and the following conditions being imposed:

1. No part of the development hereby permitted shall be brought into use until the parking/servicing areas are provided and surfaced in a bound material with the parking bays clearly delineated in accordance with the approved plan. The parking/servicing areas shall not be used for any purpose other than parking/servicing.

Reason: In the interests of highway safety.

2. No part of the development hereby permitted shall be brought into use until the pedestrian accesses, complete with the installation of bollards within the site, have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

3. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be 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 danger to road users.

4. No part of the development hereby permitted shall be brought into use until the alterations to the existing access have been completed in accordance with the approved plan.

Reason: In the interests of highway safety.

Note to Applicant

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.'

NCC Flood Management Team – 'The proposed development is acceptable subject to the following conditions being attached should permission be granted:-

- The site drainage system is to be designed in accordance with sustainable drainage standards. Infiltration of surface water into the ground should be possible in this location as the area is underlain by permeable rocks and superficial deposits.
- If infiltration drainage cannot be achieved on the site, the surface water drainage system should be designed to restrict flows off the site to no more than 5 l/sec in any rainfall event up to a 100 year + 30% climate change allowance storm event.
- The site levels and drainage system should be designed to prevent flows leaving the site across the boundaries of the site and flowing onto highways or 3rd party properties. The flows should be collected using intercepting drainage features as required to route these to the surface water management system on the site.'

NCC Policy – The following comments are made:-

National Planning Policy Context –the guidance contained within the NPPF with regards to the delivery of economic growth, supply of housing, sustainable development and the health of communities is discussed.

Within a County Planning Context:-

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 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 close proximity to any existing or proposed mineral site, or within a Mineral Safeguarding and Consultation Area. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Strategic Planning Issues

Public Health

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population. The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire. A current health profile of the district is provided at Appendix A. All development should take in to account local health issues and minimise the negative impacts of the development on health, whilst also seeking to deliver health benefits where possible.

Developer Contributions

Following the submission of revised plans reducing the number of dwellings from 11 to 9, the proposal does not now meet the threshold for developer contributions.

Travel and Transport

The County Council has conducted an initial assessment of the site in the context of the local public transport network and at this time it is not envisaged that contributions towards local bus service provision will be sought.

The County 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 and Travel Services (see details below). The County Council will wish to negotiate funding directly with the developer to be spent exclusively on bus stop infrastructure on or within a short distance of the development.

Landscape

No comment to make.

Rights of Way

There are no public footpaths on the proposed site.

Ecology

The County Council advises that, prior to the determination of the application, a bat scoping survey of the buildings to be affected by the proposals is carried out, due to the proximity of the site to high-quality bat foraging habitat associated with Vicar Water Country Park.

In the event that the bat scoping survey finds evidence of, or potential for, roosting bats, then any further survey work (i.e. activity surveys) that are recommended should also be carried out prior to the determination of the application. This is to ensure that the impacts can be properly adjudged and mitigation measures, if necessary, can be secured.

Conclusion

The County Council does not raise any objection on strategic planning policy grounds. However, it is recommended that a bat scoping survey be completed prior to the determination of the application. Transport and Travel Services wish to negotiate directly with the developer regarding funding for bus stop infrastructure.

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

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

NSDC Environmental Health Contaminated Land – No observations are raised.

NSDC Conservation - Clipstone colliery village was originally built in 1926 on the former site of Clipstone Army Camp by the Bolsover Colliery Company (established in 1889 to extract coal from land owned by the Duke of Portland). The early 20th century phase of the village is identified on the County Historic Environment Record (HER) as a feature of Local Interest. In accordance with Annex 2 of the NPPF, Local Interest features are heritage assets, albeit of a non-designated type. The layout and arrangement of buildings within the planned village contributes to the significance of the heritage asset.

The former Squinting Cat did not form part of the original 1920s village construction, but was otherwise a good example of post-War construction, with symmetry and architectural interest. The proposal site does not fall within the heritage asset, but does affect its setting (the boundary follows the centre of Mansfield Road and includes all of the housing stock northwards).

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The effect of an application on the significance of a non-designated heritage asset, furthermore, should be taken into account in determining the application (paragraph 135 of the NPPF). In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Assessment of Proposal

The proposal seeks to redevelop the site and erect 4 shop units onto Mansfield Road with new residential development behind.

Having reviewed the submitted plans and details, Conservation has no material objections to the proposal which will have limited impact on the setting of the non-designated heritage asset.

Following the submission of the revised plans the Conservation officer has advised that no further comments are raised.

Nottinghamshire Wildlife Trust - From the submitted documents, it appears that the site is currently hardstanding with no buildings or vegetation present. If this is the case, ecological impacts are considered unlikely, however if either are present then protected species survey work may be required before the application is determined.

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

NSDC Access - Concludes that the proposal should be required to meet minimum Building Regulations requirements and a separate enquiry should be made in this regard.

It is recommended that the developer be advised to be mindful of Equality Act requirements.

NCC Education – Following the submission of the revised scheme it is confirmed that Nottinghamshire County Council do not request Education contributions on developments of less than 10 dwellings. As the dwellings numbers in this development have now been reduced to 9 there is no longer a requirement for an Education Contribution.

NSDC Strategic Housing – Following the submission of the revised scheme reducing the number of dwellings to 9 which falls below the trigger for affordable housing contribution, there is no requirement for affordable housing provision.

NSDC – Community and Sports Development - The proposal is now for 9 dwellings no community facilities contribution is required.

NSDC Parks and Amenities – The revised proposal for 9 dwellings does not trigger a requirement for a contribution to public open space in the form of provision for children and young people.

A total of 10 representations (including those received following re-consultation on revised plans) have been received from local residents/interested parties which can be summarised as follows:

- The proposal results in an over intensification and over development of the site;
- The proposal would impact upon highway safety with the access at the junction with Central Drive;
- The proposal raises issues with pedestrian safety
- It would raise and exacerbate existing on street parking issues;
- Lack of parking provision within the site;
- The proposal would increase traffic and congestion;
- The development would result in overlooking, loss of privacy and loss of light to neighbouring properties;
- The proposal would result in overshadowing and be overbearing;
- There would be increased noise nuisance for neighbouring residents;
- Question whether four retail units would be viable;

- Although permanent structures would improve the visual amenity of the site, the development would be out of character with the surrounding area by virtue of the types of properties and their scale and massing; and
- The applicant has previously failed to comply with conditions imposed on previous permissions or enforcement action.

Two letters of support have been received given that the development is on a brown field site and would enhance the area and create and employment.

Appraisal

Principle of Development

The site is located within Clipstone which is defined as a Service Centre with a wide range of services and facilities as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. As such, it is considered to be a sustainable location for new housing development in accordance with the aims of Policy DM1 of the DPD.

With regards to the proposed retail units, Core Policy 8 of the Core Strategy identifies Clipstone as being a Local Centre within the retail hierarchy, which provides a limited range of services which play an important role in providing for the day to day needs of local people. Such centres are vital in acting as focal points for various community facilities.

Policy DM11 of the ADMDPD states that within existing local centres new and enhanced convenience retail development that serves the community in which it is located and is consistent with its size and function will be supported. Convenience retail development of an appropriate scale to meet local need that consolidates and enhances the existing hierarchy of existing centres will be supported.

Notwithstanding the principle of the proposal other site factors and local and national policy considerations need to be weighed in the planning balance and these are set out and assessed below.

Retail Provision

The site falls within a Local Centre where new and enhanced convenience retail development to serve the local community is considered appropriate. The proposal includes 4 retail units with relatively small floor areas and I consider this would be consistent with the size and function of the Local Centre in accordance with Core Policy 8 of the Core Strategy and Policy DM11 of the Allocations and Development Management DPD.

I note comments raised in relation to the viability of 4 retail units within the settlement. At the time of visiting the site there were currently only 3 vacant small units for rent within the existing parade of shops. I am satisfied that the units would satisfy a local need so far as they are of an appropriate size and location within the Local Centre and would assist in consolidating the Local Centre. Retail provision to meet the day to day needs of the local community would also have the potential to increase linked trips to other units within the Local Centre. I consider the proposed retail units are not of a scale or number that would significantly change the character or function of the local centre so as to unduly impact on its viability or vitality and I therefore consider refusal on these grounds would be difficult to substantiate.

It is considered reasonable that should members be minded to grant permission, a condition be attached preventing the removal of internal walls to create either a smaller number of larger retail units than shown on the plans deposited with the application or the creation of a single large unit to ensure that the principle of small retail units serving the local needs of the community is safeguarded.

Impact On Character And Visual Amenity of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The application site falls within an area which contains a mix of single and two storey commercial and residential buildings. To the north on the opposite side of Mansfield Road are two storey residential terraces whilst to the east and west there are two storey commercial properties with flats above or two storey dwellings. Immediately opposite the site on Central Drive exists a two storey dwelling with bungalows beyond. To the south of the site Central Drive predominantly comprises single storey dwellings.

The proposal is for a terrace of 3 two storey dwellings facing Central Drive, a pair of two storey semi-detached dwellings to the rear of this terrace and retail units with residential accommodation above fronting Mansfield Road. Being mindful of the nature of the surrounding area I do not consider that the scale and massing of the proposed buildings would be out of character with other buildings in the vicinity, to the detriment of the visual amenity of the area. The roof lines of the proposed dwellings along Central Drive have been stepped in order to accommodate the changes in land levels which improves the visual relationship between House 5 and the existing immediately adjoining bungalow at no. 2 Central Drive and the visual impact on the general streetscene.

With regards to layout, I am satisfied that, on balance, the site is of sufficient size to accommodate the proposed development without it appearing over developed or the development being over intensive. Previously the site comprised a two storey public house sited towards the Mansfield Road frontage with a large rear projection to the rear separated from the boundary with the neighbouring property on Central Drive by an area of car parking. Although the proposal would increase the built footprint to that previously on site, I do not consider that the proposed layout would alter the spatial character of the area to such a degree to justify refusal on these grounds. The proposal would reflect and sit well within the context of the existing surrounding residential area together with the existing shopping frontage along Mansfield Road.

Whilst proposed off street parking areas would be located to the front of each dwelling, this would be broken up by areas of soft landscaping forming part of the front garden of each dwelling. It is considered a good quality landscape could be secured by condition which would help ensure that the proposed development does not have a car dominated frontage, particularly along Central Drive.

In terms of design and appearance, the incorporation of cills and headers together with the canopies to the front give the buildings some architectural interest which sits well within the context of the site and the wider area.

Furthermore Core Policy 14 and Policy DM9 of the Council's Local Development Framework Development Plan Documents seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The effect of an application on the significance of a non-designated heritage asset, furthermore, should be taken into account in determining the application (paragraph 135 of the NPPF).

I am mindful that the application site does not fall within the original part of the settlement that is considered by the Conservation Officer to be of Local Interest and a non designated heritage asset but that it does affect its setting as identified within the Conservation Officer comments. It is noted that the Conservation Officer consider that the proposal would have limited impact on the setting of this non designated heritage asset.

Given its current use and appearance, I am of the view that the existing site has a negative impact on the appearance and nature of the surrounding area. Taking account of the design of the proposed dwellings and retail units, it is considered that the proposed development would significantly enhance the visual amenity of the area.

Taking the above into account subject to conditions requiring the submission and approval of suitable materials, finished floor levels and an appropriate hard and soft landscape scheme, it is not considered that the proposed development would result in any adverse impact upon visual amenity or the setting of the site in accordance with the aims of the NPPF and Policy Core Policy 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management DPD.

Impact on Residential Amenity

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

I note the concerns raised with regards to loss of privacy, overlooking and overshadowing impacts. It is acknowledged that the proposed semi-detached dwellings (houses 1 and 2) have modest rear garden depths. However, taking account of the orientation of these dwellings and their relationship with and separation from no. 2 Central Drive together with the proposed reduction of land levels and potential boundary treatments, I satisfied that there would be no direct overlooking into neighbouring principle room windows or immediate private amenity space. The level of overlooking into this neighbouring rear gardens would, in my opinion, not be an unusual situation given the urban grain and setting of the site.

Moreover, there is some 21m separation between House 1 and the neighbouring property at 179 Mansfield Road which I am satisfied is an acceptable separation distance to protect neighbouring amenity in this instance.

With regards to issues raised with regards to overshadowing impact and loss of light, it is not considered that the proposed dwellings, by virtue of the orientation of the plots, their relationship with and degree of separation from the immediately adjoining dwellings would result in any undue overshadowing impact.

Similarly I am satisfied that there is sufficient separation distance between the proposed dwellings and between the dwellings and the retail units to ensure a satisfactory relationship and to safeguard the amenity of occupiers of the properties.

I note the comments received with regards to the impact of increased activity on the site, I am mindful of that the site previously comprised a public house and car park and currently is used for motor sales. I am of the view that the level of activity would not be incongruous within the urban setting of the site within a mixed commercial and residential area and would not be such as to justify refusal on these grounds.

Taking these considerations into account it is considered that, on balance, the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

The concerns received with regards to parking and highway safety issues and congestion from increased traffic movements are acknowledged. I am mindful that revised layout plans have been received in response to the earlier concerns raised by the Highway Authority in relation to parking and layout.

With regards to parking provision, the retail units would be served by 5 no. spaces, the flats by 4no. spaces and the proposed dwellings would each have 2 no. off street spaces. I note that the Highway Authority have asked whether the applicant could provide a further 2 no. tandem parking spaces adjacent to plot 3 to serve the retail units. This has been put to the applicant and any revisions will be reported to Planning Committee. Notwithstanding this, the highway officer has further commented that although this would help to alleviate the concerns over the level of parking, whilst still maintaining the required access width, at this stage of the process, the parking provision as shown does not justify a recommendation for refusal of this application in this location. Bearing this in mind, I am of the view that the condition suggested by the Highway Authority with regards to the provision, surfacing and delineation of the parking bays is reasonable. Clearly marking out of the parking spaces will help prevent random parking within the site.

Taking the above considerations into account I am of the view that, on balance, appropriate off street parking would be provided within the site serve the development.

With regards to the highway officers comments in relation to the delivery vehicles, I am of the view that the very nature, layout and width of the access road would restrict the size of any delivery vehicles servicing the retail units. It is considered reasonable that a condition be attached, should members be mindful to approve the proposed scheme, restricting times of deliveries to prevent conflict of movement between vehicles within the site and to safeguard neighbouring amenity.

Furthermore the revised layout shows an appropriate pedestrian footpath serving the proposed retail units together with a separate pedestrian access from Mansfield Road.

Given that the Highway Authority raise no objections to the revised proposal I am satisfied that the proposed scheme would not result in highway issues to justify refusal on these grounds.

Developer Contributions

It is noted that the original proposal sought planning permission for a total of 11 residential units and 4 retail units. Revised plans have now been received which reduce the total number of residential units to 9 which falls below the threshold whereby developer contributions in relation to affordable housing, education, open space, community facilities or highways would be triggered.

Community Infrastructure Levy

The application site is located within the 'Mansfield Fringe Area' where A1 retail development is charged at £100 per m² and residential development is charged at £0 per m². The proposed retail element of the proposal will therefore incur a CIL charge.

Other Matters

The comments of the County Council with regards to the submission of bat scoping survey of the buildings are noted. However, the existing buildings on the site were demolished some time ago as part of the implementation of the permission for the change of use of the site for car sales. I therefore consider that such a survey would not be required in this instance.

Issues raised with regards to non-compliance with planning conditions or enforcement action are separate matters and are not a material planning consideration in the determination of the current application.

Conclusion and Planning Balance

To conclude it is considered that the proposed redevelopment of the site would reuse brownfield land within a service centre and would bring about environmental improvements to positively improve the appearance of the site. Given the sites location within a Service Centre and Local Centre the principle of residential and small scale retail development is considered acceptable.

Furthermore, on balance I am of the view that the proposal would not result in unacceptable impacts with respect to amenity or highway matters to justify refusal on these grounds.

RECOMMENDATION

That full planning permission is approved subject to the following 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:-

- Site Layout Drawing (Revision C) - deposited on 19th September 2016
- Shops and Flats Unit drawing (Revision C) deposited on the 19th September 2016
- Revised House Type 5 - deposited on the 7th December 2015
- Revised House Type 6 - deposited on the 7th December 2015
- Revised Section - deposited on the 7th December 2015

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 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
- Cladding
- Roofing tiles
- Shop fronts

Reason: In the interests of visual amenity.

04

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 each of the dwellings it is intended to serve 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.

05

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

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

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

Reason: In the interests of visual amenity and biodiversity.

06

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

07

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

Reason: In the interests of residential and visual amenity.

08

No part of the development hereby permitted shall be brought into use until the parking/servicing areas are provided and surfaced in a bound material with the parking bays clearly delineated in accordance with the approved plan. The parking/servicing areas shall not be used for any purpose other than parking/servicing.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the pedestrian accesses, complete with the installation of bollards within the site, have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

010

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

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

011

No part of the development hereby permitted shall be brought into use until the alterations to the existing access have been completed in accordance with the approved plan.

Reason: In the interests of highway safety.

012

Prior to first occupation of each dwelling/flat, the associated car parking facilities shall be provided and shall thereafter be retained for parking for the lifetime of the development.

Reason: In order to secure off street parking provision, in the interests of highway safety.

013

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

014

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

015

Prior to first occupation of any of the units hereby approved, full details of the following shall be submitted to and approved in writing by the Local Planning Authority.

- The provision of any CCTV within the curtilage of the application site
- The provision of litter bins (including the design and siting)

The approved details shall be installed on site prior to first occupation.

Reason: In the interests of security and visual amenity

016

The floor areas of the four individual retail units hereby approved shall be retained as shown on the Site Layout Drawing (Revision C) and Shops and Flats Unit drawing (Revision C) deposited on the 19th September 2016 at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the retail units are consistent with the size and function of units within the Local Centre in accordance with the aims of Policy DM11 of the Allocations and Development Management DPD (2013).

17

No deliveries shall be taken at or dispatched from the site outside the hours of 0700 hours to 2100 hours.

Reason: In the interests of residential amenity.

18

The retail units shall not be open for customers outside the following hours:

- Monday to Saturday between 08:00 and 22:00 and between 09:00 and 18:00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity

19

The 4no. retail units hereby approved shall only be used for purposes which fall under A1 Use Classes as defined in the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to protect the vitality and viability of the Local Centre in accordance with the aims of Core Policy 8 of the Newark and Sherwood Core Strategy (2011).

Note 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:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

02

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

03

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

In accordance with details required by condition 13 of this permission the site drainage system should be designed in accordance with sustainable drainage standards. Infiltration of surface water into the ground should be possible in this location as the area is underlain by permeable rocks and superficial deposits.

If infiltration drainage cannot be achieved on the site, the surface water drainage system should be designed to restrict flows off the site to no more than 5 l/sec in any rainfall event up to a 100 year + 30% climate change allowance storm event.

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

The site levels and drainage system should be designed to prevent flows leaving the site across the boundaries of the site and flowing onto highways or 3rd party properties. The flows should be collected using intercepting drainage features as required to route these to the surface water management system on the site.

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

Background Papers

Application Case File

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/01245/FUL	
Proposal:	Erect detached dwelling and detached garage	
Location:	Allotment Gardens, Barnby Road, Newark On Trent	
Applicant:	Mr. Sean Lammiman	
Registered:	09.08.16	Target Date: 04.10.16
		Extension of Time Agreed 04.11.16

This application has been referred to Planning Committee by Councillor D.J. Lloyd.

The Site

The application site lies to the south east of Newark on Trent within the Newark Urban Area. Sited to the north of Barnby Road the existing site is used as allotment gardens. The site is irregular in shape and part of the land, outside of the site boundary, widens to the rear to adjoin the northern boundary with the east coast mainline. The site frontage is used as an allotment garden and is clearly well tended; to the rear the site is more overgrown and unkempt. The site is located within an established residential area which is interspersed with areas of open space and allotments.

To the east and west of the proposed development are residential properties. To the south are allotments gardens and to the north is the remainder of the site which has been left untended and is now overgrown with trees and shrubs and further north is the railway line.

Description of Proposal

The application proposes the erection of a detached dwelling and garage to the frontage of the site. The application also proposes the relocation of the existing allotments to the rear of properties fronting Barnby Road.

The proposed dwelling would be two storey with a kitchen, breakfast room, lounge, family room and utility at ground floor. The first floor would accommodate 4 bedrooms, ensuite and bathroom.

Relevant Planning History

No relevant history

Public Advertisement Procedure

14 neighbours have been notified individually by letter and a site notice posted.

Planning Policy Framework

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community facilities

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure
NAP 1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

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

Planning Practice Guidance 2014

Consultations

Newark Town Council: - Members discussed this application at length and it was noted that in 2011 when a Strategic Housing Land Availability Assessment was put forward, the area was deemed as not suitable for housing due to contamination, traffic concerns and the fact that it is in Flood Zone 3.

Members voted unanimously to Object to this application on the following grounds:

- i) The Department of Transport have registered it as a 'Toad Patrol Site', one of only nine in the Country. This site is therefore of National importance and provides the last remaining route for toads to gain access to their breeding grounds.
- ii) The site is also home to grass snakes and an Impact Assessment for these reptiles is required.
- iii) The site is in Flood Zone 3 and there needs to be a Flooding Impact Assessment undertaken.
- iv) Concerns were expressed that neighbours of the site have not been properly consulted.
- v) The time period for consultation is too short.

Environmental Health – no comments to make.

Environmental Services Contaminated Land - This application is for the construction of a new residential dwelling on an allotment site. Allotments are a potentially contaminative land-use and such land can possibly be used for contaminative activities including: use of fertilizers, pesticides and fungicides, localised waste disposal. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

NCC Highways – The application site is located on a section of Barnby Road with 'advisory' 20mph signs due to the close proximity of the school, however, these are not legally enforceable. This section of Barnby Road is restricted to 30mph, therefore, the required visibility splays from the proposed access are 2.4m x 43m.

Therefore, this proposal is acceptable subject conditions in relation to hard surfacing, gates and visibility splays.

Access Officer - As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable and wheelchair user accommodation. Occupants requirements

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

It is recommended that disabled persons and wheelchair users' access to, into and around the proposal be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. In particular, step-free access to and into and around the proposal is important and a suitably surfaced firm level and smooth traffic free accessible route is essential to and into the proposal from facilities such as car parking and from the site boundary. Any loose laid materials such as gravel or similar, can cause difficulty for any wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Nottinghamshire Wildlife Trust - The footprint of the proposed dwelling is located on/adjacent to a registered common toad migration site. We are concerned about direct impact on toads and grass snake from clearance of the allotment site and associated vegetation. We are also concerned about the long-term impacts of the proposal, as we consider that the development will form a barrier for the toads between their land and aquatic habitats.

Our concerns are set out in more detail below:

Policy/Legislative Context:

Common toads and grass snakes are species of 'principal importance' under the NERC Act and they should be considered in any planning decision. We refer you to 'Biodiversity Duty' in relation to this <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity#your-duty-to-have-regard-for-conserving-biodiversity>.

Additionally, Grass snakes are protected from killing/injury under the Wildlife and Countryside Act 1981 (as amended). The LPA must consider how a development might affect protected species on or near a proposed development site when reviewing a planning application. We refer you to Natural England's Standing Advice in relation to reptiles <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>.

Direct Impacts

It is likely that removal of vegetation from the development footprint could kill or injure amphibians and reptiles (grass snake) which are known to be present in this locality. However, the potential adverse impacts on amphibians and reptiles could be minimised if vegetation is removed following certain methods and is carefully timed so as not to co-incide with sensitive times in the lifecycle of these animals, such as when they are hibernating.

Long-Term Impacts

The trust has been closely involved with toad migration sites for a number of years and as such we have been made aware of a marked decline in the number of toads at the Barnby Road Crossing, thought to be due to the cumulative impact of development over time forming a barrier between their land habitat (fields adjacent to the East Coast Mainline) and their main breeding pond (former ballast pit) south of Barnby Road.

From viewing maps and aerial photography it is clear that the allotment plot is more or less the last remaining gap fronting Barnby Road (for the stretch between the cycle path and the Balderton Road Level Crossing) and that losing it will form a more or less continuous barrier (of built development) for amphibians along Barnby Road, separating them from their terrestrial grassland/scrub habitat and their breeding pond which is a Local Wildlife Site known as 2/638 Ballast Pit, Newark. We presume the pond is designated as a LWS for its breeding amphibian assemblage.

We therefore do think that the toad crossing would be severely adversely affected (i.e. number of toads being able to access the pond to breed would be markedly reduced) if this plot is built on due to the creation of a more or less continuous barrier.

Further Survey/Mitigation

In addition to the nearby main lakes (Ballast Pit, Newark) we understand there is a small wildlife pond on/adjacent to the plot. Ideally, this and the allotment itself should be subject to ecological survey to establish whether it is used by grass snake.

We recommend that a mitigation strategy should be produced (and its implementation secured by planning condition) for any vegetation removal associated with the development so that the plot would be cleared in such a way as to minimise direct impacts on grass snake and amphibians, avoiding sensitive times of year such as when they are in hibernation.

The mitigation strategy should also look at options for minimising the long-term impacts on the toad populations. Ideally, some form of continual habitat corridor or 'link' should be provided. We suggest this could take the form of a belt of shrub (rather than just the retained hedge which is narrow)/either side of the plot which would need to remain in-perpetuity. Any such provision, as well as gaps under fences etc., would also benefit other wildlife, including hedgehogs, another Section 41 NERC Act Species.

In summary, we recommend that the developer seeks advice from a professional ecologist and that a mitigation plan is submitted and implemented in order to minimise adverse impacts on common toads and grass snakes. We recommend planning conditions are used in order to secure any mitigation.

Nottinghamshire County Council Ecology - The application site is located on Barnby Road, which is a registered amphibian crossing due to the importance of the local common toad population. Potential impacts on this population arising from this development are of concern. It should be noted that common toads are a species of principle importance for conservation in England, by virtue of section 41 of the Natural Environment and Rural Communities Act (2006). Section 40 of the same Act requires public bodies (including LPAs) to have regard to conserving biodiversity. As such, the impact of the development on common toads, and other section 41 species (such as grass snake) needs to be fully assessed. Therefore, and in accordance with paragraphs 98 and 99 of Government Circular 06/2005, an ecological assessment of the proposals should be carried out, prior to the determination of this application. This should include a Preliminary Ecological Appraisal, specific surveys/assessments for amphibians and reptiles, and details of measures to avoid, mitigate against and compensate for ecological impacts. This should be produced by an appropriate qualified and experienced ecologist.

Environment Agency - We review our planning consultation workload to ensure that our time and expertise is focussed on those locations and developments that present the following:

- a high risk to the environment
- those that are able to offer significant environmental benefit

We have reviewed the above application and feel that, as presented, it does not fall under either of the above categories and therefore we do not wish to make any formal comment further on the proposal.

Trent Valley Internal Drainage Board

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

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

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

Representations have been received from 8 local residents which can be summarised as follows:

- Concern with regards to amphibians and reptiles. No ecology survey has been undertaken to establish the impact on these species. The site close to an amphibian migratory crossing and no decision should be made till these surveys have been undertaken.
- Concern over impact on ecology and protected species
- Poor timing of notification of the application during the summer holiday
- Received no notification of the application and there should have been a site notice.
- The erection of a fence or boundary could impact on maintenance of adjoining properties.
- The allotment is occupied and there has been no contact from the owner.
- Not a 'former allotment' , the site has been in use for more than 30 years.
- The proposed relocation of the allotment is impractical due to constant growing periods, would be outside the site area, and concern over nuisance to adjoining properties, vermin, noise, fires and loss of conservation area.
- SHLAA assessment in 2009/10 considered this site to be unsuitable
- Question raised over land ownership and certificates served not being correct
- The size of the dwelling would not be in keeping with the houses along the frontage of Barnby Road. The proposal should be single storey.
- Large paved area to the frontage suggest it will be used for a business.
- Impact on privacy and overshadowing of neighbouring properties

- Impact on views and open aspect to rear
- Loss of trees which act as a natural sound barrier.
- Destroy a pond within the site
- The track to the side has been in constant public use contrary to the applicant's claims.

Comments of the Business Manager

Principle of Development

The application site is located within the main built up urban area of Newark. Spatial Policies 1, 2 and NAP1 of the Adopted Core Strategy identify Newark as a Sub Regional Centre where the focus is for housing and employment growth. I am satisfied that the site is located within the main built up area of Newark and as Newark is identified within a sustainable settlement I consider the principle for residential development is accepted within this location.

The application site, however, is designated as a Protected Open Space and as such Spatial Policy 8 is applicable in this instance. SP8 states that the loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that:

- Continued use as a community facility or service is no longer feasible, having regard to appropriate marketing, the demand for the use of the site or premises, its usability and the identification of a potential future occupier; and
- That sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost; and
- There is sufficient provision of such facilities in the area.

Paragraph 74 of the NPPF states that existing open space, sports and recreational building and land, including playing fields should not be built upon unless;

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is or alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The land to which this proposal relates and land to the north east is denoted on ordnance survey plans as allotment gardens. Currently only the frontage of the site is cultivated as an allotment and the rear of the site has been left and is currently overgrown with trees and shrubs. The site has no vehicular access and has a pedestrian access from an access track to the south east of the site. To the south of Barnby Road is a larger allotment area which appears to be well used and well managed by the town council.

This application would result in the loss of the remaining allotment on the site but an alternative allotment is proposed to the rear of properties on Barnby Road to the east of the development site. The proposed allotment would be accessed via the same access track as the current allotment. The replacement allotment is 1400m², which approximately equates to the size of the allotment that is currently in use. The use of the site as an allotment appears to be an informal arrangement and the allotment is on private land.

It is considered that as a replacement allotment is to be provided of equivalent size and utilising the same access as the current site that sufficient alternative provision has been made. This could be secured through an associated Section 106 Agreement were the application to be approved. There is also further allotment provision on the opposite site of Barnby Road. The current allotment is on private land and its usage is limited to the frontage of the site suggesting that there is no demand for the remainder of the site. The allotment area is also on private land and the use of the site could be withdrawn at any time. Therefore, in this instance it is considered that the proposal, with the relocated allotment area, meets the policy tests of SP8 and the requirements of the NPPF.

Impact on Visual Amenity

The site is located on Barnby Road which to the north/northeast is predominantly occupied by residential properties. To the south of Barnby Road this part of the street is more open with open space, allotment gardens and more sporadic development to the east. The site sits in the Newark Urban Area and is seen as predominantly residential. To the northwest of the site is a detached dormer bungalow and further west are rows of smaller terrace properties with long narrow rear gardens. To the south east of the site are more modern larger detached properties with detached garages, many of which sit forward of the properties.

Positioned between two residential properties, albeit slightly set back, the siting of the proposed dwelling is considered to respect the general building line along Barnby Road. Whilst set slightly back into the site the frontage of the site is designed for parking and turning and the proposed detached garage replicates other properties along Barnby Road to the southeast and would not be out of character.

The dwelling proposed is a large detached four bedroom dwelling set within sufficient amenity space, similar to properties to the south east of the development site. Designed with a feature glazed gable to the frontage for the hall and landing and symmetrical frontage the proposed modern dwelling would not be too dissimilar to the adjoining more modern properties to the south east. To the rear is a large single storey projection to accommodate the family room which will not be visible or prominent in the streetscene. The proposed development would be appropriate in scale, form and layout and would pay due respect to the adjoining properties and the character of the area.

As such, the proposal is not considered that have a detrimental impact on the character of the area and the proposals comply with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

Impact on Residential Amenity

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

This application proposes the erection of a detached dwelling and forward projecting detached double garage. The proposed dwelling would be sited fronting Barnby Road and would lie between two existing properties, a detached dormer bungalow to the north west and a large detached dwelling to the south east. The rear gardens of Barnby Cottages to the north west abut the boundary of the site.

Adjoining the side boundary to the northwest, The Gables, is separated by 3.4 metres from the boundary at the closest point and has an outbuilding to the boundary. The side gable elevation of The Gables projects towards the site which has a dormer window facing the development. The proposed dwelling is set back into the site 18 metres and would not obscure the side gable of this adjoining property. The side elevation has been designed with only one first floor secondary bedroom windows which could be conditioned to be obscurely glazed to prevent any overlooking. Due to the siting and design of dwelling and existing boundary treatment it is not considered that the proposal would adversely impact on the residential amenity of this neighbouring property.

To the southeast of the proposed development, separated by an access track, is Ascot House. This property is well screened from the development by high boundary treatments on either side of the access track and only has a ground floor secondary window facing the site. The proposed dwelling is sited some 11.8m from the side gable of the proposed dwelling which has a first floor secondary bedroom window. This window would look out onto the side gable of the adjoining property and it is not considered that this would have any impact on the privacy of this dwelling.

Concern has been expressed with regards to the replacement allotment which will be sited to the north east of Ascot House some 24 metres from the rear of this property. The allotment would be sited further away than the current allotment albeit directly behind this dwelling. Sensitive boundary treatment would ensure that the relocated allotment would not adversely impact on the occupants of this property.

A number of rear gardens of properties off Barnby Road, known as Barnby Cottages, adjoin the side boundary of the site. A number of these properties appear to have access onto the site, this is considered to be a land ownership issue and not a material planning consideration. The private amenity space and rear aspects of these properties are separated by sufficient distance separation that the proposed dwelling will not unduly impact on the residential amenities of these properties.

To the rear of the site is land currently unoccupied and overgrown and to the south are allotments on the opposite side of Barnby Road.

Given the siting of the proposed dwelling and garage and the relationship with neighbouring properties to the northwest and southeast, I do not consider that the proposed development would give rise to any amenity issues by virtue of any privacy, material overbearing or overshadowing impact. Concern has been expressed with regards to loss of outlook and open rear aspect but I am not convinced that the proposal would lead to demonstrable harm to warrant a refusal on this basis.

The proposals are unlikely to have any detrimental impact in terms of overshadowing or overbearing impacts, loss of light or privacy and as such comply with Policy DM5 of the DPD.

Highways and Parking

The proposed dwelling and garage would be accessed via a new vehicular access off Barnby Road. The proposed dwelling sits between two residential properties to the south east and north west which have individual access off Barnby Road. Barnby Road in this section has an 'advisory' 20mph limit due to the close proximity of the school, however, these are not legally enforceable. This section of Barnby Road is restricted to 30mph.

The proposed access is to be 5 metres wide with 2m high gates set back from the highway edge by a minimum of 5 metres. The site frontage is shown as having permeable paving and would provide sufficient parking and turning area for vehicles. The application also includes the provision of a double garage to the frontage of the site. The site can provide satisfactory parking and turning areas as well as an access and egress which would not have an impact on highway safety.

The Highway Authority have no objection to the proposal and have recommended conditions with regards to visibility splays, hard surfacing and access gates in the interest of highway safety.

The site is considered to be in a sustainable location and taking into account the comments of the Highway Authority it is not considered that the development could be resisted on highway grounds. The conditions suggested by the Highway Authority can be imposed if the development is considered to be acceptable.

Flooding

The site lies within Flood Zone 1 and is therefore not one which has been identified as being at risk of flooding. Concern has been expressed with regards to the site not being suitable as a SHLAA site in 2009/10 due to flooding but this was part of a much wider site. The Environment Agency have expressed no comment in respect of this application.

Ecology

Policy DM5 of the Allocations & Development Management DPD states in relation to ecology that:

‘Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.’

I am mindful of the comments of the Nottinghamshire Wildlife Trust, NCC Ecology and objectors to the application with regards to toads and grass snake, the registered amphibian crossing and the clearance of shrub land for the relocated allotments. The applicant has been notified of these comments and requirements and they have stated that they would be prepared to undertake survey as necessary but do not wish to go to the expense if the principle of the application is not going to be supported.

I am therefore of the opinion that it has not yet been demonstrated that the proposed development would not adversely impact on the potential habitat of a protected species or the registered amphibian crossing contrary to the guidance within Policy DM5 and Policy DM7 in line with Core Policy 12.

Trees

Land to the north west of the site, now predominantly outside of the application area, has a number of trees and self-set trees which offer screening from the railway to the rear and a natural habitat. Concern has been expressed with regards to loss of these trees. The majority of the land to the frontage of the site has been cleared and is being used as an allotment. There are a number

of trees along the boundaries to the site. The land to the north east of the site leading to the railway line has a number of trees and is well screened, this now falls outside of the development area and no trees within this area are to be removed as part of the application. The applicants have submitted a method statement for the protection of trees within the development site along the boundaries and this can be controlled via a condition if the application were considered acceptable.

The land to the east which is denoted as a replacement allotment has a few trees within the site and the removal of these would remove some natural screening. However, these trees could be removed without requiring any planning consent and a condition could be imposed requiring replacement boundary tree planting to offset the trees required to be removed.

Landownership and Site Area

Concern has been expressed with regards to the site being used as a current allotment and that the landownership stated on the planning application form is not correct. Clarification has been sought over this issue and a land registry search undertaken. The land registry certificate states the owner of the land and the agent has confirmed that this owner owns the company to which the Article 14 certificate has been served. The owner has been contacted and verified that he is the owner of the site, the same as the Land Registry Certificate, and that he has had notice served on him. I am satisfied that the correct ownership certificate has been served.

A number of objections have been raised that the address refers to the site as “former” allotment when the site is still being currently used as an allotment. This has been rectified in the records and the address now states ‘Allotment Gardens, Barnby Road’.

The original applications red line was drawn around the whole site which included land to the rear of the site adjoining the railway line. The replacement allotment denoted on the plan was not included within the site area. This was queried with applicant and an amended plan submitted showing only the frontage area of the site as within the red line and the land to the north east to the rear within the blue line. The red line was amended to include the proposed replacement allotment to the east.

Application Consultation and Timeframe

A number of objections have been received with regards to the timing of the notification of the application and insufficient notification. The application notification was undertaken as soon as the application was received by the authority and notification was undertaken in line with the Town and Country Planning (Development Management Procedure) Order 2015. It was identified after a site visit that a site notice was required which was posted at a subsequent later date.

Conclusion

The proposed development would be acceptable in terms of its impact on neighbouring properties, highways and would not result in any adverse impact to the character and appearance of the surrounding area. The loss of the existing allotment is compensated by provision of a replacement allotment in close proximity to the site utilising the same access so as not to result in the loss of a community facility. However, the applicant has failed to adequately demonstrate that the proposal would not have an adverse impact on potential habitats of a protected species or the registered amphibian crossing. As such, the Local Planning Authority does not have

sufficient information on which to assess the ecological implications of the proposal. The potential harm to the ecological value of the site is considered to determinatively weigh against the proposal to a degree which would justify refusal of the current application as submitted.

RECOMMENDATION

That full planning permission is refused for the following reasons

Reasons for Refusal

01

The footprint of the proposed dwelling is located on a registered common toad migration site. The applicant has failed to demonstrate through appropriate surveys and mitigation that the proposed development would safeguard the ecological potential of the site. Concern is expressed with regards to the potential direct and long term impacts of the proposed development on both the common toad and grass snake both of which are species of 'principal importance' under the NERC Act. Without appropriate surveys, the Local Planning Authority does not have sufficient information on which to assess the ecological implications of the proposal.

The proposal is therefore contrary to the advice contained within Policy CP12 of the Core Strategy and Policies DM5 and DM7 of the Allocations & Development Management DPD as well as the NPPF, which forms a material consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

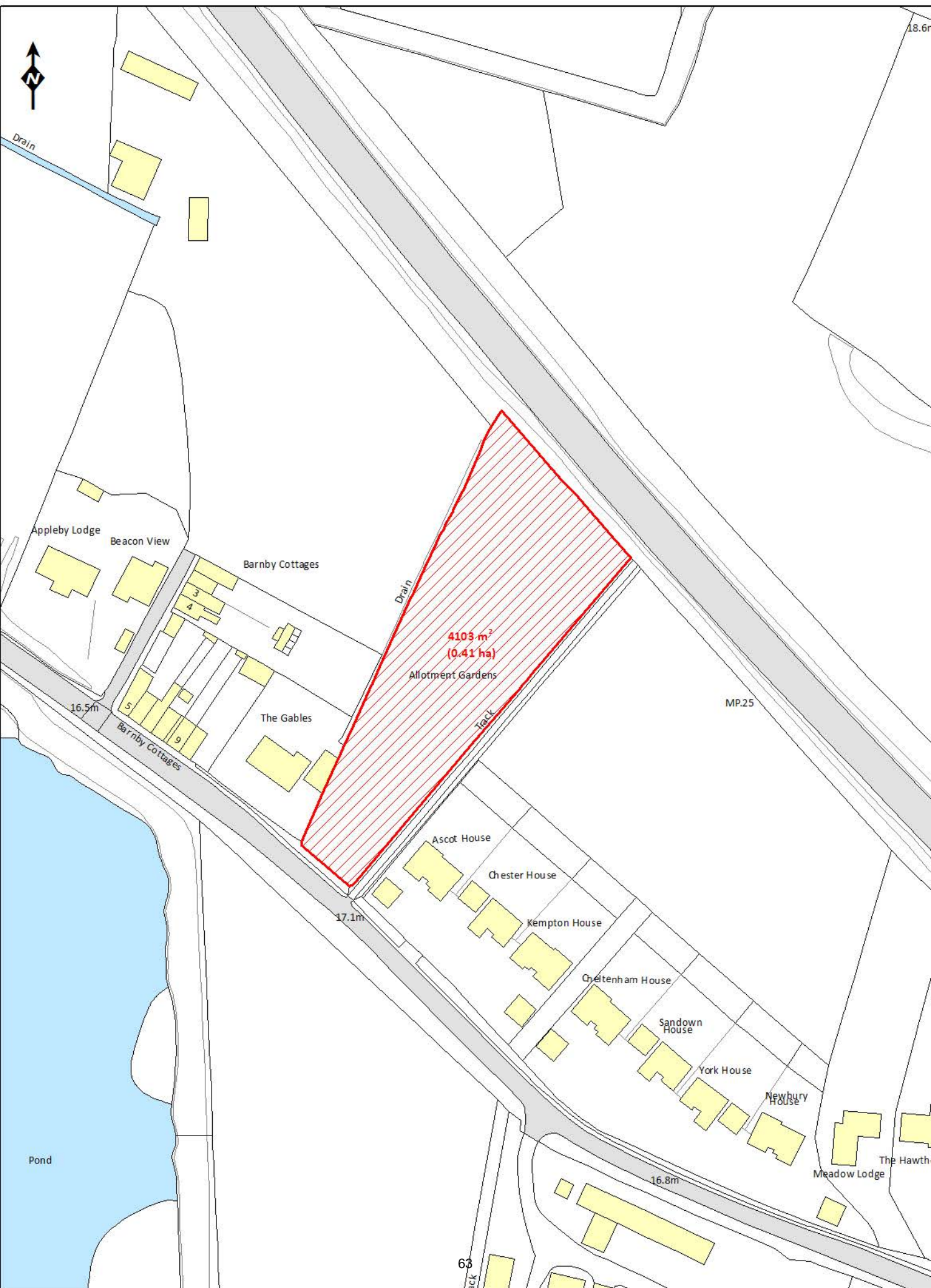
Background Papers

Application Case File

For further information, please contact Jennifer Wallis on ext. 5419.

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:	16/01195/FULM
Proposal:	Accommodation Proposals To Include Re-Planning Of The Driving Range To Create New Woodland, 28 New Lodges and Additional Parking
Location:	Sherwood Forest Holiday Village, Old Rufford Road, Rufford, Nottinghamshire
Applicant:	Center Parcs (Operating Company) Ltd - Mr Paul Kent
Registered:	17.08.2016
	Target Date: 16.11.16

This application referred to Planning Committee for determination because the recommendation from Rufford Parish Council is contrary to the recommendation of the Case Officer.

The Site

The application site relates to the Center Parcs Holiday village, to the west of the A614 and accessed via the Old Rufford Road. The site covers an area of some 4.3 hectares and contains large areas of woodland, a large lake and numerous tourist and sports facility buildings. The site is located within open countryside.

Relevant Planning History

There have been many planning approvals to alter and extend the site since its initial approval in 1986. Of relevance to this application is:

16/00671/FULM - Erection of 24no. Single Storey Extensions to Existing Lodge Accommodation. Approved 28.06.16

15/02194/FUL 19no. Single Storey Extensions to Existing Lodge Accommodation. Approved 26.01.2015

15/01142/FUL 13 No. single storey extensions to existing lodge accommodation (No's 130 - 133, 142 - 148, 150 and 151). Approved 24.08.2015

15/00802/FUL Installation of additional buffer tank. Approved 30.07.2015

15/00188/FUL Proposed single storey extensions to 8 No. Lodges (No's. 24, 29, 33, 58, 59, 65, 80 and 89). Approved 01.04.2015

14/00655/FUL Retrospective Application for demolition and removal of existing site waste water treatment plant and erection of new waste water treatment plant. Approved 22.07.2014

14/00653/FULM 54no. Single Storey Extensions to Existing Lodge Accommodation. Approved 12.06.2014

13/01438/FUL Erection of new retail shop unit. Approved 20.12.2013

13/00419/FULM Erection of 12no. single storey extensions to existing lodge accommodation. Approved 01.07.2013

12/00877/FUL Erection of single storey extensions to 18 no. existing lodges. Approved 14.08.2012
11/00782/FUL Erection of 34no. single storey extensions to existing holiday lodge accommodation. Approved 03.08.2011

10/00802/FUL Erection of 30 No. single storey extensions to existing holiday lodges. Approved 06.08.2010

08/00631/FUL Extension of 3 x 3 bedroom and 2 x 4 bedroom villas to eliminate bunk bedrooms and replace them with twin bedrooms. These proposals do not increase occupancy levels of the villas. Approved 04.07.2008

07/01498/FUL Extension of 34 x 3 bedroom and 6 x 4 bedroom villas to eliminate bunk bedrooms and replace them with twin bedrooms. These proposals do not increase occupancy levels of the villas. Approved 03.12.2007

07/01414/FUL Erection of extensions to 20 No. 3 bedroomed villas. Approved 30.11.2007

07/00332/FUL Extension of 61 x 3 bedroom and 8 x 4 bedroom villas to eliminate bunk bedrooms, and replace with twin bedrooms. 4 bedroom villas also add shower room. Approved 11.05.2007

07/00164/FUL Extension of 7 x 3 bedroom and 1 x 4 bedroom villas to eliminate bunk bedrooms and replace with twin bedrooms. Approved 03.04.2007

06/01912/FUL Extension of 15 x 3 bedroom villas to add en-suite facilities and an external sauna. Approved 15.02.2007

06/00689/FUL Extension of six existing villas. Approved 03.07.2006

06/00312/FUL Extension of 26 existing villas. Approved 19.04.2006

05/02038/FUL Erection of extensions to existing 2 holiday villas. Approved 11.11.2005

05/00288/FUL Extension of 35 existing villas. Approved 05.04.2005

04/02270/FUL Extensions to 36 holiday villas. Approved 05.11.2004

The Proposal

The application seeks planning permission for the erection of 28 new lodges over 3 different sites all within the existing holiday village complex.

Site area A is located within the south-western corner of the complex. This area is level in nature and heavily wooded. An existing hard surfaced access road is located to the north-west of the site area and serves single storey holiday villas immediately opposite and to the north. There are 6 no. 3 bed executive lodges proposed within site area A. The lay out would be 2 clusters of 3 attached lodges. These lodges have a single storey flat roof design measuring 2.8m in height.

Site Area B is located centrally within the complex and is currently a golf driving range. The levels of the site gently undulate and consist of predominately managed grassland with a wooded section within the northern section of the site. There are 6 two storey executive lodges that have been recently completed immediately to the east of the site.

There are 15 no. 3 bed executive lodges and 5 no. 4 bed executive lodges, as well as a 4 no. tennis courts proposed within the Site Area B.

The 3 bed lodges are single storey with a pitched roof design, measuring 4.2m in maximum height. The external finish would be a mix of facing brickwork and timber cladding.

The 4 bed lodges are two storey with single storey elements. The roof design is dual-pitched with a maximum ridge height of 7.4m. These lodges include balcony features and a detached sauna block to the rear.

The replacement tennis courts would be positioned along the southern edge of site area B, opposite the existing Country Club building. A new access road would run centrally through the site and a new woodland path would run alongside the eastern boundary. Dense woodland is shown to be planted in between the clusters of lodges.

The existing tennis courts, which are located close to the western edge of the site are proposed to be replaced with a 94 space car park. A new access road from an existing turning area is proposed in order to provide vehicular access. The car park area and access road would be surfaced using tar and granite road finish, with the car parking spaces surfaced using loose chippings. Creeper plants are proposed to be planted against the existing wire mesh fencing which form the boundaries of the car park area.

Site Area C is the smallest of the 3 sites and located in the north-eastern corner of the complex. The site is currently wooded in nature although in fairly close proximity to existing lodges. A single 6 bedroom lodge is proposed at this site. The 6 bedroom lodge would be single storey with a relatively contemporary mono-pitch roof design. A new footpath from the existing turning head is proposed in order to gain access to the lodge and a large earth bund exists immediately to the north of the lodge.

Public Advertisement Procedure

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 (Adopted March 2011)

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Area Policy ShAP 1: Sherwood Area and Sherwood Forest Regional Park

Allocations and Development Plan Development Plan Document (DPD) (Adopted July 2013)

Policy DM3 – Developer Contributions & Planning Obligations

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework Adopted (NPPF) March 2012

National Planning Practice Guidance (on line resource)

Consultations

Rufford Parish Council – Object to the proposal on the grounds of;

- Over intensification of site.
- Impact on traffic movements – the additional visitors could generate up to 3000 more cars per year.

NCC Highways Authority – The proposal includes the erection of 28 new lodges and the conversion of the existing tennis courts into 94 parking spaces. This is not expected to significantly affect the public highway, therefore, there are no highway objections to this application.

NCC Flood Team – No objections to the proposals.

NCC Rights of Way – ‘This application may impact on Rufford Parish Paths Restricted Byway No 24 & Bridleway No 23, which runs alongside the west & northern boundaries of the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office . ‘

Ramblers Association - This development does not appear to impact on any local rights of way and we have no objection.

Trent Valley Internal Drainage Board – ‘The site is outside of the Board district. There are no Board maintained watercourses in close proximity to the site. The suitability of new soakaways as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

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

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life of the development must also be considered.'

Severn Trent Water - No objection to the proposal subject to the inclusion of an informative relating to sewer connections to the public sewerage system.

Tree Officer – The proposals will result in the loss of a small number of trees that should not adversely affect the overall visual amenity of the area. I would recommend that any approval contains conditions pertaining to the protection of retained trees and the provision of soft landscaping both as mitigation for trees removed and new plantings within areas containing new lodges and the proposed new woodland.

Natural England - Natural England has no comments to make on this application.

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

NSDC Environmental Health Section – 'I have no comments to make.'

NSDC Environmental Health (Contaminated Land) – 'No observations.'

NSDC Access and Equalities - 'It is recommended that, as part of the considerations of inclusive access to and use of buildings and their facilities, with particular reference to disabled people, the developer's attention be drawn to Approved Document M of the Building Regulations. BS8300: 2009 provides additional useful information in this regard. All people, regardless of age, gender or disability, should have access to buildings and their facilities, including external areas etc. through inclusive design. Access to available facilities and features should be considered. The car park and its approaches should be carefully designed (BS8300: 2009 gives information on car parking etc.) and parking provision for disabled motorists considered. Pedestrian access to and from the car park and other facilities should be carefully considered which is barrier free and that pedestrian safety be considered in relation to vehicular traffic.

It is recommended that the developer make separate enquiry regarding Building Regulations matters and be mindful of the requirements of the Equality Act.'

No other written representations have been received within the consultation period.

Comments of the Business Manager

Principle

The site is located in the Open Countryside where development is strictly controlled and restricted to certain types of development listed within Policy DM8. This policy details support for tourist accommodation and visitor based tourism development including in the context of expanding existing tourist attractions where the development can be considered proportionate to the existing use.

I consider that the proposed additional lodges would support the wider longevity of the established holiday village and therefore consider its assessment against this element of the policy to be appropriate.

In considering that the additional lodges would all be located within the existing well established boundaries of the holiday village complex, I am of the opinion the proposal would comply with Core Policy 7 of the Core Strategy in that it would comprise an extension to an existing tourism facility; is of a scale that is appropriate to the site's location; it would help to ensure the future business viability; it would enhance and complement tourism attractions in the District.

Impact on the Landscape and Trees

I am mindful that site area A is located close to the edge of the holiday village complex perimeter, however I also note that the proposed lodges would be positioned close to an existing access road with dense woodland retained between the rear of the lodges and the boundary of the complex.

In also considering the position of the site areas B and C, located well within the established boundaries, I am satisfied that the proposed development would not be visible from outside of the complex. In terms of scale and design, it is considered that the proposed lodges are of similar size, scale and design to the existing range of lodges at the holiday complex, with similar levels of surrounding landscaping and woodland.

It is for these reasons that it is considered that the proposed development would be acceptable in design terms and would not have a detrimental effect on the character or appearance of the surrounding area including the openness of the surrounding countryside in accordance with the NPPF and Policies DM5 and DM8 of the DPD.

In relation to the potential impact to trees at the site, the proposed scheme would involve the loss of existing trees as well as additional planting at the site and is supported by an Arboricultural Report and Impact Assessment in this regard.

I note that the Tree Officer has not raised an objection to the scheme, and does not consider the proposal to adversely impact the visual amenity of the site. It is therefore considered that the proposal would not result in any material impact on character and appearance of the site in this regard, however the recommended conditions relating to the protection of trees identified to be retained as well additional landscaping are considered appropriate in order to safeguard this.

Ecology

Core Policy 12 and Policy DM7 of the DPD require proposals to take into account the need for continued protection of the District's ecological assets.

The application is supported by a Preliminary Ecological Appraisal which concludes that while the proposed scheme would result in the loss of potential habitats for bats, badgers, nesting birds and common amphibians, there were no protected or notable species recorded within the survey areas. The appraisal states that the ecological impacts of the proposed works are likely to be minimal although recommends a number of mitigation measures.

Taking account of this conclusion and noting that Natural England have not raised an objection to the proposed development, I am satisfied that with a condition placed on any grant of planning permission which requires the recommended mitigation measures to be carried out as part of the proposed scheme, that the proposal is unlikely to have any harmful impact on local ecology.

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.

While I note the concerns of the Parish Council in relation to the potential extra traffic generated by the proposed development, I am mindful that the Highway Authority have not raised an objection and consider the proposal to not significantly affect the public highway.

As such, it is considered that the proposal would not have any material impact on highway safety at the site and accordingly would comply with the aims of Spatial Policy 7 or Policy DM5.

Conclusion

The principle of the proposed additional lodges within the existing holiday village complex is considered to be acceptable. The proposal is also considered to not result in any material impact on the character and appearance of the site or wider countryside, local ecology or have any detrimental impact on Highway safety. The proposed development would therefore comply with the aims of the NPPF, and the policies contained within the Core Strategy and the Allocations and Management Development Management DPD.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

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

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

02

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

OS SITE LOCATION PLAN Ref. 16 2051 001 LP
SITE MASTERPLAN PROPOSED SITE AREAS Ref. 16 2051 002
SITE A AS EXISTING TOPOGRAPHICAL SITE LAYOUT Ref. 16 2051 003
SITE B AS EXISTING TOPOGRAPHICAL SITE LAYOUT Ref. 16 2051 004
FORMER TENNIS COURT SITE AS EXISTING Ref. 16 2051 005
SITE C AS EXISTING SITE LAYOUT Ref. 16 2051 005
FORMER TENNIS COURT SITE AS EXISTING 16 2051 006
PROPOSED SITE LAYOUT SITE A Ref. 16 2051 007
PROPOSED SITE LAYOUT SITE B Ref. 16 2051 008
PROPOSED SITE LAYOUT SITE C Ref. 16 2051 009
FORMER TENNIS COURT SITE PROPOSED CAR PARK Ref. 16 2051 010

STANDARD 3 BED EXECUTIVE LODGE LAYOUT Ref. 16 2051 011
3 BED EXECUTIVE LODGE END LODGE Ref. 16 2051 012
4 BED EXECUTIVE LODGE LAYOUT Ref. 16 2051 013
SIX BED LODGE PROPOSED LAYOUT Ref. 16 2051 014
TYPICAL CLUSTER ELEVATIONS Ref. 16 2051 015
ARBORICULTURAL REPORT AND IMPACT ASSESSMENT by Emec Arboriculture
PRELIMINARY ECOLOGICAL APPRAISAL by Emec Ecology

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

Reason: So as to define this permission.

03

The development hereby approved shall be undertaken in strict accordance with the mitigation recommendations outlined within section 6 of the Preliminary Ecological Appraisal by Emec Ecology, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity.

04

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

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

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

05

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

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

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

06.

No works or development shall be carried out until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting). All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursey Stock-Specifications for Trees and Shrubs and Part 4 1984- Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

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

07

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

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

08

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

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

02

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

Your attention is drawn to the attached comments of Trent Valley Internal Drainage Board and Severn Trent Water in respect of Condition 8 of this permission.

04

Your attention is drawn to the attach comments of Nottinghamshire County Council's Rights of Way Officer in respect of ensuring Rufford Parish Paths Restricted Byway No 24 & Bridleway No 23 which run alongside the west and northern boundaries of the site are unaffected and remain unobstructed in any way by the proposed development.

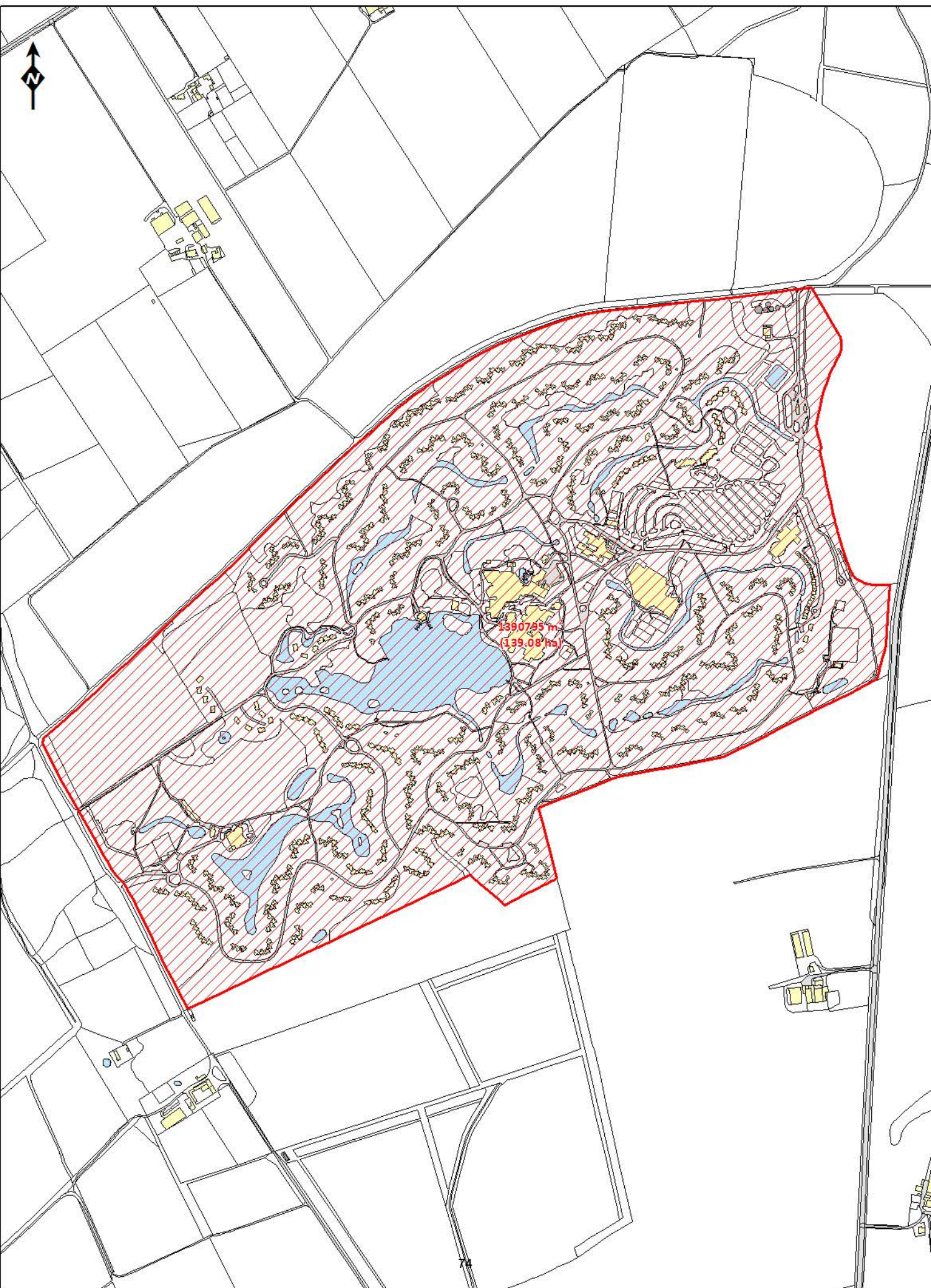
Background Papers

Application Case File

For further information, please contact Gareth Elliott on extension 5836.

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:	16/01343/FUL	
Proposal:	Construction of a detached 4 bed house with garage and off street parking and turning for 3 vehicles	
Location:	6 Dale Lane, Blidworth, Nottinghamshire, NG21 0TG	
Applicant:	Mr P Lathrope	
Registered:	18 August 2016	Target Date: 13 October 2016

This application has been referred to Planning Committee because the recommendation of the Officer is contrary to the recommendation by the Parish Council.

The Site

The site forms a corner plot which is situated between Dale Lane and Haywood Oaks Lane and comprises a parking area associated with the former police house (located to the east of the site and is now a dwelling known as 6 Dale Lane) with and a grassed area to the rear. Adjacent dwellings lie to the SE and east of the site; the boundaries of the site are open with views across the car park to the adjacent roads. The land within the site rises as it moves away from Dale Lane towards Haywood Oaks Lane.

Relevant Planning History

15/01627/FUL – A planning application was submitted for the erection of 2 Detached 4 Bedroom Dwellings with Parking as a re-submission of 14/01394/FUL. However, this application was withdrawn by the applicant prior to determination

14/01394/FUL – Permission was refused for the construction of a block of four terraced 2-storey, 3-bed dwellings with off street parking area (24.09.2014). The reasons for the refusal were as follows,

01

In the opinion of the District Council the proposed development would result in the overdevelopment of the site and would result in an incongruous feature within the street scene by reason of the cumulative bulk and footprint of the proposed dwellings, their position beyond the established building lines of Dale Lane and Haywood Oaks Lane, and their poor design. The development would also significantly reduce the openness the site currently offers that complements the adjacent green space which is a prominent feature of the character of the local area. As a result, the proposed development would be to the detriment of the visual amenity and local character of the area. The proposal is therefore contrary to Policy DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD, Core Policy 9 of the Newark and Sherwood Core Strategy and the NPPF.

02

In the opinion of the District Council the development would have an adverse impact upon the amenity of the neighbouring dwelling to the north east (6 Dale Lane) by reason of the first floor windows serving the southernmost proposed property having an undue overlooking impact on the rear garden serving this neighbouring property. The proposal would also have a detrimental impact on the amenity of no.1 Haywood Oaks Lane by reason of the increased noise and activity associated with the proposed car park adjacent to the boundary with this neighbouring dwelling. In addition, the layout of the proposal does not provide an adequate standard of private amenity space for the proposed 3-bedroom dwellings. Therefore, the proposal is contrary to Policy DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD.

14/01175/FUL – Permission was granted for the change of use of disused police offices to a single dwelling including the demolition of single storey attached offices and a detached garage together with the construction of a single storey front extension to form hall and single storey side extension to form toilet and utility, first floor window to south elevation and construction of vehicular access (12.08.2014)

94/50224/FULR3 – Permission was granted for conversion of an existing dwelling to police station (24.10.1994).

The Proposal

The application seeks full planning permission for the erection of a two-storey, detached 4-bedroom dwelling with integral garage and associated parking and amenity space.

The dwelling would have a footprint of approximately 143m² with a maximum height of 8.3m. It is proposed that the dwelling would be constructed using brick and render to the external walls and concrete tiles to the roof.

Departure/Public Advertisement Procedure

Occupiers of thirteen properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Allocations and Development Management DPD Adopted July 2013

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Blidworth Parish Council – Support the proposal

NSDC Access and Equalities Officer – No comments received

NCC Highways – *The agent has submitted an amended plan showing two parking spaces within the site. There is also a garage included within the proposal. Whilst this type of layout is acceptable, in principle, to the Highway Authority, it should be noted that the width of each parking bay should be 2.4m. The concern with a width less than this, as shown on the amended plan, is that it will discourage the parking of two vehicles within the site, increasing on street parking in the vicinity.*

As such, the following condition should be imposed for any permission granted:

*No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided and surfaced in a bound material in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The parking/turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles. **Reason:** to ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.*

In addition, a letter of representation has been received from an interested party raising objection to the proposal on the following grounds,

- intrusion of privacy;
- A white rendered house would not be in keeping with the surrounding red brick area and;
- The development would have an effect on the overall open aspect of Haywood Oaks corner.

Comments of the Business Manager

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

Principle of Development

The application relates to a new dwelling set within the defined built up limits of the village of Blidworth, identified within the Core Strategy as a 'Principle Village', and as such the principle of development is considered to be acceptable as a sustainable location.

Additionally, in accordance with the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. As such, it is considered to be a sustainable location for new housing development in accordance with the aims of Policy DM1 of the DPD.

However, whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account particularly those set out within Core Policy 9 and DM5 relating to design, amenity and parking.

Impact on the Visual Amenities of the Area

Policy DM5 of the DPD requires development to reflect ‘the scale, form, mass, layout, design, materials and detailing’ of the surrounding built form. Additionally, paragraphs 59 and 60 of the NPPF seek to promote local distinctiveness and ensure that the overall scale, density and massing (amongst others) relate to neighbouring building and the local area more generally.

Paragraph 64 of the NPPF, states that *‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’*. The established layout and character of development within the locality is such that the established building lines of Dale Lane and Haywood Oaks Lane in my view are an important feature to be respected with any new development within this site.

Previous applications on this site have sought to accommodate multiple dwellings on site, whilst this application only proposes one unit, which is much improved on the previous applications. As already mentioned above, the principle of housing development is considered acceptable within Blidworth and it is my view that the erection of a single dwelling within the site could be considered acceptable, providing it respects the character of the area in terms of design, scale, materials and massing.

I am mindful that the design of the surrounding dwellings are not architecturally or historically significant, however there is a strong building line which should be, and has to an extent been, reflected in the design of a new dwelling set within the street.

The scale and footprint of the nearby dwellings are all very similar, however the proposed dwelling would be somewhat larger in scale which would have a dominating impact upon the character of the street scene, emphasised by its location on a corner plot. Whilst I note that the design and scale of other buildings along Dale Lane and Haywood Oaks Lane are not entirely uniform in their appearance, I am concerned that the overall footprint presents a disproportionately scaled building to the other dwellings within proximity and as such does not wholly respect the design or layout of the area.

Added to the above is the proposed use of render to the external walls of the property, which is not a common material used within the vicinity of the site, as also referenced by an interested party during the public consultation period. Nevertheless I do accept there is some render to properties close by including a property opposite the junction of Haywood Oaks Lane. Notwithstanding this, in combination with the overall scale of the dwelling and the location of the plot, I consider that the proposed materials do not take the best opportunity to assimilate the proposed dwelling in the context of the overall surroundings. The combined effect of the design of the proposal will have an overbearing and detrimental impact upon the street scene and wider character of the area, as well as detract from the openness of this corner plot, a prominent feature within the locality. Indeed this was identified through the previous reason for refusal on the site which explicitly referenced the value of the plot in terms of complementing the adjacent green space.

Having regard for the issues above, the proposal would significantly reduce the openness the site currently offers and the overall site layout is not considered to complement the built form of Dale Lane or Haywood Oaks Lane and as a result would have a detrimental impact on the character of the area and would fail to reinforce local distinctiveness, as required by paragraph 60 of the NPPF and Policy DM5. Whilst I consider the site capable of accommodating a dwelling, the scale needs to be amended, which has been detailed to the applicant during the application process but the applicant has chosen to continue with the current scheme.

Given the above, I am of the view that the proposal does not comply with Policy DM5 or the NPPF.

Impact Upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. I note the concerns raised with regards to amenity during the public consultation period; the paragraphs below aim to answer these concerns.

The proposed dwelling will sit in line with 6 Dale Lane and at approximately a 45° angle to 1 Haywood Oaks Lane. The case officer has raised concerns with regards to overshadowing of 6 Dale Lane and its private amenity space; the applicant's agent has since submitted a plan showing the 45° line from this neighbouring property and as such I accept that the proposed dwelling is unlikely to result in significant overshadowing of the rear windows of this property in accordance with the 45° 'test'. However, I still have concerns that the proposal would overshadow a substantial proportion of this neighbour's rear garden due to the large two storey gable addition to the rear of the proposed dwelling and the direction of the sun's movement. This two-storey element is also located close to the eastern boundary of the site and as such, I consider it likely that the proposed dwelling would have an overbearing impact upon the neighbour as well as overshadow their amenity space. A loss of privacy also presents an issue owing to the number of first floor windows in the eastern elevation of the proposed dwelling. I am mindful that these windows would serve bathrooms and therefore could be conditioned to have obscure glazing but it remains my view that the occupiers of 6 Dale Lane would at the very least be subjected to a perception of being overlooked given the outlook of the windows would be directly towards their amenity space. I appreciate that the site location plan demonstrates 6 Dale Lane to be within the applicants ownership but this is reflective of the current ownership position and does not override the need to ensure adequate amenity relationships for the lifetime of the development.

In terms of 1 Haywood Oaks Lane, their amenity has previously been considered likely to be compromised by the multiple dwellings proposed on site through preceding planning applications. However, I am of the view that the applicant has addressed the LPA's concerns with regards to this neighbouring property. There is sufficient distance between the properties (approximately 12m at the closest point between the walls of the two dwellings), with no direct overlooking from the new dwelling in to this neighbouring property. As such, I do not consider the proposed dwelling to have an adverse impact upon the amenity of this neighbour, however this does not outweigh the issues raised above in respect of the 6 Dale Lane.

Further to the above, the site is currently clearly visible from the public footpath surrounding the plot, aided by the changes in land levels as pedestrians travel SE along Haywood Oaks Lane. With this in mind, I am concerned that the proposed dwelling would be afforded very little private amenity space due to the high level of visibility which would have an adverse impact upon amenity for the potential new occupiers. The design and access statement confirms an intention to form a low picket fence with Haywood Oaks Lane which would not overcome this concern. As such, I do not consider the proposal overall to comply with Policy DM5 of the DPD nor the NPPF.

Impact Upon the Highway

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 Highways Authority have raised concern with the scheme due to narrow parking spaces, however they are minded to accept that providing the parking and turning areas are agreed with the Highways Authority and are provided and maintained with the development, then there would be no highways objection to the scheme. The Highways Officer has recommended a condition to ensure the areas are agreed and included within the scheme. I am minded to agree with the Highways Authority and would advise that, should Members be minded to approve the application, the condition recommended is imposed upon the decision notice.

Conclusion

The site lies within the village of Blidworth where new residential development is accepted in principle, subject to appropriate design, layout and scale, as well as its impact upon amenity and highway safety.

The site is a difficult plot in which to locate a dwelling and whilst the applicant has made attempts to overcome the constraints, the overall impact upon the street scene is considered harmful with the proposed dwelling failing to respect the layout, design, detailing and scale of the surrounding properties, all of which add to the character of the street scene. Additionally, due to the corner plot location, the development is considered likely to have an adverse impact upon the open views across the site to the corner of Dale Lane and Haywood Oaks Lane, which would further impact upon the site's appearance within the street scene.

Following on from the above, the site also provides difficulties in alleviating issues of overbearing impacts and overshadowing for neighbouring dwellings, as well as the lack of private amenity space for the site itself. As a result, the proposal is concluded to have a harmful impact upon amenity provision.

It has been concluded that the proposal, on balance is unlikely to have an adverse impact upon highway safety, subject to conditions, however it is not considered that this aspect outweighs the detrimental impact the scheme is likely to have upon the character of the local area and amenity provision.

On the basis of the above, it is concluded that the proposal is not considered acceptable in terms of local and national planning policy. As such, it is recommended to Members that the application is refused.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

In the opinion of the District Council the proposed development would result in an incongruous feature within the street scene which does not respect the scale, layout, design or detailing of surrounding dwellings on either Dale Lane or Haywood Oaks Lane. As a result, the proposed development would be to the detriment of the visual amenity and local character of the area. The proposal is therefore contrary to Policy DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD, Core Policy 9 of the Newark and Sherwood Core Strategy and the NPPF.

02

In the opinion of the District Council the development would have an adverse impact upon the amenity of the neighbouring dwelling to the east (6 Dale Lane) by reason of overshadowing the private amenity space to this neighbouring property as well as overbearing impacts due to the proximity of the two-storey building to the eastern boundary. The proposal would also fail to provide an adequate standard of amenity for the proposed dwelling by reason that the public footpath surrounding the site would overlook the rear garden associated with the proposal. Therefore, the proposal is contrary to Policy DM5 (Design) of the Newark and Sherwood Allocations & Development Management DPD and the NPPF.

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

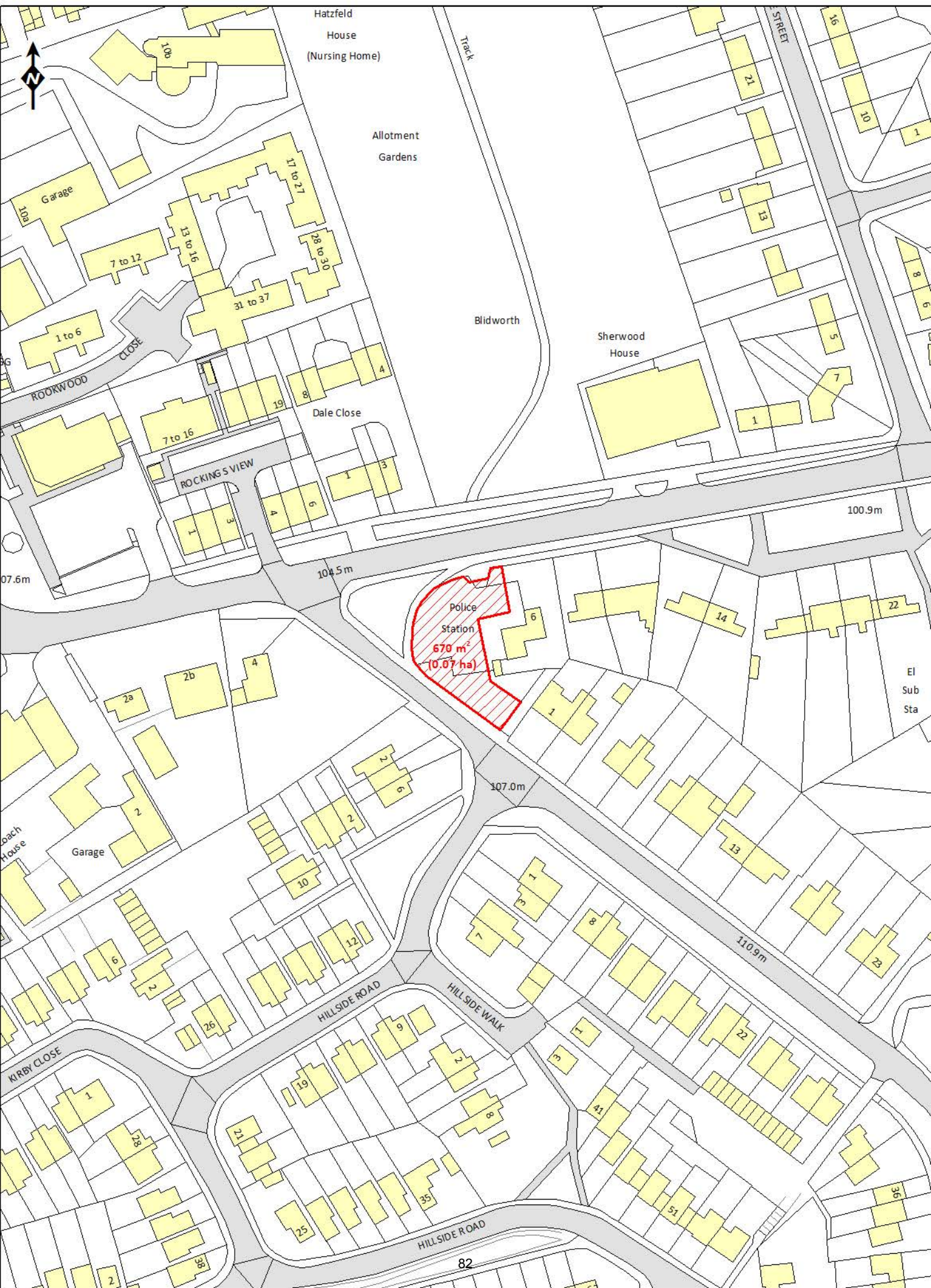
Background Papers

Application Case File

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/01388/FUL
Proposal:	Phased development of four detached dwellings and alterations to existing access and driveway
Location:	Land off Private Drive, Lower Kirklington Road, Southwell
Applicant:	Anne Wendels
Registered:	24 August 2016
	Target Date: 19 October 2016
	Extension of Time Agreed Until 2 November 2016

This application is being referred to the Planning Committee for determination by the local ward member Councillor Laughton due to concerns over flooding, density, height and design, piecemeal development and compliance with the Neighbourhood Plan. The applicant is also a close relation of Councillor Wendels.

The Site

The site comprises c0.42 hectare of land to the south of Lower Kirklington Road and contains various trees (mainly apple, damson, willow with cypress and oak). The site is made up of three distinct parcels of land that are accessed off an existing vehicular driveway which currently serves four dwellings (known as Franklyn, Appleyard, Benaiah and Oak Tree House) and a cattery.

The site is bordered at the entrance by two further dwellings and also runs parallel with dwellings to the southern part of The Combes and backs onto part of Springfield Road. The land levels drop towards Springfield Road.

The site is within the urban boundary of Southwell. Land to the south and further west of the application site is allocated for residential development of around 45 dwellings in the Allocations and Development Management DPD, under Policy So/Ho/4.

Relevant Planning History

15/02179/FUL - Erection of four detached dwellings and alterations to existing access and driveway on the same application site. Approved as recommended by the Planning Committee on 6 July 2016. This was given an 18 month permission, to expire 5 January 2018.

The Proposal

The application comprises the erection of four dwellings and alterations to the access and driveway. Plot 1 (a two bedroom bungalow) is proposed to front onto Lower Kirklington Road with Plot 2 to be located in between Franklyn and the cattery. The remaining plots are to be sited at the eastern extremity of the site, adjacent to the two recently constructed dwellings. The following configuration is proposed: 2 x 5 bedroomed houses, 1 x 4 bedroom house and a 2 bedroom bungalow.

This application differs to the previous approval in that it is now proposed to phase the development where serviced plots may be developed separately. The improved driveway, mains services and drainage shall be undertaken as the infrastructure phase, allowing the plots to connect to these services and drainage to the main infrastructure already installed. The dwellings could then be self-built and developed individually.

A Topographical Survey, Protected Species Report, Tree Report, Design and Access Statement have been submitted in support of the application.

Departure/Public Advertisement Procedure

23 neighbours have been notified individually by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted 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
SoAP1 Role and Setting of Southwell

Allocations and Development Management DPD (Adopted July 2013)

Policy So/HN/1 Southwell Housing Need
Policy DM1 Development with Settlements Central to Delivering the Spatial Strategy
Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM12 Presumption in Favour of Sustainable Development

Southwell Neighbourhood Plan (made/adopted October 2016)

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy DH1 – Sense of Place
Policy DH2 – Public Realm
Policy TA4 – Parking Standards
Policy HE1 – Housing Type and Density

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Consultations

Southwell Town Council: Southwell Town Council object to the application. They reiterate their previous objections to the application which they feel have still not been addressed:

- concerned about the impact the development could have on raising levels of surface water runoff in an area which has already felt the impact of recent flooding and would like to see further details on how this will be effectively managed;

- not in accordance with the Neighbourhood Plan with regards to the density of the housing in the area and the housing proportions required in the area;
- the height and design of the development are inappropriate for a site that is situated on the urban/rural edge of the town. The Neighbourhood Plan (SNP p102 Appendix pt 2) states that “all new developments should respond to the unique character of its site and context” and would call into question the response of the development to the rural edge of the site as current information is still showing high, 4+ bedroom buildings;
- NP Policy SS4 (SO/HO/4) page 82 states that Land East of Kirk Road should be developed as whole construction/site project and not piecemeal developments. One of the houses on this proposed development is in the SOH4 allocated land, which can be seen to negate the NP policy which advocates a planned whole site approach.

Southwell Civic Society: object to this application on the following grounds:

- This application forms part of the incremental development of a housing estate and should be considered in this respect especially with regard to affordable homes and vehicle access;
- No account has been taken of the Southwell Neighbourhood Plan, which provides a wide range of guidance, based on national planning policies applicable to this type of development, including flood risk assessment and biodiversity. Areas of particular concern in the planning application are:-
 - a) There will be nine houses none of which are classified as affordable.
 - b) The access is for nine houses which is contrary to the normal guidelines of a maximum five houses emanating from a private drive. The position of the exit is on a dangerous part of Lower Kirklington Road close to a hill where there have been accidents in the past with vehicles emerging from driveways.
 - c) Plot 4 forms part of Allocated site So/Ho/4 and as such needs to be considered as part of the whole allocated site in accordance with the Southwell Neighbourhood Plan.
 - d) The flood risk assessment in the Design and Access Statement appears to be related to EA maps for rivers and sea. The risk to this site and any knock on effect it will have on other areas in Southwell should be judged against the EA map for risk of flooding from surface water which shows this is a concern for both plot 4 and downstream from the site.
 - (i) The planning application does not demonstrate how it meets the principles of sustainable drainage. The evidence is insufficient to justify that the provisions made in the design for surface and underground water management will be sufficient to ensure that the amount of run off from the developed site will be no more than it was in its “grass” state and no account is taken of the need to cope with climate change.
 - (ii) The felling of trees increases the run off by approx. 75%. The loss of so many trees is bound to have an effect on the amount of run-off from the site either from water falling directly on it or from ground water "passing through/under". There is no evidence how this is to be mitigated.
 - e) The site is a significant biodiversity resource in terms of size, habitat and its relationship with other adjacent natural fauna.
The protected species study in the planning application was undertaken in the winter and is therefore of limited value to produce a definable, objective, base level for biodiversity against which to measure whether any plan for the development of the site will ensure it will not give a net loss to biodiversity. Additionally the study fails to give a good base on which to build a biodiversity offsetting agreement should this be necessary.
 - f) Part of the site forms part of an old orchard (hence the name Orchard Cattery) the tree survey is unclear in that it does not appear to give an assessment of individual trees and seems to suggest that only one tree on site (identified in blue) is worthy of retention.

- g) We are also concerned that the position of the houses on plots 3 and 4 will mean the loss of boundary screening which the residents of Springfield Road currently enjoy.

NCC Highways: This application is for the construction of four dwellings, with alterations to the existing access onto Lower Kirklington Road which also serves four existing dwellings and a cattery, as shown on drg. no. MH587/11 Rev. G. There are no highway objections subject to conditions.

Access Officer: As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, step-free access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwellings from facilities such as car parking and from the site boundary. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features. Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc. It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

Nottinghamshire Wildlife Trust: generally satisfied with the methodology and conclusions of the report. A number of habitats with potential for supporting protected and priority species were identified and mitigation/compensation has been recommended accordingly. Should the application be approved, recommend a condition.

Anglian Water: no comments to make.

NCC, Lead Local Flood Authority: No objection. Southwell is currently the subject of a detailed investigation into severe flooding of parts of the town. Whilst this proposal isn't in one of the areas of concern it is recommended that the applicant familiarises themselves with the issues.

Waste Management: Confirmed on the previous application that they required additional details relating to refuse collection. A condition was attached to the previous permission requiring details of refuse provision to be provided.

Trent Valley Internal Drainage Board: The site is outside of the Board's district but within the extended catchment area. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Strategic Housing:

- The proposed site does not meet the Council's threshold for affordable housing provision (10 units and under – CP1 refers) and the total square metres of the four properties is under 1000 sqm (800.7 sqm). Therefore the Council is unable to secure an on-site provision or financial contribution for affordable housing in Southwell.
- Housing need in the Southwell area (Housing Market and Needs Assessment 2014 – Sub area report refers) indicates demand in the market sector for smaller units i.e. 1 - 2 bedrooms and whilst I am pleased to see the provision of a bungalow on this site I would wish to see greater weight given to an application that sought to offer smaller dwellings overall.'

Representations have been received from 2 local residents/interested parties to the original scheme and can be summarised as follows:

- Visual impact, 75 Springfield Road was purchased when there was no development or dwellings visible, the existing dwellings are visible and the proposals will lead to a greater visual impact, loss of privacy from proposed windows and noise;
- Replacement of trees and bushes with buildings;
- Object to plots 3 and 4 and in particular plot 3, the eastern end of Plot 3 is higher than the original scheme thus increasing the overshadowing of the neighbouring property;
- Potential damage to boundaries due to closeness of embankment;
- Increase in surface water drainage, waterlogging in heavy rain makes neighbouring gardens unusable, concerned about the use of soakaways;
- Impact on wildlife;
- Questions accuracy of tree plan.

Comments of the Business Manager

Preliminary Matters

Members may recall that an almost identical scheme was presented to the Planning Committee on 5 July 2016. It was resolved to approve the application as recommended by Officers. This is an almost identical scheme with the only difference being that it is now proposed to phase the development to allow these plots to be self-build (thus avoiding the requirement of CIL), following an initial infrastructure phase. Other matters are rehearsed in full again below. However it is also necessary to consider any material changes since the previous decision. I consider that these are limited to the adoption of the Southwell Neighbourhood Plan (SNP) which was accepted by a majority at the referendum and then adopted by Full Council this month. The SNP now attracts full weight and forms part of the Development Plan. Previously it was considered as a significant material planning consideration.

Principle of Residential Development

The Core Strategy outlines the settlement hierarchy of the District identifying Southwell as a Service Centre with a function to act as a focus for service provision for a large local population and a rural hinterland. It is intended that Southwell will accommodate 15% of the overall housing growth for Service Centres. The site occupies a location in a predominantly residential area with dwellings adjacent. It is therefore considered the principle of residential development on the site can be supported subject to a site specific assessment.

It should be noted planning permission has already been granted for this development and the current application seeks to phase the development for self-build. As such it is considered the principle of development remains acceptable and the CIL element is discussed in more detail below.

Housing Mix/Need and Affordable Housing

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need.

This proposal does not meet the requirements of So/Ho/1 in that only 1 dwelling (25%) would provide for a two bedroom unit. The remainder are larger family dwellings of 4 and 5 bedrooms. No viability argument has been advanced to justify the development put forward on this windfall site. However the applicant has advanced an argument of character which could be interpreted as the 'local circumstance' element of the policy. This matter has been discussed later in this report.

Notwithstanding the above, there has been a recent change to local planning policy circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the NPPF and NPPG require housing requirements now to be derived to meet the full objectively assessed need (OAN).

It is a matter of fact that the CS adopted housing target is out of date and thus, so too, are targets contained within relevant policies. It is equally a matter of fact that the NPPF at paragraph 47 requires delivery against housing requirements (including associated buffers as required) to be updated annually in terms of supply of deliverable sites within a 5 year period. There are thus two elements of relevance to the Council's position in terms of whether it has a 5 year supply; 1) Whether the Council's assumptions on delivery rates on sites over a 5 year period are appropriate and 2.) What is the OAN requirement against which delivery should be judged.

With respect to point 1, the Council has recently published its 5 Year Land Supply Position Statement. The Council is satisfied that it has taken a robust position with regard to the lead in times and delivery rates for the housing supply over the next five years. The key issue for decision making is therefore what housing requirement should be used against which to judge such delivery.

In order to address its housing requirement the Council, as it is required to do under the NPPF (in both identifying an OAN and under the Duty to Cooperate) has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date).

The OAN has not yet been tested through the Local Plan Review process. At a recent Appeal in Farnsfield, one Inspector disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available, a reasonable assessment of the Full Objectively Assessed Need for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council, as Local Planning Authority, does not agree with the Inspectors reasoning in this matter and assumptions made by this appeal Inspector will be addressed via supporting information submitted for Plan Review in due course. However, in decision making terms, the appeal decision does form a material planning consideration which will need to be weighed in the balance along with other relevant planning policy as part of the decision making process.

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth.

The above this site is within the Envelope for Southwell (and thus residential development is acceptable in principle and the site is geographically sustainable) and it would provide for 4 houses towards the Council's housing land supply (a limited contribution but a contribution nonetheless) at a time where the Council has committed to taking a pragmatic approach in order to boost our housing land supply until such time as the OAN has been ratified through the Plan Review. On the one hand So/HN/1 and the drive to secure smaller units is a significant material consideration and must remain so given that this policy is the only policy of its type in our district whereby it was felt necessary to intervene in the market to secure smaller dwellings. There is clearly a conflict here that needs to be balanced. Officers do attach weight to the fact that as recently as the beginning of June the applicant has been advised of the Council's difficulty and confidence in maintaining its 5YLS, notwithstanding the latest position statement produced.

Core Policy 1 relates to affordable housing and states provision is required where the number of dwellings exceeds 5 units of the site area exceeds 0.2 hectares. However, the Department for Communities and Local Government (DCLG) have referenced a Written Ministerial Statement as policy and updated the Planning Practice Guidance in relation to raising the threshold for affordable housing provision to 10 or more and on sites larger than 0.5 hectares. This therefore supersedes Core Policy 1. As the site area is 0.42 hectares, affordable housing provision is not required.

Setting aside the specific housing needs policy for Southwell, the proposal comprises a mix of house types and sizes and although generally larger scale, Plot 1 comprises a two-bedroom bungalow. The area is characterised by larger dwellings and it is considered the proposed mix is acceptable in terms of the character of the area. I do not consider that the scheme is overly intensive and the density appears in line with the grain of the surrounding area.

Impact on Visual Amenity and Character of the Area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

Plot 1 (a two bedroom bungalow) would be sited fronting onto Lower Kirklington Road and would be a single storey dwelling of modest proportions. This part of Lower Kirklington Road is characterised by different dwelling types and it is considered the dwelling would be sympathetic to the prevailing character. Indeed the adjacent dwelling Brooklyn is of similar size and scale.

The remainder of the site comprises a backland development and Policy DM5 states proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. This is consistent with paragraph 53 of the NPPF which states local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The backland proposals would be served by an existing established access which already serves four dwellings and the cattery. The proposals comprise 3 two storey dwellings which in my view would be sympathetic to the adjacent dwellings Benaiah, Oak Tree House and Appleyard which abut the site and the dwellings on The Combes. Variations are provided within the design to avoid a uniform appearance with massing used effectively to reduce the bulk of the proposed dwellings. The proposed dwellings would set in plot sizes commensurate to their relative size.

The applicant advances an argument that the proposal takes the form of mainly large detached dwellings in order to respect the character of the area which is mainly large detached dwellings set at the edge of Southwell. I consider that this is a fair argument that can be afforded some weight given that it is a rural hinterland and in order to make effective use of the land some larger units would likely be preferable than a more intensive scheme of one and two bedroom units, particularly given the fact that access is from a shared private drive. Overall I consider that detached units in the form laid out is appropriate to the character of the area,

Having regard to Policy DM5 and the NPPF it is considered the proposed dwellings would be visually acceptable at this location in terms of the pattern of development and the visual appearance of the dwellings is also acceptable.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

Plot 1 would occupy a location fronting onto the highway with the access road to the west separating the proposed dwelling from the neighbouring dwelling, Brooklyn. The dwelling would be single storey with boundary treatments separating the dwelling from the adjacent Coach House and Lower Kirklington Road separating the dwelling from existing dwellings to the north.

Plot 2 has been amended to re-align the boundary with the cattery and to re-position the proposed dwelling to provide greater distance from the front of Plot 2 to the rear of Franklyn, an existing bungalow. These revisions would provide a distance of approximately 10 metres between the front elevation of Plot 2 and the boundary with Franklyn and approximately 24 metres between the existing rear elevation of Franklyn and the proposed front elevation of Plot 2. Although bedrooms are proposed in the front elevation it is considered these distances would ensure a satisfactory relationship.

Plot 2 would be sited approximately 4 metres from the eastern boundary shared with 3 The Combes. A two storey gable would be adjacent to this boundary of approximately 8.2 metres in width with a further projection of 1.3 metres comprising the front gable. There would remain a distance in excess of 15 metres between this side elevation and the elevation of no.3 The Combes with no windows in the side elevation of the proposed dwelling. Although this gable would be visible from windows in 3 The Combes and the garden it is considered the distances between the dwellings would ensure there would not be an overbearing impact. An adequate separation distance would be provided between Plot 2 and the cattery.

Plot 3 would be sited a significant distance from the existing dwellings to the west and south-west to ensure a satisfactory relationship. The proposed dwelling would be set at an angle with no.2 The Combes with the nearest point being in excess of 6 metres from the boundary and approximately 15 metres at the far corner. The design of the dwelling has been amended to omit the rear facing bedroom window nearest to this boundary leaving two rear facing bedroom windows in the elevation, both in excess of 10 metres and set at angle to no.2 The Combes. At the nearest point there would be a separation distance of approximately 20 metres between the nearest bedroom window and the rear elevation of the adjacent dwelling. Plot 3 would be sited in relatively close proximity to the eastern boundary with dwellings that front onto Springfield Road. However, a distance in excess of 30 metres from the side elevation of the proposed dwelling and the rear elevation of the nearest property on Springfield Road would ensure a satisfactory relationship. A similar relationship would ensure with Plot 4 and the dwellings on Springfield Road where the dwelling would have a gable adjacent to the boundary but with a separation distance in excess of 30 metres. An adequate space would also be provided between the side elevation of Plot 4 and Oak Tree House, to the west. Plots 3 and 4 would face each other albeit at an angle and with an adequate separation distance.

The access runs along the western boundary; however, this already serves four dwellings and the cattery and it is not considered the increased traffic resulting from this development would have an undue impact in terms of noise and disturbance.

It is acknowledged that the distances involved in the development are acceptable albeit in my view these have only just tipped the cusp of acceptability. I therefore recommend that permitted development rights be removed in relation to the ability of occupiers to insert new windows and extend or build outbuildings without gaining a separate planning permission.

Taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5. It is acknowledged a number of objections have been raised in relation to residential amenity but following careful consideration it is not considered there are sufficient grounds to resist the proposal on this issue.

Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport. The application is for the construction of four dwellings, with alterations to the existing access onto Lower Kirklington Road which also serves four existing dwellings and a cattery. Adequate parking would be provided to serve each dwelling. The Highway Authority raise no objections subject to conditions. As such the proposal complies with the above policies.

Drainage/Flooding

Core Policy 10 requires development to be adequately drained and the provision of adequate drainage infrastructure is referred to in Policy So/Ho/4 where the positive management of surface water run-off through design and layout should ensure there would be no detrimental impact in run-off into surrounding residential areas or existing drainage regimes. Policy DM5 relates to flood risk and water management.

The application (Design and Access Statement) sets out that the development 'would incorporate impermeable surfaces and sustainable drainage. Specifically all vehicular drives and hardstanding would be either mineral chippings and/or permeable paving systems.' It goes on to say that all new dwellings will include their own underground rainwater harvesting tank and systems to gather roof water and utilise 'grey' water within the houses such as toilet cisterns. It indicates that the run off from the land for development would be reduced and a percentage of the rainfall would be utilised within the development and disposed through the foul drainage system after use.

It is noted that the Town Council, Ward Member and local residents have raised concerns regarding flood risk and drainage. The site lies within Flood Zone 1 (lowest risk of flooding) according to the EA Flood Maps. Furthermore the site is not identified as being within an area at specific risk of surface water flooding. In consultation on the previous application the Lead Flood Risk Authority raised no objections. Officers specifically asked if a condition should be imposed regarding the submission of a scheme for surface water disposal/sustainable drainage prior to commencement of development. A response was received confirming that the Lead Local Flood Authority stood by their original comments made on that application and having looked at the updated EA's flood map for surface water flooding this area is not shown as being at significant risk. On the basis of the scheme submitted and the consultation responses received it was concluded that the proposal was acceptable in relation to flood risk/drainage matters and a condition was attached requiring precise details of drainage. The same condition could be attached should planning permission be granted on this revised proposal.

Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. The application is supported by an arboricultural survey. A large number of trees would be removed to facilitate the development. However none of these identified as being removed (which are mainly apple, damson and willow) are considered to be worthy of retention or further protection. Some specimens will be retained such as trees the frontage of Plot 1 between the dwelling and the roadside and for example an oak tree within the garden of Plot 4. Retained trees would be afforded protection during the course of the development as secured by condition. Subject to this condition I am satisfied that the proposal accords with the policies identified.

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.

In support of the application, an Ecological Appraisal has been submitted by EMEC which concludes that there would be no significant adverse impacts on ecology subject to a number of recommendations and mitigation/compensation being controlled through condition. Nottinghamshire Wildlife Trust raise no objections subject to the mitigation (such as bird, bat and hedgehog boxes being installed) being secured. These elements are included as conditions and informatives where appropriate. Subject to these I am satisfied that the proposal accords with the Development Plan in this regard.

CIL

The previous approval was granted subject to payment under CIL. This current proposal relates to a phased development where serviced plots would be developed separately. The improved driveway, mains services and drainage would be undertaken as the infrastructure phase, the Agent stating this is an exercise and phase in its own right. This would allow the plots to connect their access services and drainage to the main infrastructure already installed and be self-built and developed individually.

In support of this approach the Agent states the nature and layout of the site creates an opportunity for self-build development with the applicant installing the infrastructure and access improvements as a first phase. Thereafter, as a phased development, each plot can be sold off to individual interested parties allowing individuals to self-build, creating an exemption from CIL under the legislation framework. It is considered the proposal could comply with CIL regulations. Importantly CIL is not a material planning consideration. What is however is whether it would be appropriate to allow the development to proceed in a phased way. I can see no planning reason why this should not be done.

Planning Balance and Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location and permission has historically been granted. The proposal would be visually acceptable, having a limited visual impact, and would not unacceptably affect neighbouring properties. The proposal would be served by a suitable access and provide adequate parking and turning areas for all dwellings proposed. Furthermore there are no grounds for refusal on the grounds of ecology, loss of trees or drainage/flood risk.

As with the previous scheme the main issues to balance relates to the fact that this scheme does not comply with Policy SO/HN/1 in that it does not provide the majority of housing as one or two bedroom units. Indeed it is noted that only 1 of the 4 dwellings (25%) would achieve the policy requirement. This policy must carry considerable weight given that this is a permissive policy that looks to address local housing need within Southwell and seeks to direct the type of development (rather than prevent it per se).

However this is set amongst a climate where the Council has committed to adopt a pragmatic approach until such time as its Objectively Assessed Need has been ratified through the Plan Review process in order to boost land supply in the interim. Furthermore, SO/HN/1 does caveat that the need in Southwell is subject to local circumstance. In this case I give weight to the applicant's contention that given the unusual shape and constraints of the site, its position close to the edge of the settlement (whereby dwellings are expected to be less dense) and given the context of the site being surrounded by large detached dwellings this scheme does reflect the character of the area. The wording of the policy also implicitly implies that in some local circumstances the need requirement may be set aside.

The site is located within a service centre and is therefore highly sustainable and appropriate for additional housing. Whilst the site is not delivering the majority of housing that have one or two bedrooms, it will deliver a two bedroom bungalow which will contribute to the local housing needs of Southwell specifically. The remaining 3 houses would provide family homes which is identified as required in the more general policy of CP3 and thus serves a wider (district wide) need.

Weighing these matters in the balance is a difficult judgement to strike, especially given that the SYLS position has changed recently. However it is my view that whilst the mix of houses is less than ideal in terms of local housing need, this can be outweighed by the commitment that the Council has taken in respect of boosting housing land supply until such time as the OAN has been endorsed and that this scheme would contribute also to the wider needs of the district. In addition the character of the area also leads me to conclude that the scheme is appropriate when viewed in a wider context. In this particular instance I consider that these matters tip the balance towards an approval.

I have considered the fact that the SNP is now carrying full weight having been 'made' (adopted) earlier this month. However this was a significant material consideration at the point of decision last time and I in my view this is not a matter that would sway the balance.

As the previous planning permission was given a shorter timescale for implementation (18 months) because of its balanced nature, given only the infrastructure phase would need to be commenced to enable the implementation of the scheme, I consider that the same period for implementing this permission should be given, which would be effectively be until 5th January 2018.

For the reasons stated above, the proposal is, on balance, considered to comply with relevant local and national planning policy and is considered acceptable, subject to conditions.

RECOMMENDATION

That full planning permission is approved subject to the following conditions.

Conditions

01

The development hereby permitted shall not begin later than 5 January 2018.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004 and to reflect the special reasons as to why this permission is granted including in order to boost housing land supply.

02

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

- 1:1250 Location Plan
- MH587/11H
- MH587/12A
- MH587/13B
- MH587/14A
- MH/587/15A
- MH/58/16B

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 on an individual housing plot as defined on the approved layout drawing no.MH587/11H until details of the external materials to be used in the construction of the dwellings and garages on the particular plot to be developed have been submitted to and approved in writing by the Local Planning Authority. Development of the given plot shall then be carried out in accordance with these approved details prior to the first occupation of the relevant dwelling.

Reason: In the interests of visual amenity.

04

No development shall be commenced on the access drive or on any individual housing plot as defined on the approved layout drawing no.MH587/11H until details of the boundary treatments to be used adjacent to the access drive or on the particular plot to be developed have been submitted to and approved in writing by the Local Planning Authority for that particular phase of the development. Development of the access drive or given housing plot shall then be carried out in accordance with these approved details prior to any housing plot commencing in the case of the access drive and prior to the first occupation of the relevant dwelling in each case thereafter and shall thereafter be so retained.

Reason: In the interests of visual and residential amenity.

05

Before development commences on any of the individual plots shown on the approved layout drawing ref.MH587/11H, the access shall be constructed and surfaced in a bound material in accordance with plan MH587/11 Rev. H and no other part of the development shall be commenced until the access has been completed in accordance with that plan.

Reason: To define the permission and in the interests of highway safety.

06

Before development commences on any of the individual housing plots shown on the approved layout drawing ref.MH587/11H, the visibility splays shown on drawing no. MH587/11 Rev. H shall be provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

07

Before development commences on any of the individual housing plots shown on the approved layout drawing ref.MH587/11H, the access improvement works shall be constructed and available for use in accordance with the Highway Authority's specification as shown for indicative purposes only on plan no. MH587/11 Rev. H.

Reason: In the interests of highway safety.

08

No development shall be commenced on the access drive or on any individual housing plot as defined on the approved layout drawing no.MH587/11H until details of the drainage, to include sustainable surface water drainage, to be used on the access drive or any given housing plot have been submitted to and approved in writing by the Local Planning Authority for that particular phase of the development. Development of the access drive or given housing plot shall then be carried out in accordance with these approved details prior to any housing plot commencing in the case of the access drive and prior to the first occupation of the relevant dwelling in each case thereafter and shall thereafter be so retained.

Reason: To ensure the drainage is appropriate for the site and in the interests of residential amenity and the environment.

09

No tree/vegetation removal shall take place during bird-breeding season, which runs from March to September (inclusive) unless a nesting-bird survey is carried out by a suitably qualified ecologist prior to works going ahead. If active nests are found then the vegetation clearance works would be delayed until all chicks have fledged.

Reason: To prevent adverse impacts to any nests present and in line with the recommendations of the EMEC Ecological Appraisal submitted in support of the application.

010

Prior to first occupation of each dwelling hereby approved, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority for the relevant housing plot. The scheme should include (but is not limited to) the installation of bird, bat and hedgehog boxes and shall detail the design, number and precise location of these on site. The approved scheme shall be implemented on site prior to first occupation of the given housing plot and shall be retained for the lifetime of the development.

Reason: In the interests of ecology compensation and to enhance biodiversity on the site in line with the recommendations of the Ecological Appraisal by EMEC submitted and accompanying this application.

011

Any trenches dug during works activities shall, if left open overnight, be left with a sloping end or ramp to allow any badgers or other animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of ecology.

012

No development shall be commenced on any individual housing plot as defined on the approved layout drawing no.MH587/11H until details of the refuse provision for that plot, to include the size, position and layout, have been submitted to and approved in writing by the Local Planning Authority. Development of the given plot shall be carried out in accordance with these approved details and shall thereafter be so retained.

Reason: To ensure adequate refuse provision.

013

No development shall be commenced on the access drive or on any individual housing plot as defined on the approved layout drawing no.MH587/11H until full details of both hard and soft landscape works for the access drive and associated verge and the individual housing plots have been submitted to and approved in writing by the Local Planning Authority for the particular phase of development in question and these works shall be carried out as approved. These details shall include:

An implementation and phasing plan;

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.

014

No development shall be commenced until the trees shown to be retained on drawing number MH587/16 Revision B have been protected by the following measures:

- a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- no development (including the erection of site huts) shall take place within the crown spread of any tree;
- no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- no services shall be routed under the crown spread of any tree
- no burning of materials shall take place within 10 metres of the crownsread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

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

015

All hard and soft landscape works shall be carried out in accordance with the implementation and phasing plan approved under Condition 13 of this permission. The works shall be carried out before any housing plot commences (in the case of the access drive and verges) and prior to the first occupation of the relevant dwelling in each case thereafter or in accordance with the programme agreed with the Local Planning Authority and shall thereafter be so retained.

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

016

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of Classes A-E and no additional windows shall be added into any elevation of the dwellings hereby approved 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.

017

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

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

Class 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.

Class F: The provision or replacement of hard standing 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) (England) Order 2015 or any amending legislation) and in order to safeguard the amenity of neighbours.

Note 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 understanding that CIL may not payable on the development hereby approved as the development is made up of phased self-build development. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of 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

It is recommended that consideration be given to inclusive access and facilities for all. With regard to proposal, it is recommended that access recommendations described in Sections 6 to 10 of Approved Document M are incorporated as far as is reasonably practicable. In particular, the approach to, into and around the dwelling should be carefully considered to facilitate easy access and manoeuvre. Accessible switches and sockets and suitable WC provision etc. are important considerations. It is recommended that a separate enquiry be made regarding Building Regulations.

04

The development makes it necessary to improve a vehicular crossing over a footway 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.

05

The applicant is advised that the following mitigation measures should be adhered to: if any common amphibians are found during the works, they should be removed carefully by hand to areas away from the works, such as under scrub habitat not to be affected by the works. Gloves should be worn to avoid touching amphibians by hand. In the unlikely event that a bat (or bat droppings) be discovered during tree felling, the work should stop immediately and EMEC Ecology contacted for further advice.

Lighting (if required) should be 'bat friendly' and lamps should be positioned so that they are facing away from retained trees and boundary habitats. The lighting scheme should utilise either low or high pressure sodium lamps and minimise light scatter using light spill accessories (Bat Conservation Trust 2009)

Background Papers

Application Case File.

For further information, please contact Joe Mitson on ext 5437.

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



APPEALS A

APPEALS LODGED (received between 19 September 2016 to 17 October 2016)

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

2.0 **RECOMMENDATION**

That the report be noted.

Background Papers

Application Case Files

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager – Growth & Regeneration

APPENDIX A

Appeal Reference	Application No.	Address	Proposal	Procedure
APP/B3030/W/16/3157932	16/00697/FUL	Gable Oaks Old Main Road Bulcote Nottinghamshire	Proposed New 4 Bedroom Dwelling and ancillary pool building	Written Representation

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3158075	16/00859/FUL	Little Hollies The Close Averham NG23 5RP	Demolition of garage and creation of a 3 bedroom house. Formation of new driveway for the existing dwelling, Little Hollies.	Written Representation

APPENDIX B: APPEALS DETERMINED (between 19 September 2016 and 17 October 2016)

App No.	Address	Proposal	Decision	Decision Date
15/00383/FUL	Lowfield Farm 111 Gainsborough Road Langford Newark On Trent NG23 7RN	Application to removal of Conditions 1 and 3 of planning permission 10/01031/FUL to enable continued operation of centre for Heavy Goods Vehicles following retirement of current operator.	DISMISS	04.10.2016

App No.	Address	Proposal	Decision	Decision Date
	49 Castle Gate Newark On Trent NG24 1BE	Appeal against: Extra Large Sign on Exterior Wall blocking view and covering/hiding all other signage hanging past.	DISMISS	30.09.2016

App No.	Address	Proposal	Decision	Decision Date
	49 Castle Gate Newark On Trent NG24 1BE	Appeal against: Extra Large Sign on Exterior Wall blocking view and covering/hiding all other signage hanging past.	DISMISS	30.09.2016

App No.	Address	Proposal	Decision	Decision Date
	Field House High Street Holme Newark On Trent NG23 7RZ	Appeal against Erection of large scale structure on AGR land play area	DISMISS	30.09.2016

App No.	Address	Proposal	Decision	Decision Date
15/02253/FUL	The Plough Main Street Coddington NG24 2PN	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings	ALLOW	30.09.2016

App No.	Address	Proposal	Decision	Decision Date
15/02125/FUL	The Old Vicarage Church Lane South Scarle Newark On Trent NG23 7JP	Householder application for construction of a garage, lean-to building and all associated external works	ALLOW	28.09.2016

RECOMMENDATION

That the report be noted.

Background Papers

Application Case Files

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager – Growth & Regeneration



Appeal Decision

Site visit made on 22 September 2016

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/B3030/D/16/3153486

The Old Vicarage, Church Lane, South Scarle, Nottinghamshire NG23 7JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B Mason against the decision of Newark and Sherwood District Council.
 - The application Ref 15/02125/FUL, dated 23 November 2015, was refused by notice dated 8 April 2016.
 - The development proposed is a garage, lean-to building and all associated external works.
-

Application for Costs

1. An application for costs was made by Mr B Mason against Newark and Sherwood District Council and is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for a garage and all associated external works at The Old Vicarage, Church Lane, South Scarle, Nottinghamshire in accordance with the terms of the application, Reference 15/02125/FUL, dated 23 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-BM-09B.
 - 2) No above ground development shall commence until details of all of the external materials to be used in the construction of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

4. The application describes the proposal as a garage, lean-to building and all associated external works. I understand that the original plans were revised and the plans before me were considered by the planning authority when reaching its decision. These do not include a lean-to section. They include a
-

- three bay garage with pitched roof and a marginally lower additional bay with matching roof form. I have assessed the proposal on the basis of the revised plans and removed the reference to a lean-to structure.
5. The development has commenced as the foundations have been laid. However, as the development is not complete, I have not considered it as being entirely retrospective.
 6. The property lies within the South Scarle Conservation Area which covers much of this compact village. Although having historic connections with the nearby church, the Old Vicarage is now visually separated from it by intervening more modern development. The property has an access to both Church Lane and Main Street. The latter was in the process of being upgraded. This and the adjoining access to the Redmay Corner properties allow views along them towards the side elevation of the Old Vicarage.
 7. The proposed building would be located adjacent to 2 Redmay Corner. The boundary of the site, at this point, is a high close-boarded fence. The new building would sit behind this structure. It would have an eaves height of just under three metres and a ridge height of five metres. It would therefore be evident in views from Main Street above the fence. However, given its position and height, it would have only limited prominence. Its design and materials would ensure that it would sit comfortably within the views of the Old Vicarage.
 8. Overall, the building would have a very limited wider impact on the conservation area but in views that would be available, it would sit unobtrusively to the side of the main house. As it would be of good quality design and materials, it would have a neutral impact on the conservation area and the setting of the Old Vicarage. It would preserve the character and appearance of both and would not conflict with the heritage requirements of Core Policy 14 of the Core Strategy 2011 (CS) or Policy DM9 of the Allocations and Development Management Development Plan Document 2013 (DPD).
 9. The Council have made reference to a previous appeal decision relating to a four bedroom detached house with attached double garage. It was found that that dwelling would significantly add to the amount of built form apparent in the street scene and it would appear cramped and at odds with the existing spacious character of this part of the conservation area. The current proposal differs considerably with development limited to the side of the property. It would also be single storey rather than the two storey house which would have extended across the full width of the site. The garages would not obscure existing views of the remaining trees or unacceptably reduce the open setting of the Old Vicarage which were concerns of the previous inspector.
 10. The appeal decision made reference to the alterations to the access and these have also been referred to by third parties. However, the access arrangements have already been approved and this proposal would not alter those works other than to include the proposed garage within the parking area.
 11. The new structure would be close to the boundary with 2 Redmay Corner and it would increase the level of enclosure that currently exists because of the high boundary fence. The plans do not accurately plot the adjacent house but I have considered the relationship that would exist on the ground. Given the height of the building, it would be more imposing than the existing fence. However, it

- would not be overbearing for the adjacent residents when using their driveway or when within the main front room of the house.
12. The new building would have a greater impact on the dining area of 2 Redmay Corner as this is located close to the side boundary. The room has its main aspect to the rear and this would not be altered. The forward facing window is at a high level and although it provides a limited outlook, its main function is to increase light to the room. The outlook from that window would be altered when in certain parts of the room but not to the extent that living conditions would be unacceptably harmed. Similarly, light levels would not be altered to the extent that unacceptable harm would result. Overall, I do not find conflict with the amenity requirements of DPD Policy DM5 or CS Spatial Policy 3.
 13. It is suggested that a garage could be located elsewhere within the site. It is not the purpose of these proceedings to assess alternatives. Given the works that have been accepted with regard to the driveway, the location of the development proposed would result in a satisfactory layout overall.
 14. It has been suggested that the building could be converted to a dwelling. Although I note the planning history, the proposal is for a domestic garage and I have considered it on this basis. As a planning application would be required to convert it to a dwelling, I am not satisfied that a condition to restrict its use, as suggested by the Council, would be necessary.
 15. Overall, I have considered the concerns raised by the local residents, the Parish Council and the planning authority. However, I agree with the views of the Council's Conservation Officer that the revised plans would satisfy the duties set out within the legislation. The proposal would meet the heritage requirements of the *National Planning Policy Framework* and the proposal would not result in unacceptable harm with regard to amenity. I have not found there to be any matters that weigh significantly against the proposal. I therefore allow the appeal.
 16. I have not included a condition relating to the commencement of development as foundations have already been laid. I have imposed a condition specifying the relevant drawings to provide certainty. I have required that details of the materials be submitted to ensure that the development would have a satisfactory appearance and would respect the character of the host dwelling. The details shown on the plans are sufficient for a building of this nature and I have not therefore required more detailed plans as requested by the Council.
 17. I have not imposed the conditions suggested by the highway authority as these are already included within the permission with regard to the driveway. I am not persuaded that a condition to prevent new window openings would be necessary in the interests of privacy. A condition to prevent dormer windows is not required as such additions would require a separate planning permission.

Peter Eggleton

INSPECTOR

Appeal Decision

Site visit made on 6 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 September 2016

Appeal Ref: APP/B3030/W/16/3151592

The Plough, Main Street, Coddington, Nottinghamshire NG24 2PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D Burke against the decision of Newark & Sherwood District Council.
 - The application Ref 15/02253/FUL, dated 18 December 2015, was refused by notice dated 4 May 2016.
 - The development proposed is alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings at The Plough, Main Street, Coddington, Nottinghamshire NG24 2PN in accordance with the terms of the application, Ref 15/02253/FUL, dated 18 December 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - Highway safety; and
 - The living conditions of the occupiers of neighbouring dwellings with particular regard to noise, disturbance and outlook.

Reasons

Highway safety

3. The appeal site comprises a vacant public house, its car park and an adjacent paddock. It is sited either side of Beckingham Road (C208) in close proximity to the junction with Main Street with the existing car park on the northern side and the public house and the paddock on the southern side of Beckingham Road. There is a speed limit of 40mph adjacent to the appeal site.
4. The proposal would involve the creation of a car park within the existing paddock utilising the field access from Beckingham Road. The visibility to the west of the site is restricted by the sweeping bend and topography which rises towards a brow to the west of the appeal site. There is a dispute between the two main parties as to whether the visibility splays available from the field access are substandard.
5. The Council has stated that a visibility splay of 2.4m x 120m would be required. The submitted highway plan¹ demonstrates that this can be

¹ Drawing No. DB 401-A108 rev P1

achieved. However, a hedgeline and the rising slope of the grass verge between the footway and the hedge reduces the available visibility on site to 2.4m x 99m to the west. The Council's required visibility splay is based on the geometric design standards required in the document Design Manual for Roads and Bridges (DMRB). Highway authorities have discretion to relax these distances if local circumstances permit.² These standards are generally higher than those appearing in Manual for Streets (MfS) and Manual for Streets 2 (MfS2).

6. Paragraph 1.5 of the introduction makes it clear that the DMRB sets a standard of good practice that has been developed principally for Trunk Roads. It goes on to say that it may also be applicable in part to other roads with similar characteristics. MfS2 recommends that MfS should be the starting point for schemes on non-trunk roads. It goes on to state it is only where actual speeds are above 40mph for significant periods of the day that DMRB parameters for SSD³ are recommended.
7. The appellant commissioned a speed survey and there is no dispute between the parties that the 85th percentile wet-weather speed is 43mph. However, the evidence from the speed survey illustrates that for significant periods of the day the actual speeds are below 40mph. Based on the SSD in MfS2 the recommended visibility splay would be 2.4m x 66.7m for eastbound traffic and this can be achieved. Furthermore, even if the predominant speed for significant periods of the day was above 40mph the available visibility would meet the relaxation or 'one step' below desirable minimum in DMRB of 2.4m x 90m. The appellant has shown that the DMRB approach to design speed and SSD in the local context allows for a relaxation and I have no reason to dispute this. I note that there have been 3 personal injury accidents and one serious accident to the east of the site within the last 5 years. However, I have not been provided with any further detail in relation to these accidents.
8. I have taken into account that a planning condition could be utilised to ensure that the 2.4m x 120m visibility splay would be provided before the development was brought in to use. However, I have found that the actual available visibility splay would meet the requirements of the DMRB and MfS2.
9. I am satisfied that visibility splays can be provided that would be in line with the DMRB and MfS2. I conclude that the proposal would not result in an increased risk to the safety of highway users and as such it would not cause harm to highway safety. As such the proposal complies with Spatial Policies 3 and 7 of the Core Strategy (the CS) and Policy DM5 of the Newark & Sherwood Allocations & Development Management DPD (DPD) in so far as they relate to highway safety. These policies seek, amongst other things, new developments that do not have an undue impact on local infrastructure including the transport network, and that provide safe, convenient, inclusive and attractive accesses for all. The proposal would also comply with paragraph 32 of the National Planning Policy Framework (the Framework) as a safe and suitable access can be achieved.

Living conditions

10. The proposal would involve the construction of 3 dwellings on the existing car park and the relocation of the car park into the paddock. Adjacent to the paddock and the existing car park there are residential properties on Mill Lane, Main Street and Hall Farm.

² DMRB paragraphs 1.22 to 1.24

³ Stopping sight distance

11. I have no evidence before me that the existing car park operated in a way, when the public house was open, to adversely affect the neighbouring residential occupiers on Main Street and Hall Farm in relation to noise and disturbance other than via the use of the recycling facilities. However, these facilities would not be relocated to the proposed car park. I noted at my site visit that vehicles constantly pass the site on Beckingham Road and as such this traffic generates an appreciable level of background noise. I acknowledge that at other times of the day the background noise level may be different.
12. Vehicles coming and going from the car park would generate some noise and disturbance but as the existing car park does not appear to have given rise to complaints in relation to its operation it is reasonable to consider that its relocation would be unlikely to give rise to a material increase in noise and disturbance. No technical evidence has been submitted, but my assessment of the appeal site and its relationship to the proposed development lead me to conclude that it is likely that the noise and disturbance generated by the comings and goings would not be significantly greater than the existing background noise levels.
13. The proposals do include a seating area adjacent to the proposed car park and this would be in close proximity to the adjacent dwellings. However, I note that the Council's Officer Report states that the paddock already forms part of the land associated with the public house and "*planning permission for use of this land as a beer garden including the temporary positioning of benches is unlikely to be required. As such, I do not consider the use of the land proposed by this permission to be materially worse than the potential use of the land for purposes ancillary to the public house building which could occur without planning permission.*" I have no reason to disagree with this finding.
14. The decision notice is not specific in terms of the loss of amenity to properties on Main Street but the Council's statement outlines that the concern is in relation to the proximity of Plot 3 to the dwellings on Main Street. The flank wall of Plot 3 would be approximately 12m from the rear elevations of the dwellings on Main Street and the dwelling would be at a higher level. I have taken into account the condition suggested by the Council in relation to the finished floor levels to ensure that any difference in levels is minimised. As such, the proposed building would not have a significant overbearing effect on the occupiers of the dwellings on Main Street as the distance between the properties equates to that normally found acceptable on modern housing developments.
15. In conclusion the proposals would not result in an adverse impact to the living conditions of the neighbouring occupiers with particular regard to noise, disturbance and outlook. It follows that the development complies with Policy DM5 of the DPD and Core Policy 9 of the CS which, amongst other things, seek development that demonstrates a high standard of sustainable design and layout of an appropriate form to its context, to ensure that there is not an unacceptable reduction in amenity including overbearing impacts and that has regard to their impact on the amenity of surrounding land uses.

Other Matters

16. Spatial Policy 3 of the CS states that local housing need will be addressed by focusing housing in sustainable accessible villages. It goes on to state that proposals for new development will be considered against five criteria – location, scale, need, impact and character. The CS pre-dates the Framework,

- which requires that policies are given weight according to their degree of consistency with it (paragraph 215).
17. For homes that are not isolated, paragraph 55 of the Framework recognises that rural housing can contribute to sustainable development where it would enhance or maintain the vitality of rural communities. There is no specific reference to local need for housing within paragraph 55 and as such Spatial Policy 3 of the CS is more restrictive in this respect. Consequently, I find that Spatial Policy 3 is not fully consistent with the policies of the Framework and should only be given moderate weight in this case.
 18. The proposal would not fully comply with Spatial Policy 3 of the CS as the specific housing need for Coddington has not been identified. However, this policy conflict has reduced weight. Furthermore, the Council have stated that they will take a pragmatic view to development proposals within the main built up areas of villages including in circumstances where local need has not been demonstrated.
 19. S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. S.72(1) of the Act requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The appeal site is within the Coddington Conservation Area (CCA) and the setting of All Saints Church which is a grade II* listed building.
 20. I note that the Council considered that the proposed development in relation to the relocation of the car park would result in less than substantial harm to the character, appearance and significance of the CCA. Based on the evidence before me I have no reason to dispute this finding.
 21. Paragraph 134 of the Framework says that less than substantial harm should be weighed against the public benefits of the proposal. In this case, those public benefits amount to the conversion and reuse of The Plough, the economic and social benefits arising from the occupation and construction works of the dwellings and improvement to pedestrian safety. Furthermore, the surfacing materials, the retention of landscaping and the transient nature of the use would minimise its impact on the CCA and the setting of the listed building.
 22. Accordingly, while any harm to a designated heritage asset must be given considerable weight and importance, the public benefits of the appeal scheme clearly outweigh the harm to the heritage asset in this case. As such the proposal would comply with paragraph 134 of the Framework and S.72(1) of the Act.
 23. Taking into account all of the above and due to the distance between the appeal site and All Saints Church the proposal would have a neutral impact on the setting of the listed building. Therefore the setting would be preserved and S.66(1) of the Act complied with.
 24. Local residents object to the proposal on a wider basis, including in respect of harm to the rural character of the village, the need for the public house, drainage capacity, light pollution and impact on wildlife. These did not form part of the Council's reasons for refusal and I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.

25. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
26. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.
27. Two planning applications that have been refused on the appeal site have been referred to by a number of parties. In relation to the 1992 application I have only been provided with a copy of the decision notice and as such I cannot be certain that the circumstances are the same as the proposal before me. In relation to the 2016 application that has recently been refused planning permission I have not been provided with the full details of the scheme. In any case, I am required to determine the appeal on its own merits.

Conditions

28. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
29. I have imposed a condition specifying the relevant drawings as this provides certainty. The condition in relation to phasing is required to ensure the development comes forward in a timely manner. The conditions in relation to floor levels, materials, external features, mortar, repair and renovation works to the public house, boundary treatment, landscaping, bin storage, lighting and obscure glazing are necessary in the interests of amenity and character and appearance. Given the residential character of the area, it is appropriate that controls are placed upon hours of construction and delivery.
30. Highways conditions including provision of visibility splays, parking and turning areas and the discharge of surface water are necessary to ensure pedestrian and highway safety. The Council did not suggest the visibility splay condition but taking into account the main issues I consider that its exclusion was a clerical error.
31. I have imposed a condition in relation to the occupation of the new dwellings and the renovation of the public house to ensure the retention of the community facility and in the interests of character and appearance. To reduce the risk of flooding a condition in relation to drainage is necessary.
32. I have considered a condition in relation to the closure of the eastern access of the existing car park but in the absence of any evidence that identifies potential highway safety issues with that access I have not considered a condition to this effect necessary. Moreover, I find there to be no exceptional circumstances, in accordance with the PPG⁴, that would justify the removal of permitted development rights. As a result, I have not imposed the Council's suggested condition regarding this.

Conclusion

33. There would be social and economic benefits through the provision of four additional dwellings and the reopening of the public house. Four dwellings would provide a modest contribution to housing supply and local housing need. There would be sustainability benefits associated with the proposal.

⁴ Planning Practice Guidance ID: 21a-017-20140306

Specifically, the appeal site is within the village of Coddington where there is a range of services and facilities available.

34. The proposal would also make a contribution to maintaining the vitality of local services and facilities in Coddington. The development would result in economic benefits through the economic activity associated with the construction, occupation and operation of the dwellings and the public house. These social and economic benefits provide significant weight in favour of the appeal proposal.
35. I have found that the proposals comply with paragraph 134 of the Framework, S.66(1) and S.72(1) of the Act in relation to the designated heritage assets and that there would be no adverse impacts in relation to highway safety and the living conditions of the neighbouring occupiers. There is a dispute about whether the Council can demonstrate a 5 year housing land supply. However, the evidence is inconclusive and given my conclusions above the matter is not decisive. Although Spatial Policy 3 would not be fully complied with the policy carries reduced weight and the conflict would be outweighed by other material considerations.
36. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

Attached – Schedule of Conditions

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DB401-A100, DB401-A101, DB 401 - A102 REV P3, DB401-A103, DB401-A104, DB401-A105, DB 401- A108 REV P1, BSA82-A082, BSA83-A083 except in respect of the finished floor levels shown on plan DB 401 - A102 REV P3 and the visibility splay shown on plan DB 401 – A108 REV P1.
- 3) No development shall commence until a phasing scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.
- 4) Notwithstanding the finished floor levels shown for Plots 1, 2 and 3 (the new dwellings) on the approved plan DB 401-A102 Rev P3, no development shall be commenced in respect of the new dwellings until revised details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings on Plots 1, 2 and 3, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Demolition or construction works, including site clearance and delivery of materials, shall take place only between 07.30 and 18.00 on Mondays to Fridays, 08.30 and 13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Development 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.
- 7) Notwithstanding the details of any materials that may have been submitted with the application, details of all materials to be used in the external surfaces of the development hereby permitted, shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced for any phase pursuant to Condition 3. The relevant works shall be carried out in accordance with the approved details.
- 8) Notwithstanding the submitted details, no development shall be commenced for any phase pursuant to Condition 3 in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
 - a) External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

- b) Porches
 - c) Chimneys
 - d) Treatment of window and door heads and cills
 - e) Verges and eaves
 - f) Rainwater goods
 - g) Any other external accretion including extractor vents, flues, meter boxes, airbricks and soil and vent pipes
- 9) No development shall be commenced for any phase pursuant to Condition 3 until details of the mortar to be used for all new build and any re-pointing (including materials and ratios, colour, texture and pointing finish) has been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.
- 10) Prior to the commencement of any conversion or renovation works to the public house building, a schedule of repair and renovation works for the public house building including the extent of any repairs/renovations shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved schedule.
- 11) No development for any phase pursuant to Condition 3 shall be commenced until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- a) a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and should provide replacement tree planting;
 - b) existing trees and hedgerows, which are to be retained including any protection measures;
 - c) means of enclosure;
 - d) surface materials for all vehicle and pedestrian access and circulation areas;
 - e) minor artefacts and structures for example furniture, play equipment, refuse or other storage units and signs;
- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development in that phase, or such longer period as may be agreed in writing by the Local Planning Authority; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping scheme

shall be completed prior to the first occupation of each phase pursuant to Condition 3.

- 13) No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 14) None of the dwellings on Plots 1, 2, and 3 identified on Drawing Number DB 401 - A102 REV P3 shall be occupied until the renovation/repair works to the ground floor of the public house are completed and it is available for use.
- 15) Notwithstanding the submitted details, no part of the development pursuant to Condition 3 shall be brought into use until details of all the boundary treatments proposed for that phase of development including types, height, design, materials and finish, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be implemented on site prior to any uses within that phase being first brought into use.
- 16) No development for any phase pursuant to Condition 3 shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority for that phase. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 17) No development for any phase pursuant to Condition 3 shall be brought into use until a visibility splay with an 'x' distance of 2.4 metres and a 'y' distance of 90 metres to the near edge of the public highway carriageway has been provided at the access to the car park hereby approved. Clear visibility over a height of 600mm above the carriageway level shall exist within the visibility splay at all times.
- 18) No development for any phase pursuant to Condition 3 shall be brought into use until the associated parking and turning areas contained within that phase have been provided in accordance with plan DB401-A102 REV P3. The parking and turning areas provided shall not be used for any other purpose other than parking, turning and unloading of vehicles.
- 19) No part of the development hereby permitted shall be brought into use until a scheme to control and prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first occupation of each phase, pursuant to condition 3, and shall then be retained for the life of the development.
- 19) The first floor window opening on the east elevation of Plot 3 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or

equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Costs Decision

Site visit made on 22 September 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Costs application in relation to Appeal Ref: APP/B3030/D/16/3153486 The Old Vicarage, Church Lane, South Scarle, Nottinghamshire NG23 7JP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr B Mason for a full award of costs against Newark and Sherwood District Council.
 - The appeal was made against the refusal of planning permission for a garage, lean-to building and all associated external works.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
 3. It is alleged that the Council failed to clearly demonstrate why the proposal was unacceptable; failed to explain why the advice of officers was disregarded; and failed to provide clear evidence to substantiate the reasoning for the decision. It is suggested that although the decision made reference to a previous appeal decision for a dwelling, that development is not comparable with this proposal. It is alleged that it is inappropriate for a previous refusal to be referred to unless there are clear and demonstrable similarities between the proposals.
 4. The reason for the refusal of the development contains information regarding a previous appeal but in general, it is clear that in the planning authority's view, the siting, design and scale of the building would result in it being unacceptably prominent and cramped, placing built form within a grouping of well-defined and legible buildings and as such, it would result in harm to the conservation area.
 5. The decision was taken following a site visit by the Councillors. The decision took account of a previous appeal and I have no reason to believe that the Councillors were not fully conversant with the differences between the schemes. A decision in relation to the access had also altered the character of the site and I have no evidence to suggest that this was not correctly taken into account.
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6. Although I have reached a different conclusion and the Council's officers also accepted that no harm to the conservation area would result, this is a matter of judgement. The concerns of the Committee are clearly set out in the minutes and the decision notice. I am not persuaded that they acted unreasonably in reaching their decision. They found that harm would result and it is clear that they did not consider there to be considerations that outweighed that harm.
7. Concern has also been raised with regard to the conduct of a member of the Planning Committee who was absent from the meeting. It is apparent that the Council had regard to this conduct and sought to address the implications of it at the meeting. Given the near unanimous decision, I am not satisfied that it is likely that this conduct led to a different outcome. Whilst the actions reported may represent unreasonable behaviour, I am not able to conclude that without such actions, there was a clear likelihood that permission would have been granted and the appeal avoided.
8. Overall, I consider that the Council were entitled to reach the decision that they did and I am not persuaded that the costs of the appeal would have been avoided had the correct procedures, prior to the committee meeting, been more rigorously followed. I am not therefore able to conclude that unreasonable behaviour resulting in unnecessary and wasted expense, as described in Planning Practice Guidance, has been demonstrated. A full award of costs is not therefore justified.

Peter Eggleton

INSPECTOR