

Date: 26 September 2016

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, 4 October 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 6 September 2016	1 - 9
5. Minutes of the Special Planning Committee held on 13 September 2016	10 - 13

PART 1 - ITEMS FOR DECISION

6. Stud Farm Cottage, Rufford (16/00846/FULM) (Site Visit: 9.20am – 9.30am)	14 – 27
7. Land at Cockett Lane, Farnsfield (16/00769/FULM) (Site Visit: 9.40am – 9.50am)	28 – 63

8.	Far Barn, Priory Road, Thurgarton (16/01252/FUL) (Site Visit: 10.35am – 10.45am)	64 – 74
9.	Land adjacent to Ivy Cottage, Hawksworth Road, Syerston (16/01130/OUTM) (Site Visit: 11.05am – 11.15am)	75 – 90
10.	Walesby Garden Centre, Brake Road, Walesby (15/01642/FULM)	91 – 106
11.	Newark Northgate Station, Lincoln Street, Newark (16/01036/LBC)	107 – 116
12.	Land to the South of Bilsthorpe Road, Eakring (16/00819/FULM)	117 – 175

PART 2 – ITEMS FOR INFORMATION

13(a).	Appeals Lodged	176 – 177
13(b).	Appeals Determined	178 - 206

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 - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 6 September 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: D.M. Batey, 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: K.F. Girling and R.J. Jackson

61. APOLOGIES FOR ABSENCE

There were none.

62. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillors D.R. Payne and Mrs P.J. Rainbow	Agenda Item No. 14 – Site at Springfield Bungalow, Nottingham Road, Southwell (15/01295/FULM) – Non disclosable pecuniary interest, as the applicant was known to them.
Councillor G.P. Handley	Agenda Item No. 12 – Brinkley Hall Farm, Fiskerton Road, Brinkley (16/00589/FUL) – Personal interest, as the architect was known to him.

63. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

64. MINUTES OF THE MEETING HELD ON 2 AUGUST 2016

AGREED that the minutes of the meeting held on 2 August 2016 be approved as a correct record and signed by the Chairman.

65. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda item 14 was taken as the last item of business.

66. COACH AND HORSES PUBLIC HOUSE, NOTTINGHAM ROAD, THURGARTON (16/01161/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full retrospective planning permission for proposed residential development to comprise redevelopment of former Coach and Horses public house to provide 3 no. three-bedroom dwellings (retrospective).

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Contractor and a neighbour and set out proposed changes to wording of two conditions.

Councillor R.J. Jackson, as local Ward Member for Dover Beck Ward spoke against the application on the grounds that the proposals were not in accordance with the original plan. Thurgarton Parish Council had been consulted by the developer and asked what properties were required in the village; the Parish Council had informed the developer that there was a need for smaller two bedroomed dwellings as starter homes or for residents wanting to down size. The value of the houses would increase due to the increase in number of bedrooms from two to three. The development would not incur a Section 106 or CIL, it was therefore felt that as the application was retrospective the developer should be asked to make a financial contribution towards the village hall for the benefit of the community and as a good will gesture to the village for their oversight.

The Chairman informed the Committee that this request was not within the gift or power of the Local Authority to ask for a financial donation; however it was thought that the developer was in attendance of the meeting and may take this on board separately.

Members considered the application and it was commented that the site had been sold on to a new developer. Members felt that the builder had taken a cavalier approach regarding the internal design of the properties. Members had however been informed that the footprint of the three properties was the same as the original planning permission and if the houses had been built and sold as two bedroomed properties, the new owners could have reconfigured the internal layout of the properties without the need for planning permission. The increase in value for the development was approx. £400,000 and the increase in cost being £300,000 (without having regard to land purchase price). It was felt that it would be morally helpful if the applicant would liaise with and give in some way to the community to alleviate their disappointment, albeit it was accepted that this would be between the applicant and the Parish and not required for the purposes of the planning application.

Members also commented that the development was on a brown field site which was receiving sympathetic modernisation.

AGREED (with 13 votes for and 1 vote against) that full planning permission be approved subject to the conditions contained within the report as amended by the late items schedule.

67. CARR FARM HOUSE, 1 ORCHARD LANE, CAYTHORPE (16/00893/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of an attached double garage.

Councillor R.J. Jackson, as local Ward Member for Dover Beck Ward spoke in support of the application. He commented that the development fitted into the green belt. When the original application for this development was submitted in 2011 the application was refused on incorrect footprint sizes and it was argued that the footprint was larger than agreed. The garage would be in keeping with that of the neighbouring property. There had been a lot of thefts in the village and the garage would be used to store cars, bikes etc and would have no detrimental impact on the green belt.

Members considered the application and it was commented that the erection of the attached garage would not have an adverse impact on the street scene or green belt and would enhance the street scene if a window was included in the proposed side garage wall.

A Member sought clarification as to whether the applicant would be allowed in future to build on top of the garage. The Business Manager confirmed that the permitted development rights had already been removed to prevent any further development, albeit permission would not be required for internal works/conversion.

(Councillor Mrs Y. Woodhead attended the meeting during the presentation and took no part in the vote).

AGREED (with 10 votes for and 4 votes against) that contrary to Officer recommendation, full planning permission be approved subject to the following:

- (i) appropriate conditions;
- (ii) the application being advertised as a departure to the development plan; and
- (iii) no new material planning issues not already addressed being received.

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	Against
R.V. Blaney	For
Mrs C. Brooks	Against
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For
J. Lee	Against
N. Mison	Against
D.R. Payne	For

Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	Took no part in the vote

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

This application was deferred from the agenda at the applicant's request.

69. NEWARK AND SHERWOOD PLAY SUPPORT GROUP, EDWARD AVENUE, NEWARK (16/00992/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the change of use of premises from B1 to A1 (retail) to include a butchery and tea room.

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

Councillor K.F. Girling, local Ward Member for Newark Castle Ward spoke against the application on the grounds of the proposed site being in an extremely quiet cul-de-sac, occupied primarily by elderly and disabled residents. It was felt that the car park facilities were inadequate with thirteen spaces and customers would park on the road side which would cause problems for residents. Delivery vehicles would also cause traffic congestion on the street; one car had already been damaged.

Members considered the application and felt that this was the wrong business in the wrong location. The street was narrow with residential parking restrictions in operation. Members questioned where customers would park and felt that the proposal would impact on residents' amenity. A Member further commented that this site would be perfect for a residential scheme.

AGREED (with 13 votes for, 1 vote against and 1 abstention) that contrary to Officer recommendation, full planning permission be refused on the following grounds:

The site is a quiet cul-de-sac road, overwhelmingly residential in character (and quiet as a consequence of the cul-de-sac and lack of other uses which generate regular vehicle movements consistently throughout the day), with residents parking restrictions in place. The proposal would lead to activities over and above the existing use (which as B1 is relatively limited in terms of comings and goings) to such a degree that associated comings and goings (customer vehicles and deliveries) would lead to disturbance and on street parking, contrary to the parking regime in place, to the unacceptable detriment of residential amenity.

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

70. LAND AT BEACON HILL ROAD, NEWARK (15/02256/FUL)

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 erection of two, four bedroomed properties and one five bedroomed property.

Members considered the application and felt that this site was acceptable for development. It was also commented that to the rear of the site would be another strategic site in the near future. Concern was however raised regarding any overlooking issues onto the neighbouring property No. 142 and the importance for the planting scheme to alleviate that issue. An extension to the existing public footpath along Beacon Hill Road to serve the development was also considered essential.

The Business Manager Growth and Regeneration informed Members that Condition 5 could be changed from hard landscaping only to include a more robust soft landscaping scheme.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and a more robust landscaping scheme to boundary with nearest resident to the west.

71. UNITS 1 AND 2 FOREST CORNER, EDWINSTOWE (15/01060/FUL)

The Committee considered the report of the Deputy Chief Executive which sought full planning permission for the conversion of the store building to a Craft Centre Annexe for an additional craft workshop with associated sales.

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

Members considered the application and felt that it was appropriate.

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

72. 1 POST OFFICE LANE, SOUTH SCARLE (16/01038/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the conversion and extension of an existing detached barn on the site to form an independent dwelling. This application was a resubmission of application 16/00052/FUL.

The Business Manager Growth and Regeneration commented on two additional concerns which had been raised by the local community. The first being that the host dwelling would have inappropriate and disproportionately low level of amenity space. The second being a domestic garage adjacent which generated noise through the use of noisy industrial equipment, and although it could be considered incidental to the enjoyment of that dwelling, the amenity of occupiers of the new dwelling could be adequately dealt with through a condition requiring noise insulation and therefore was not a valid reason for refusal should the Committee be minded to refuse the application.

Members considered the application and it was felt that the road was too narrow and dangerous. The amenity space was inappropriate for the cottage. It was suggested that the barn should be utilised by the cottage for storage purposes.

(Councillor R.A. Crowe took no part in the vote as he left the meeting during the presentation).

AGREED (with 14 votes for) that full planning permission be refused for the reasons contained within the report and the following additional reason:

- Lack of appropriate size of amenity space remaining for the host dwelling.

73. BRINKLEY HALL FARM, FISKERTON ROAD, BRINKLEY (16/00589/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the demolition of industrial units and the erection of a new detached three bedroom, single storey house with attached garage.

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

Members noted the brownfield nature of the site, a matter important when looking at the impact upon open countryside. The Business Manager Growth and Regeneration confirmed the previously development nature of the land.

Members considered the application and were on balance persuaded that the proposal could be appropriate on the basis of the brownfield site and the fact that the applicant was prepared to ensure that the house proposed would be the first one of straw bale construction to achieve passive haus standards. The Business Manager recommended

that conditions to secure pre, during, post and monitoring be attached to any planning permission.

AGREED (with 14 votes for and 1 vote against) that full planning permission be approved subject to the conditions and reasons contained within the report and the additional condition to secure passive haus (pre, during, post, construction and post completion monitoring).

74. FORMER PIANO SCHOOL, MOUNT LANE, NEWARK (16/00741/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the conversion of buildings to five self-contained studios, three one - bed apartments, one two - bed apartments and three four - bed cluster apartments. This application was a resubmission of application 15/01260/FULM.

Members considered the application and were advised that the original application had been granted on appeal. The resubmission before Committee had two units less than the original application and was therefore an improvement to what had already been granted.

(Councillor J. Lee took no part in the vote as he left the meeting during the presentation).

AGREED (with 11 votes for and 3 votes against) that full planning permission be approved subject to the conditions contained within the report.

75. APPEALS LODGED

NOTED that the report be noted.

76. APPEALS DETERMINED

The Business Manager Growth and Regeneration informed the Committee of the appeal allowed and planning permission granted at 5 Queen Street, Balderton (16/00178/FUL). The Inspector had concluded that there were no procedural problems, but because Highways grounds had been included as a reason for refusal and the County Highways Authority had not opposed the application, the Authority was made to pay costs.

The Business Manager Growth and Regeneration also took the opportunity to advise the Committee on three issues that had occurred at other local authorities.

Colleagues at Erewash Borough Council had received an Ombudsman complaint where maladministration had been found as the Committee minutes had not provided full and robust reasons for approving a proposal contrary to Officer advice.

A Judicial Review challenge had been made on the grounds of the lack of robust content of the Planning Committee minutes. A judgement was awaited.

Members were advised of issues which had arisen with the Fast Track Householder appeal service administered by the Planning Inspectorate. If a house holder application was refused by Committee contrary to Officer recommendation (which is relatively rare in terms of items considered by the Committee) the Planning Authority had no further opportunity to submit a supplementary appeal statement. Consequently the minutes were the sole basis for an Inspector understanding the Council's position. On this basis Officers and Members were asked to ensure that minutes were robust and as detailed as required in such circumstances.

NOTED that the report be noted.

(Having declared non - disclosable pecuniary interests Councillors D.R. Payne and Mrs P.J. Rainbow left the meeting at this point).

77. SITE AT SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL (15/01295/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought an amendment from the applicant to the proposed conditions relating to Springfield Bungalow, Southwell.

This application was presented to the 7 June 2016 Planning Committee, where Members resolved to grant planning permission in accordance with officer recommendation and to delegate the approval of conditions to the Business Manager Growth and Regeneration in consultation with the Planning Committee Chairman and Vice-Chairman.

A meeting was held on the 30 June 2016 and the following wording of the conditions to be attached to the planning permission was agreed as contained within the report.

Subsequent to the meeting the applicant had advised that they remained concerned with the issue of when and how the access to the market units could be commenced. On the one hand the applicant was keen to implement in order to finally resolve land ownership disputes between parties regarding the ability to construct the access and particularly the visibility splays. On the other hand an implementation of the site access pursuant to this planning permission would trigger the CIL charge. Accordingly the applicant had suggested a revised condition 1 such that consideration of the residential access would not trigger CIL, rather it would only be future subsequent development.

The Business Manager Growth and Regeneration did not recommend any changes to the conditions already agreed in consultation with the Planning Committee Chairman and Vice-Chairman. It was re-affirmed that the S106 agreement would include provisions for the management and maintenance of on-site infrastructure (eg. open space, flood infrastructure), and that it would be concluded by the Business Manager, after consultation with Councillor Handley and Councillor Blaney.

AGREED (unanimously) that the conditions agreed between the Business Manager Growth and Regeneration and the Planning Committee Chairman and Vice-Chairman be approved as contained within the report.

The meeting closed at 6.20pm

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Special Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 13 September 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

78. APOLOGIES FOR ABSENCE

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

79. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillors N. Mison	Agenda Item No. 4 – Land at Fernwood South, Nottinghamshire (16/00506/OUTM) – Personal interest, the Councillor is a resident of Fernwood.

80. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

81. LAND AT FERNWOOD SOUTH, NOTTINGHAMSHIRE (16/00506/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought outline planning consent for a residential led mixed use development comprising up to 1,800 dwellings, a local centre, a primary school, a sports hub with extensive areas of public open space and associated infrastructure. The application had been submitted on the basis of all matters except access being reserved.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: a neighbouring party; neighbouring parties from Claypole; the applicant; consultee responses; and the case officer.

A plan of the proposed site including a map of the area was tabled for Members at the meeting.

The Planning Committee Chairman informed the Committee of a typographical error in the report. The recommendation should read 'outline planning permission' and not full

planning permission as stated in the report.

The Business Manager Growth and Regeneration informed the Committee that Condition 13 had been changed to include a construction requirement for reasonable access to the existing residential dwellings, as detailed in the Late Items Report. A typographical error was also noted on page 88 of the report which should read as follows:

- 48% of units will be intermediate provision (the policy aspiration is **40%**), consisting of:
 - 25% of units to be shared ownership;
 - 75% of units to be Discount Open Market Value (DOMV) properties, with a discount of 25%;
- 52% of units will be affordable rent provision (the policy aspiration is **60%**), owned and managed by a Private Registered Provider or the Local Authority.

The Business Manager Growth and Regeneration informed the Committee that whilst the overall numerical value and percentage split between Intermediate and Affordable Rent was being secured, the actual split of house types (eg. number of 1, 2, 3, 4 bed units) was to be negotiated and agreed by Officers prior to the signing of the S106 Agreement.

The Chairman sought clarification regarding the payment through the management company towards the allotments and questioned why all residents would have to contribute towards those allotments if they choose not to have one. The Business Manager Growth and Regeneration confirmed that this would be addressed as part of the management arrangements secured.

Councillor Gould representing Fernwood Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Councillor Bett representing Barnby in the Willows Parish Council expressed concerns regarding potential traffic congestion, but acknowledged that the Parish Council had not opposed the application as reflected within the report.

Councillor Wood representing South Kesteven District Council spoke regarding the application in accordance with the views of South Kesteven District Council. Whilst South Kesteven District Council had no fundamental objection to the proposal, he asked that careful consideration being given to certain points as contained within the report.

Members considered the application and concern was raised regarding the impact from additional traffic the development would cause. A Member commented that the road network as a whole needed to be addressed to alleviate highway issues. This led to further concerns regarding the road infrastructure running through the estate to Claypole, as it was felt that would create a rat run. It was commented that the medical practice should be located on the development site. Concern was also raised regarding the development being in close proximity to the A1 and it was suggested that the design could be amended to alleviate that.

Other Members noted that in this case the Highway Authorities had not objected, nor had the Council's own independent Highway Consultants. On this basis there were no grounds to challenge the highways conclusions or the mitigation package being secured.

Current problems with the bus service to existing Fernwood were also reported. The Business Manager Growth and Regeneration confirmed that bus provision would be subsidised by the applicants relatively early given the adopted nature of Shire Lane as existing. Any bus provision could only come forward once sufficient houses were built.

A Member commented that the location of the new school was correct, but it was suggested that the school should be open before the completion of 200 dwellings. The road infrastructure around the school should also be given some consideration with the inclusion of a drop off area and double yellow lines to clearly define where parents could park, to prevent future car parking issues. The Business Manager Growth and Regeneration confirmed that recommended condition 12 would require such details to be submitted. With respect to double yellow lines this was something the County Council, as Local Highway Authority, could pursue.

The inclusion of solar panels and underground water collection tanks within the development was also suggested.

Concern was raised regarding the proposed sports provision, as the identified land was divided by Shire Lane, with changing facilities only on one side. This was considered not suitable given that children would have to cross Shire Lane to use the changing facilities on the adjacent land. The Business Manager Growth and Regeneration confirmed that the applicants Design and Access Statement referred to changing provision on either side of Shire Lane. A condition could be attached and/or amended to secure this.

Concern was also raised regarding the access to Syvlan Way Depot which would result in shared residential and HGV traffic, including potential conflicts. The Business Manager Growth and Regeneration suggested that any reserved matters should set out how any conflict was being minimised to an acceptable level.

A local Member commented that land for a cemetery and a communal church would also be a future requirement for this area.

Clarification was sought as to whether the Authority was securing all required developer contributions that the Authority was seeking. The Business Manager Growth and Regeneration confirmed that as a whole the scheme was considered to be fully compliant with the Council's Developer Contributions SPD.

A Member asked that conditions 13 and 14 regarding noise would be thought through carefully in order that noise and disruption be kept to a minimum and controlled.

Concerns were raised regarding the proposed Management Company and how that would operate. The Business Manager confirmed that the management company would be a requirement of a S.106 agreement and would be a not for profit organisation, set up by the developers solely to administer the management and financial obligations associated with the communal facilities and infrastructure of a

development. All details would need to be submitted prior to occupation of any unit. Confirmation was also provided by the Business Manager Growth and Regeneration that there would be adequate provision for green open space.

Clarification was sought regarding when the widening of the bridge over the A1 would commence. The Business Manager Growth and Regeneration confirmed that the Authority would take the lead on securing the widening of the bridge, which could be financed through CIL payment. The scheme would only take place when required, which would be dependent on funding (including CIL receipts) and the level of development taking place above and beyond this application.

AGREED (with 11 votes for and 3 abstentions) that outline planning permission be granted in accordance with the Officer recommendations subject to:

- (1). The final wording of conditions being agreed by the Business Manager Growth and Regeneration, in consultation with the Planning Committee Chairman and Vice-Chairman;
- (2). The signing of a S106 Agreement to secure matters outlined in the report and in particular Appendix 2 thereof, the triggers for which to be agreed by the Business Manager Growth and Regeneration, in consultation with the Planning Committee Chairman and Vice-Chairman; and
- (3). Additional and/or amended conditions to secure (a). an appropriate access for existing residential properties; and (b). securing appropriate changing facilities in association with Sports Hubs on both sides of Shire Lane.

The meeting closed at 6.27pm

Chairman

Application No:	16/00846/FULM		
Proposal:	Demolition of a disused egg packing station and the construction of a steel framed grain store		
Location:	Stud Farm Cottage, Rufford		
Applicant:	Geoff Bower Ltd - Mr Colin Bower		
Registered:	31 May 2016	Target Date:	26 July 2016
Ext of time agreed: 07 October 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 site is located within the Open Countryside, situated approximately 1km to the south of Rufford and 1km to the east of the A614. Within the vicinity of the site are a number of other agricultural buildings, the closest being approximately 550m to the east and in the same ownership. Approximately 800m to the south are a collection of green metal finished buildings which form part of an egg farm. The nearest heritage asset to the site is the Grade II listed Park Lodge approximately 600m to the south west. Approximately 1km to the north is the Grade I listed Rufford Abbey and Scheduled Ancient Monument. The site also resides within the Registered Park And Garden (Grade II) of the Abbey which extends approximately 2km to the south of the Abbey.

The site which forms the basis of this application is occupied by a redundant egg packing plant. The existing building is timber clad and surrounded by concrete parking and manoeuvring areas. The building is semi dilapidated with a number of broken windows and signs of vandalism to the rear. The site is partially screened to the west by a row of trees and additional screening is present to the north of the site. The site is surrounded by agricultural fields and accessed from an existing private hard surfaced road which runs east to west across the frontage of the site. The nearest residential property to the site is Kennel Wood bungalow situated approximately 400m to the east.

Relevant Planning History

7477308 – Proposed extension to egg packing station for processing & packing eggs. Permitted in 1977.

The Proposal

The application seeks planning permission for the demolition of the currently disused egg packing plant and the construction of a steel grain store building on the same footprint. The existing

building has a footprint of approximately 2,500m² (maximum of 50m by 56m and L-shaped) and is semi dilapidated. The proposed building would have a footprint approximately 24% smaller at approx. 1,900m² (maximum of 54m by 42m and L-shaped). It is proposed that the building be steel clad with an olive green powder coated finish with cement roof tiles. The structure would have a maximum ridge height of 11.95m. The existing building has an overall ridge height of 6.5m.

Due to the objection raised by the parish council discussions have been had with the applicant regarding the potential for reducing the ridge height of the building or locating it elsewhere in the applicants holding. The applicant has however confirmed that the ridge of the building is the lowest possible to allow current farm vehicles to enter and exit the building to deposit and collect grain. Furthermore, by reutilising the existing building slab the development would not require vast quantities of new concrete to be poured.

The application is supported by a Heritage Impact Assessment, Protected Species Survey and a Design and Access Statement.

Departure/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 DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD (adopted July 2013)

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 2012
- Planning Practice Guidance 2014
- Landscape Character Assessment SPD (Adopted December 2013)

Consultations

Rufford Parish Council – Object

Proposed elevations are too high (built on highest point of Rufford Park) and will have adverse visual impact. Parish council cannot make a fair judgment on noise levels and other environmental impacts because question 23 has not been answered completely.

Further comments

The comparison in height of the proposed grain store with a similar building to the east is not relevant because the building to the east is sited on lower land.

The parish council are satisfied that one solitary fan installed in the grain store will not cause a noise problem. However, could a condition be placed stating that the building can only be used as a grain store. The building is so large it could easily be converted for industrial use or other agricultural uses than storing grain.

Nottinghamshire Wildlife Trust – No objection subject to condition

We are generally satisfied with the methodology and conclusions of the report (Protected Species Survey, Andrew P Chick, May 2016). The building is considered to offer very limited potential for bats we would be supportive of the suggested precautionary approach of demolition between October and mid-April. Taking the bird breeding season into account, we recommend that this time period is shortened to October to February and secured through a planning condition.

The recommendations in Sections 5.2.3 and 5.2.4 regarding bat boxes and lighting should be secured through use of planning conditions.

Additional information regarding barn owls has been provided (letter dated 4th June). Given that there was no evidence of nesting during May 2016, we are satisfied with the proposal for a pre-demolition check to ensure that the situation has not changed in the intervening period. The building has clearly been used for roosting and we would therefore support a condition requiring site enhancements for barn owl as mitigation for loss of roosting habitat.

NSDC Environmental Health Officer – No objection subject to condition

Further to our discussion provided that the new fan is confirmed to be exactly as that witnessed by Jeremy at his site visit then it would seem ok. However some form of time restriction is required and I would suggest that the fan can only be operated between 07:00 and 19:00 on any day.

NSDC Conservation Officer – Observations

In terms of heritage assets, the application site lies within the Rufford Abbey Registered Park and Garden (Grade II) and is positioned approx. 600m due north of the Grade II listed Park Lodge which is the closest of 18 listed buildings within a 2km radius of the site, the next nearest of which is approx. 1km to the north-west, beyond which is the Scheduled Monument of Rufford Cistercian Monastery which is also occupied by the Grade I Rufford Abbey itself and its associated lower grade listed buildings. To the east is the Grade II listed Pigeoncote and Kennels at North Laith Farm which is more than 1km away. From an examination of the contours in this area, the site is also located on relatively higher ground than the land to the north, east and west in the vicinity. It has also been noted that there are areas of mature woodland in clumps within the landscape, with

a long narrow planted area immediately to the north of the site, as well as three or four other large agricultural shed-like buildings within 1km of the site.

The circa 460ha site that forms the designated Park and Garden occupies flat ground which forms part of the valley of Rainworth Water, which runs from north to south. The western boundary is formed partly by the A614 and, further south, by Rainworth Water and the perimeter planting of Beech Hill Wood. The perimeter planting of Long Belt forms the southern boundary, with agricultural land on the south-east and New Park Wood on the north-east boundary. The northern boundary comprises perimeter planting west and east of Rufford Mill and ford, south of Rufford Lane.

Parkland forms a major part of the registered site. The northern part of the parkland east of Rufford Abbey is occupied by Rufford golf course. East of the golf course and 1.3km east of the Abbey is New Park Wood (c 40ha), made up of rides converging on a rondpoint. South of the golf course and south-east of the Abbey is an area which is now (late C20) arable with an open aspect. Kennel Wood (4ha) lies 100m south of the Old Kennels entrance along the eastern edge of the main parkland. Rufford Park (c 120ha) is bounded to the north by the path which runs west from south of Kennel Wood to south of Beech Hill on the west boundary. It was formerly part of a larger deer park, shown on the 1637 map, which extended south beyond the present southern boundary now delineated by the Long Belt plantation. The 1830 map shows the park with a path (extant) running east/west from Kennel Wood to the north of Beech Hill Wood, of which it forms the northern boundary, with a deer barn (now gone) in the eastern section and the southern boundary delineated by Long Plantation with farmland to the south of that. In 1857 the Rufford inventory shows 300 deer in the 500 acre (208ha) deer park (Norton 1998)

Rufford Abbey was designated as a country park in 1969. From the 1970s Rufford Abbey's buildings and grounds have been renovated and new gardens created. The registered site (which includes Rufford Abbey and its immediate pleasure grounds) also includes land to the south and west, which historically formed part of hunting grounds and functional wider landscape used by the Abbey prior to the formation of the pleasure grounds now found in the immediate vicinity of the Abbey. The land is now in divided ownership, part private and part local authority. Rufford Abbey remains in English Heritage guardianship under local management and the application site and land around it is owned by a farmer. The same farmer also owns and farms land further to the south beyond the boundary of the registered park and garden.

The Abbey was served by a number of entrances historically, including from the south, which is indicated by the presence of Park Lodge, approx. 1.65km south of the Abbey.

The applicant was requested to submit a Heritage Impact Assessment during the course of the application, which has now been submitted in support of the application. Whilst consideration has been given to the impact of the proposal on listed buildings, there is no mention of the impact on the Grade II Park and Garden.

By virtue of its scale, form, location and appearance, the proposed development is capable of affecting a number of heritage assets.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority (LPA) to have special regard to the desirability of preserving listed buildings, including their setting ('preservation' means to cause no harm and is a matter of paramount concern in the decision-making process).

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Additional guidance on development affecting the setting of heritage assets is contained within The Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets.

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. Key issues to consider in proposals for additions to heritage assets, including new development in registered park and gardens, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Assessment of Proposal

The proposal seeks to demolish the existing agricultural building which has a footprint of 2,500 m² (50m by 56m and L-shaped) with a max ridge height of 6.5m, and replace it with a new building with footprint of 1,900 m² (54m by 42m and L-shaped) with a max ridge height of 11.95m. The proposed building would be utilitarian in design comprising a steel frame with steel cladding in an olive green powder coated finish with cement roof tiles. The new building would sit on the existing concrete base. The existing planting and woodland would be unaffected.

The site is within the Grade II Registered Park and Garden of Rufford Abbey, which is a heritage asset. The significance of this part of the heritage asset is characterised by rolling countryside, with areas of woodland that forms the setting of the Abbey and which historically had a functional association with the Abbey that pre-dates the 19th century pleasure ground phases. Whilst the latter are fully accessible to the public it is acknowledged that as part of a private farm, the land around the application site is not accessible to the public. However, as referred to above, this matter is largely irrelevant and contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Development within Registered Parks and Gardens should seek to better reveal and

sustain the significance of the park which will ultimately have an impact on the setting of the Abbey. Whilst the reduction in the size of the footprint from the existing to the proposed, would reduce impact, the increase in height of the ridge from 6.5m to almost 12m would result in additional bulk and massing. The solid block form and modern materials would represent an alien feature within this historic parkland. As such, the scale, form and appearance of the proposed building would cause harm to the character of the registered parkland of the Abbey, and therefore impact negatively the significance to the setting of the Abbey.

Conservation, however, are aware that there is an existing large agricultural building on the site and that modern agricultural activities in the area have already resulted in considerable alteration in character which has negatively impacted on the significance of the Park and Garden, both in terms of the loss of some woodland as well as the scale of modern structures that are pepper potted within the historic Park. As such, Conservation considers that the harm identified is less than substantial for the purposes of the NPPF. It is accepted that green infrastructure and nearby woodland is capable of mitigating some of the harm identified above and in this context, the decision-maker is entitled to weigh harm against any identified public benefits. The farmer ought to be encouraged to erect the building on his farmland that is outside the Registered Park and Garden.

It is clear both from the attached historic maps and the existence of Park Lodge that the entrance to the Abbey from the south was historically an entrance way to the Abbey further north, travelling through its landscaped setting. The existence of the wooded area to the north of the application site, together with the considerable distances involved, the development is not likely to harm the setting of any of the listed buildings or SAM to the north and east. In relation to Park Lodge to the south, it will have intervisibility with the proposed development and the increased height will make it more visible. However given the distance between, Conservation are satisfied that the proposed building would not harm the significance and the setting of Park Lodge itself.

To conclude, therefore, Conservation considers that the proposed development would cause less than substantial harm to the significance of the Grade II Registered Park and Garden to which no clear and convincing justification has been provided. In accordance with paragraph 134 of the NPPF, the decision-maker can take into account other public benefits.

Historic England – Observations

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

The Gardens Trust – Object

Thank you for consulting The Gardens Trust in its role as Statutory Consultee with regard to proposed development affecting a site included by Historic England on their Register of Parks & Gardens, as per the above application. I must apologise for the delay in getting back to you, but the application coincided with holiday absences, which have held things up. I have consulted with my colleagues in the Nottinghamshire Gardens Trust and would be grateful if you could please take our comments below into account when considering this application.

The information with the proposals does not contain a dedicated heritage impact assessment, but does have a short section in the D&A statement that has this title. This acknowledges that the site is within registered historic parkland but does not mention that it is within the setting of a designated listed building (Park Lodge - grade II). The site of the present disused and derelict chicken sheds is in a prominent location within the historic deer park due to the local topography and tree cover. The site forms the setting of Rufford Park Lodge which is the site of the Medieval

and later hunting lodge of the deer park that was deliberately positioned to the south of the park to have views north, which are towards the proposal site. The deer park is now in full agricultural use but retains the long vistas and planted tree belts that reflect the earlier heritage and use of this part of the registered parkland and wider setting of Rufford Abbey Country House.

The nature of the proposals is for a modern agricultural shed of much larger dimensions (in particular in terms of height) than the present low timber sheds. The metal clad modern 'industrial' appearance of the proposed shed will not contribute positively to the appreciation of the historic parkland. It will be very highly visible from a variety of viewpoints, including from Park Lodge listed building and may also be visible from the busy A614 to the west.

We agree with the statement that the demolition of the existing sheds would not harm the historic parkland, however we do not agree with the assertion provided by the applicant in the D&A statement that the new building would 'both enhance and preserve the appearance of the historic parkland'. On the contrary, the additional of another new industrial farm shed in this location would contribute to the cumulative damage to the character and significance of the parkland being caused by the recent modern farm developments that can be seen from the site.

We recommend that this application is refused and that the applicant explore other less sensitive locations to position the new building. We also recommend that any future application affecting the registered parkland of Rufford Abbey be accompanied by a more thorough and expert assessment of the heritage interest of the registered park and implications of the proposals for that interest.

Comments Based on Heritage Impact Assessment

There are two points within this document I should like to comment upon. The HIA states (p7) that the impact was "mitigated by the presence of similar buildings in the landscape." I would disagree with this and feel that to the contrary, it represents a cumulative, creeping development which will lead to the gradual erosion of the setting and significance of the asset.

Secondly in section 5.3.4 (p 20) it states: "However, it should be noted that the area of the Registered Park around the development site does not have general public access." This is contrary to HE's statement in "The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning 3, July 2015", p.4: "Setting does not depend on public rights or ability to access it; significance is not dependent on numbers of people visiting it." There are some public rights of way – in fact the shed may well be visible from the "Robin Hood Way".

The Gardens Trust would like to therefore reiterate its request (14.9.16) that this application be refused and that the applicant explore other less sensitive locations to position the new building.

No letters of representation received.

Comments of Business Manager

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running

through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

I am mindful of the guidance contained within Spatial Policy SP3 (Rural Areas) of the Core Strategy which states that 'the rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural and forestry development.'

Development away from the main built-up areas of villages, in the open countryside, must be strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry. Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD sets out criteria to deal with such applications. Policy DM8 lists Agricultural and Forestry development to be an appropriate form of development in the open countryside where proposals can adequately explain the need for the development and its siting and scale in relation to the use it is intended to serve.

Given the objection raised by the parish council additional justification has been sought during the life of the application to ensure that the proposal presented is the minimum required.

The agent has verbally confirmed that the proposed building size is the minimum possible to enable existing farm machinery to access the building and deposit and extract crops once dried to take to market. The length and width has been designed to centralise grain storage across the holding and accommodate an average year's harvest with excess capacity for increased yields etc. All drying and storage will be done on site thus removing the need for off-site storage/drying thus reducing vehicle trips.

A review of other permitted grain stores of similar scale in the District has been undertaken. In the past 2 years 3 stores have been approved with ridge heights of 10m (Moor Farm), 15m (Far Barn) and 13.1m (Leylands Farm). The floor space provided by these last two applications was also comparable with that proposed as part of this application. It is considered that this indicates that such heights are required to enable the buildings to effectively function as grain stores.

Consideration also needs to be had to the fact that the site would be considered brownfield given the presence of the redundant egg packing building and the improvements that would be made through the removal of the dilapidated building and its replacement with the proposed structure. Furthermore, the construction of a replacement structure on the proposed site would enable the existing concrete slab to be reused along with existing services.

I am satisfied that the above meets the requirements of policy DM8 and allows the agricultural operations to be self-sustaining. I am also mindful of the benefits of the scheme in terms of allowing the existing agricultural practices to continue and expand thereby supporting local employed as endorsed by Core Policy 6.

Impact on Historic Landscape

The site is situated within an established agricultural landscape with arable fields stretching in all directions. Within the vicinity of the building; 450m to the east and 800m to the south are a number of similar structures of similar ridge height although acknowledged of smaller footprint. Also visible from the site are associated ancillary agricultural installations; notably an anaerobic digestion plant and number of wind turbines situated to the south.

Comments have been received from the Gardens Trust and the NSDC conservation Officer in relation to the proposed development. Whilst the objection raised by the Gardens Trust in relation to the perceived impact on the setting of the Rufford Abbey Parks & Gardens is noted reference is taken from Historic England's representation who defers comments to the Local Authority Conservation Officer (CO).

The proposed building would be sited approximately 600m to the north of the Grade II listed Park Lodge, the closest of 18 listed structures within a 2km radius of the site. Photomontage B demonstrates the view of the proposed store from Park Lodge and it is considered that given the degree of separation the building would not impact on the setting of the building and would blend into the surrounding landscape. 1km to the north of the site is the Grade I listed Rufford Abbey. As commented upon earlier the proposed building also resides within the designated park and garden of the abbey which extends a further approximate 1km to the south of the site and occupies circa 460ha of land surrounding the Abbey in its entirety. The park and garden historically formed part of a larger deer park which enveloped the abbey. The abbey has been in use as a country park since 1969. No specific date is known when the park and garden land which forms the basis of this application commenced use as agricultural, however the applicant believes that the existing building on site was constructed in the early 1960's. Development within Registered Parks and Gardens should seek to better reveal and sustain the significance of the park which will ultimately have an impact on the setting of the Abbey.

It is considered by colleagues in conservation that whilst there is an approximate 24% reduction in footprint of the new building compared to the existing, the increase in ridge height would result in additional bulk and massing in comparison to the current structure.

As such, the scale, form and appearance of the proposed building would cause harm to the character of the registered parkland of the Abbey, and therefore impact negatively the significance to the setting of the Abbey. However, this degree of harm given the presence of other agricultural buildings and associated infrastructure, together with the separation distance of the building from the abbey and intermediary vegetation are weighed in the balance and it is considered that any resultant harm would be less than substantial.

Visual Impact

Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. Core Policy 13 (Landscape Character) requires development proposals to positively address the implications of the Landscape Policy Zones and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement aims for the area. Policy DM5 of the ADMDPD states in relation to Local Distinctiveness and Character that 'the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.'

The application site is located within Landscape Policy Zone of MN PZ 24 Rufford Park Estate Farmlands with Plantations, as identified by the Newark and Sherwood Landscape Character Assessment. This landscape condition is defined as 'Poor' and has a very low level of sensitivity. The overall landscape action for this policy zone is to create.

I am mindful that the proposed grain store would be positioned upon the site of an existing egg packing building and occupy a footprint approximately 24% smaller than that of the current building. Whilst the footprint is smaller, it is noted that the maximum height of the proposed building is considerably higher than the existing – 11.95m compared to an existing 6.5m. I note the concerns from the parish council regarding the visibility of the building given its proposed ridge height and it's siting on elevated land in comparison to surrounding structures and discussions have been had in relation to reducing the height of the building. However, the applicant has verbally confirmed that the scale of the building has been designed around the function the building performs and existing machinery used on the farm. Any reduction in height would restrict access to the building and require different machinery to be purchased to access and operate within a structure with a lower ridge height. This would be considered be unduly onerous on the farmer and be contrary to the guidance of paragraph 28 of the NPPF in relation to supporting a prosperous rural economy.

Furthermore, I am mindful that a structure, albeit with a smaller footprint, could be constructed with the same ridge height on the site under agricultural permitted development.

Additionally, I am mindful of the screening that trees on the western boundary of the site provide in addition to those to the north which would restrict views of the building from these directions. Officers raised comparison with the building to the east which is within the ownership of the applicant and has a comparable ridge height. Whilst it is noted that the land level that this building occupies is lower it is not considered that a replacement structure in the location occupied by the currently redundant egg packing facility of the size proposed would so significantly detract from the surrounding area to warrant refusal. Consideration also needs to be had to the multiple poultry units situated to the south east of the development site which are of a comparable height to that proposed as part of this development at approx. 11.95m to the ridge.

A number of supporting photomontages have been submitted as part of the Heritage Impact Assessment and these demonstrate that in the majority of instances views of the building would be limited given screening vegetation and separation distances. Furthermore, given that the area is relatively sparsely populated, views of the structure would be limited to adjacent properties and vehicles using the private access road. Consideration should also be had to the local visual improvement resulting in the demolition of the existing building which exhibits signs of anti-social behaviour notably numerous smashed windows and graffiti.

As such, I am satisfied that the development would not materially adversely impact on the character and appearance of the site or the wider landscape. The building, whilst of a scale higher than that it would replace, is not considered to be out of keeping with neighbouring buildings in the surrounding area, given its design and the materials proposed. On balance the proposal is considered to be acceptable and in accordance with Core Policies 9 and 13 and Policy DM5.

Impact on Amenity

The closest residential property to the site would be Kennel Wood Bungalow approximately 400m to the east. Further afield Woodland Lodge is approximately 500m to the north east and Park Lodge 600m to the south.

It is proposed that the building be used for grain storage and a fan to assist in drying grain has been proposed. The applicant has stated that the fan proposed will be the same as that in situ in the neighbouring building to the east, however no specific data has been provided in relation to

noise levels produced by this fan. Colleagues in Environmental Health have visited the neighbouring building and do not consider the operational fan to result in amenity concerns but have suggested a restriction in terms of hours of operation. In the interests of neighbouring amenity it is also recommended that a condition be attached, should members be minded to grant permission, requiring details of the proposed fan and any mechanical ventilation units (including associated noise data) to be submitted and agreed prior to the commencement of operations.

The proposed development subject to condition is therefore not considered to result in a loss of neighbouring amenity and is therefore in accordance with Core Policy 9 and Policy DM5.

Impact on Ecology

An ecology survey undertaken by Andrew Chick (May 2016) has been submitted in support of the application in addition to a further letter of clarification. No objection to the proposed demolition has been raised by Nottinghamshire Wildlife Trust subject to the imposition of a number of conditions. It is considered that on this basis the proposed development is acceptable and would not result in significant harm to biodiversity and would look to secure enhancements in accordance with the aims of Core Policy 12 and Policy DM7.

Other Matters

The comments from the parish in relation to limiting the use of the building to grain storage are considered to be overly onerous on the applicant, given the site forms part of a large agricultural holding. However, should at a future date the use cease to be required for agricultural purposes and as suggested a change to an industrial use be sought, this would require the submission of a further planning application for change of use which would be considered on its own merits.

Conclusion and Planning Balance

The site forms part of an established agricultural holding with the existing building dating from the early 1960's. It is considered that the erection of a replacement building would result in a degree of harm to the setting of the surrounding listed Park and Garden of Rufford Abbey but this harm would be less than substantial, given the degree of separation, intervening screening vegetation and the presence of similar structures in the vicinity. Although of a higher scale than the building it replaces, I am satisfied this is an operational requirement. I am also mindful that the proposed building would be sited within a landscape typified by agricultural installations with similar buildings visible to the east and south of the site. Moreover, consideration also needs to be had to the fall-back position that a building of a similar height to that proposed could be considered as permitted development under part 6 of the General Permitted Development Order albeit of a smaller footprint. In addition from review of planning records, the scale of the proposed building is considered to be similar to that of other structures approved within the district for the same purpose.

I am mindful of the perceived improvement in the character of the immediate area through the removal of a building which has been redundant for a considerable period of time as expressed by its dilapidated appearance and signs of vandalism. Weighing in the environmental balance is the benefit that the proposal would result in reuse of a brownfield site and reuse of an existing concrete slab. In addition the building is already supplied by the necessary services reducing the need for any further installation.

In conclusion weighing the less than substantial harm in relation to the setting of the listed Park and Garden it is considered that the reuse of an existing site to enable a farm to streamline its grain storage capabilities within a landscape typified by similar buildings that the harm caused would not outweigh the perceived benefits. It is not considered that on balance the proposed structure would so significantly detract from the character of the area to warrant refusal and it would not result in a loss of biodiversity nor amenity subject to conditions.

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 details:

- Proposed Elevations Drawing No. 1227/1A
- Proposed Floor Plan Drawing No. 1227/4A
- Block Plan Drawing No. 1227/2

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

Prior to the commencement of development details of any mechanical ventilation or grain drying system including associated noise readings and appropriate attenuation measures to be undertaken by a competent person shall be submitted to and agreed in writing by the Local Planning Authority. All mitigation measures approved by the local planning authority shall be completed prior to the building first being brought into use and retained for the lifetime of the development.

Reason: In the interests of neighbouring amenity.

05

The proposed grain drying fan shall only be used between the hours of 0700 -1900 inclusive.

Reason: In the interests of neighbouring amenity.

06

Development shall be undertaken in accordance with section 5 of the Protected Species Survey undertaken by Andrew Chick dated May 2016 and in the follow on letter dated 04/06/16.

Reason: In the interests of maintaining and enhancing biodiversity.

Notes to Applicant

01

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

02

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

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

BACKGROUND PAPERS

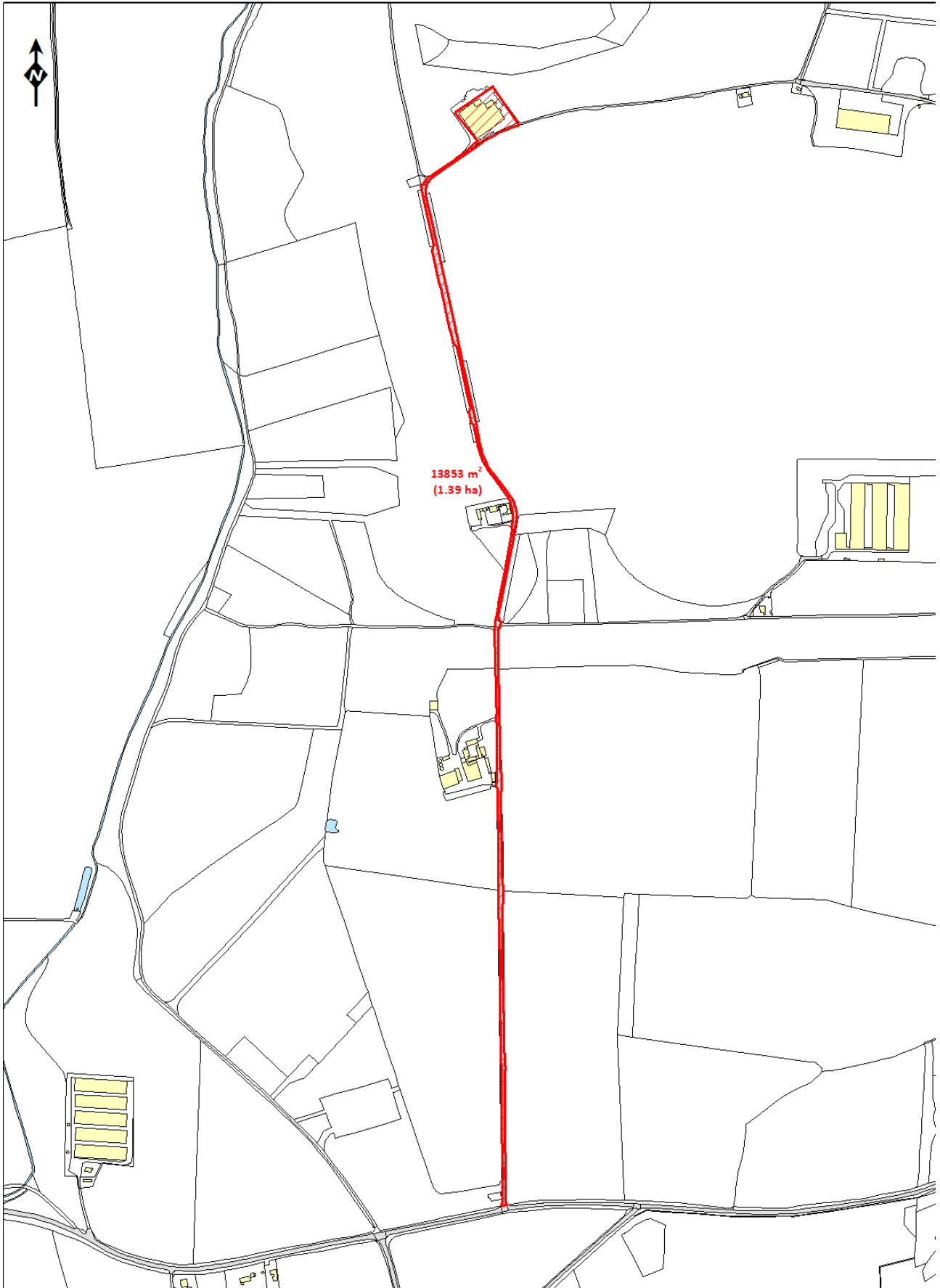
Application case file.

For further information, please contact James Mountain on ext. 5841.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00846/FULM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00769/FULM
Proposal:	Erection of 18 dwellings including associated infrastructure.
Location:	Land At Cockett Lane, Farnsfield, Nottinghamshire, NG22 8LF
Applicant:	Barratt/David Wilson Homes (North Midlands)
Registered:	23 May 2016 Target Date: 12 August 2016
	Extension of Time Agreed in principle

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

The Site

The site lies off Cockett Lane, on the north western edge of Farnsfield village. Comprising 0.5 hectares, the site is rectangular in shape and is located to the north of the existing farm buildings belonging to Ash Farm on the western side of the highway.

The site comprises part of the mixed use allocation of development land within Farnsfield as set out in Policy Fa/MU/1. Residential development in the village is located to the east and south.

Land immediately to the west of the site (c3.4 hectares) outlined in blue on the site location plan forms Phase 1 of the Barratts/David Wilson Homes development comprising 88 new dwellings which is currently being developed out under a previous outline permission and reserved matters approval.

This application site comprises Phase 2, which has outline consent for employment uses and is currently being used as the site compound for the Phase 1 construction. The site is bounded by hedgerows (to the frontage with the roadside) and fencing. Trees on site are currently protected by appropriate fencing.

The site’s northern boundary adjoins a redundant railway embankment, now a designated bridleway, the Southwell Trail and SINC (local nature reserve). A brick bridge oversails the ex-railway line. There is some planting along this boundary, which forms the top of the railway embankment in the form of a hedgerow although this is not as well established as the traditional hedgerow to the western boundary.

The site is currently accessed from an existing access (which is being used by construction traffic) to the north of the farmhouse ‘Ash Farm’. There are bus stops in close proximity of the access.

Relevant Planning History

PREAPP/000003/16 – Pre-application enquiry relating to the erection of approximately 20 dwellings in lieu of employment land at this site. Advice given in February 2016.

13/01862/RMAM – Reserved matters (comprising Layout, Appearance, Scale, and Landscaping) in relation to the residential component (phase 1) of Outline Permission 13/01072/OUTM for 88 dwellings (including Internal Roads, On-Site Open Space and Green Buffer Zones) was approved as recommended by the Planning Committee on 23rd June 2014. The scheme has been implemented.

13/01072/OUTM - Outline consent was granted in December 2013 for the erection of up to 88 dwellings with associated infrastructure, along with up to 0.5a of B1 and B2 employment development (including 2 no means of access to the dwellings and employment development respectively). Conditions attached included a phasing condition, maximum floorspace to be provided for the employment space, buffer planting to the western and northern boundaries, scheme details of sewer improvements to be submitted, SUDS, slope stability details to the adjacent quarry and embankment edges, footway(s) along Cockett Lane and bus stop improvements and Travel Plan submission and ecological enhancements. A S106 legal agreement secured 30% affordable housing on site, on site provision of a POS and LEAP and financial contributions to off-site sports pitches, community facilities and highway improvement works. A copy of this decision is attached as an Appendix.

13/SCR/00021 - In July 2013, a screening opinion (under the Environmental Impact Assessment Regulations) for a residential development of up to 100 houses and up to 0.5 ha of B1 and B2 employment development together with open space was submitted. The Local Planning Authority has issued a response confirming that an EIA would not be required in this instance.

The Proposal

Full planning permission is sought for 18 dwellings (in lieu of the commercial B1 and B2 employment) of which 13 would be market housing and 5 would be affordable. The type and mix is shown in the table below:

Property Type	Numbers
2 bedroom bungalows*	2
2 bedroom semi-detached	2
2 bedroom terrace	3
3 bedroom semi-detached*	4
3 bedroom detached	7
Total	18

*Denotes affordable housing

Each of the dwellings would have off-street parking of at least two spaces with some of the 3 bedroom dwellings having 3 spaces including garages.

This part of the site would have its own vehicular access from Cockett Lane (which utilises the existing construction access used in connection with the adjacent site) and the development would be served by a cul-de-sac that curves but effectively runs parallel with Cocketts Lane. The majority of the existing hedgerow along the sites frontage with the highway would be retained.

In support of the application the following documents have been submitted; Marketing Information, a Foul Drainage Layout, Topographical Survey, Arboricultural Report, Biodiversity Survey and Report, Design and Access Statement, Heritage Statement, S106 Heads of Terms (and draft Agreement), Supporting Statement, Transport Assessment an external materials plan/schedule, landscaping details and a Street-scenes plan. A Flood Risk Assessment (submitted with the previous outline application) has also now been provided along with a Written Scheme of Investigation for Archaeological Attendance and Travel Packs for future occupants.

Departure/Public Advertisement Procedure

Occupiers of 24 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.

This application has also been advertised as a Departure to the Development Plan by way of a site notice and press notice. There is some debate as to whether this application constitutes a Departure to the Development Plan given that the Plan has been found sound and adopted but given that there is site specific policy which did not envisage housing in lieu of employment uses, it is considered that this is the safest approach in case of challenge.

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 7	Sustainable Transport
Spatial Policy 9	Site Allocations
Core Policy 1	Affordable Housing Provision
Core Policy 3	Housing Mix, Type, and Density
Core Policy 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
Core Policy 13	Landscape Character

Allocations & Development Management DPD

Fa/MU/1	Farnsfield - Mixed Use Site 1
Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2	Development on Allocated Sites
Policy DM3	Developer Contributions
Policy DM4	Renewable and Low Carbon Energy Generation
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM10	Pollution and Hazardous Materials
Policy DM12	Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Newark and Sherwood Affordable Housing SPD (June 2013)
Newark and Sherwood Developer Contributions SPD (December 2013)
Newark and Sherwood Landscape Character Area SPD (December 2013)

Consultations

Farnsfield Parish Council – Object as follow:

‘We would like to object on the grounds that the Neighbourhood Plan is looking into the provision of alternative employment uses in the village, and put forward the evidence base document and draft policies as a starting point.

The scheme is proposing to provide 2 bungalows as affordable housing. We may be able to use the evidence base for the Neighbourhood Plan to suggest that there is still a considerable demand for further bungalows and therefore a higher number of the five would be preferable. The Housing Need Survey relates specifically to affordable housing and would therefore provide some justification for more bungalows. In terms of the open market housing (that which would be for sale at full market value), it may be harder to influence this but again, the evidence base points to a demand for bungalows, even if this is primarily anecdotal and via the consultation feedback. If this is in line with what the Parish Council is thinking, then we could certainly put this forward as part of our response to the application.

In terms of influencing the provision of housing, the main areas that the Council will be able to put pressure on the developer (if they are minded to do so) would be on the type and mix of ‘affordable housing’ to be provided within the scheme. The NSDC policy requirement is that 30% of proposed housing should be affordable, and the specific units to be included will be informed by the NSDC housing policy officer. It may therefore, be helpful to forward the case officer (Clare Walker) the evidence base document which sets out why there is still an unmet demand for bungalows.’

Two documents, ‘Farnsfield Neighbourhood Plan Evidence Base Version 2’ and Character Appraisal V3 April 2016 have been submitted with the above comments.

The following adjacent parishes were also consulted out of consistency as they were consulted on the previous approved applications:

Bilthorpe Parish Council – No comments received to date.

Blidworth Parish Council – Noted and make no comments.

Edingley Parish Council – No comments received to date.

Kirklington Parish Council – No objection although we would request that due consideration be given to views and/or concerns raised by Farnsfield PC and residents.

NCC Highways Authority – Originally raised a number of concerns that required addressing, such as the provision of visibility splays, revisions to parking and bus stop improvements.

Amendments/further information were provided and the revised highway comments are set out below:

“Further to my comments dated 29 July 2016, several issues raised have now been addressed satisfactorily.

It remains disappointing, however, that the footway outside plots 6 & 7 does not extend up to the junction and on to Cockett Lane (around the radius of the junction) to allow pedestrians to cross the road north of the junction, since this is a natural desire line for pedestrians to head for Station Lane to access the village centre, facilities and school. This would support sustainable travel on foot. I understand this has been omitted due to land ownership issues, although the land in question is unregistered, and any highway works carried out here could still be adopted under Section 228 of the Highways Act.

The ‘grass service margin’ opposite plots 10-14 should be widened to (or confirmed to be) 1.0m and should be hard paved as part of the public highway, unless maintained as part of the adjacent soft landscaped area.

Assuming the above matters can either be addressed or, subject to the view of the Planning Authority, considered lacking sufficient weight to justify a refusal of permission, the following conditions are suggested:

- No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

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

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

- No dwelling shall be occupied on any part of the application site unless or until the footway on west side of Cockett Lane, linking up to the footway to the south of the development has been provided as shown for indicative purposes only on the approved plan to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable travel.

- No part of the development hereby permitted shall be brought into use until the visibility splays shown on the approved drawing are provided.

Reason: In the interests of highway safety.

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

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

- The forward visibility splays around the bend outside plots 6 & 7 shall form part of the adoptable public highway demarcated with an edging strip. The land within the splay shall be grassed with a clause in the deeds/conveyance documents to say that the adjacent resident will maintain this area and not allow growth above 250mm. It shall not be planted other than with grass and no other obstruction shall be made on it.

Reason: In the interests of Highway safety.

Notes to Applicant:

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

In order to carry out the footway works on Cockett Lane you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact David.Albans@nottscc.gov.uk for details."

NCC Lead Flood Risk Authority – 'Further to our discussions I can confirm that, as the site in question already has planning permission and this proposal is essentially a change from industrial to residential (with similar footprint) we have no formal comments to make. It may be worth checking whether there are any surface water specific requirements in the original approval notice (these would have been made following consultation with the EA rather than LLFA.'

NCC Archaeology – No comments received.

NCC Policy – Comment as follows:

"These comments have been agreed with the Chairman of Environment and Sustainability Committee.

Planning Policy Context

National Planning Policy Framework (NPPF)

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and

policies contained in the NPPF also recognise the value of, and the need to protect and enhance the natural, built and historic environment and biodiversity, together with the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

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

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. Planning policies should in turn aim to achieve places which promote safe and accessible environments, high quality public spaces, recreational space/sports facilities, community facilities and public rights of way.

Paragraph 171 of the NPPF relates to Health and well-being and encourages Local Planning Authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

Paragraph 72 of the NPPF states that,

"The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and*
- Work with school promoters to identify and resolve key planning issues before applications are submitted"*

County Planning Context

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such, relevant policies in these plans need to be considered.

Waste

In terms of the Waste Core Strategy, 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 safeguarding 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. 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.

Ecology

This application is supported by an Extended Phase 1 Habitat Survey dated April 2016, updating surveys carried out during 2013. The survey confirms that the application site is currently a compound being used for the construction of dwellings on adjacent land, and that retained boundary vegetation has been retained and protected using heras fencing. No ecological issues are identified. In terms of the landscaping, this is consistent with what is proposed on other parts of the site. However, the County Council had previously requested the removal of *Pinus sylvestris* from the 'Boundary buffer planting', as this species is not characteristic of the area and has limited wildlife value. The County Council would request that the species is replaced with *Acer campestre*.

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway

and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Highways

The County Council has no strategic transport planning observations to make.

Transport and Travel

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

The only services in this area are operated by Stagecoach and each run to an hourly frequency. Service 28b, Mansfield to Eakring via Bilsthorpe, serves Cockett Lane as does the Sherwood Arrow, Nottingham to Worksop or Retford via Ollerton. Service 28 operates close to Cockett Lane between Mansfield and Newark via Southwell.

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

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0028 Birch Avenue – Bus Stop Pole.

NS0603 Birch Avenue – Bus Stop Pole.

Both of the above bus stops may require relocation should this application be approved as they are both within close proximity of the site entrance, the stops are the subject of an improvement project related to the larger development which is in the process of being built out. Should the stops require relocation they would need to receive highway safety and accident investigation unit approval for their proposed positions.

Possible Infrastructure Improvements

NS0028 Birch Avenue – This stop has received funding for a new hardstanding, new wooden bus shelter and raised boarding kerbs. Any relocation costs would need to be funded by the developer.

NS0603 Birch Avenue – This stop has received funding for new raised boarding kerbs. Any relocation costs would need to be funded by the developer.

Transport & Travel Services request that a planning condition be issued that states the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation of the two bus stops on Cockett Lane (NS0028 and NS0603) have been made to the satisfaction of the Local Planning Authority.

Reason: To allow safe access to the development and to promote sustainable travel.

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

Landscape and Visual Impact

A landscape and visual impact assessment has not been submitted with the application. The main visual impact of the development would be on the residents of properties to the east on Cockett Lane – there is an existing Hawthorn hedge and trees which are to be retained along the eastern boundary of the site which will form a good screen provided that any gaps are planted up and that the hedgerow is well managed.

The site lies within policy zone MN36 of the Mid Nottinghamshire Farmlands as designated in the Newark and Sherwood Landscape Character Assessment (2013) – conservation of hedgerows and their management is in line with recommended landscape actions for this policy zone.

Soft Landscape Proposals (drawing No GL0180 06)

1. The drawing shows gaps in the hedgerow to the eastern boundary of the site along Cockett Lane but it is not clear if the *Crataegus monogyna* proposed in the key as ‘boundary hedgerow infill’ is intended for this hedgerow. Clarification is required.
2. It is not clear how the existing hedgerow will tie into the development at the site access off Cockett Lane. A drawing should be submitted to show the visibility splay, the existing hedgerow to be retained and new hedgerow planting to tie into this at the entrance.
3. Also it is not clear from the key on drawing GL0180 06 whether boundary hedgerows shown to properties on Cockett Lane opposite the development require gapping up.
4. Ornamental specimen shrubs (*Photina fraseri* ‘Red Robin’) are proposed to both sides of the entrance off Cockett Lane – we would recommend replacing these with native trees such as *Betula pendula* or *Acer campestre*.

Establishment Maintenance and Management of Existing Hedgerow

The arboricultural report identifies a section of Hawthorn hedge to the north east corner of the site on Cockett Lane which is poorly managed (ref. G27).

Confirmation is required regarding the proposed establishment maintenance of the boundary planting, together with initial management proposals for the existing hedgerows and long term management.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and Newark and Sherwood District Council to ensure all requirements are met.

Conclusion

In terms of 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. 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.

The County Council do not have any objections to raise in terms of Minerals or Waste.

With reference to Ecology the County Council had previously requested the removal of *Pinus sylvestris* from the 'Boundary buffer planting', as this species is not characteristic of the area and has limited wildlife value. The County Council would request that the species is replaced with *Acer campestre*.

Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application. The County Council has no strategic transport planning observations to make.

Transport & Travel Services request that a planning condition be issued to allow safe access to the development and to promote sustainable travel. In addition at this time it is not envisaged that contributions towards local bus service provision will be sought.

With reference to Landscape and Visual Impacts the County Council would request confirmation regarding the proposed establishment maintenance of the boundary planting, together with initial management proposals for the existing hedgerows and long term management.

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site."

NCC Developer Contributions – In respect of education, a proposed development of 18 dwellings would be expected to yield 4 additional primary places. We would require a primary contribution of £45,820 (4 x £11,455). Any secondary requirements would be covered by CIL. Further information about the contribution that would be sought and the justification for this has also been provided.

In terms of libraries, contributions are only requested on schemes for 50 dwellings or more so this would not be applicable.

Nottinghamshire Wildlife Trust – No response. They are now concentrating their resources on responding to applications on sites with the most important ecological value.

Trent Valley Internal Drainage Board – Comment as follows:

‘The site is outside of the Board’s district but within the Board’s catchment. 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 LPA. If the suitability is not proven the applicant should be requested to resubmit amended proposals showing 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 LPA.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as ‘ridge and furrow’ and ‘overland flows’. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. ‘

Severn Trent Water – “Whilst the foul flow from 18 dwellings will differ from what would have been generated from employment uses, the volume difference will be negligible, and as such I consider the drainage scheme already approved to be fit for purpose.

For your information, a capital scheme has been promoted to alleviate any existing problems here, but as yet I am not able to commit to a completion date.”

NCC Rights of Way – No definitive paths are affected by this development but it is always possible other public rights of way exist which have not yet been registered.

Ramblers Association – As long as there is no encroachment on the Right of Way (Farnsfield Bridleway 34) which border the northern edge of this development we have no objection.

NSDC – (Strategic Housing) – No response received.

NSDC – (Community Facilities) – No response received.

NSDC (Parks and Amenity) – No response received.

NSDC (Environmental Health) – ‘A combined phase 1 and 2 site investigation was carried out by Geomatters in March 2013, covering the wider site as a whole. This report concluded that there were no issues in relation to contamination and that the site was suitable for residential end use. As such I have no further observations.’

NSDC (Planning Policy) – Make the following comments:

“NPPF

Para 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Core Strategy

Bullet point 4 Core Policy 6 - Shaping our Employment Profile states that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities by retention and safeguarding of employment land and sites that can meet the needs of modern businesses, to ensure their continued use for employment purposes. Land and premises in the existing industrial estates and employment areas, and those areas allocated for employment development, will normally be safeguarded and continue to be developed for business purposes. The final bullet point of Core Policy 6 notes that the economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities by respecting that where the release of sites to non-employment purposes is proposed, any significant benefits to the local area that would result, should be taken into account to inform decision making.

Allocations & Development Management DPD

Fa/Mu/1 Land to the West of Cockett Lane was allocated for a mixed use development providing for around 70 dwellings and up to 0.5 ha of B1 and B2 employment land compatible with established residential development nearby.

Commentary

This site is currently being built out for 88 dwellings. I note that evidence of marketing and lack of market interest has been submitted. Provided we are satisfied that the property has been fully marketed at a realistic rate and that the site is undeliverable for employment development then the provisions of Core Policy 6 come into play. The land lies within the Village envelope and the principle of development on the site is acceptable in broad terms.

Recent evidence in the Strategic Housing Market Assessment (SHMA Table 15 refers) identifies the most significant growth in population change to be in the 60-74 and 75 and over age brackets at 25.5% and 83.7% respectively. The Councils Housing Market and Needs Assessment Sub-Area Report (Table 6.9 refer) shows the highest requirement for existing households wanting to move in the next 3 years is for bungalows.

The provision of 30% affordable units as part of the proposal is welcomed, as is the provision of 2 bungalows as part of this. The general housing mix of 2 and 3 bedroom properties also responds to the general housing needs of the area and is supported. However, as noted above the most significant population growth is within the older populations. The provision of bungalows within the market element would also provide greater benefit to the community and should be encouraged. Many people within the existing community could access smaller

single storey market housing, freeing up larger family accommodation within the village, if it were available.”

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

- Plot 1 causes overlooking to existing neighbours – it should be re-orientated or the existing hedge should be retained
- Same restrictions should apply to the site (should be bungalow/dormer bungalows) as the development over the road
- Site should be all bungalows which would better serve the village (or certainly the two plots nearest Cockett Lane which look onto bungalows).
- Expresses disappointment at the submission given its green belt.
- Two houses face Cockett Lane and overlook three bungalows

Comments of the Business Manager

Principle

The starting point for establishing the principle of the development remains the Development Plan, unless other material considerations indicate otherwise. Members will be aware that the application site is allocated via Policy Fa/MU/1 within the Allocations and Development Management DPD for “up to 0.5 ha of B1 and B2 employment development compatible with established residential development nearby.” This allocation is further supported by outline planning permission 13/01072/OUTM which allowed for both residential development (now being constructed on site following reserved matters approval 13/01862/RMAM) and established by outline permission for the B1 and B2 elements (subject also to quantum conditions re: floorspace).

Land currently in use or allocated for employment uses (including non B uses) is further safeguarded by the provisions of bullet point 4 of Core Policy 6 of the Council’s adopted Core Strategy. The final bullet point of CP6 does allow for the release of sites for *non-employment purposes on the basis that any significant benefits to the local area that would result from an alternative use should be taken into account to inform decision making*. In a national policy context paragraph 22 of the NPPF is of relevance, which states that *planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*.

In my view there are two key matters to consider given the above policy framework. Firstly, is B1 and B8 use on the site, as required by the site allocation deliverable, as evidenced by market testing? And secondly, do any other uses marketed/promoted (including residential as proposed) offer significant benefits to the local area?

The 'up to 0.5 hectares of commercial land' has been advertised as available since the granting of the outline planning permission. The land has been advertised since 29th October 2014 in a range of commercial property press (Nottingham Evening Post, EG Industrial Marketing Focus Magazine and Estate Gazette) and via commercial agents (on commercial property websites, by direct mailing to local industrial occupiers within a 20 mile radius). A V board has also been erected on the site since 1st November 2014. This has been done for a period of 23 months at the time of going to print. The advertisements make clear a sales price of price of £250,000 with a preference for B1 and B8 use (in accordance with the allocation and outline permission). There have been two 'tentative' enquiries, neither of which was followed up. During the period of advertisement the commercial agent has advised that land values for B1 and B8 has risen, albeit the property has remained at the original asking price. The commercial agent's advice was not to advertise for other uses on the basis that planning consent did not exist albeit they have confirmed that speculative requests, often for uses such as care homes, are not unusual. No such approaches have been made in this instance.

Independent advice has been sought to establish whether the site has been marketed at an appropriate price. The advice received is that the site has been advertised at approximately 10% higher than what one would normally expect to achieve, but that this is not fatal to the application in that one would rarely achieve the full asking price in any event given that the sale of commercial property, much like residential, is based on achieving a negotiated position between both parties. I am therefore satisfied that the site has been advertised at an appropriate value. I am equally satisfied that the marketing exercise has been robust (in terms of its scope) and that there is no interest for the site for B1 and/or B8 purposes, either in whole or in part. With respect to other uses (e.g. a care home) it is clear that they could, depending on the use promoted, offer wider community benefits than housing. However no such use has been promoted in this instance and there is no alternative offer to be considered at the present time.

Turning to the issue of significant community benefit, it is noted that dwellings would deliver benefits in terms of employment and growth (including CIL, new homes bonus and Council Tax for example). I do not consider that such benefits could reasonably be considered significant, over and above other uses, albeit as I have just concluded such other uses have not been forthcoming by the market. The site would also provide for affordable housing (on a policy compliant 30% basis) which clearly is a community benefit, together with proportionate developer contributions. The site would also deliver housing towards the Council's 5 year housing land supply. This is a matter which requires further exploration, particularly in the context of Farnsfield.

It is important to state at the outset that Farnsfield, as a principal village, has provided through planning permissions (and with the wider site build-out), a level of provision well in excess of that identified for the village via the Core Strategy. That is partly due to the site allocations coming forward (including the wider Ash Farm site within which this current application sits) but also given the appeal decision in January of this year for an appeal outside the eastern portion of the defined village envelope. Another important matter to draw to Members attention is that the appeal site was outside of the defined village envelope. This application site lies within it. Thus, in locational terms, the application site is considered sustainable.

Notwithstanding the above, Members will be aware that the Authority, and thus any planning application, is judged to a significant degree on its 5 year housing land supply position District wide. I pause here to note that 5 year land supply is not and should not be a sole determinant of acceptability of a proposal. One still needs to look at any environmental impacts (e.g. infrastructure, ecology, highways, etc) which I explore further below.

The current position with respect to housing land supply is as follows. In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (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 yet to be tested through a Local Plan Review process. At the 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 OAN 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 however, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. As set out in the report 'Five Year Land Supply Position as at 31 March 2016' published at the Council's Planning Committee on 5th July 2016, the Council attaches weight to its current Development Plan policies on the basis that it can demonstrate a 5YLS on its OAN relative to paragraph 49 of the NPPF. However, as the note details the Council will equally acknowledge that until such time as a housing requirement figure has been tested and found sound, it will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term. I attach weight in the context of the current application in the ability of the site to boost the Council's housing supply within the defined built up area of the settlement.

The scheme will, in my view, deliver benefits by: utilising a site which cannot demonstrably deliver the B1 and B8 use aspirations; boosting housing supply in a sustainable location; delivering affordable housing; and delivering a range of wider financial benefits, including appropriate developer contributions. Subject to the scheme being acceptable in all other respects (which I assess below) there is no objection in principle to the development.

Design and Layout

CP9 provides that new development proposals will demonstrate a high standard of design that protects and enhances the environment. DM5 states that the rich local distinctiveness of the Districts landscape and character or built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The layout utilises a separate vehicular access from Cockett Lane that would serve all of the proposed 18 dwellings in a cul-de-sac arrangement with turning head to the north. The layout

comprises a mix of predominantly two-storey dwellings along with a pair of bungalows, which reflects the general scale of the surrounding area. The site entrance is flanked by detached dwellings fronting onto Cockett Lane with a dwelling (Plot 8) being set back providing a pleasant visual end stop when viewed from the south. The remainder of the dwellings are set back into the site, behind the existing hedgerow and trees which are to be retained and the grass verge area (which would be managed by an on-site management company). The retention of the existing hedgerow is welcomed and it is noted that this would be 'gapped-up' which would assist in retaining a more rural character to the edge of the settlement.

The design of the dwellings are similar to those already being constructed on the adjacent site and are acceptable in my view. Some amendments have been made during the lifetime of the application to those dwelling types along the western boundary that are 'bolt on' generic types to improve the rear elevations that would face onto the already consented scheme. Where previously a blank wall would have sit, windows have been added which helps to break the expanses of brickwork up and add more interest to the building. I am satisfied that the scheme is now acceptable. Full details of the pallet of materials and landscaping have been submitted with the application with the latter having been amended to take into account comments from the County Council's Landscape Team. I am satisfied that the layout, design, scale and massing are acceptable along with the detailing in compliance with CP9 and DM5.

Housing Mix, Density and Affordable Provision

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

In terms of density, taking into account the site area of 0.5ha, the average density is 36dph (without taking out the non-developable areas such as the road). Spatially the proposals sit well within the site without appearing over cramped or over-developed. I am therefore satisfied that the proposal accords with CP3 in this respect.

The DCA Housing Market and Needs Assessment (2014 sub area report for the Southwell area, of which Farnsfield forms part of) commissioned by the Council indicates that there is demand for smaller properties in this location. Below is a table showing the precise offer in terms of house types and mix.

Product Name	Type	No. of Bedrooms	Plot Numbers	Total
Ennerdale	Two-storey detached	3	1, 8, 9, 10	4
Hazel (affordable)	Bungalow	2	13, 14	2
Moresby	Two-storey detached	3	6, 7	2
Type20 (affordable)	Two-storey terrace	2	15, 16, 17	3
Kenley	Two-storey semi-detached	2	4, 5	2
Maidstone	Two-storey semi-detached and detached	3	2,3,11,12,18	5

It is notable that 7 of the dwellings are two bedroom properties (2 of which are bungalows) with the remaining being 3 bedroom (the more modest end of, with each having two double bedrooms and one single size room) family houses. I consider that this breakdown does positively contribute to meeting both the local and wider district needs.

Core Policy 1 provides that for schemes of 10 or more dwellings, on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing.

A scheme for 18 dwellings would require 5 affordable houses on-site (to meet the 30%) which is what is proposed. In terms of the tenure mix, whilst the Strategic Housing Officer has not provided comments in relation to this application, at pre-application stage they advised that based on a scheme for 20 houses (bear in mind this is now a scheme for 18), the following unit and tenure types based on evidenced housing need was suggested:

Type	Rent	Intermediate (SO)	Total
2 Bed Bungalow	2	0	2
2 Bed house	2	2	4
3 Bed house			
Total	4	2	6

Given that the scheme submitted is for 2 dwellings less, I consider that the offer of 2 bungalows and a two bedroom two storey dwelling for affordable rent and 2 two bedroom dwellings as intermediate housing meets the aspirations of CP3 and indeed the mix requested by our Strategic Housing Officer and is policy compliant.

I note that some local residents have commented that all dwellings on site should be bungalows, and indeed the Parish Council has commented on a demand for more bungalows. However the applicants have met the suggested mix put forward by our Strategic Housing Officer in terms of the affordable housing element and the market housing also contributes to meeting housing needs both locally and district wide. I am therefore satisfied that the proposal accords with Policies CP1 and 3.

Impact on Residential Amenity

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

It is noted that representations from local residents have been made with regards to potential overlooking from the proposed new dwellings (Plots 1 and 6) onto existing dwellings on Cockett Lane. There are five properties located on the eastern side of Cockett Lane which face onto the application site being No. 26 (dormer style bungalow), No.28 and 30 (bungalows) Cockett Lane, 117 Station Lane and Station House (both two storey). The separation distances between the proposed and existing dwellings have a separation distance in excess of 27 metres (minimum) with the dwellings on Station Road achieving over 40m where the land is more elevated. I consider that these distances are more than adequate to meet the needs of privacy and to avoid unacceptable adverse impacts such as overlooking and being overbearing.

The relationships between properties within the development itself and with the approved dwellings to the west have also been assessed and I am satisfied that the scheme is satisfactory. Some minor revisions and clarifications have been submitted during the course of the application to increase distances between dwellings and to clarify window positions on the standard house types. Whilst some of the distances between dwellings are at the minimum end of what Officers would normally expect, I am satisfied that the layout creates an acceptable scheme which creates adequate distances between dwellings and levels of overlooking which one would normally expect in a new housing development. Furthermore future occupiers would do so in the knowledge of their surroundings.

In summary I am satisfied that the impact upon residential amenity is acceptable and accords with DM5 and CP9 of the Development Plan.

Highways

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The site would have its own access, which is already in situ and is currently being used for the site compound and would provide for, what is essentially, a cul-de-sac. A turning head would be provided to allow vehicles to turn within the site and refuge vehicle swept path drawings have been provided to show that the highway allows adequate space for manoeuvring to enable such refuge vehicles to enter and leave the site in a forward gear. Parking provision has been provided, (2 spaces per dwelling) mainly within the curtilage of each proposed dwelling and in my view is legible and convenient for occupants. The Highways Authority have now confirmed that they raise no objection to the scheme on the grounds of highway safety subject to the imposition of conditions which are shown substantively as conditions 21 to 26 of this report.

It is noted that the Highways Authority have requested that the application site is amended to include land to the east (along Cockett Lane) so that it can provide a footway that links to Station Road, which is the most direct pedestrian route to the settlement center and school. This was not requested previously for the wider residential scheme. Moreover, this is outside of the applicants control and is unregistered land not even within the control of the highways authority. Whilst the HA have suggested they would adopt this if provided, this is considered to be an unnecessary commercial risk by the developers. It is also close to the brow of the hill so arguably more risky to pedestrians. However, in order to facilitate access to Station Road from the site, a crossing point (using tactile paving) from the footway adjacent to plot 1 on Cockett Lane, will be provided and secured through the Section 38 process. It is worthy of note that there would be a requirement to cross the road with or without the requested footway; be that opposite Station Road or further up Cockett Lane. The insertion of a crossing point in the suggested position presents a practical and sustainable way of facilitating this 'link', by safeguarding the hedgerow to the front of the site and utilising existing infrastructure, as advocated by the NPPF. In my view not having this footway is not fatal to the scheme in that the site would still meet the sustainability aspirations of SP7 for the reasons I have outlined.

Travel Packs have been submitted during the lifetime of the application which the developers intend to issue to new occupiers of the dwellings. These seek to encourage sustainable modes of

travel and provide details on bus timetables, which is similar approach to that adopted for the wider site. This reflects the approach the applicants took on the wider site also within their control and an appropriate condition can deal with this.

Nottinghamshire County Council (Transport & Travel Services) have requested the relocation of two bus stops via planning condition. However these works were secured by Condition 15 of the outline consent for the wider site and I have received confirmation that the developers have made the appropriate financial payment to the County Council to allow them to undertake the works themselves. I therefore do not consider that this condition is necessary as the County have the means to do this by virtue of the previous consent.

Based on the above I am satisfied that the proposal would not impact on highway safety and other matters such as parking provision are acceptable and in line with Policy SP7.

Landscape and Visual Impact

The site lies in the Mid Nottinghamshire Farmland Regional Character Area (RCA), MN36 Halam Village Farmlands (majority part) and Sherwood Regional Character Area (RCA) SH07 Oxtun Village Farmland (to the north of the farmhouse and farm buildings). The landscape condition in relation to Mid Nottinghamshire Farmland RCA is assessed in the Landscape Character Appraisal as having 'high sensitivity' and in 'good condition' leading to a designation of 'conserve' in respect of action (according to CP13) within both the rural and built environments. In respect of the Sherwood RCA the landscape condition is 'moderate' both in terms of sensitivity and condition resulting in a designation of 'conserve and create' in respect of action within both the rural and built environments.

The site is gently undulating north to south and fields form the predominant field boundary type. Views from the Southwell Trail are limited to the top of the embankment, other than from longer views and it is considered that the landscape planting proposed along this boundary, providing it is sufficiently robust, will mitigate against the visual impact of dwellings, which are relatively close to the northern boundary.

As the County Council Landscape Officer points out, the main visual impact of the development would be on the residents of properties to the east on Cockett Lane. Here there is an existing Hawthorn hedge and trees which are to be retained along the eastern boundary of the site which once the hedge has been gapped up will form a good screen, thus limit the visual impact to receptors to an acceptable degree in my view.

The recommendations of the County Landscape Officer in terms of soft planting proposals have been adopted and a revised scheme has been submitted. I am satisfied that this is acceptable. The management of the landscaping proposals can be controlled via condition/Section 106.

It should be noted that the buffer planting to the northern boundary (which affects four plots; 3 of which would be affordable housing) with the embankment will be retained within the boundaries of the respective plots, which is the same approach adopted by the adjacent consented scheme. To safeguard and retain the buffer in perpetuity a legal covenant will be imposed preventing the removal of any planting within the 5m green buffer zone for Plots 15-18 inclusive. In addition I consider that it would be reasonable to require that the existing hedgerow along this boundary to be allowed to grow to and be retained at a minimum height of 2 metres in height in perpetuity, secured via condition in line with the developers offer to impose the covenant. I consider that the

new hedgerow and boundary tree planting along the northern boundary should be safeguarded for the lifetime of the development. Other landscaping within the site is also secured by separate condition for the standard 5 years. Together, these measures would offer a suitable level of protection to the landscaped boundaries.

I am mindful that the principle of built form on the site has been established through the previous granting of an outline consent for employment uses on this site. Taking into account the above, subject to conditions, I consider that the impact upon landscape character and the detailed planting scheme are both acceptable in accordance with SP9, CP13 and DM5 of the Development Plan.

Impact on Trees

An Arboricultural Report accompanies the application which identifies the trees and hedgerows affected by the proposal. These are limited to hedgerows along the northern and eastern boundaries (with the embankment and Cockett Lane) and trees which are located to the north-eastern part of the site.

The hedgerows would be retained and gapped up as part of the scheme. The trees are all low or average quality specimens but together I consider they offer some positive value to the public realm and help to soften the development and manage the transition from built form to countryside. These trees are to be retained and are located within an area of land adjacent to Cockett Lane that would be maintained by a management company (associated with the adjacent development of 88 houses). As recommended within the Arboricultural Report, tree protection measures are required during construction and this matter would be controlled by condition. Subject to this I am satisfied that the impact on trees would be acceptable.

Flood Risk and Drainage

This site lies within flood zone 1, at lowest risk of flooding and comprises less than 1 hectare of land so does not require the submission of a flood risk assessment. However the Flood Risk Assessment submitted with the previous scheme has been resubmitted with this application.

On the basis that the wider site (including this site) was considered by the outline application, the Lead Local Flood Risk Authority who have now assumed responsibility for surface water drainage have commented that they have no comments to make given that the level of employment land and uplift in dwellings is comparable in footprint. They do suggest that previous conditions, including a surface water drainage scheme (as suggested at that time by the Environment Agency) are included in any decision. Given that surface water drainage details have not been submitted with this application I consider that this is reasonable and as such an appropriate condition is included, which is also in line with advice from the TVIDB.

In relation to foul drainage, Policy Fa/MU/1 provides that development on the site will be subject to developer funded localized sewer capacity improvements as required. On the previous outline application relating to the wider site, STW originally wanted the applicants to undertake off-site works but had elsewhere stated that the impact from the scheme at that time (residential and employment) was negligible. Thus it was argued that given the foul system already required upgrading and the original scheme had a negligible impact, the developers should not have to fix existing problems, a matter which was ultimately accepted by STW.

This condition relating to foul sewage disposal was discharged following legal advice and confirmation from STW that the submission of a foul drainage layout and long sections (JN1516-MWK-014 and JN1516-NK-019) calculations of micro drainage outputs for both the housing and the employment foul drainage and the report 'Severn Trent Water Sewer Capacity Assessment ref DE-1310-246 were acceptable.

For this application (for 18 dwellings) the previously agreed foul sewage disposal scheme has been resubmitted. STW have now confirmed that the scheme already approved is also fit for purpose for the 18 dwellings and therefore provided the scheme submitted is implemented there is no requirement to submit further details.

Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site. It goes on to say that schemes must not significantly harm the integrity of European Sites such as Special Areas of Conservation or Special Protection Areas.

An Extended Phase 1 Habitat Survey dated April 2016 has been submitted with the application which does not identify any protected species on the site or ecological issues that would constrain development.

It is recommended that there is no artificial lighting to the north-eastern boundary near to the mature ivy clad common hawthorn and ash tree to minimise indirect impacts to this area as a potential bat roosting habitat. This can be controlled by condition.

As part of the ecological appraisal consideration has been given to the impact on the adjacent SINC. The proposal incorporates a planted buffer zone which will provide a bio diverse separation of the development from the SINC. Existing hedgerows are to be enhanced through additional native planting to improve their biodiversity in the long-term. In accordance with the County Council's ecology advice the applicant has now removed the species *Pinus sylvestris* from the 'Boundary buffer planting', as this species is not characteristic of the area and has limited wildlife value and has replaced it with *Acer campestre* which is now acceptable. No other ecological enhancements have been suggested by the applicant but it is considered that enhancements such as bat and bird nesting boxes could easily be achieved and controlled by condition.

Given the substantial population of Nightjar and Woodlark in the Sherwood Forest area the site is a potential Special Protection Area ('SPA') under the EU Birds Directive. As such the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc) Regulations 1994) would have to be applied for developments within a 5km buffer, which this application falls within. This precautionary regime seeks to determine whether the development is likely to have a significant effect on the pSPA (either alone or in combination with other plans or projects).

There are records of breeding Nightjar and Woodlark within 3.2km and 3.8km from the development site and Notts Wildlife Trust's previously advised that the development (proposed by the outline comprising 88 dwellings and the employment land) would have a likely significant effect on the Sherwood pSPA both alone and in combination with other proposed development in

the area due to factors such as the higher number of people in the area which would result in increased disturbance from walkers, dogs etc. on breeding nightjar that nest in the area amongst other factors.

It is for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. This matter was considered at outline stage where the amount of development (when taking into account likely floor space of the employment used compared to that proposed by this full application) is comparable and was found to be acceptable. Having considered the impact of the additional 18 dwellings in combination with other developments but without the employment element coming forward I consider that the impact remains as were; i.e. it cannot be objectively concluded that there is more likely significant effects of additional visitor presence, additional dogs and additional vehicle emissions and nitrogen deposition on the pSPA. As such mitigation measures are not required.

Adopting a precautionary approach it is for the Council as Local Planning Authority to judge and balance the impacts in this particular case. The site itself it is not a breeding habitat and there will be no direct impact on Night Jar and Wood Lark habitat. Equally there will not be, in my submission, given the distances involved, any impact or disturbance from the anticipated lighting associated with the development.

I therefore turn to indirect or associated impacts such as pet ownership or increased activity i.e. more people going to recreational sites within the District. In terms of daily recreational activity, provision has been made on the adjacent site within the applicant's control. Further, as part of the wider scheme for 88 dwellings a developer contribution has already been sought towards suitable alternative natural green space off site, albeit no specific site has yet been identified as to where this would be spent.

What is more difficult to assess is the specific impact of this proposal with respect to any likely increase of visitors to affected recreational areas such as Sherwood Forest. What is noted however is that there will be no direct link provided by this development onto the Southwell Trail (adjacent) direct.

Notwithstanding the above, in taking a precautionary approach and bearing in mind the significant distances involved my submission would be that provided one secures the enhancement of the open space on site to encourage residents to utilise this together with awareness messages for any future occupiers of the development, the matter is adequately addressed especially when taken together with the overall balance of planning considerations detailed in this report.

Mitigation by way of a financial contribution to provide suitable alternative green spaces (SANGS) has already been achieved for the wider site of 88 dwellings and the employment land through the outline permission. Given this relates to just 18 dwellings I consider that the indirect impacts would be negligible when considered in the context of having already secured a contribution on the adjacent site. An additional financial SANGS contribution is therefore not considered to be necessary in this instance. However it is recommended that the provision of information to all new residents in the form of a 'welcome pack' to first occupants regarding ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk during the breeding season within key areas for nightjar is avoided. This pack would be required to stay

with the property and handed over to subsequent residents. This could be controlled by Section 106.

Developer Contributions

Policy DM3 sets out that planning applications will be expected to include appropriate infrastructure provision. A Supplementary Planning Documents sets out what and how these contributions are calculated. Based on the development proposed the following contributions are being sought:

Affordable Housing

As detailed above 30% on site affordable housing is required as per CP1 and this proposal offers 5 affordable houses equating to 30%. The tenure mix is policy compliant and the affordable housing would be secured by S106 Agreement.

Public Open Space

For applications of 10 dwellings or more, provision of public open space for children and young people is expected at a rate of 18m² per dwelling. In this case 324m² would be expected. However given the shape and size of the site I do not consider that there is any scope for the provision of additional space to be provided. It is therefore considered appropriate that the requirements would be best delivered through an enhancement to the existing approved Local Equipped Area for Play (LEAP) that will be located to the north-west within the wider Ash Farm development.

Whilst not yet in situ, the equipment already approved on the adjacent site consists of a 'Kanope' (a multi-play product that includes 6 elements such as a slide, various climbing features etc), a see-saw, speed-gyro (roundabout also accessible by wheelchairs) and a pair of swings. Under the S106 Obligation the adjacent LEAP has to be provided by the time that 70% of the dwellings on the adjacent site are occupied. I consider that a similar trigger would be appropriate for the provision of some additional equipment to be provided, which could be secured by Section 106 Agreement. The maintenance of the equipment would be through a management company which is being set up to manage the LEAP on the adjacent site.

It should be noted that a strip of land immediately behind the retained hedge along Cocketts Lane (appears as grass verge and acts as amenity space rather than functional space) would be managed by a management company. This also applies to the landscape buffer to the northern boundary. This would be secured by Section 106 Agreement.

Community Facilities

For developments of 10 or more dwellings, an off-site contribution would be sought based on £1181.25 per dwelling. This would be utilised to support community projects in Farnsfield including the Village Hall, the bowls, tennis, cricket and football clubs which are located at different venues within the village. The allocation of monies would be determined on a priority basis in consultation with the Parish Council and community sports and recreation clubs and groups. This would be secured through a S106 Agreement.

Education

Based on 18 dwellings a contribution of £45,820 would be sought to provide 4 primary school places that the development is calculated to generate. There is no capacity at the nearby school (Farnsfield St Michael's Church of England Primary School) where the monies would have to be spent and the contribution is therefore justified. This contribution would be secured by S106 Agreement.

A summary of the Developer Contributions is contained in the table below:

Developer Contribution Requirement	Offer	Suggested Trigger and Commentary
<p>Affordable Housing 30% on site</p>	<p>30% (rounded down as is deemed appropriate) equating to 5 units on site being Plots 13, 14 (2 bed bungalows) and Plot 15 (2 bed terrace) for affordable rent and Plots 16 and 17 (both 2 bedroom terraces) for intermediate housing.</p>	<p>Still under negotiation but likely to be that all affordable housing to be made available for occupation by completion of the 12th market dwelling or within 18 months whichever is the earlier. This departs from the usual triggers but is necessary because of the way in which the development would be built out for health and safety reasons.</p>
<p>Primary Education 4 school places equating to £45,820</p>	<p>£45,820</p>	<p>Full amount to be paid upon commencement of the development. The funding would be used to increase capacity at Farnsfield St Michael's School which is full and cannot accommodate any more places. It is a rural school, with no other schools close by. Lead time on internal modifications, including feasibility is such that works would have to be undertaken prior to any new children moving in to the development as there is nowhere else for them to go. With this being such a small development, the full amount would be required prior to commencement, to enable the LEA to undertake any modification works.</p>
<p>Public Open Space (provision and management/maintenance)</p> <p>Enhancement of the children's play space (the LEAP) on adjacent site over and above the existing (approved) LEAP. Additional equipment – 2 pieces</p> <p>Detail of additional play equipment to enhance adjacent site to be secured by S106.</p> <p>Strip of land immediately in front of hedge along Cockett Lane and landscape buffer to the east would be POS which would need to be managed and maintained by a management company.</p>		<p>Not to occupy more than 70% of dwellings until the provision is implemented on site (details of which should be first agreed in writing by the LPA) and the maintenance of the POS would be secured through a management company.</p> <p>That the land defined as being POS (in the form of amenity open space) to be maintained and managed by a management company.</p>

Community Facilities £1181.25 per dwelling	£1,181.25 per dwelling (which would equate to £21,262.50) index linked for the provision or maintenance of a village hall, tennis football and cricket facilities in the parish of Farnsfield	Not to occupy more than 70% of dwellings until sum is paid. To be spent within the Farnsfield Parish on one of the projects identified opposite.
Ecology	Welcome Pack to be provided to all new residents and this pack to be retained at the property for all subsequent owners. This awareness pack will advise occupants on the ecological sensitivities of woodlark and nightjar, requesting the do walking is avoided after dusk during the breeding season within key areas for the species.	Welcome Pack- provision and retention to be secured through S106.

Other Matters

Land Stability

Members may recall that there were land stability issues associated with the previously approved outline application for the wider site. This was because the wider site adjoined a redundant quarry. However this is not the case for this part of the site and the matter does not warrant any further consideration.

Land Contamination

The site has been in longstanding agricultural use and the submitted Phase 1 and 2 ground conditions survey does not indicate contaminants are present. It is however recommended that an appropriately worded condition is attached to require the site to be monitored and further assessment undertaken, including mitigation should contaminants be found once the commencement of development in accordance with Policy DM10.

Archaeology

Policy FA/MU/1 requires an archaeological evaluation to be undertaken and post mitigation measures included via a planning condition should archaeology be found on the site. A Heritage Statement accompanied the outline application (which included this site) and concluded that following a desk top study and geophysical survey that the site is of no major archaeological significance nor are any designated heritage assets directly or their setting are directly affected by the proposed development, which is located on the periphery of the settlement.

The Council's Conservation Officer raised no objection to the proposal. It is anticipated that a scheme of treatment only will be necessary in this case in relation to potential archaeology on the site and a Written Scheme of Investigation for Archaeology has now been submitted. Comments are awaited from the County Archaeologist to confirm its acceptability. In the meantime a condition will be imposed as a precaution but it is hoped this will be discharged upon receipt of the County Archaeologists comments. I am therefore satisfied that this addresses the

archaeological impacts as required by Core Policy 14 and Policy DM9.

Planning Balance and Conclusion

It has been concluded above that having regard to the marketing information submitted that the employment uses that the site is allocated for, is not deliverable. Whilst it is recognised that Farnsfield has already contributed to the 5 year housing land supply beyond what was anticipated, this does not prevent the settlement from taking more housing subject to it having no harmful impacts. It has been concluded that the proposal would not result in any harm to Farnsfield as a principle village. It has been concluded that the scheme for housing being promoted would offer benefits to the local area by utilizing a site which cannot demonstrably deliver the B1 and B8 use aspirations, boosting housing supply in a sustainable location; delivering affordable housing and delivering a range of wider financial benefits, including appropriate developer contributions. In principle the addition of 18 dwellings is considered acceptable.

It has been concluded that the scheme is acceptable in terms of its design and layout, impact upon the landscape, residential amenity, highway, trees and ecology matters. The mix of house types and tenures is acceptable and is in line with the expectations of the Strategic Housing Business Unit aspirations. This being the case there are no reasons to prevent the development subject to the use of the conditions suggested below. For these reasons set out in this report the scheme is considered to be acceptable, in accordance with the Development Plan and the NPPF, a material consideration and approval is recommended.

RECOMMENDATION

That Members be minded to approve full planning permission subject to:

- i) the following conditions;**
- 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 this report.**

Conditions

01 (Time for Implementation)

The development hereby permitted shall not begin later than 3 years from the date of this permission.

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

02 (Construction Times)

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

03 (Construction Method Statement)

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

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

04 (Levels)

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

Reason: In the interests of residential and visual amenity.

05 (Oil and Petrol Separators)

The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators in areas where HGV vehicles are turned or parked has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of ground/surface water pollution.

06 (Contamination Condition)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of groundwater pollution and to ensure that on site contamination issues are addressed.

07 (Outside of BB Season)

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

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

08 (Tree protection)

No development shall be commenced until the trees shown to be retained in Appendix 5 (Tree Constraints Plan) of Arboricultural Report dated April 2013 submitted in support of this application. have been protected by the following measures:

- a) 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;
- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) 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.

09 (External Lighting)

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 and minimise impacts to bats. 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 and to minimise artificial light particularly to the north-eastern boundary near the mature ivy clad common hawthorn and ash tree which has habitat potential for roosting bats.

10 (Surface water drainage)

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation. The scheme submitted shall, where appropriate, demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

011 (Foul Drainage Condition) (to be imposed if STW don't confirm submissions are acceptable)

No dwelling hereby approved shall be occupied until the works shown on drawing JN1516-NWK-014 dated Feb 14 (Foul Drainage Layout) have been carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of a satisfactory means of foul sewage disposal in accordance with Allocations and Development Management DPD Policy Fa/MU/1.

012 (Archaeology) to be imposed if NCC Archaeologist doesn't confirm submission is acceptable.

No development shall be commenced until a scheme of archaeological treatment for the site which shall comprise a watching brief has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

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

013 (Boundaries)

The development hereby permitted shall not be occupied until the boundary treatments associated with each plot has been constructed in accordance with the details shown on drawing number H6040/206 Rev A unless otherwise agree in writing by the local planning authority through the approval of a non-material amendment to the permission

Reason: In the interests of residential amenity.

014 (Ecological Enhancement)

No dwelling on site shall be first occupied until details of a scheme for ecological enhancements, which may include bat and bird nesting boxes, has been submitted to and approved in writing by the local planning authority. The approved scheme of ecological enhancement shall detail the precise enhancement (including design, locations and precise positioning's as appropriate) and shall then be implemented on site, prior to first occupation, in accordance with the approved details.

Reason: To provide ecological enhancements in line with the requirements of CP12, DM7 and the NPPF.

015 (Buffer Hedgerow)

The existing hedgerow along the northern boundary shall be allowed to grow to and retained at a minimum height of 2 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March inclusive) by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of ecology, visual amenity and landscape character to ensure that appropriate screening is maintained adjacent to the countryside.

016 (Additional hedgerow planting to buffer boundary)

Notwithstanding the provisions of condition 017 of this permission, the additional hedgerow planting to the northern boundary, as detailed specifically 'native shrub mix' (to strengthen hedgeline) on plans GLO18006B (Soft Landscape Proposals) shall be retained for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ecology, visual amenity and landscape character to ensure that appropriate screening is maintained adjacent to the countryside.

017 (Landscape Implementation for wider site)

The approved soft landscaping scheme as shown on drawing GLO180 06B (Soft Landscaping Proposals) shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be completed in accordance with a scheme which shall firstly be agreed in writing by the Local Planning Authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly

maintained, in the interests of visual amenity and biodiversity.

018 (Removal of PD Rights)

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.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

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

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 1995 or any amending legislation) in order to safeguard the amenity of neighbours and to ensure that proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

019 (Approved Plans)

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

2016/ENN/C/01 – Ennerdale House Type (Elevations and Floor Plans) received 13/09/16

H6040/206 Rev C – Materials Layout (15/09)

H6404/202 Rev D - Planning Layout (15/09)

H6040/205 Rev B – Streetscenes (15/09)

2010/DET/A/136 – Garage (double)

2010/DET/A/135 – Garage (single)

2010/DET/217 – 1800mm Close Boarded Fence (Elevation and profile)

2010/DET/221 - 1800mm screen wall (Elevation and profile)

2010/H320/C/01 – Type 20 Classic (Elevations and Floor Plans)

2016/MMS/C/01 – Moresby (Elevations and Floor Plans)

2016/KNL/C/01 – Kenley (Elevations and Floor Plans) received 13/09/16

2016/MAI/C/01 – Maidstone (Elevations and Floor Plans)

BHZLO3CE/C/00 – The Hazel (Elevations and Floor Plans)

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.

020 (Travel Packs)

Prior to first occupation of each dwelling hereby approved, each household shall be given a copy of the 'Connecting People Through Sustainable Travel' document (comprising the Travel Pack and Inserts received by this Authority on 22nd September 2016, or as may be updated).

Reason: In order to promote more sustainable modes of transport available to occupiers.

021 (Parking areas to be bound)

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

022 (Garage Doors)

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

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

023 (Footway Provision)

No dwelling shall be occupied on any part of the application site unless or until the footway on west side of Cockett Lane, linking up to the footway to the south of the development has been provided as shown for indicative purposes only on the approved plan (H6404/202 Rev D - Planning Layout) to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable travel.

024 (Visibility Splays)

No part of the development hereby permitted shall be brought into use until the visibility splays shown on the approved drawing are provided and kept clear of obstructions at all times.

Reason: In the interests of highway safety.

025 (Surface Water Drainage onto the Highway)

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

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

026 (Forward Visibility Splay)

No development shall be commenced until a revised plan has been submitted showing the forward visibility splay around the bend outside plots 6 & 7 being included as adoptable public highway demarcated with an edging strip or similar. Details of how the land will be treated (i.e. hard surface materials or grass planting) within this splay shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The development shall thereafter be implemented in accordance with the approved details and the splay shall be kept free from obstruction for the lifetime of the development with no grass planting or otherwise allowed to grow above 250mm in height.

Reason: In the interests of highway safety.

Notes to Applicant

01

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

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

02

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

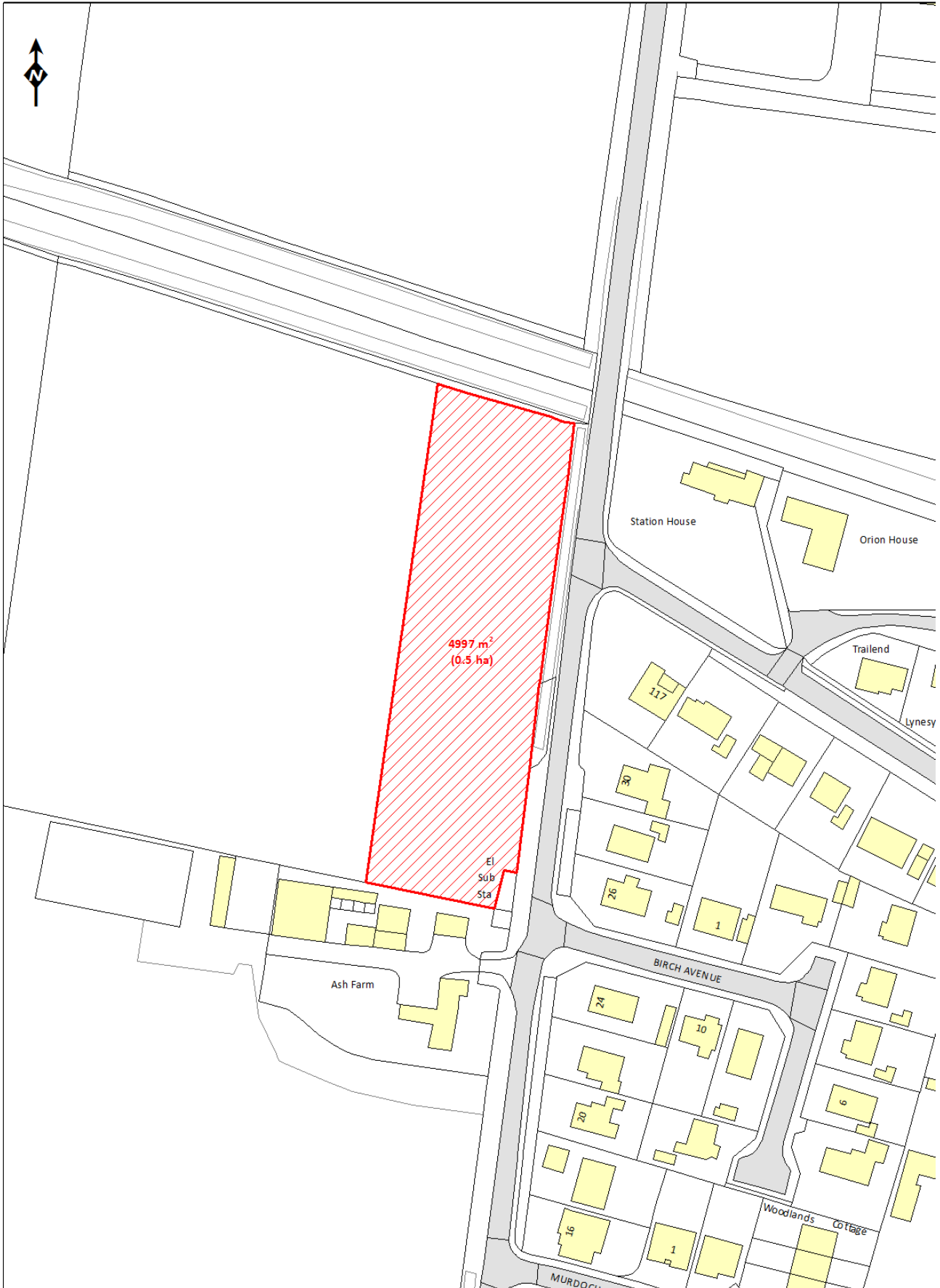
BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/01252/FUL	
Proposal:	Barn conversion to new dwelling (minor amendments to application 15/01831/FUL) and erection of triple garage and store	
Location:	Far Barn, Priory Road, Thurgarton, NG14 7GT	
Applicant:	Mr And Mrs Tom And Kate Cressey	
Registered:	16th August 2016	Target Date: 11th October 2016

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Thurgarton Parish Council has raised no objection to the application which differs to the professional officer recommendation.

The Site

The application site is situated within the open countryside north west of the village of Thurgarton accessed by an unadopted section of Priory Road. There is a public footpath along this section of the unadopted highway but the footpath does not cross the site itself.

The site as existing comprises a vacant detached barn. The stone barn appears to be an 18th century threshing barn with significant local architectural and historic interest. The thick skerry stone walls with extensive slit ventilators and large central door openings makes the barn a good example of its type. Due to this interest and its composite nature, the barn is considered to be a Local Interest building and therefore is a non-designated heritage asset. As referred to below, there is planning history on the site which has approved the barns conversion to a residential dwelling.

There are no neighbouring properties immediately adjacent to the site but there are farms (with farm buildings) relatively close by. The site is surrounded by open fields and woodland.

Relevant Planning History

15/01831/FUL – Barn Conversion to new dwelling. *Approved through delegated powers on 1st August 2016 subject to conditions including the removal of permitted development rights. The application is yet to be implemented.*

97/52011/FUL - Planning permission was granted in 1998 for a barn conversion at the site to form a single dwelling with a rear single storey extension.

The Proposal

The current proposal seeks full planning permission to convert the detached barn to a single 5

bedroom residential dwelling incorporating extensions to the south and east of the barn. The barn conversion is broadly in line with that previously approved by the extant permission identified above however in assessing the barn for Building Regulations it has been deemed necessary to add an additional window to the west elevation. The current application also introduces three flues to the main barn.

In addition, the current application seeks permission for the erection of a single storey detached triple bay garage and plant and store room. It has been confirmed that the plant room would incorporate a ground source heat pump as the site is not served by mains gas. The garage and store building would be positioned to the north west of the main barn with the gable end fronting Priory Road.

The design of the garage has been amended during the life of the application such that external measurements of the garage and store have been reduced to be approximately 5.8m in width and 13.6m in length with an eaves height of approximately 2.3m and a maximum ridge height of approximately 4m. Materials proposed are stone with a pitched clay pantile roof to match the main barn with oak frame posts and lintels to the open side.

As well as the usual validation requirements, the application has been accompanied by a Bat activity and Barn Owl survey as well as a plan to demonstrate a proposed bat loft.

Given that the revised plans amount to a lesser scheme, additional consultation has not been undertaken.

Departure/Public Advertisement Procedure

There are no immediately adjacent neighbours to consult by letter so a site notice has been displayed on the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5: Design

DM7: Biodiversity and Green Infrastructure

DM8: Development in the Open Countryside

DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Conversion of Traditional Rural Buildings SPD 2014

Consultations

Thurgarton Parish Council – No objection.

NCC Highways Authority – As the application site is located on the ‘unadopted’ section of Priory Road, this proposal is not expected to have an impact on the public highway. Therefore, in this instance, there are no highway objections to this application.

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

NSDC Conservation - The stone barn known as Far Barn is probably an 18th century threshing barn with significant local architectural and historic interest. The thick skerry stone walls with extensive slit ventilators and large central door openings makes the barn a good example of its type. Due to this interest and its composite nature, the barn is considered to be a Local Interest building and therefore is a non-designated heritage asset (as defined by Annex 2 of the NPPF). The significance of the barn is therefore a material consideration in accordance with paragraph 135 of the NPPF and Policy DM9 of the Council's A&DM LDF DPD.

Far Barn has approval for conversion to a new dwelling (ref 15/01831/FUL). Permission has previously been granted to convert the structure (ref 97/52011/FUL).

The proposed cart shed garage is of a substantial footprint, although is single storey and therefore subservient. The building does not follow a historic footprint (see attached mapping evidence of the original barn configuration), but does take a linear form which is gable-end to the road and therefore not unduly prominent when viewed in aspect with the heritage asset.

In reaching a view on impact on the setting of the heritage asset, the decision-maker should make a balanced judgement in accordance with paragraph 135 of the NPPF. In this case, it is felt that the agricultural character of the site will be sustained and no harm caused to the architectural or historic interest of the heritage asset.

NCC Rights of Way – No comments received.

Ramblers Association - No comments received.

No letters of representation have been received.

Comments of the Business Manager

Principle of Development

The site is situated within the open countryside. As outlined by Spatial Policy 3 development in the open countryside will be strictly controlled and restricted to certain uses. These uses are outlined by Policy DM8 including an allowance for the conversion of existing buildings. In the context of a proposed residential use it is confirmed that planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension.

Given that the site includes a non-designated heritage asset, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management DPD are of relevance. CP14 seeks to ensure the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, this is echoed by Policy DM9.

Notwithstanding the above, as identified above, the site has an extant planning permission to allow for the conversion to a residential dwelling. This must be afforded appropriate weight in the overall planning balance of the current proposal. Given that the extant permission was determined relatively recently (1st August 2016), and that the differences in the applications to the main barn are relatively modest, there will undoubtedly be similarities in the overall assessment. For clarity, it remains the case that the current application must be assessed as a whole albeit there will be some factors of the following discussion which are identical to those undertaken by officers under delegated powers. In the interests of transparency, these sections of the report will be italicised.

Impact of Proposed Design (including in the context of non-designated heritage asset)

The LPA has produced a SPD on the Conversion of Traditional Rural Buildings to assist both applicants and decision makers. This confirms that as a District we have a wealth of traditional rural buildings, the term often used to describe farm buildings pre-dating 1940. The SPD states, in line with Policy DM8, that when considering an application to convert a traditional rural building, it is essential to establish the architectural or historic qualities that the building possesses. In this instance, this is deemed to have been satisfied through the identification of the existing barn as a non-designated heritage asset.

The stance of local policy is that conversion should be capable without significant re-building, alteration or extension. Members will note, setting aside the proposed detached garage and store, that the main barn will be extended both southwards and to the east. In this regard, the assessment undertaken through the extant permission is deemed directly relevant:

2 no. two-storey extensions are proposed as part of this application. One extension is to the side of the existing building with the other to the rear to form an "L" shape. In terms of footprint, these extensions do double the footprint of the existing building.

I have measured the footprint of the extensions to be approx. 148.91 square metres.

Policies, including the Council's Conversion of Traditional Rural Buildings SPD, do state that extensions should be subordinate to the host dwelling which clearly this is not. However, as advised by the Conservation Officer, "the new extensions appear to follow previous barn structures (as evidenced in historic mapping and scarring on the existing walls) and these additions are broadly subservient to the host threshing barn." Historic maps do indeed show that there used to be two large extensions to the rear of the main building (creating an "H" shape) and that there also was some infilling of the courtyard area too. Whilst the extensions may not be subservient in terms of footprint, they are in terms of height and siting with both extensions having a lower roofline than the host building, the side extension being set back from both the front and rear elevations of the host building and the other extension being to the rear. On balance, these extensions are considered to be acceptable.

Conditions should be attached to the grant of planning permission, removing PD rights for further extensions and regarding details of materials, a sample panel and joinery details to be agreed prior to development commencing.

I am mindful that as an authority we have already accepted significant extension to the existing barn (acknowledging the weight that was attached to previous structures on the site). By my calculations, the conversion of the main barn under the extant permission (and indeed in the current application again setting aside the garage) would amount to an approximate 116% increase in the existing footprint. The changes to the main barn presented by this application in comparison to the extant approval (being related to windows and flues) would not alter this calculation.

However, when bringing into the assessment the additional proposed triple bay garage and store, even through the amended plans submitted during the life of the application, the resultant increase in footprint would be hugely exasperated to approximately 177% compared to the existing barn. I appreciate that the garage and store in being detached from the main barn is not strictly speaking an extension, however taking a pragmatic approach it is my view that it should be assessed in the same way (indeed this is common practice when assessing applications for householder development). An increase of almost 180% in footprint is way above and beyond officers interpretation of what the SPD envisaged in the statement:

'proposals to convert traditional rural buildings should normally be contained within the confines of the existing building shell.'

The LPA in allowing the previous application has already been lenient in the context of strictly applying the policy (again acknowledging that weight was attached to previous structures on site). To allow further built form as per the garage and store proposed would be wholly inappropriate and contrary to Policy DM8 and the associated SPD.

I am mindful that the LPA has approved a 5 bedroom dwelling with no garage accommodation. An argument for the need for this garage accommodation is briefly addressed through the original Design and Access Statement confirming that the garage is required for the private and secure storage of vehicles. Moreover, a further statement has been submitted to accompany the revised plans acknowledging the concern raised by officers. It is stated that there is evidence of other extensions to the barns (in addition to those previously acknowledged in allowing the extensions of the extant scheme) indicated by 1885 mapping as showing the barn once had a courtyard enclosed on four sides with central infill. Further correspondence presents the argument that given that the original barns in 1885 were approximately 280m², the current proposals actually represent an overall reduction. In this regard, officers are of the view that weight should be attached to the aforementioned SPD which, at paragraph 4.19 specifically states that:

'Permission will not normally be given for the reconstruction of previously demolished buildings or parts of buildings...'

It is acknowledged that the SPD does go on to detail where exceptions may be made:

'where the applicant can provide compelling evidence of the previous existence and scale of the demolished structure and its restoration contributes significantly to the viability or character of the development.'

The historic mapping demonstrates no built form in the positioning of the proposed garage and store. In any case, as already identified, officers have already made an exception in allowing the extensions as approved by the extant proposal. These extensions are considered more than sufficient in allowing conversion to a single dwelling.

Reference is also made to other applications where cart shed and workshop outbuildings have been approved. Nevertheless, officers consider that each application should be considered on its own merits and in reference to the specific application sited, this falls within the Green Belt and therefore is assessed by Green Belt policy. It should be noted that if Members are minded to approve the application, the applicant has stated that they would accept a condition requiring further landscaping.

Taking a common sense approach, officers concede that a 5 bedroom dwelling in such an isolated location is highly likely to necessitate the use of a private car. There is adequate space within the dwelling curtilage to allow for parking of numerous vehicles. Officers are of the view that if garaging is required for security purposes then it should be incorporated within the expansive footprint of the main barn conversion. Given that the extant permission is yet to be implemented on site, an internal re-design would not prejudice the applicant at this stage. Thus, whilst I do have some sympathy for the applicant in terms of a need for garage accommodation, this is not considered to outweigh the harm in allowing the current proposal in principle terms. Having assessed the floorplans of the proposed main barn I am confident that garage space could easily be incorporated if required (for example the floor plans demonstrate a family room, living room, snug and garden room all at ground floor).

Turning then to assess the specific design of the proposed garage and store, a matter not previously considered, I note the stance of the design and access statement is that design of the garage is presented to give the appearance of a traditional cart shed. In this regard I would concur with the comments of the conservation officer, repeated below for clarity:

'The proposed cart shed garage is of a substantial footprint, although is single storey and therefore subservient. The building does not follow a historic footprint, but does take a linear form which is gable-end to the road and therefore not unduly prominent when viewed in aspect with the heritage asset.'

With respect to the minor changes to the main barn sought through the current application (one additional window and three additional flues) I am satisfied that these would not materially impact upon the character of the converted barn. They are relatively subtle features and the justification for their inclusion (based on the needs of residential conversion with respect to Building Regulations and heating) are more than reasonable in the context of the overall scheme.

The proposal would therefore comply with the relevant policies cited above notably DM5, DM9 and CP14.

Impact on Protected Species

As confirmed, despite the extant permission, the current application must be assessed as a whole. Both the original and the current application have been accompanied by relevant bat and owl surveys noting the currently vacant state of the barn. The assessment undertaken through the extant approval is again of relevance:

With regards to bats, a Natterer's maternity roost and a number of individual roosting common pipistrelle were identified within the barn. The Natterer's roost was determined to be of medium to high conservation significance and as such an EPS licence will be required. This is covered by separate legislation outside of the planning system but an informative will be added to the decision notice to inform the applicants of this. However, prior to granting planning permission, the LPA needed to be satisfied that an EPS licence would be likely to be granted. As such, additional bat surveys were required during the peak activity season in order to inform the EPS licence. NWT assessed the results of these surveys and raised no objection stating;- "A maternity roost of Natterer's bats and several individual common pipistrelle roosts have been confirmed. As stated on P6 of the report, works may only proceed under an EPS Licence granted by Natural England to derogate from any offence being caused. The survey work which has now been undertaken should enable development of detailed mitigation which will be required for the EPS licence application."

Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. An EPS licence will be required from Natural England prior to any works commencing. As such, it is necessary to consider the likelihood of a license being granted as part of the determination of this application by applying three tests which are the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

In this case, the conversion of the barn is in the public interest as it allows for the re-use of a non-designated heritage asset. There is no satisfactory alternative, without the conversion the barn would be left vacant and could fall into disrepair. It is considered possible that a favourable conservation status of species will be maintained through a condition ensuring a bat loft.

Having assessed the impacts of the proposal upon nature conservation and protected species, it is considered that subject to conditions securing the mitigation set out in the submitted Ecology Report which include a bat loft, the provision of bird boxes and works outside bird breeding season, the proposed development is unlikely to have any adverse impact upon the favourable conservation status of bats or ecology.

If the application were to be approved then I am satisfied that, as with the previous permission, appropriate conditions could be attached to ensure that the proposal would not unduly affect the ecology of the site. The proposal therefore complies with the intentions of CP12 and DM7.

Other Matters

Given the isolated nature of the site I have no concerns in respect to neighbouring amenity or impacts on highway safety.

As with the extant approval I remain satisfied that the current proposal would not unduly affect the adjacent public footpath.

I note the comments received from colleagues in Environmental Health with respect to the need for a contingency plan. Again this could be secured by condition if the application were to be approved.

Overall Balancing Act and Conclusion

Members will note the significant similarities between the current proposal and the recently approved permission on the site in respect of the conversion of the existing barn to a single residential unit. The minor changes to the main barn sought through this application are not considered to materially alter the character of the barn as approved.

However, the current application also seeks the erection of a detached triple bay garage and store with a considerable footprint of approximately 78.9m². When taken in the context of the extensions to the barn already approved through the extant permission, the current proposal would amount to a foot print increase of approximately 177% in comparison to the existing barn. Given the open countryside location of the site, a decision must be taken against Policy DM8. This policy is clear that, when allowing for the conversion of existing buildings to residential dwellings, the primary stance is that conversion should be accommodated within the existing building shell. An increase in footprint of almost 180% is therefore considered contrary to this policy and its associated SPD.

I am mindful that the existing barn is a non-designated heritage asset, however, the applicant has the fallback position of implementing the extant approval (or indeed revising the extant proposal to incorporate garage accommodation) which would secure the heritage value of the site.

I have identified no other material considerations which would outweigh the harm caused in allowing the current proposal.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

Notwithstanding the extant approval which exists on the site by virtue of planning permission reference 15/01831/FUL, the current proposal seeks to incorporate a detached triple bay garage and storage building to the north west of the existing barn. In the context of the countryside location of the site, Policy DM8 (Development in the Open Countryside) is of relevance. Although this policy does allow provision for the conversion of existing buildings to residential dwellings, this is on the basis that they can be converted without significant re-building, alteration or extension. This stance is supported by an associated Supplementary Planning Document (Conversion of Traditional Rural Buildings).

The LPA has already allowed for the significant extension to the barn through the extant approval. The current application, in representing an approximate 177% footprint increase in comparison to the existing barn is considered wholly inappropriate in the context of the aforementioned policy. The proposal is therefore contrary to Policy DM8, the associated SPD on the Conversion of Traditional Rural Buildings and 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 reasons for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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 Laura Gardner on ext. 5907.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01252/FUL



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/01130/OUTM
Proposal:	Erection of two detached dwellings with single access point from Hawksworth Road. Off street parking to be provided.
Location:	Land adjacent to Ivy Cottage, Hawksworth Road, Syerston, Nottinghamshire
Applicant:	Mr S Walker
Registered:	1st August 2016 Target Date: 26th September 2016
	Extension of time agreed until 6th October 2016

This application is being presented to the Planning Committee for determination at the request of the local ward member (Councillor Ivor Walker).

The Site

This application relates to approximately 0.17 hectares of paddock land located on the eastern side of Hawksworth Road within the village envelope of Syerston. The paddock is bounded by fencing to the eastern and western boundaries and fencing and mature hedging to the north boundary and the southern road side boundary. There is an existing gated access from Hawksworth Road.

Residential properties exist to the North West and south of the site. To the north the site is directly adjoined by the two storey dwellings on Moor Lane which back onto the paddock, to the south by a two storey detached residential property which sides onto the site and is a Local Interest Building and to the west, on the opposite side of Hawksworth Road, by a pair of two storey semi-detached dwellings. Beyond the site to the north is a further paddock area. The village hall lies to the North West corner of the site.

There are a number of Buildings of Local Interest within the village and a number of Listed Buildings within the locality of the site, including Montague House to the North West and the barns forming Low Farm to the east which are all Grade II listed. The Church of All Saints is also Grade II listed.

The Proposal

Outline planning permission is sought for the residential development of the site with access agreed and all other matters reserved.

The application has however been accompanied by 3 indicative layout plans to show the design approach behind the proposal. The Planning Statement deposited with the application confirms that proposal B would be the preferred option.

Proposal B

This proposes a linear development of 2 no. T shaped dwellings fronting Hawksworth Road with private gardens to the rear and retaining the central access point from the highway. 4 no. parking spaces are shown to the rear of the dwellings. For the avoidance of doubt this proposal is indicative and is not part of Members consideration, who are only asked to consider the principle of development and the access to the site.

A Planning Statement has been deposited with the application which outlines the details on the indicative layout plans comments that although the site could also accommodate two storey dwellings or bungalows it is envisaged that dwellings proposed in either option would be two storey in height.

Additional supporting information has been deposited which outlines the operation of public transport services considers that the proposal for 2 new dwellings in the village would be small scale new sustainable development which would contribute to much needed housing in the District.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter. A Site notices have also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Spatial Policy 3: Guidance Note

Consultations

Syerston Parish Meeting – At the village meeting the following issues were discussed with the agent and concerns raised are summarised as follows:-

- There has been no needs analysis
- The Parish was not aware of any local employment or family need
- The village met few, if any, of the essential services requirements (locational criterion)
- The proposal was the equivalent of a housing increase of up to 4% (far in excess of the local need, as a proportion of the district's existing stock)
- The impact on the highway and road safety had been badly underestimated both in terms of volume and risk
- The development's benefit to a single person appeared to be paramount and no benefit to the community had been established.
- Insufficient consideration had been given to drainage and the impact of the proposal on Moor Lane properties that already suffer from flooding
- No reassurances regarding sewage waste disposal had been heard.

In terms of sustainability the following raised concerns:-

- Transport (policies)
- Available services
- Possibility of flooding
- Waste disposal
- Environmental, economic and social issues.

Whilst accepting that some of the points may be required to be specified in detail if there is to be a full planning application to follow, the meeting did not hear that:

- a community need had been established
- the proposal would bring any direct benefit to the community
- highway risks and impacts had been considered sufficiently and would be mitigated
- flood prevention measures would be adequate
- existing privacy would not be compromised,
- the development would meet 'sustainability' requirements, and that
- waste disposal arrangements could be managed within existing pipework

The meeting did hear from speakers who were fully in favour of the application. The Vote was put to the meeting as follows: "This Parish supports planning application 16/01130/OUT" For 14 Against 24 Abstentions 7 Total votes cast 45 Eligible parishioners who did not vote 5 The motion was not supported. The Chair then recommended that the matter be "Called in". He explained that the application might otherwise be decided by planning officers rather than by Councillors at their formal committee unless. The matter was put to the vote and 30 parishioners voted in favour of a call in request being put to local district councillor Mr Ivor Walker. The Chair advised that he would make that request but that the councillor may not agree that it is necessary.

The full minutes can be viewed on line

NCC Highway Authority – Original comments received from the Highway Authority considered all of the indicative layout plan options deposited with the application. Following confirmation from the applicant that the indicative layout shown on the revised layout plan (drawing no. 02 Revision B dated September 2016) is the preferred option, the following comments have subsequently been received:-

The application comprises the erection of two dwellings accessed off Hawksworth Road in Syerston. Access is proposed by means of a verge crossover arrangement.

The Highway Authority has previously provided comment regarding this application. Subsequently the applicant has prepared drawing reference: Proposed Plan and Elevation 02B to address the comments made.

The development access includes realignment of the Hawksworth Road eastern kerb line to remove an existing horizontal kink in the road carriageway, along with enhancing and defining the existing informal layby to the north of the access.

The proposed access has been widened and is considered to accord with the authority's Highway Design Guide.

Although the application is of an outline nature, the indicative layout illustrates that there will be sufficient space to accommodate parking within the curtilage of each plot, along with providing a location for bins to be stored adjacent to the public highway during refuse collection days.

Having reviewed the proposals in terms of traffic impact, highway safety, access geometry, accessibility, parking and refuse collection, the Highway Authority raise no objection to the application subject to the following conditions:

CONDITIONS:

- 1) No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 m behind the highway boundary, provide a minimum driveway width of 5.25m, a verge crossover, widening of Hawksworth Road to the south of the access, and widening of the existing layby to the north of the access in accordance with the approved plan reference 02B.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.). To ensure sufficient provision is made for delivery vehicles to turn by the provision of widening works on Hawksworth Road, all in the interest of highway safety.

- 2) No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 02B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general Highway safety.

- 3) No part of the development hereby permitted shall be brought into use until a location for the siting of wheelie bins during refuse collection days has been agreed and approved in writing by the LPA. The location for the storage of wheelie bins shall be retained for the life of the development.

Reason: In the interest of Highway safety so as not to negatively impact the safe operation of the access.

- 4) 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 first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

NOTES TO APPLICANT:

- 1) The development makes it necessary to construct/alter a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office to arrange for these works to be carried out.
- 2) In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council for details.

NSDC Environmental Health Contaminated Land – No observations are made in terms of contaminated land.

Environment Agency – the proposal is low risk. Therefore no comments are made.

NCC Rights of Way - No objections are raised, but should the development go ahead, the applicant should be aware that Syerston public footpath 7 runs parallel with the southern boundary of the site.

Ramblers - There is a right of way (Syerston Footpath 7) which runs along the southern boundary of this development. As long as the integrity of this footpath is protected we have no objection.

NSDC Conservation – The proposal site is located in proximity to a number of buildings identified on the County Historic Environment Record (HER) as Local Interest Buildings, including Ivy Cottage, Lilac Cottage, The Croft Cottage and The Cedars. In addition, Hawksworth House (also known as

Montague House) to the west, and the farmhouse and barns forming Low Farm to the east are all Grade II listed. In the wider street setting is the Church of All Saints (also Grade II listed).

The proposal site is an area of archaeological interest (HER Number: M5616).

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving the setting of listed buildings. Such matters are of paramount concern in the planning process. In this context, case-law has established that 'preservation' means to cause no harm.

In accordance with Annex 2 of the National Planning Policy Framework (NPPF), Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 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.

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. Key issues to consider in proposals for additions to heritage assets, including new development affecting heritage assets, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Assessment of proposal

The proposal seeks outline permission to erect two detached dwellings. All matters are to be reserved other than access. The revised layout (dated 19th September) indicates a pair of two

storey dwellings facing the road with a central shared access from Hawksworth Road and parking to the rear.

On balance, Conservation perceives that there will be no harm in principle to the setting of designated heritage assets or Local Interest buildings within the vicinity. Design and detailing will need to be carefully considered, and given the dual pitched roof configuration proposed, local vernacular detailing will need to be respected in terms of facing materials, chimneys, joinery, headers to windows and doors and boundary treatments.

Conservation concurs with some of the arguments presented in the heritage impact assessment, although the applicant is incorrect to assume that impact on the setting of heritage assets is entirely dependent on intervisibility. The setting of the parish church, for example, includes a wider landscape setting due to its landmark qualities, and our experience of travelling through this wider setting affects the way in which we appreciate the significance of the historic building. Nevertheless, subject to precise details on the scale, design and appearance of the dwellings, Conservation has no material objection within the context of section 66 of the Act or CP14 and DM9 of the Council's LDF DPDs.

Other material considerations

At pre-application stage, the applicant was advised to consult the HER and seek advice on archaeological matters in accordance with paragraph 128 of the NPPF. The applicant has not done so. The proposal site is clearly identified as an area of archaeological interest, being associated with a medieval shrunken village, with evidence of ridge and furrow and building platforms. Given the lack of desk-based archaeological assessment, I cannot be certain as to the significance of the site within a national context. Paragraph 139 of the NPPF reminds us that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

In this context, Conservation objects to the proposal. Should a suitable archaeological report be undertaken, we will review our position.

Nottinghamshire Wildlife Trust – No comments received.

NSDC Access - Observations relating to Building Regulations.

14 Representations have been received from local residents/interested Parties which can be summarised as follows:-

- Syerstone is a cul de sac village
- The development would detract from the character of the village and the immediate setting of the site;
- The proposal would impact on local infrastructure and would raise drainage and surface water run off issues in the area;

- There is the potential for the development to extend into the next field and raises the potential for development creep into the open countryside;
- The proposal would result in loss of landscape and would not any contribution to the natural environment;
- The proposal is not considered infill development and would result in the loss of a central area of green open space. It is part of a parcel of land which stretches from the A46 to local villages to the detriment of the countryside;
- The site is neither green or brownfield land;
- The comments of the Highway Authority fail to take account of the significant amount of large farm vehicles using Hawksworth Road;
- Issues of pedestrian and highway safety given the existing volume of residential and heavy farm traffic using Hawksworth Road which is a single carriage highway;
- There is no need for or benefit of the proposed development. The additional dwellings would represent a 4% increase in housing in the village in excess of any need;
- The development fails to serve the public interest and is for the benefit of the applicant rather than the local community;
- The development is not sustainable there is a lack of services in the village, limited public transport links and therefore a reliance of cars;
- The proposal would result in a loss of privacy and would have an overbearing and overshadowing impact upon neighboring properties.
- The proposal would result in loss of view and aspect; and
- It would result in devaluation of property.

5 representations of support have been received as summarized below:-

- The land is of no agricultural merit and too small for economic activity other than grazing;
- The development would allow the installation of a solution to existing drainage issues;
- The proposal meets the criteria for sustainable development;
- It is envisaged that the applicant will ensure that the development will be in keeping with surrounding properties and any inconvenience will be kept to a minimum;
- The development will benefit the village by meeting the need for housing;
- The proposed access has good visibility;

- The proposal relates to infill development; and
- It will attract families to the village.

Comments of the Business Manager/ Appraisal

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within other villages in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3. The five criteria outlined by SP3 are location, scale, need, impact and character. Before assessing these criteria it is also pertinent to set out the councils housing supply position.

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 National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) which requires 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.

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, in accordance with paragraph 49 of the NPPF. It is, however, accepted 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 applications such as this (providing two dwellings) 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 single units are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth.

The Council has resolved to take a pragmatic view to development proposals subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements. I rehearse the elements of SP3 in coming to an overall view.

Location of Development

Syerston is a small settlement with an estimated population of approximately 179 people and 74 dwellings which is accessed from the A46 to the west. There are no through routes through the village. Dwellings are predominantly laid out in a linear pattern fronting the highway. The application site is located close to the junction of Hawksworth Road and Moor Lane with residential curtilages immediately to the north, south and west and further residential properties to the east beyond the paddock. The site is therefore considered to fall within the main built up area of the village.

Notwithstanding this the location criteria of SP3 requires consideration to be given to local services and accessibility to more sustainable settlements such as Newark Urban Area, Service Centres or Principal villages as identified within policies SP1 and SP2 of the Core Strategy. This is also reflected in paragraph 55 of the NPPF which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements development may support services in a nearby village.

The local services within Syerston are limited to a church and a village hall. There are no other villages within a reasonable walking distance with associated services' as is acknowledged within the Design and Access Statement deposited with the application.

Using online tools I have calculated the approximate distances to the nearest village with services and the nearest bus stop.

The nearest services are a shop, public house and primary school at Elston some 2.4km by road to the north east of the edge of the village, which would be approximately a 37 minute walk. Therefore any proposed occupier would have to travel out of the settlement for these services.

Syerston is serviced by a bus route between Balderton and Nottingham on the Fosse Way (the old A46) with the nearest bus stop and approximately 0.7k from the centre of the village. I am of the opinion that there is no doubt that the likelihood of the proposed occupiers of the dwellings

would require a private car for convenience of day to day living. Even with the use of a private car, there is no guarantee that the preferred destination would be nearby villages when vehicular access to Newark (with a much wider variety of services) would be only marginally further to travel.

The Design and Access Statement deposited with the application also puts forward that the village is simply not a 'dormitory' village but that there is business activity citing examples of agricultural businesses, a consultancy, mail order businesses, a plasterer, a staff recruitment agency and an accountancy business. However, these would be considered to offer very limited employment opportunities to local residents given their predominantly small scale. This alone is not in my opinion sufficient justification to support new build in an unsustainable location as identified by the Council's settlement hierarchy.

Therefore, in this location, it is concluded that, on balance, 2 additional dwellings will not enhance or maintain the vitality of the rural community in line with the advice of paragraph 55 of the NPPF. On this basis, I find that the proposal represents a form of unsustainable development in a rural area which is contrary to the sustainability principles outlined in the NPPF.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal.

Two additional dwellings would be considered to be numerically small scale within the settlement and as such it would be considered unlikely that such a scale would have a detrimental impact on the existing infrastructure within the village.

Impact On Character

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. It adds that proposals creating back land development would only be approved where they would be in keeping with the general character and density in the area.

In considering impact, given the context of the site with regards to its proximity to buildings identified as Local Interest Buildings within the village, the proposal also has to be assessed against heritage policies. Paragraph 135 of the NPPF relates to impact of a proposal on the significance of a non-designated heritage. This states that 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 to or loss and the significance of the heritage asset.

Policies CP14 of the Core Strategy and DM9 of the Council's Allocations and Development Management DPD Adopted July 2013, amongst other things, seek to protect the historic

environment and ensure that heritage assets are managed in a way that best sustains their significance. One of the key issues to consider in proposals for new development affecting heritage assets include proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Although the application has been submitted in outline form with all matters except for access reserved for later approval, I note that revised indicative layout plans have been deposited for the preferred option, Proposal B. This shows a linear layout with dwellings fronting the highway served by a central access point.

With regards to impact on the nearby heritage assets identified within the comments of the conservation officer, it is noted that the conservation raise no objections to the principle of the proposal. It is therefore considered that the proposal would not result in any undue harm to the setting of designated heritage assets or Local Interest buildings within the vicinity, subject to the satisfactory scale, design and detailing of the proposed development which would be submitted and considered at reserved matters stage.

Notwithstanding this I also acknowledge that Conservation have raised an objection given that the site is identified in HER as being of archeological interest and that no desk based archeological assessment has been deposited with the application. Given the significant concerns relating to the sustainability of the proposal as outlined above I have not requested the assessment in this instance.

I am mindful the proposal would result infill an area of open space between the existing dwellings within the village. Given that the site is predominantly surrounded by residential properties providing very careful consideration is given to layout, separation distances between properties and landscaping, I do not consider that the proposal would have such a significant impact so to alter or compromise the character of this part of the village or be so detrimental to the open countryside to justify refusal on these grounds alone.

No indicative elevational details have been submitted with the application, in terms of the scale of the proposal in relation to building heights. However, I am of the view that two storey dwellings would be likely to reflect the general heights and massing of surrounding.

Impact on Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

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. In addition consideration should be given to the potential for crime, anti-social behaviour.

I note the comments received with regards to overbearing, overshadowing and overlooking impacts. Again I am mindful that all matters are reserved for later approval. Notwithstanding this I consider that the indicative plan for the proposal site showing Proposal B demonstrates that appropriate separation distances could be achieved between the proposed and existing dwellings such that there would no detrimental impacts in terms of overbearing, overshadowing or

overlooking providing careful consideration is given to building heights and the position of windows to ensure that the amenity of the occupiers of existing and future occupiers of the proposed dwellings is not unduly compromised.

Taking these considerations into account I am satisfied that the proposed development can be designed to ensure it does not result in any undue impact upon the residential amenity of neighbouring dwellings a suitable standard of amenity can be achieved for occupants of the proposed dwelling and therefore the proposal complies with Policy DM5.

Highway Issues

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note the comments of the Highway Authority who has clarified its position following the submission of the revised indicative layout plan showing a central access point from Hawksworth Road with 43m visibility splays and proposed carriage way widening and verge crossover.

Taking account of the revised plans and that the Highway Authority raise no objections I am of the opinion that it would be reasonable to attach the suggested conditions should Members be minded to grant permission, in relation to surfacing, provision of visibility splays, refuse collection, and drainage.

I therefore consider that the proposed development would not result in any significant parking or traffic problems or highway safety issues to justify refusal in this instance and is therefore in accordance with the requirements of SP7 and DM5.

Other Matters

I note the comments received with regards to the community benefit and the personal benefit of the proposal. Notwithstanding any personal benefit that might arise, it is acknowledged that the proposal would make a very modest contribution to housing numbers but this would not outweigh the fundamental issue of the proposal being an unsustainable rural development.

With regards to issues raised to further development creeping into the paddock, such development would require a further planning application, the details of which would have to be considered on its own own merit.

The status of the land given the existing use of the land for the purposes of grazing the land is considered greenfield in this instance.

Loss of view and aspect and devaluation of property are not material planning considerations and therefore would carry very little weight in the determination of the application.

In relation to comments received about the loss of landscaping as a result of the proposed development, given the outline nature of the application, details of landscaping and any mitigation measures would be considered at reserved matters stage.

The comments of support are acknowledged. However, the community benefits of the proposal are not considered to outweigh the sustainability issues raised above.

Conclusion and Planning Balance

The proposal seeks outline planning permission for additional dwellings in a rural village. It represents an unsustainable pattern of development on the basis that Syerston has very limited local services. Nearby settlements are equally not well served by local facilities to such a degree that the occupiers would likely be reliant on unsustainable modes of transport for the purposes of day to day living.

It is noted that the proposal offers the opportunity to contribute towards the housing supply of the District (the timing of how dwellings could be delivered is however unknown given the outline nature of the application) albeit such a contribution is both minimal and not required in the context of a 5 year land supply against an OAN.

The proposal is therefore contrary to both local and national planning policy as detailed in the recommended reasons for refusal set out below.

RECOMMENDATION

That full planning permission is refused for the following reasons:-

01

Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new development will be considered against a number of criteria including location. Syerston is an isolated settlement with no local services other than a church and village hall to serve the community. There are limited services in other nearby villages to such a degree that 2 dwellings would not contribute to their ongoing viability.

On this basis two additional dwellings would not enhance or maintain the vitality of the village to such a degree that warrants development in this location. To allow the scheme would lead to an argument for additional units which could be too easily repeated.

The proposals therefore fail to comply with the location criteria of Spatial Policy 3 and would thus represent the promotion of an unsustainable pattern of development, contrary to the key aims of the National Planning Policy Framework 2012 and specifically paragraph 55, the Newark and Sherwood Core Strategy 2011 and explicitly Spatial Policy 3. There are no other material planning considerations which outweigh this harm.

02

The application site is identified as an area of archaeological interest, being associated with a medieval shrunken village, with evidence of ridge and furrow and building platforms. In the opinion of the District Council insufficient information has been submitted to allow for a full assessment of the significance of the site and the potential archaeological impacts. The proposal therefore fails to demonstrate archaeological significance of the site and that archaeological interests can be protected and any harmful impacts avoided contrary to the aims of the National Planning Policy Framework 2012, National Planning Policy Guidance 2014, Core Policy 14 of the Newark and Sherwood Core Strategy 2011 and Policy DM8 of the Allocations and Development

Notes to Applicant

01

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/.

02

The application is clearly contrary to the Development Plan and other material planning considerations as detailed in the above reason for refusal. Working positively and proactively with the applicant would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

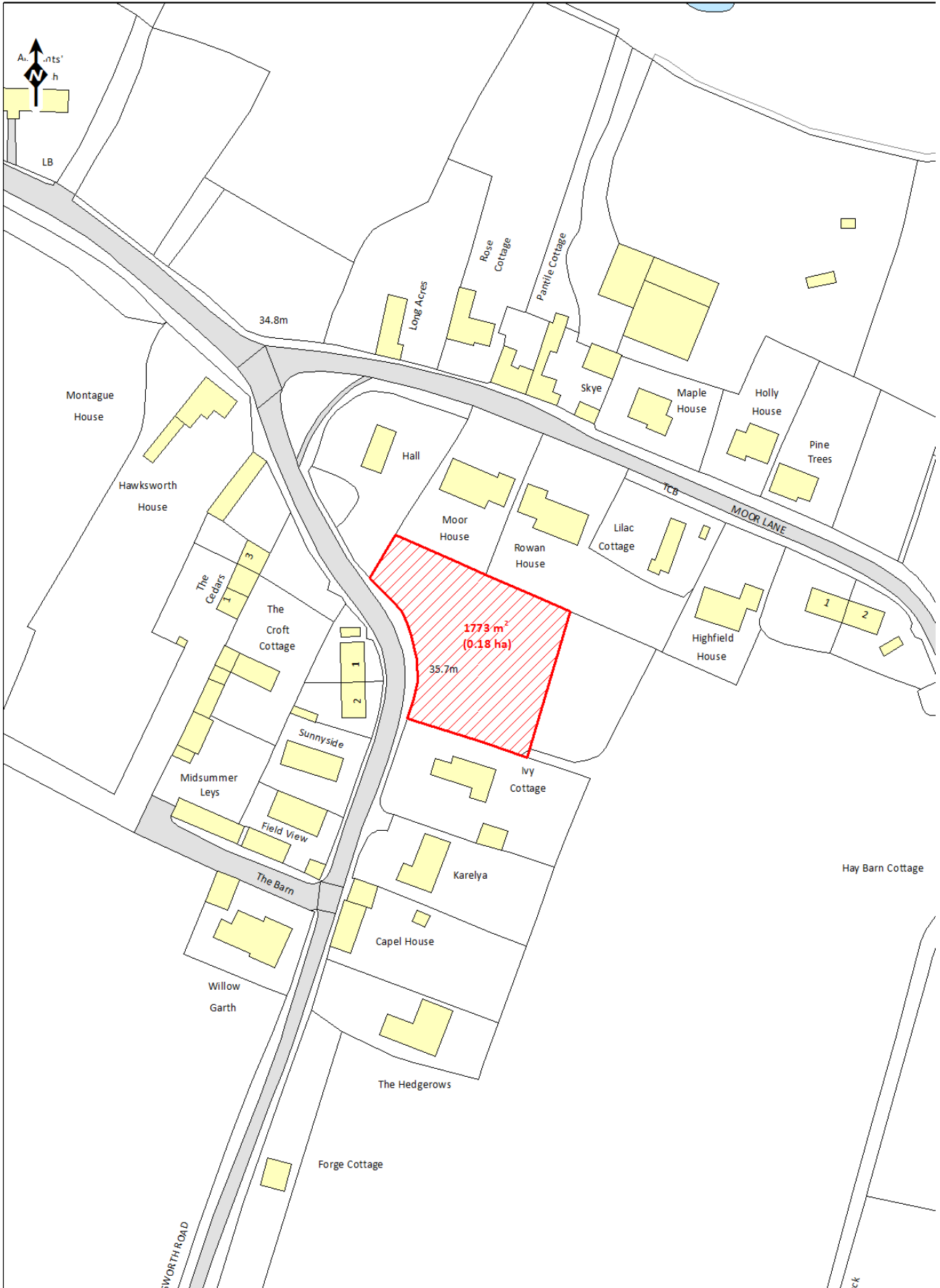
Application case file.

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

Committee Plan - 16/01130/OUT



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	15/01642/FULM
Proposal:	Change of use from agriculture to equestrian centre including the erection of a horse stable block and use of land as paddocks.
Location:	Walesby Garden Centre, Brake Road, Walesby, Nottinghamshire, NG22 9NQ
Applicant:	Mr E Harding
Registered:	30.12.2015 Target Date: 30.03.2016
	Extension of Time Agreed until 05.10.2016

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Walesby Parish Council has raised concerns with the application and the professional officer recommends approval.

The Site

The site comprises c3.07ha of land rear of the former Walesby Garden Centre. The site is located to the west of Brake Road to the south east of the settlement of Walesby. To the north-east is a static caravan park home site beyond an evergreen conifer mature hedge; to the south east, adjacent to Brake Road are detached residential properties arranged as ribbon development fronting the roadside, to the east and west there are various paddocks / open countryside.

The actual site is bounded by conifers to the north although it is fairly open on other boundaries. On site there is a large area of hard-standing with the rest of the main area being grassland with soil mounds and rubble heaps strewn across it at random intervals giving an unkempt visual appearance.

Vehicular access to the site is off Brake Road and is the same access drive that currently serves the former garden centre site. This long drive (largely of compacted gravel) has a locked electrical metal gate erected to prevent access to the rear of the site. Pedestrian access can be obtained around the rear of the existing bungalow also within the same control (adjacent to the south-west).

Relevant Planning History

15/01635/FULM - Demolition and rebuilding of existing garden centre, retention of ancillary café building, replacement of ancillary storage buildings and associated car parking. Pending consideration.

15/01634/FULM - Proposed demolition and erection of replacement commercial units – withdrawn.

15/01642/FULM Erection of a horse stable block and paddocks – pending determination

15/01643/FULM Erection of 24 park homes –refused on grounds that 1) unsustainable development in countryside, 2) failure to demonstrate that it would not harm amenity of future occupiers by virtue of separation distances; 3) encroachment in the countryside, adversely affecting landscape and character and 4) failure to demonstrate impacts on ecology.

Planning permission for a replacement dwelling including the removal of a former retail display area / shop, a covered display area and a tiled café was granted in May 2014 (application number 13/01671/FUL). Not yet implemented.

12/01255/OUT Demolition of the existing nursery garden and buildings together with the farm buildings and construction of four dwellings (all matters reserved) – application withdrawn.

12/00627/OUT Outline planning application for the demolition of garden centre and the erection of 11 dwellings (all matters reserved) – refused 09.07.2012.

07/01077/FUL Proposed re-build of the garden centre annexe – permission 02.10.2007. Implemented and was submitted as a result of fire damage to a previous building on site. Annexe was promoted as providing a seating area and toilet facilities.

06/01753/FUL Erection of building for retail of Christmas goods and cafe area following demolition of existing building – permission 31.01.2007.

94/51846/FUL Extension to café – permission April 1994

93/51771/FUL Erect pet centre – permission Jan 1994

93/51770/FUL Storage and display area for garden machinery – permission Sept 1993

93/51768/FUL Refurbishment of agricultural buildings to form dried flowers and craft centre and enlarge car parking facilities – permission April 1993

92/51151/FUL Extend garden centre buildings to include café, aquatics, aviary and kitchen and bathroom sales area, toilet facility – permission 19.02.1993

75890369 New car park and access road – permission 06.07.1989

75831109 Change of use to store and extension to office – permission 13.01.1984

75801244 Garden Centre – permission 08.01.1981

The Proposal

The application is for full planning permission for the change of use of the land from agriculture to an equestrian centre including the erection of a horse stable block and use of the associated land as paddocks. The description of development has been amended (agreed with the applicant) to better reflect the actual proposals.

Originally a triangular shaped menage was included on the layout plan but after clarification was sought regarding its design, appearance etc. this was removed from the scheme with the land being depicted as an additional paddock.

The stables block would comprise 10 stables. This building measures 12m wide by 21m in length by 2.6m to eaves and 5.27 to ridge. The agent has advised that the dwelling within the same ownership fronting Brake Road would operate the stables and that the equestrian centre would be for both domestic and commercial purposes.

During the course of the application the application site boundary has changed and now includes a parcel of land to the eastern side of Brake Lane used as a paddock.

The submissions comprise:

- Revised Site Location Plan (12-07B Ref HARDING) received 16/9/16
- Proposed site Plan (shows access only although refers to resi on project) drawing no. 12-09a Ref HARDING (still shows park homes which have been refused)
- Location Plan (12-01 Ref HARDING) showing layout
- Proposed Stables (12-03 Ref HARDING) received 6/7/16 showing scale 1:100/1:250.
- Design and Access Statement received 6/7/16
- The application is accompanied by a Flood Risk Assessment (author unspecified) received 22/12/15, updated Flood Risk Assessment dated June 2016
- Protected Species (mainly related to the garden centre application) and Ecological Walkover Survey (BJ Collings) submitted 09/09/15. Plus Follow Up Bat Survey and Bird Risk Assessment (dated August 2015), Reptile Survey (dated June 2016)

Departure/Public Advertisement Procedure

Occupiers of 22 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. Re-consultations have taken place on the submission of clarification/additional/revised information.

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 3 – Rural Areas
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 11- Rural Accessibility
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

Allocations & Development Management DPD

- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure

- Policy DM8 – Development in the Open Countryside
- Policy DM10 – Pollution and Hazardous Materials
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework Adopted (NPPF) March 2012
- National Planning Policy Guidance March 2014
- Animal Welfare Act 2006
- Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, (2009) DEFRA
- British Horse Society, Advice on Pasture Management

Consultations

Walesby Parish Council – Raise concerns once again about where the waste from the horses is going to be stored and how it is going to be dealt with. They also have concerns that the paddock area available is not of sufficient size to be sustainable for the horses from that number of stables. (22/07/16)

Previously supported the application but with queries/concerns:

- Waste – where will this be stored/how disposed?
- There is no current building on the site and this would change the use from agricultural to commercial
- It has been suggested that the size of the paddock is not sufficient to serve the amount of stables proposed.

NCC Highways – ‘I have been re-consulted on this application due to a revised site location plan, but have nothing further to add to my comments of 12/2/16.’

‘This is small scale development proposal with little effect on the public highway. It is assumed that parking related to the proposal will occur within the site and there would appear to be space to allow for this. On this basis, no objections are raised.’ 12/02/16

NCC Lead Flood Risk Authority – ‘Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.’

Environment Agency – confirmed low risk no comments.

NSDC Environmental Health – No comments to make.

NSDC Access Officer – general comments made

Neighbours/Interested Parties – **12 representations** (9 objections, 2 support with concerns, 1 observation) have been submitted to date with the comments summarised as follows. However it should also be noted that some comments have been confused with a scheme for a new garden

centre on the adjacent site (also pending consideration). Therefore these comments submitted on the garden centre application (15/01635/FULM) have also been included in the list below:

- General disturbance from vehicles at all times and all sizes on approach road which has a weight restriction (concerned that vehicles with horse boxes will exceed this);
- Loss of privacy from construction element of stable block;
- Existing sewerage system is inadequate;
- Overbearing impact on privacy, character and landscape of immediate area;
- The stables that are there now can't be looked after properly there is always rubbish around the area and adding another one wouldn't make the area any better;
- Horses/riders will be mixing with traffic coming and going to the centre whilst going to the grazing land over the road. Consideration should be given to a horse walker to avoid traffic and horses coming into contact;
- New fencing between the centre and the paddock, concerned about safety of children feeding horses (bites) – a fence high enough to prevent this should be erected;
- No provision for horse waste disposal or storage;
- Cars visiting the garden centre will be parked close to the horse paddocks- concerned about safety;
- The 4acre field to the south to be used for grazing horses is covered with ragwort (deedly weed) which can cause serious illness/death in horses and humans and suggests the applicant contacts NE or the DEFRA for advice before using the field.
- Various comments made in relation to the garden centre which is a separate planning application;
- Addition of the new paddock area does address at least in part the identified lack of paddock provision for the number of horses indicated but still looks small for number of horses to be stabled;
- The need to cross that road introduces an extra hazard. although a 30 mph speed limit has recently been introduced, no attempt has been made to enforce this limit and traffic regularly far exceeds the speeds allowed;
- Action needs to be taken to control traffic speeds - perhaps some notices indicating the horses may be crossing should be introduced, especially for cars coming from the scout site end round that sharp corner;
- Objection to the use of this area for equestrian centre;
- Size of site (2.6 acres) would be unsuitable for the buildings and grazing areas needed for this activity. Insufficient space for horses to enjoy a quality of life.
- Question whether the land is suitable for grazing;
- Where will hay/straw be stored?
- Limited space for parking given the amount of potential staff and horse owners which would have a negative impact on the access to the village and cause obstructions which could lead to accidents;
- No parking for horse boxes/trailers;
- With the limitation in this area for bridleways and off road riding the increase of equestrian activity in the village would also be a concern for safety;
- No main services anywhere near the site;
- 1 acre per 1 horse is recommended will result in over-grazing reducing biodiversity of the land (DEFRA and BHS);
- Menage is triangular whereas they are usually rectangular;
- The purpose of this application is not unwelcome - suitable activity for the site

though it adds to the congestion and traffic problems attached to the multiple applications on this overall site;

- The access to the site is narrow and not suited to horse boxes and there looks to be insufficient turning and parking spaces;
- Idea is good, but the detailed planning is inadequate.
- Applicant appears to have no understanding of running a stables
- Disputed that horse owners would walk to the site;
- Site is run down as a result of ground works undertaken by current owners;

Concerns raised as part of garden centre application:

- Stables – D&A Statement says that the horses are for local people who will not require parking. However they will arrive by car with equipment they need
- Affects quality of life to adjacent neighbours
- The wasteland was created by current owners doing groundworks which were never completed
- Building not suitable for use by 10 horses- no provision for equipment, feed, bedding, saddlery, manure etc.
- 10 horse stable excessive for the small amount of grazing land and exercise area available
- Question what method of dealing with waste (manure?)
- No toilet provision
- How will visitors be kept separate between garden centre and equestrian activities
- Increase traffic on Brake Road, including heavy vehicles;
- Horses in the field opposite are subject to neglect being investigated by the BHS
- Field infected with ragwort

Comments of the Business Manager

Preliminary Matters

The site description has been changed in agreement with the agent following clarification received regarding what precisely the application was seeking to achieve. There have been several submissions throughout the course of the application and scheme was amended to a 'major' category of application because of its land take being over one hectare in size. Due to this, a Design and Access Statement was required along with a Flood Risk Assessment which were submitted in July 2016. The applicant was also required to update the initial ecology information and has now submitted a follow up survey for bats and breeding birds and a reptile survey. All of these matters have added delay to the decision making process.

Principle of Development

The main built up area of Walesby is located to the east of Retford Road (B6387) and to the south of Tuxford Road. The application site however is clearly detached from this main built up area, positioned off Brake Road to the north. Although it is recognised that there are dwellings located to the south of the site and a caravan site located to the north, it is not considered that this forms part of the main built up area. As such, the application site is located in the open countryside. Policy DM8 states that in relation to equestrian uses; *'new commercial equestrian uses and the expansion of existing uses that contribute to the local economy will be supported where it can be demonstrated that the particular rural location is required. Proposals for new development should investigate the re-use of existing buildings and sites within and adjacent to settlements.'*

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

The proposal is for a new commercial equestrian centre. No explicit information has been submitted by the applicant to demonstrate why this particular location is required. However the site is located adjacent to the settlement of Walesby so not completely isolated. I am also mindful that the NPPF advises that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. Whilst the application is a 'major' this is due to the site area which includes fields and not because of the physical built form which equates to c240m² of floorspace. I consider it reasonable that this level of development is small-scale and the approach outlined in the NPPF to site selection is reasonable.

Further, the site whilst agricultural in nature is currently not being used as such and appears as derelict land containing remnants of rubble. Bringing this land back into use would in my view carry some weight. Additionally I consider that it would contribute to the local economy in that it would bring about 4 new jobs (2 FT and 2 PT). I am not aware of any other sites in the locality that would be more suitable for this type of activity and I consider that the scheme should be supported in principle.

Impact on Visual Amenity

The NPPF states that good design is a key aspect of sustainable development and Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located within the Sherwood Landscape Character Area in the Newark and Sherwood Landscape Character Assessment (2010). The site falls within Walesby Forest Estate Farmlands/River Meadowlands with Plantation (S PZ 20) which is described as a flat, open river valley. The landscape sensitivity is defined as high and condition is defined as good. The policy action for this area is 'Conserve' with specific actions for new development to reflect the local vernacular of the Sherwood region and to seek opportunities to restore woodland, riparian habitats, heathland and permanent pasture when considering new development.

The proposed new building would be located further back into the site than the adjacent garden centre buildings which limits any adverse impact from the east. Indeed the site is not highly visible from Brake Road due to the row of residential dwellings fronting the site and the caravan park to the north. The building would be of profiled metal sheeting (the plans show a brick plinth) and tiles (according to the application form) although the colour is not specified. However precise materials could be controlled by condition.

The proposal will be visible from the west and north. To some extent this could be mitigated by additional hedgerow planting but the building will still be seen. However this would be adjacent to an existing building (green metal profiled building and I do not consider this would be harmful visually. Subject to securing additional landscaping I do not consider that the proposal would result in an adverse impact upon visual amenity and is in accordance with Core Policy 9 and 13.

Highway Matters

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The proposal would utilise an existing access point and vehicles going to the site would have to travel along the long driveway to get to the site. This drive would be between the existing former garden centre and residential park homes to the north. The northern boundary is screened by mature conifer trees/tall hedging which would assist in protecting the amenity of occupiers to the north.

I note that some neighbours/interested parties have raised concerns regarding the perceived increase in traffic and safety to Brake Road as a result of this development. Some have also raised concerns that insufficient parking is shown for horses boxes and trailers.

Whilst no formal parking is laid out on site, I consider there is sufficient space adjacent to the building to allow vehicles to park (which is already hard standing on site), turn and leave the site in a forward gear.

The applicant's Design and Access Statement suggests most visitors would arrive during the early morning and evening and comments are made that they could park on the adjacent garden centre site. Whilst I note this could happen I am not convinced it would be necessary. I also note the agents comments that most horse owners would walk to the site to visit their horses. I am not convinced by this. Nevertheless I do not consider that this makes a difference to my overall view in that the parking provision is satisfactory. Indeed I also note the comments from the Highways Authority who state:

'This is small scale development proposal with little effect on the public highway. It is assumed that parking related to the proposal will occur within the site and there would appear to be space to allow for this. On this basis, no objections are raised.'

On this basis I find there would be no reason to resist this application in terms of highway matters and the proposal accords with the requirements of Spatial Policy 7.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The application is supported by an Ecology Survey which relates to this site and the adjacent former garden centre. Therefore there are elements within the survey which are not relevant to this particular site. However this provides a suitable basis to ascertain the likely ecological impacts.

It is noted that the site has the potential to support breeding by common species of birds and is located near to two local wildlife sites being the Walesby Forest Local Wildlife Site and Boughton Brakes Woodland. Both have some potential to support birds protected under Annex 1 of the

Birds' Directive (particularly woodlark and nightjar). As advised via Natural England's guidance note dated March 2014, all potential adverse effects on schedule 1 species of birds must be assessed prior to any development commencing.

The proposed development site holds no obvious features such as woodland, woodland clearings or substantial areas of plantations considered to be important for breeding Nightjars. Furthermore, the majority of the land surrounding the site is comprised of open, intensively farmed arable land, a habitat which offers poor foraging for this species.

The site offers poor habitat connectivity. The nearest potential breeding habitat for this species is the boundary of the Boughton Brakes and Walesby Forest. The site at Walesby is used as a Scout activity site, and although the habitat is potentially suitable, it is likely that the levels of disturbance at this site are too high to support breeding nightjar.

The survey site was assessed as having very limited suitability for use by foraging nightjar for the following reasons:

- Limited habitat corridors linking the sites with suitable breeding habitat.
- Significant boundaries including roads severing links with potential breeding habitat.
- The foraging potential of the site was deemed to be "poor".

The limited habitats on site were regarded to be unsuitable for breeding nightjar. It is considered that this species would not be displaced by the proposed development.

In terms of woodlark, it is concluded that the proposed development site holds very limited features considered to be important for breeding woodlark. The nearest potential breeding habitat for this species is the Walesby Forest (Ref 1/60) local wildlife site. The site at Walesby is used as a Scout Activity centre as previously mentioned and although the habitat is potentially suitable, it is again likely that the levels of disturbance at this site are too high to support breeding woodlark. The arable field has some small potential to support wintering woodlark, although this was considered unlikely as records of over-wintering birds in Nottinghamshire are very low.

As there is no hedgerow on the site to be removed, there is no need to include a condition to avoid removing it during bird breeding season.

Recommendations include controlling external lighting (such as security lights) being sited away from the boundary and to avoid light spillage onto the countryside/surrounding landscape (such as by using shields) or the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps and keeping lights at low level. The use of sensors to allow some dark times is also recommended. This is a matter that could be controlled by condition. It is also noted that the area is known to support breeding barn owls and the ecological survey suggests that there is scope for ecological enhancements along the northern boundary in the form of barn owl nest boxes, a matter which would accord with CP12 and the NPPF and can be controlled by condition.

The reptile survey found no evidence of reptiles on the site although 3 common toads were noted. In summary, there is no requirement to mitigate. It is recommended that contractors should be advised as to the potential to discover common toad whilst on site and that any animals found must be placed into a clean receptacle, such as a bucket, and placed into the nearest boundary. This is a matter that can be dealt with by an informative.

Overall I am now satisfied that impacts on ecology have been properly addressed and in my view the scheme accords with CP12, DM5 and the NPPF.

Impact on Amenity

Core Policy 9 Sustainable Design seeks to ensure that development contribute to a compatible mix of uses particularly in the town and village centres. DM5 also seeks to ensure the amenity of residents is protected, as does the NPPF.

I note the comments from neighbours that the proposal would cause of a loss of privacy and would give rise to general disturbance from comings and goings associated with the equestrian use.

Firstly in terms of loss of privacy, there would be no overlooking issues and the stables are sufficiently far enough away (over 100m) from residential dwellings to avoid overshadowing and issues of being overbearing etc. With regard to general disturbance, I do acknowledge that the increased use of the existing driveway that would serve the stables would have the potential to disturb occupiers of the dwellings to the north, of which there are c9 dwellings located in close proximity to the driveway. However there is an intervening tall conifers which does shield them somewhat from the site. This would protect against headlights from vehicles and that would essential leave the traffic generated by the scheme and any pedestrian visitors that walk along the lane plus staff escorting horses to the paddock to the east. Given the physical size of the stables I consider that this is still relatively small scale and would naturally limit the levels of disturbance to the adjacent occupiers. I have considered whether it would be necessary to include a condition to control the opening hours for the equestrian centre but given its nature I do not consider it would be appropriate or reasonable to do so. In summary, I do not consider that the scheme would bring about such a level of harm and disturbance to the amenity of adjacent occupiers that would warrant a reason for refusal.

Impact on Flood Risk and Drainage

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

The application is supported by a Flood Risk Assessment which concludes that the proposed development will remain safe and operation its lifetime and will not increase the risk of flooding to others and will not adversely affect the local management of flood risk within the vicinity of the site. It is noted that either the Environment Agency or the Lead Local Flood Risk Authority wish to comment given its low risk of flooding. Indeed as the land is classified as being within Flood Zone 1 and it is not at risk from flooding from any main watercourses and no floodwater storage mitigation measures is therefore proposed. I therefore conclude that the proposal accords with the Development Plan and the NPPF.

Animal Welfare

During the lifetime of the application concern was raised that there was insufficient grazing land for horses at the site. The scheme has been amended with the inclusion of an additional field for grazing on the opposite side of Brake Road and by deleting the reference to the menage, for which no details were included other than its location being referenced (as an of triangular shape) on the

site plan. The proposed paddock areas now falling within this application site comprise circa 2.67 hectares of land (6.6 acres).

I consider that animal welfare is a material planning consideration and on this basis I consider that consideration should be given to whether adequate land would be provided for the number of horses which could be accommodated. Given the scheme relates to a stable block for 10 horses this has been assumed as to the number of horses on site any one time (and indeed this could be restricted by planning condition).

The Animal Welfare Act 2006 sets out the duty of persons responsible for animal welfare. It states that a person commits an offence if that person does not take reasonable steps to ensure the needs of an animal for which they are responsible for are to the extent required by good practice. The animals needs include 'its needs for a suitable environment'.

The 'Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids' (DEFRA) provides that 0.5-1.0 ha (1.25-2.5 acres) of land is required per horse for grazing if no supplementary feeding is provided. If this were the case, based on the minimum standard advocated by the Code one would expect a minimum of 5 ha or 12.5 acres of grazing land to be provided. The Code goes on to say that 'a smaller area may be provided where a horse is principally housed and grazed areas area used only for occasional turnout'. It does not qualify what that smaller area might be.

However the British Horse Society guidance recommends that there should be a ratio of 2 horses per hectare (1 to 1.5 acres per horse) which even if based on the minimum of 1 acre per horse would equate to 10 acres being necessary for 10 horses.

Even therefore using the absolute minimum guidelines, the applicant's provision of 6.6 acres would be 34% short of grazing land. If one likens this situation to residential amenity, it would be a matter that is designed out at planning stage. It is not good practice to build in known issues at the outset and I see no reason to differ in this regard, particularly as the horses cannot speak for themselves. On this basis I conclude that the animal welfare is a material consideration and the provision of grazing land is insufficient commensurate to meet the needs of animal welfare for a stable block comprising of 10 stables. However the applicant has agreed to make the stables bigger inside and accept a condition that not more than 7 horses may be kept on site at any one time. I consider that this would make the development acceptable and is an easily enforceable condition in terms of the ability to investigate any potential breach. Subject to this condition, and a condition to ensure that all the grazing land forming part of this proposal is kept available as such, I am satisfied that the level of grazing land is appropriate for the horses and it allows for the applicant to apply to remove the condition at a later date should further grazing land be acquired.

Other Matters

In terms of the safety matters raised, I do not consider that walking horses over the road from the paddock on the eastern side of the road to the stables would cause a danger to highway safety given there is a 30mph speed limit in place and it is incumbent of drivers to drive responsibly. In any event given the 4.2 acre size of the eastern paddock this would likely be a limited number of horses, of around 5 horses working on the 1 acre per 1 horse principle.

With regard to the storage of hay and straw, the agent has stated that this would be within the building and around the building itself. They are not clear on the disposal of manure however this is a matter that can be controlled by condition to ensure that this is satisfactory.

Conclusion

For the reasons set out above, I consider that the scheme is acceptable and therefore recommend approval subject to the following conditions.

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

No development shall be commenced until full details of the external facing materials (including colour finish) to be used in the stable hereby approved have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

03

No development shall be commenced until a scheme for the storage of manure and used bedding has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

04

No development shall be commenced until details of any external lighting (including security lighting) within the application site 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 scheme shall be designed with the interests of local wildlife in mind in line with the recommendations of the Follow-up Bat Survey and Bird Risk Assessment dated August 2015 submitted as part of this application. 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 ecology and visual and residential amenity.

05

Prior to the development being first brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing ecological enhancements in the form of barn owl nesting boxes to be installed on site along the northern boundary. Details shall include the precise design, number and locations (including heights) of the boxes. The approved nest boxes shall then be installed, prior to the development being first brought into use and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity in line with CP12, the NPPF and the recommendations of the Follow-up Bat Survey and Bird Risk Assessment dated August 2015 submitted in support of this application.

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.

means of enclosure;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

There shall be no burning of used straw or manure from the stable block on any part of the site.

Reason: In the interests of residential amenity.

09

The development hereby permitted shall not be carried out except in accordance with the following approved plans, references Revised Site Location Plan (12-07b Ref HARDING) received 16/9/16, ~~Proposed Stables (12-03 Ref HARDING) received 6/7/16~~ and Proposed site Plan drawing no. 12-09a Ref HARDING (showing site access only) received 8/2/16 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.

010

Not more than 7 horses shall stabled and kept at the application site for permanent grazing at any one time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring that adequate grazing land commensurate with the number of horses to be kept on the land is satisfactory in the interests of animal welfare.

011

The paddock areas within the application site shall be kept for paddocks and horse grazing for the lifetime of the development unless otherwise in writing by the Local Planning Authority.

Reason: In the interests of ensuring that adequate grazing land commensurate with the number of horses to be kept on the land is satisfactory in the interests of animal welfare.

012

Notwithstanding the plan entitled 'Proposed Stables 12/03 Ref HARDING', no development shall be commenced until a revised plan detailing an amended floor plan that sub-divides the building into not more than 7 stables has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved plan and retained thereafter in accordance with Condition 10 of this permission.

Reason: For the avoidance of doubt and because the site area is only sufficient to accommodate a maximum of 7 horses.

013

Notwithstanding the submitted Location Plan Reference 12-07b, the paddocks numbered 1 to 5 shall be retained as a single paddock and shall not be subdivided unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that a suitable sized paddock is provided in the interests of animal welfare, which is a material planning consideration.

Notes to Applicant

01

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

02

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

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

03

The applicant is advised that the contractors/developers should be made aware of the potential to discover common toad whilst on site and that any found should be placed into a clean receptacle, such as a bucket, and placed into the nearest boundary.

04

The applicant is advised that some representations have claimed the site is infested with ragwort which can be harmful to horses. It is therefore recommended that this matter is investigated and appropriate action is taken. For guidance please refer to the leaflet produced by the British Horse Society entitled 'Advice on Pasture Management'.

BACKGROUND PAPERS

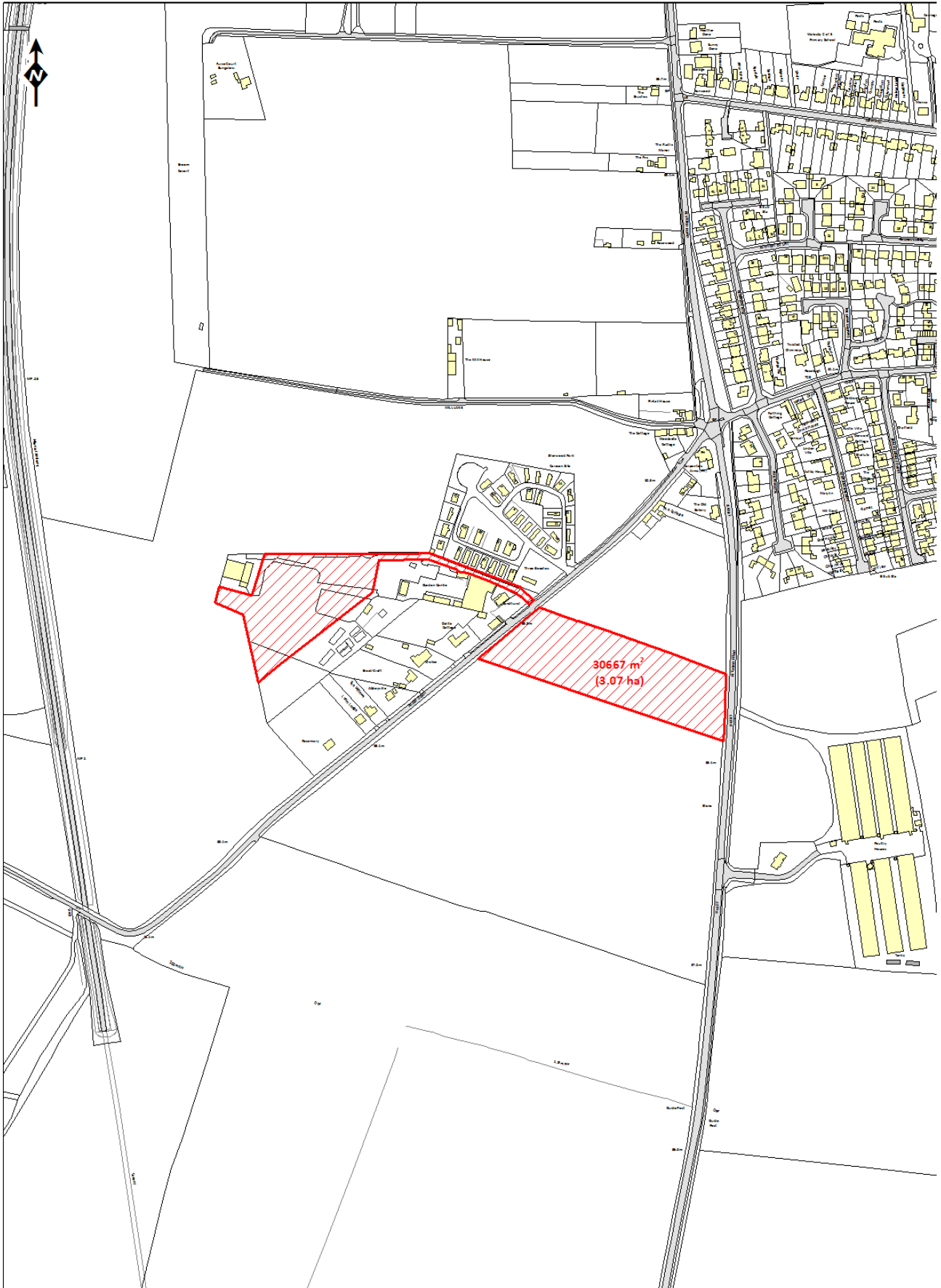
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/01642/FULM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/01036/LBC	
Proposal:	Alterations to station forecourt, demolition of part of platform boundary wall to create new gated access for servicing purposes, new cycle parking facilities and new fenced bin store.	
Location:	Newark Northgate Station, Lincoln Street, Newark On Trent Nottinghamshire, NG24 1LS	
Applicant:	Debbie Ambler - Virgin Trains East Coast	
Registered:	29.06.2016	Target Date: 24.08.2016

This application has been referred to Planning Committee by Cllr Dawn due to concerns regarding highway safety and internal access arrangements, in line with concerns from the Town Council.

The Site

The application site relates to the station forecourt at Newark Northgate Train Station. The railway station building dates from c1850 and is Grade II Listed. The station building is single storey constructed of brick, timber and cast iron with slate roof and chimneys.

The existing station forecourt includes a large brick bordered centrally planted island with pedestrian access dissected by existing vehicular access/egress points serving the station car park and adjacent private NCP car park. To the immediate front of the station building there is a block paved pedestrian footway, taxi drop off and general public vehicular drop off bays. The station forecourt is characterized by a mixture of surfacing materials and numerous road markings delineating direction of traffic, and no stop areas. To the front of the station forecourt at the boundary with the highway on Lincoln Street there is a low brick wall with railings over and planted areas behind the wall bordering the station car park.

Relevant Planning History

Various applications relating to fixtures and fittings to the station building and structures within the station forecourt such as bus shelters, lighting and CCTV but none directly related to the overall forecourt layout.

The Proposal

Listed Building Consent is sought for various works to the exterior of the station forecourt. The works proposed include the following:

- Re-orientation of the forecourt approach – The forecourt immediately fronting the station building is to be laid out to provide a pedestrian only route to the station building entrance linking in to the footpath on the adjoining highway and providing a pedestrian route into a rearranged station car park (see below). The existing vehicular entrance to the adjacent NCP car park to the south west of the site is also shown to be closed off. Benches and flower beds are proposed to the area currently occupied by the NCP entrance. The existing planted island which sits in a central position on the station forecourt is to be removed and the space reconfigured to provide a one way vehicular circulation route with drop off space (4no. vehicles), short stay parking spaces (8no. spaces with 1 disabled space – these would be reverse in only spaces), bus only area with bus stops and a new taxi rank with space for 3no. taxis.

The general arrangement plan submitted shows that a new entrance / exit arrangement would be provided to the existing car park to enable the current car park exit across the station forecourt to be closed off. The station car park is not within the application site but the plans show the layout would be altered and marked up under permitted development rights to provide 275no. long stay spaces, 10no. long stay disabled user spaces, 2no. electric vehicle spaces and a car club space. The car park would be arranged to allow for a single circulation lane with traffic travelling in a clockwise direction.

- Provision of enhanced cycle parking facilities – the general arrangement plan submitted shows a proposed cycle storage area and changing room as well as cycle/motorcycle parking area on the raised goods platform in front of the east range of the main building but with no physical attachment to the building itself. The cycle facilities would comprise of 96 “streetpod” cycle stands. At the time of writing detailed plans have not been provided of the changing room and cycle stands just the position of these structures and further clarification is being sought from the agent.
- Creation of an external bin store and new service gate to the station platform – bins are currently stored in an undefined area to the front of the station building. The submitted plans show a green powder coated steel palisade fence connecting to an existing brick wall and the front wall of the station building adjacent to the station car park, to the north east of the site, to create a bin store removing the need for refuse collection to occur in the station forecourt. A steel palisade gate is shown to the rear of the station building on this part of the site replacing a short section of wall (2.5m approx. in width) to create a new service access point to the platform. The wall currently runs from the end of the toilet block to meet the existing back of platform fence at the north end of platform one.
- Detailed plans of lighting and CCTV relocation, kerbs and footways and a wall and some trees and planted area to be altered to the north side of the station entrance to improve visibility have been provided.

A Planning and Heritage Statement and a Transport Statement have been submitted in support of the application.

The submitted plans make reference to a possible retail unit on the station forecourt but the application details confirm this is a long term aspiration and does not form part of the application. As described above, reference is also made to changing rooms adjacent to the cycle storage area and further clarification is being sought on this. In terms of the retail unit, this would not constitute permitted development and would require separate planning permission and therefore do not form part of this application.

Planning permission is not required for the remainder of the proposed works as they are permitted development under Part 8a to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 being works wholly within the station and in connection with the movement of traffic by rail.

Departure/Public Advertisement Procedure

Occupiers of neighbouring buildings 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

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, ie Section 16(2) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework (NPPF) Adopted March 2012
- National Planning Practice Guidance (NPPG) (Web based resource)
- Historic England's Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment
- Historic England Advice Note 2 – Making Changes to Heritage Assets

Consultations

Newark Town Council – 'It was decided to OBJECT to this application on the grounds that it wasn't in accordance with the Sustainable Transport Policy as set out in the Local Plan. In particular, concerns were expressed as follows:

- i) Highway safety arising from the proposed exit.
- ii) Little room for buses turning into the designated position in front of the station.
- iii) The proposed short term parking provision, as shown by the chevron spaces, was the wrong

way round and could result in dangerous car manoeuvres when exiting the spaces.

iv) A significant reduction in designated taxi spaces which would be detrimental to passengers arriving and departing from the station by taxi.'

NSDC Conservation – 'I am broadly comfortable with the overall improvements proposed.

I agree that the side wall to the platform (connected to the toilet building) is of limited interest. However, I cannot see any details on the proposed steel palisade gate or fencing connected to the brick wall. Typical palisade fencing is not especially attractive, and I do not believe that this would be considered to be a positive addition to the setting of the listed buildings comprising the station complex. However, presumably if the fence and gate was detached/abutting the listed building and not fixed, it would be PD? Mitigation in this case would be to finish the fence in black or other dark colour.'

Following a response from the agent confirming a request for the fence and gate detail to be subject of a condition, the Conservation Officer provided the following further comments:

'Happy to agree fencing and gate details by way of condition, including method of fixing to existing walls.

Whilst I agree that the wall to be demolished has limited architectural interest and assume that there is a public benefit in the creation of a further access, I would like the masonry to be formally recorded (photos with a copy of the plans would suffice - level 1 recording). This is in accordance with paragraph 141 of the NPPF'.

With regards to the outstanding details of the proposed cycle storage and changing room facility, the Conservation Officer has confirmed that assuming this structures are detached from the listed building (as would appear to be the case from the submitted plans), Listed Building Consent is not required for these features and they would be happy to agree further details by condition.

Notts County Council (Highways) – The Highway Officer has viewed the Transport Statement Submitted but has confirmed as follows:

'I understand that this development proposal is largely subject to permitted rights.

As discussed I am concerned about the potential highway safety impact of the access rearrangement towards the north end of Lincoln Street which is the subject of road safety audit (not yet submitted).

The proposal is therefore difficult to support until the conclusions of the road safety audit are known.

Hopefully the LPA will be able to condition the permission or exercise alternative control to ensure that an unsafe arrangement is not implemented.'

One written representation has been received from neighbouring / interested parties asking for clarification on the nature of the application and whether it is the case that only Listed Building Consent has been applied for.

Comments of the Business Manager

The application relates to works to the forecourt of the listed station building including limited works to a wall connected to the listed building and fixings to the station building front elevation. As a consequence the main planning considerations in the assessment of the application will be the significance of the development on the listed building itself and its setting.

Impact on the Listed Building

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant listed building consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The premise behind the application is to improve permeability of the station forecourt for both pedestrians and cyclists and reduce congestion at peak periods. The proposals would remove existing vehicle access points to adjoining car parks, remove the existing island and associated planting and provide dedicated areas for bin and cycle storage. As well as improving legibility and reducing potential conflict with vehicles for pedestrians, the proposals will provide additional circulation space for taxis, buses and the general public and provide a more open and less cluttered view towards the station building from Lincoln Street having benefits for the setting of the listed building.

The works proposed to the fabric of the listed building are limited to the removal of a short section of wall between the platform and station building to be replaced by a security gate and security fencing to provide a self-contained bin store which will sit immediately adjacent to the north west corner of the station building. The Conservation Officer is satisfied that the integrity of the listed building will not be harmed and details of the final design finish and fixings can be conditioned as part of any consent.

Other Matters

Highway issues:

I note the concerns raised by the Town Council in respect of potential for highway safety issues and concerns on the internal access arrangements and replacement parking facilities. The case officer has also raised concerns both at the pre-application stage and during the course of the application particularly in respect of the orientation of the short term parking spaces relative to the direction of traffic and that this would make manoeuvring in and out of these spaces difficult and is a less than ideal situation. However, it is acknowledged that the works to the forecourt

layout do not require planning permission given the Rail Authority's permitted development rights and highway/access matters are not an issue that can have a bearing on the determination of an application for Listed Building Consent. Indeed the applicant has confirmed in their Planning and Heritage Statement that the Transport Statement accompanying the application is for information and completeness only.

In any case it was considered reasonable to put these concerns directly to the applicant to give them an opportunity to consider whether the design solution could be improved from a highway safety and accessibility perspective. The agent for the application has provided the following response:

i) Highway safety arising from the proposed exit.

'It is assumed that this is in reference to the exit lane from the car park at the northern end of Lincoln Street. The re-arranged access/egress for the long-stay car park is the subject of a Road Safety Audit (as required by Nottinghamshire County Council). The report is currently being produced, but will ensure that the junction layout is safe and meets the relevant statutory requirements. Any recommendations will be taken forward into the detailed design of the junction.'

ii) Little room for buses turning into the designated position in front of the station.

'Swept path analysis was completed as part of the design of the bus stop and layover area. Please see attached drawing NNG-ATK-HGN-00-DR-D-0019, which proves the design concept.'

iii) The proposed short term parking provision, as shown by the chevron spaces, was the wrong way round and could result in dangerous car manoeuvres when exiting the spaces

'The proposed spaces are 'reverse in - drive out' arrangement. This arrangement has been shown to be safer than a 'drive in - reverse out' arrangement in one-way scenarios as it prevents vehicles reversing into oncoming traffic. Signage will direct vehicles to park in this manner.'

iv) A significant reduction in designated taxi spaces which would be detrimental to passengers arriving and departing from the station by taxi.

'There is no change in taxi parking spaces. Station taxis will park along the southern boundary of the forecourt, in the current bus stop location. There is parking for three vehicles at this location. The taxi bay on Lincoln Street will be transposed northwards to provide an identical provision for Newark & Sherwood DC taxis. There will be a resultant loss in on-street parking equivalent to three vehicle spaces.'

Whilst I note the comments of the Town Council and the Highway Authority and that there are unresolved matters from a highway safety perspective in terms of the outstanding road safety audit, I am mindful that the development plan does not apply in this instance and highway issues are not a determining factor in this application. A note can be attached to any listed building consent, advising the applicant to liaise with the Highway Authority through the provision of a

Road Safety Audit which demonstrates that any final design on the access/egress serving the Station car park does not result in an unsafe arrangement.

Removal of planting:

The proposals include removal of planting including trees to the island and adjacent to the existing wall on the north side of the station entrance. The trees in question are not protected and whilst providing a degree of visual amenity they are not of a stature or quality that would warrant seeking their protection. Furthermore the removal of these trees would not have an impact on the listed building and is not material to the determination of this application.

Conclusion

In determining this application for Listed Building Consent, the only determining factors are whether or not the proposals would have an acceptable relationship with the setting and fabric of the listed station building. The conservation officer has confirmed that they have no concerns in this regard and I am satisfied that the proposals will preserve the building and its setting.

RECOMMENDATION

That listed building consent is granted subject to the conditions and reasons shown below.

Conditions

01

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

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

02

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

- Fencing and Gates Dwg no. 03-DR-D-0001 Rev P01
- General Arrangement Dwg no.00-DR-D-0014 Rev P01 (other than the retail unit referred to which is not permitted)
- Wall Detail Dwg no.24-DR-D-0001 Rev P01
- Site Clearance Dwg no.02-DR-D-0002 Rev P01
- Kerbs and Footways Sheet 2 of 2 Dwg no.11-DR-D-0002 Rev P01
- Kerb and Footway Standard Details Dwg no.11-DR-D-0003 Rev P01

- Lighting and CCTV Relocation Dwg no.13-DR-D-0002 Rev P01

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 precise details of the fencing to the perimeter of the proposed bin store and the gate providing service access on to Platform one including materials, design, finish and method of fixing to existing walls have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the fencing and gate shall be installed and retained in accordance with the approved details.

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

Informative

01

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

02

Notwithstanding the details submitted as part of the application and shown on the general arrangement plan referred to in Condition 2, the retail unit and changing room adjacent to the cycle storage area on the annotated plan do not form part of the application and would require separate Planning Permission.

03

The Council have granted this listed building consent subject to conditions which are considered essential. Where conditions require the agreement of certain details this agreement should be the subject of an application for those conditions to be discharged. Where conditions require agreement of any matter prior to the commencement of works, the application should be submitted and the conditions discharged before any works commence on site. FAILURE TO DO SO COULD INVALIDATE THE LISTED BUILDING CONSENT. The Council reserves the right to refuse consent for the retention of works not carried out in accordance with the conditions and to take enforcement action to secure compliance with the conditions. Your right to appeal to the Secretary of State for the Environment against relevant conditions is indicated on the reverse side of the decision notice.

Your attention is drawn to the comments received from the Highway Authority raising concern about any potential highway safety impact of the access rearrangement to the station car park towards the north end of Lincoln Street. Whilst this does not form part of the Listed Building Consent application, you are advised before carrying out any alterations to the station car park access/egress to liaise with the Highway Authority through the provision of a Road Safety Audit which demonstrates that any final design on the access/egress does not result in an unsafe arrangement.

BACKGROUND PAPERS

Application case file.

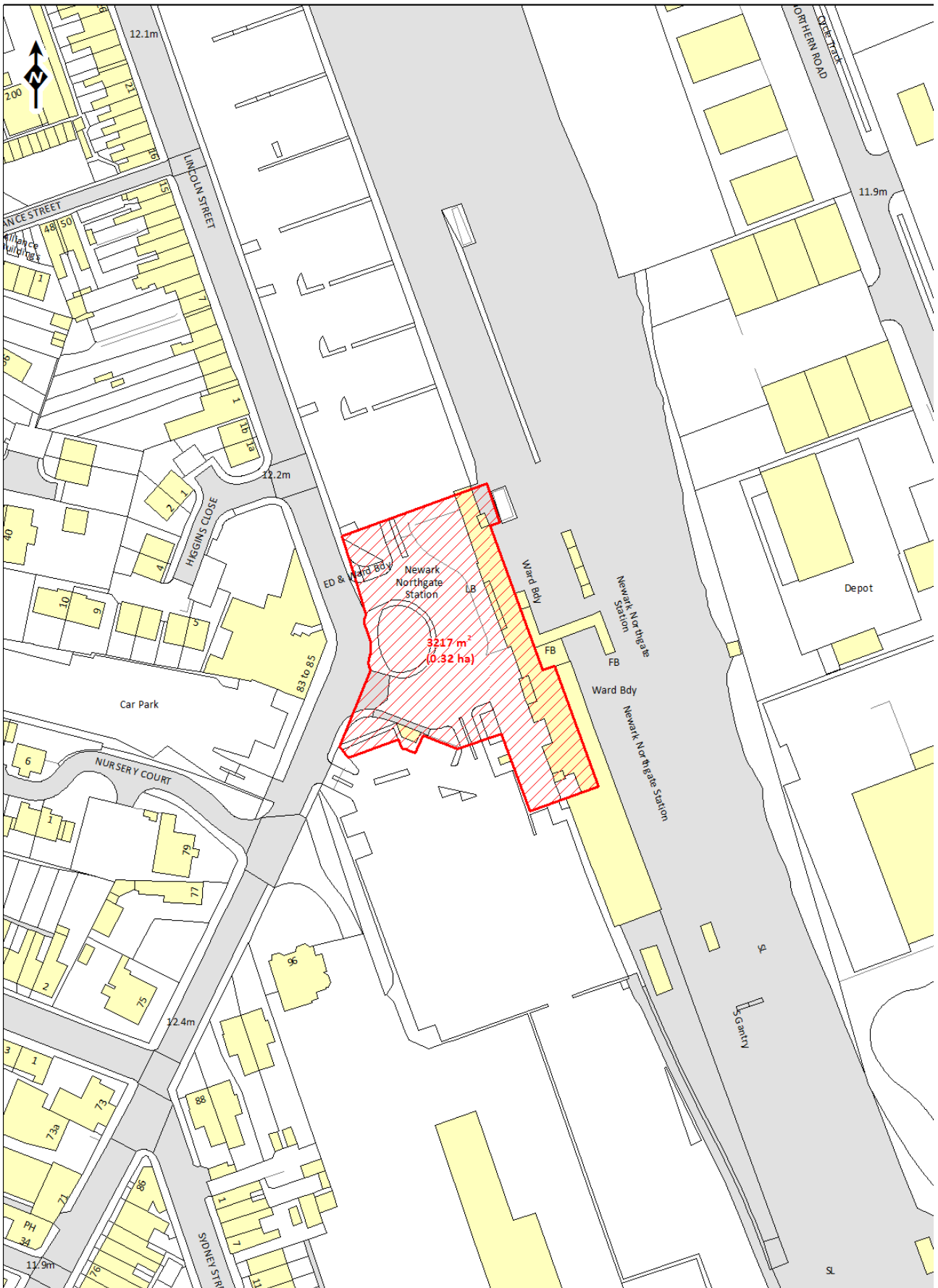
For further information, please contact Martin Russell on 01636 655837.

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

K Cole

Deputy Chief Executive

Committee Plan - 16/01036/LBC



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	16/00819/FULM		
Proposal:	Erection of 9 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, electric car recharging facilities		
Location:	Land To The South Of Bilsthorpe Road, Eakring, Nottinghamshire		
Applicant:	Dr Chris and Louise Parsons		
Registered:	26 May 2016	Target Date: 25 Aug 2016	
		Extended until: 7 Sept 2016	

Members will recall that this application was deferred prior to the August meeting of the Planning Committee at the request of the applicant in order for them to undertake further work to address Officer concerns with respect to the innovation and community benefits of the scheme, including mechanisms for securing such benefits.

At the time of writing officers are continuing negotiations with a view to proving information at Committee. In the interests of avoiding further delay this information will follow prior to the Committee itself.

Members will be aware that immediately prior to the last meeting a suite of additional information was submitted by the applicant. This is attached formally for information as an Appendix to this report. For the avoidance of doubt Officers expect the applicant to update/replace much of this information.

There is no change to the original recommendation at the current time.

The Site

This application relates to a site of circa 3.8 hectares of agricultural land situated beyond the western edge of the village of Eakring just outside the Eakring Conservation Area boundary. Open countryside lies to the south which contains part of the Stonish Hill Windfarm site. To the west lies open countryside and to the north there is a single dwelling on the opposite side of Bilsthorpe Road, Apple Cottage. Open countryside lies beyond this. Directly to the east lies an agricultural business comprising large agricultural buildings in use as agricultural storage and commercial uses, served by an existing access from Bilsthorpe Road. The topography of the site rises towards the south. A public footpath crosses part of the site.

Relevant Planning History

PREAPP/00051/16 - Erection of affordable, environmentally sustainable eco homes and publicly accessible wildlife area.

The Proposal

Due to the nature of the proposal it is considered appropriate to detail the credentials of the applicants, albeit for the avoidance of doubt a personal permission is not sought in this instance (nor could it reasonably be for the quantum of development proposed). The applicants are Dr Chris and Louise Parsons who, according to the submitted information, own a farm and large agricultural holding in and around Eakring. Mainly involved in arable farming, the family have also diversified various former agricultural buildings to create offices including commitments to renewable energy technologies.

Planning permission is sought for the erection of 9 no. sustainable 'eco dwellings' served by the existing access on Bilsthorpe Road to the agricultural business. The dwellings will be earth sheltered consisting of two clusters of single storey properties. In addition to the earth sheltered design, the dwelling are proposed to include a number of sustainable and eco-friendly construction materials and methods alongside technologies that the applicants states will provide exceptional energy performance and climate resilience.

The proposed dwellings would have a linear layout set back from the highway boundary with patio areas to their frontages separated from the allotments located to the front of the site by earth bunds.

The first cluster to the eastern end of the line of dwellings will consist of a pair of semi-detached units and a terrace of three (houses 1-5). The second cluster to the west will consist of a two pairs of semi-detached dwellings (houses 6-9). There would be five 2 bedroom houses and four 1 bedroom houses.

Surrounding the dwellings the remainder of the site would be retained as an open meadow wildlife area for the benefit of both the occupiers of the proposed dwellings and members of the public. This area will include the creation of wildlife habitats such as wild flower meadows, belts of tree planting and wildlife ponds and reed beds.

All of the submitted documentation submitted alongside the application can be viewed on the planning pages of the Local Planning Authority's website.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Spatial Policy 3 Guidance note
Developer Contributions & Planning Obligations SPD (Adopted December 2013)

Consultations

Eakring Parish Council - Eakring Parish Council support this proposal as the concept of small housing units for rent to local people (people from Eakring or with an Eakring connection) is something that the village needs. In reaching this decision they did consider an Email raising points from a resident (Mr and Mrs Mawer) who live opposite the proposed site. This Email is being forwarded to you.

N&SDC Conservation Team – No objection to the proposal, full comment included in appraisal below.

Nottinghamshire County Highways – “The application site is served by an existing access from Bilsthorpe Road. It is assumed that this development is to remain private. There is an existing wall in place which appears to have been constructed within the existing grass verge at the point of access onto Bilsthorpe Road. Formal agreement/permission from the Highway Authority would be required for this type of structure within the highway, therefore, could the applicant provide documentation to confirm this was satisfactorily agreed.

With regard to this development of 4 x 1 bed and 5 x 2 bed dwellings, there are no highway objections subject to the following being imposed:

1. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles and should be retained as approved for the life of the development. Reason: To ensure that adequate off street parking is provided within the site.
2. Prior to the occupation of any dwelling hereby approved, the shared private driveway shall be laid out to a minimum width of 4.8m with turning facilities suitable to accommodate a refuse vehicle in accordance with a plan to be first submitted and approved in writing by the Local Planning Authority. Reason: To ensure adequate turning/manoeuvring area within the site for refuse collection vehicles.

The Environment Agency – “Thank you for consulting the Environment Agency on the above application. This proposal falls within flood zone 1 and the Lead local Flood Authority should be consulted.”

Lead Local Flood risk Authority – No comment received at the time of writing this report

Nottinghamshire Ramblers Association - Although we do not wish to raise an objection to this application our position is totally dependent upon the neighbouring rights of way (Footpaths 2 and 4) remaining open at all times during and after the development.”

N&SDC Environmental Health – “I refer to the above application and confirm that I have no comments to make.”

N&SDC Environmental Health – “No observations.”

N&SDC Waste Management – “The application form states that there have been no plans made or considered for waste therefore I cannot comment on the suitability of any arrangements. I cannot support this application without further details.”

NCC Rights of Way – “This application impacts on Eakring Parish Foot Paths No 2 & 4, which run through 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.”

N&SDC Strategic Housing – “Background - The application site is located within the village of Eakring 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 (SP3) 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.

Housing Need

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The Parish of Eakring were recently surveyed regarding their need for housing by an independent body (agreed by the Council). The survey was conducted on behalf of a private client therefore the results at this moment in time are confidential. The applicant has provided no evidence of local housing need with the application.

I turn to the issue of demonstrating ‘proven local need’ to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of

people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Eakring is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Eakring has a good supply of this type of housing and they appear on the open market for sale. Currently there are 5 properties for sale ranging from 5 – 3 bedrooms at values from £345,000 to £650,000.

Summary

The applicant refers to 'low cost' housing but I am led to believe that this refers to the running costs of the properties not the sales value. I therefore suggest that the properties would be designated as market housing and in this respect the Council would be seeking a contribution towards affordable housing provision as the size of the site is over 3 hectares (over 1000 sq mtrs for affordable housing provision).

The proposed scheme is to be located on a site that is outside of the village's boundary/built-up area. In policy terms for affordable housing this would mean that it would only be considered as an 'exception' site. On these sites only schemes that provide 100% affordable housing are usually acceptable. To date I have not received any information that would support this proposal as affordable housing. i.e. owned and managed by a registered provider with first lets for households on the Council's housing register. There are other conditions for exception sites, including the provision of an evidence base for the need for affordable housing usually through a Parish Housing Needs Survey and clauses in the agreement that the properties would be for local people in the first instance. I therefore conclude that the proposed scheme is neither affordable (as detailed in NPPF) or low cost."

15 representations have been received from local residents/interested parties. All comment received support the proposal. The representations can be summarised as follows:

- Support for the innovative design and sustainability credential of the dwellings
- Support the proposed pond and wildlife area which benefits biodiversity especially as accessible to the public
- The development will allow those on lower income and in need of smaller accommodation to reside in the village
- The project will assist in keeping a mixed age group within the village
- The house have been designed well to be sympathetic to the village
- Support the provision of affordable rented accommodation to allow young children of the village to stay within the community
- Support for provision of affordable rented accommodation for people who work in the locality

- National Grid has a significant presence in Eakring as an employer of local people as well as other sources employment which justifies a need for the addition of small affordable housing to live and work locally

1 comment raising concern (but neither objecting nor supporting the scheme) has been received. This comment can be summarised as follows:

- The proposed entrance will cause more vehicles to shine headlights into neighbouring development due to the land levels of the entrance, alternative access should be used further along Bilsthorpe Road.
- Lighting within the development will cause light pollution and ways to control this should be addressed
- The location of the visitor car parking spaces will increase the likelihood of theft in the area due to being able to view neighbouring development day or night

Comments of the Business Manager – Development

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The application site is, as matter of fact and policy, located outside of the village of Eakring. It therefore falls in the first instance to be considered against the sustainability criteria of Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. The policy goes on to direct the decision maker to an open countryside policy in the Allocations and Development Management DPD, being the extant Policy DM8.

I note from the submitted spatial planning statement that the applicant defines the location of the proposed development as being on the western edge of the village and as such the full criteria of Spatial Policy 3 of the authority's Core Strategy DPD applies. The statement goes on to state that this policy is out of date due to a recent appeal decision within the district which concluded that the authority cannot provide evidence of a 5 year housing supply. It is my opinion that SP3 only applies to this development insofar as the open countryside references are concerned. The relevant policy for the purposes of decision making remains DM8 and the NPPF (which DM8 was found to be consistent with in the adoption of the Allocations DPD), specifically paragraph 55. Both DM8 and the NPPF state that local planning authorities should avoid new isolated homes in the countryside unless there are specific circumstances to justify them. I further rehearse this below.

It is helpful nevertheless to address the Council's 5 year housing land supply issues, which Members will be aware is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to June's Committee this year. I will not rehearse in full the position, save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need which has been

produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (we are out to consultation until the 23rd September on the Preferred Approach - Strategy Consultation (29th July - 23rd September 2016) the Council is of the opinion that paragraph 14 of the NPPF is not engaged. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, are on the edge of settlements with key services (notably Principal villages and higher within the settlement hierarchy), and are acceptable in every other respect. The scheme proposed here is beyond the main built up area of the village (which of course, is a matter of judgement but is backed, if one looks to history as a guide, by the village envelope which accompanied the 1999 Local Plan.)

The applicant contends that the site is not an isolated location within the countryside and therefore the majority of the special circumstances listed in paragraph 55 are not applicable in this case. The statement then ascertains that one of the exceptions in paragraph 55 for 'the exceptional quality or innovative nature of the design of the dwelling' is applicable to this development due the design of the proposed dwellings.

Paragraph 55 states that such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.'*

Core Strategy Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types. With reference to new dwellings, the policy stance is that: *'planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'*

The applicants Planning Statement states that the proposed dwellings will meet the innovative design test which is expanded upon in the accompanying Technical Report. The technical report highlights a number of sustainability credentials that the proposed dwellings will incorporate such as passive solar gain, buffer zones, efficient water heating, high insulation, durability and whole house design amongst others features. The report states that the overall architectural merit of the proposal will benefit from developments tested in the most recent Hockerton Housing Project (HHP) developments where the thermal performance of the houses exceed the rigorous requirements of the Passive House program, the still higher standards of the now defunct Code for Sustainable Homes level 6 and the gold level of the Association for Environmental Conscious Building (AECB). Further details of how the various construction methods and technologies would be implemented are detailed below. It is however important to note that the applicants have not detailed a commitment to the proposed scheme meeting the requirements of the passive House assessment or any other accreditation, rather the ability to build upon experiences learnt from the HHP. Nevertheless if Members were minded to support the scheme conditions and/or a S106 Agreement could be utilised to secure standards, perhaps with pre-assessment qualifications being provided prior to any consent being issued.

With reference to the HHP developments, I note that this was consented (albeit now some 20 years ago) on the basis of both community set up and sustainability credentials for build and layout. This development included many of the sustainability credentials proposed in the development now being promoted. The committee report for the HHP stated that if simply a common housing scheme was before Officers that the application should be refused given the location of the site in the open countryside. However under the relevant national, regional and local policies in place at the time (1994) the energy efficiency and sustainability of the proposal was considered to be of an exceptionally high standard that should carry weight in the planning balance and therefore be approved. It is stated that the combination of the high levels of design and sustainable development is unlikely to arise often in the district.

On the community/social set up site the HHP also included (and indeed now incorporates) proposals that resulted in a whole living project which would be run by a trust and the houses rented in perpetuity. The HHP includes a social element which requires occupants of the dwellings working on site towards a system of self sufficiency through sustainable employment with low impact on the environment. Furthermore it was proposed that the existing organic small holding on site would be expanded to a co-operative and a permaculture orchard would be established. The officer recommendation for approval of the scheme as an exceptional development also recommended a Section 106 agreement with terms that would ensure the way in which the application was presented is the way in which it was carried out and maintained in the future. This legal assurance was proposed to prevent the dwellings being sold for purely speculative purposes in the future and to maintain the sustainability of the scheme in this regard. The associated section 106 agreement for this scheme tied the owners and future occupiers of the dwellings to managing the land and the scheme in accordance with the Ideal Management Objectives of a Land Management Plan. Another tie states that the owners will ensure that the occupants of each of the dwellings shall have a real and substantial connection with the Hockerton Agricultural Co-operative and their families. It is therefore considered that the HHP included a strong social element which further substantiated the sustainability credentials of the scheme adding value to the exceptional nature of the proposal.

For the avoidance of doubt the scheme now under consideration is not a scheme tied to the HHP. It does not include any of the social/community ties or provisions contained within the HHP and at the time of writing no appetite has been shown to agree to the level of ties in perpetuity, via legal agreement, which currently existing at the HHP.

The applicant states that the small dwellings proposed will be small starter homes (not starter homes in policy terms) available for people in the Eakring locality for rent, designed to meet a locally identified needs for young and local people and people downsizing. It is proposed that the dwellings would be managed by Hexgreaves Estates (expanded upon in a supporting letter submitted alongside the application). This letter states that Hexgreaves Estates are currently managing a number of commercial properties and residential properties in Eakring that are owned by the applicants. The letter goes on to states that Hexgreaves estates have first hand knowledge of district heating systems, solar panels and ecological design solutions. The letter concludes the Hexgreaves Estates will manage the proposed development through maintenance, alliances, endorsements and guardianship. Whilst this position is commendable it must be noted that Hexgreaves Estates are not joint applicants and there is no proposal to tie the involvement through a S106. Equally, there will no control promoted on who can occupy the units. There is no local connection or cascade mechanism nor any details as to how this could be administered given that this is not something the Authority would be willing to take on.

A letter from Gascoines Estate agents in Southwell has also been provided by the applicants. This letter states that similar size properties in the surrounding area would have rental prices of £500 per calendar month for a 1 bed property and £600 for a 2 bed property. The submitted information states that it is anticipated that the 1 bed properties proposed will be rented for £400 pcm and the 2 bed properties for £600, the latter being identical to market rental levels. The applicant states that it is the eco credentials of the scheme that makes a material difference on cost, with running costs of the dwelling expected to be low when compared to an average dwelling. There is no information provided to explain how the properties will be rented in perpetuity (or indeed be prevented from being sold outright) and no commitment to this has been provided as part of the application.

This application aims to use similar design features and technologies to the HHP but states that they will be enhanced due to lessons learnt from this and other subsequent housing developments across the county. It is therefore ascertained that the proposal in hand will be innovative in design in the current policy arena. At the time of the HHP it appears that the sustainability envelope/threshold was being pushed and exceeded in terms of innovation. Whilst this scheme could (I refer to comments above where currently no target accreditation is promoted or agreed to be secured) learn lessons from and improve upon the HHP, there remains a debate as to whether this is innovative or of exceptional design. The 'required' standards for building via Building Regulations have increased over the passage of time such that the threshold to clearly exceed is now a high bar.

I have set out below the specifics of energy performance the homes are expected to achieve on the basis of what has been submitted.

Thermal mass - to store heat in the summer months to keep the home cool in summer and warm in winter

Passive solar gain - to reduce the need for space heating and artificial lighting

Super-insulation and buffer zones - to provide a reduced temperature gradient between the inside and outside of homes.

Due to the variety of technologies and construction methods proposed in the submitted technical report a summary of the proposals is included below highlighting the proposed advancements beyond the existing methods installed in the existing HHP.

Roof insulation [R values] levels being doubled, wall insulation levels being improved by 35% and the U value of glazing elements has being improved by 25%.

Ventilation and cooling - HHP had prototypes for whole house Mechanical Ventilation Heat Recovery (MVHR) units. The original MVHR units were powered by dual 30 W dc motors. These were replaced by trail 7 W dc units and still performed well and reliably. Due to other design improvements proposed for the current proposal (including cross ventilation from the back to the front of the houses, not so in HHP) these smaller MVHR units will be used.

Sunspaces – These provide passive solar gain and buffer zones protecting the dwellings from lowest winter cold and the highest summer heat. Previously constructed of wood at the HHP the current proposal will include sunspaces constructed of other materials as well as solid insulated roofs rather than glazed roofs (as at the HHP)

Water heating – The HHP began water heating with air source heat pumps. This has now been replaced with immersion heaters in tanks as this has been found to be cheaper and more efficient. Along with other improvements (such as reducing peak load by the use of timers) immersion heaters will be used in the current proposal.

Mobility access – At the time of the HHP regulations were minimal. The current proposal will have level access and straightforward movement corridors throughout. The proposed scheme will meet the requirements for lifetime homes.

End of life recycling – Due to the design of the proposed houses and the material used in construction they can be easily separated and dismantled for recycling at the end of the dwellings life.

Renewable energy generation - The renewable energy generation has been improved in the Eakring Eco House development proposal compared to the systems used in previous eco projects. A wind turbine provided renewable energy for the HHP initially with a second being added later. The next installation was a photovoltaic (PV) array some trailed at HHP were on the north slope of the houses. This design will be improved and applied to the current proposal. The system at the HHP has been improved further with innovative controls of the HW system.

Earth Covered Roofs - The earth covered roofs have been improved in the Eakring Eco House development proposal compared to the construction used in previous eco projects. The roofs of the HHP houses are angled at 10 degrees at a 400mm depth. The current proposal will follow other examples where a 5 degree pitch will be utilised with a 100-150mm depth of better quality soil.

Rain water drainage management - The rain water drainage management has been improved in the Eakring Eco House development proposal compared to the systems used in previous eco projects. This depth of soil on the roofs, although thinner still provides significant retention of rain water runoff. This runoff is directed to wildlife pond habitat providing an additional buffer to water flows. The effluent treatment system has been developed to include a bog area with willow planting to soak up most of the output from the reedbed and secondary stage pond.

Transport – Electric car provision was not common place in the past so facilities will be provided for households in for this scheme to easily install electric car charging points if they desire as different sockets are required for different cars. The layout and design of the scheme will allow cars to be charged next to the door of the house. In addition, the design also enables each dwelling's renewable energy system to potentially supply the energy needs of the car directly. In the future this may also facilitate the use of the car batteries to store energy from the household PV system for use in the house.

Housing layout and landscape – The layout of the development has been improved compared to previous developments. The houses are still earth sheltered as in the HHP and other eco schemes but they have been split into smaller blocks of two or three with an angled gap between them improving privacy and visual breaks. Community space is also created between the houses with a proposed storage area. The residents will also be adjacent to a large area of permitted access land newly created to the rear and side of the houses. With the possibility of community allotments should they be desired.

The relationship between the houses and the landscape is tightly intertwined. The earth roofs, planting proposed, reedbed and ponds will all add significantly to the biodiversity of the area. The amenity land area will add to the social sustainability of the development.

The technical report provided by the applicants concludes that innovation is offered in two respects:

- The proposal continues the innovative process, started with Hockerton Housing Project, to further develop a strong evidence base and challenge those doubting the feasibility of intersessional heat storage to deliver exceptionally good energy performance and;
- Multiple incremental improvements to individual aspects of the design offer a step change in the social, economic and financial sustainability of the system as a whole.

In overall terms it is clear that many elements will be provided that will build upon the HHP. I remain to be convinced that this is truly innovative but I would accept that it would clearly be beneficial in sustainability credentials, if works were offered to be tied (by legal agreement) and there was a further offer as to explicitly which nationally accredited measures/codes would be secured.

Beyond the technology used for reducing energy consumption the dwelling has been designed to reflect and enhance its setting. This is considered to have been addressed through the single storey nature of the dwellings which will remain mostly hidden from view due to earth covered nature of the buildings themselves and the landscaping of the surrounding site particularly to the front of the dwellings which include earth mounds that will both hide the dwellings from views from Bilsthorpe Road and also contribute to the ecology and landscaping aspects of the scheme. It is important to note however that the earth covering of the dwelling and bund to the north of the site will be engineered. This is opposed to the dwellings being integrated into an already existing landscape feature. The submitted Topography constraints Plan clearly demonstrates that the area of land where the proposed dwellings are to be sited is higher than the northern part of the site and Bilsthorpe Road which runs alongside the northern boundary of the site. This confirms that the proposed earth covering and bunds (that have been proposed to provide shielding) will be engineered which will alter the existing site.

In addressing the architectural merit of the scheme it is important to note that both paragraph 55 and DM8 seek for developments of this nature to reflect the highest standards in architecture. The submitted information is concentrated on the sustainability credentials of the scheme and the various eco-friendly building methods and technologies. The design of the dwellings themselves are considered to have been informed by this drive and are thus functional in their appearance.

With regard to the scheme addressing the criteria for being sensitive to the defining character of the local area it is considered that this is assessed adequately by the council's conservation team under the relevant heading below.

In forming a view on the acceptability of the principle of the development under paragraph 55 and policy DM8 it is considered that a balanced view of all of the relevant considerations needs to be reached. This is provided in the conclusion at the end of the report.

Impact on Heritage Assets and landscape character

Due to the proximity of the site to the Eakring Conservation Area the council's conservation team have been consulted and their comments are as follows:

"The proposal site does not include any designated heritage assets, although the north-east edge includes part of the Eakring Conservation Area (CA) boundary. Conservation provided detailed advice at pre-application stage, a copy of which is attached (ref PREAPP/00051/16).

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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. Key issues to consider in proposals for additions to heritage assets, including new development affecting the setting of designated heritage assets, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development affecting the setting of designated heritage assets (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. It would not normally be good practice for new development to dominate the setting of heritage assets in either scale, material or as a result of its siting.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Significance of Eakring CA

Eakring Conservation Area (CA) was first designated in 1974, and was extended in 1988 so as to include the entire built up area of the village as well as landscape setting to the south. The Council adopted a CA Appraisal for the village in 2001, and this document includes a useful summary of the character and appearance of the CA. Eakring is essentially a medieval settlement within open countryside. The landmark 15th century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of toft and croft plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. In this context, the rural hinterlands of the village are an important element of the CA's setting.

The proposal site is prominent on approach to the CA. Apple Cottage to the northeast is a Local Interest building which contributes positively to the CA.

Assessment of proposal

The proposal seeks permission to erect 9 'environmentally sustainable eco homes', a publically accessible wildlife area with associated development (including landscaping, allotments, sustainable drainage reed bed and pond system, PV panels, cycle storage and electric car recharging facilities).

The proposal is considered to accord with our pre-application advice.

It is felt that the proposal will have an impact on the setting of the CA, and the change from agricultural land to a mix of residential development, allotments, wildlife area and other development will have a degree of effect on the approach to the CA. However, the proposal is likely to integrate positively into the natural environment in this case. The earth walling to the residential component, for example, ensures that the development is not unduly prominent within the landscape, further helped by the two northern bunds proposed. Whilst modern technology, including the proposed solar PVs and electric car charging facilities, could result in an intrusive element to the landscape, it is accepted that these elements will not be unduly visible in this case.

The conservation and enhancement of green infrastructure on the site is beneficial to the setting of the CA, and it is recognised that development has been sited away from the front aspect of Apple Cottage.

Overall, we have no substantive material objection to the proposal and find that it causes no harm to the setting and significance of the Eakring CA.

In accordance with s.72 of the Act, the proposal is not considered to cause any harm to the significance of the CA. The proposal is also considered to comply with heritage advice contained within section 12 of the NPPF and DM9 of the Council's LDF DPD. If approved, suitable conditions will need to address all aspects of the facing materials, joinery, renewable energy structures, landscaping, surfacing and boundary treatments. Appropriate restrictions to PD should also be considered."

Residential Amenity

The proposed dwellings would be built approx. 80m away from the closest neighbouring residential dwelling on the northern side of Bilsthorpe Road to the north east. I have identified no detrimental impact to neighbouring amenity in terms of overbearing or loss of privacy. Given the distance from the nearest neighbours I am also satisfied that any noise or light from a new dwellings would be unlikely to be at a level which would have a significant impact on neighbouring amenity. The red line site includes a large area of amenity space to be available to residents as well as member of the public which is considered adequate.

I note the comments received during consultation which raised concerns with regard to lighting on the site. The application includes no details of proposed development wide lighting within the site and due to the nature of the comment received it is assumed that street lighting is of concern. If the proposal is found to be acceptable and planning permission is granted, it is considered that a

suitably worded condition will allow sufficient control of any lighting scheme that may be proposed.

Concerns have also been raised with regard to the use of the existing access to the adjacent farm due to the level of the access creating a light pollution issue from vehicle headlights. It is accepted that the proposal would introduce new movements to the site in an area of open countryside where an existing resident is not currently subject to residential vehicle movement to the same degree as now proposed. However, given the distances involved it is not considered reasonable to resist planning permission simply on the ground that vehicles with headlights on will have an ability to enter the site.

A final concern raised with regard to amenity relates the location of the visitor car parking spaces which will increase the likelihood of theft in the area due to being able to view neighbouring development day or night from the proposed spaces. It is not considered that the visitor parking proposed will significantly increase the opportunity to view neighbouring dwellings beyond the opportunity provided by parking on Bilsthorpe Road itself which is closer to neighbouring dwellings in any case.

Overall I am satisfied that the proposal complies with Policy DM5 with regard to amenity.

Highway Matters

There is an existing vehicular access to the site. I do not consider that the traffic generation associated with 9 dwelling houses would have a significant impact which would amount to a detrimental impact to highways safety. I note the comment received from Nottingham County Highways who have raised no objections to the proposal subject to the imposition of two conditions. However one issue has been raised regarding the creation of a retaining wall that has previously been constructed in the existing grass verge. The agent for the application has informed me that the highways department have been contacted regarding this matter and I do not feel that this impacts on this proposal given that the highways have raised no objection to the scheme. I am satisfied therefore that the proposal raises no vehicular access or parking concerns when considered against Spatial Policy 7 and Policy DM5.

Flooding

Due to the residential nature of the proposal the scheme is defined as 'more vulnerable' in the NPPF. Due to the sites location within flood zone 1, the NPPF vulnerability classification regards the proposal as appropriate. In line with the Environment Agency's advice received through consultation the Lead Local Flood Risk Authority have been consulted regarding the scheme. Unfortunately no response has been received at the time of writing. It is unlikely that there will be insurmountable surface flooding issue with a proposal of this nature, on a site of this nature. In any event one would normally require drainage details prior to the commencement of development. I see no reason to differ in this case and a condition could be secured accordingly should Members be minded to approve the application.

Rights of way

The comments received from the Nottingham County Rights Of Way officer confirm that this application impacts on Eakring Parish Foot Paths No 2 & 4, which run through the site as shown on the working copy of the definitive map. The Nottingham County Rights Of Way office have raised

no objection to the proposal but they do 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. It is therefore considered that a suitably worded condition to require this would suffice.

Ecology

It is noted that the applicant has submitted a preliminary ecological survey in support of the application. The report concludes that there are no concerns regarding protected species and that the proposal will enhance the ecological value of the site. It is clear that the applicant is committed to providing a rich landscape that can be used by both occupiers of the proposed dwellings and members of the public that will also enhance the ecological value of the site and as such it is considered that the proposal accords with Core Policy 12. This could be secured by condition in the event that planning permission is granted.

Other Matters

Affordable Housing

It is noted that the NSDC Strategic Housing Officer has commented that the dwellings proposed are either affordable or low cost. CP1 of the Core Strategy states that for qualifying development proposals, in areas outside of Newark Urban Area, housing schemes comprising of 5 or more dwellings or sites of 0.2 hectares or above irrespective of the number of dwellings should contribute with 30% on-site affordable housing. However the NPPG provides that following a Court of Appeal decision in May 2016 which gives legal effect to the Written Ministerial Statement of 28th November 2014, that contributions should not be sought for developments of 10 or less and which have a maximum combined floor space of no more than 1000 square metres, which this scheme would not. Given this recent government statement/position, I consider that this outweighs the now outdated content of CP1 and no contribution to affordable housing should be sought.

Waste

The comments from NSDC Waste are noted. However this is a matter that could be conditioned if Members were minded to approve.

Planning balance and Conclusion

I have rehearsed above the fact that this site lies within the open countryside. The policy position is clear with respect to new dwellings in the open countryside in terms of both local Allocations DPD Policy DM8 and national guidance in the form of the NPPF. I note that this scheme takes a lead from the Hockerton Housing Project (HHP), a scheme which this Authority has previously supported (including its later expansion) and a scheme which I understand is both successful and integrated in terms of the community. Indeed, the HHP has drawn up some of the scheme now before us. The HHP was considered to be truly innovative and exceptional for its time (and arguable since its implementation) when consented in 1994. The issue before the Planning Authority now is whether this current scheme is equally as exceptional or innovative against a backdrop of many years of increased emphasis on achieving sustainability credentials as a matter of course (Building Regulations themselves have been 'ramped' up over the years and it is no

longer exceptional for planning schemes, including affordable housing to promote measures such as Building for Life Standards).

In this particular case, whilst wider benefits are clearly provided I remain to be convinced that they are of such quality and innovation to offer support in a context where development would be otherwise resisted. Whilst measures to improve upon the HHP are referred to, mechanisms to control this (including measures pre, during, and post construction) or firm commitments as to which accreditations will be secured are lacking. I accept that if measures are promoted/agreed they could be secured by condition if an appropriate level of work could be secured. As detailed above the community/social elements of the HHP are not promoted in this instance, in terms of tying the type of occupiers, how properties are disposed of, and buying into a wider sense of community. Overall I must conclude in this case that the very high bar set to allow dwellings (emphasis on multiple) has not been met in this instance. Refusal is therefore recommended.

RECOMMENDATION

Full planning permission is refused for the following reason:

01

The proposed development would result in additional dwellings within the open countryside outside of the main built up area of Eakring. The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 of the Allocations and Development Management DDP which strictly controls and limits the types of development in the countryside. This policy is wholly consistent (as tested in adopting the DPD) with the National Planning Policy Framework (NPPF). The proposed new dwellings would be an inappropriate form of development in the open countryside and the design and innovation of the proposal, whilst having clear merits, is not on this occasion of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal. It is therefore considered that in this particular instance the adverse impacts of new dwellings in an unsustainable open countryside location would, on balance, outweigh the benefits of the provision of dwellings in an overall planning balance. The proposal is therefore contrary to the sustainability objectives of the NPPF and Policy DM8 of the Allocations and Development Management DPD (2013).

BACKGROUND PAPERS

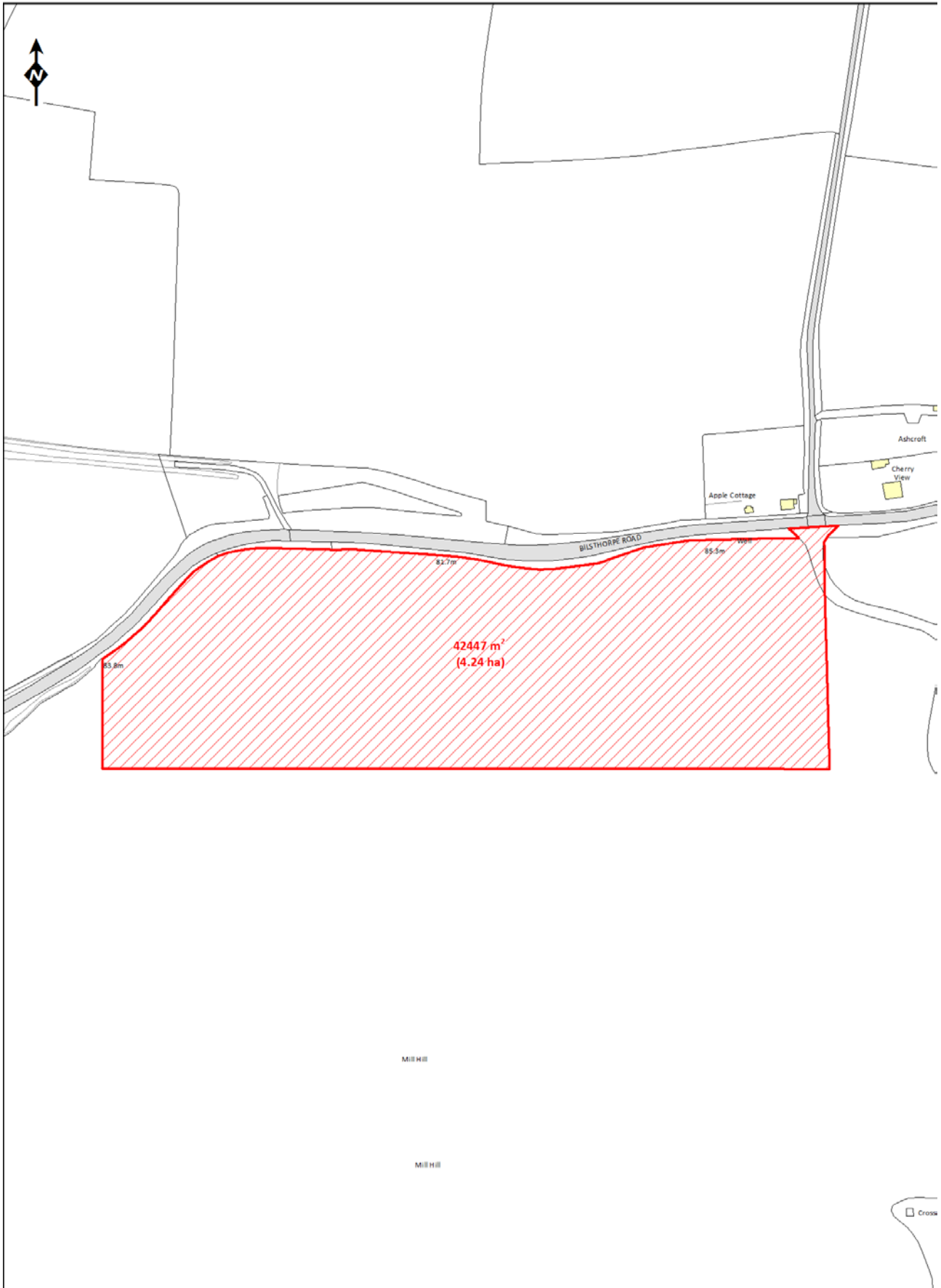
Application case file.

For further information, please contact Sukh Chohan on Ext 5828.

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 16/00819/FULM



© Crown Copyright and database right 2015 Ordnance Survey. Licence 100022288. Scale: Not to scale

Sukh Chohan
Development Business Unit
Newark and Sherwood DC
Kelham Hall
Newark on Trent
Nottinghamshire
NG23 5QX

Your ref: 16/00819/FULM

5 September 2016

Dear Sukh

RE: PLANNING COMMITTEE LATE ITEM: 16/00819/FULM Erection of low cost, environmentally sustainable eco homes and publically accessible wildlife area at Land to the South of Bilsthorpe Road, Eakring.

Further to being advised that the above application will be reported to planning committee in September and now having sight of the planning committee report we request that the following points are brought to the attention of Members of the Planning Committee.

The proposed development being presented is somewhat unusual in that, based on our extensive liaison with the Parish Council and the local community as expanded upon in the Statement of Community Consultation, these proposals for small environmentally sustainable eco homes (and associated development) which are proposed have been carefully formulated in direct consultation with the local community to meet a locally identified housing need. The views expressed to the applicant by the members of the Parish Council it is understood were that any future housing that is proposed in the parish should be to meet the present and future needs of people and their families who live, or have lived, and work, or have worked, in the village and form part of the local community.

This application has been formulated following transparent liaison with local people and our own research, the detail findings of which are contained within the submitted Statement of Community Consultation. A public exhibition was staged in Eakring where the development proposals were on display and to allow the views of the local community to be shared with the project representatives. Fifty-one comments forms were completed the findings of which are summarised below:

- A substantial amount of respondents (approximately 60%) thought that between 0 and 30 dwellings should be built in Eakring in the next ten

years. 12 (23%) people ticked 0 to 10 dwellings, 10 (20%) people ticked 10 to 20 and 8 (16%) people ticked 20 to 30 dwellings. Very few (3 people or 6%) ticked that none should be built and 10 (20%) people ticked don't know.

- The majority of respondents who thought that new houses were required went on to tick that new houses should be built on the edge of the village (35) or as infill development (26).
- Almost three quarters of respondents (37) thought that is a genuine local need for affordable, low cost housing in the Eakring area. With 7 people ticking no and 7 ticking don't know to this question.
- In terms of housing type, the majority of respondents felt that first time buyer homes are required (30 ticks), followed by young person's starter homes (25 ticks) and older relative – downsizing (13 ticks). Respondents felt that homes should be semi-detached (29 ticks) or detached (20 ticks) or bungalows (15 ticks). It is noted that only one person thought that a one bed studio flat (bedsit) is required.
- In terms of housing size, the majority of respondents thought that 2 bedroomed (41 ticks) or 3 bedroomed (27 ticks) homes are required. Very few people thought that 4 + bedroom homes are required (3) and one person felt that no homes are required.
- There was almost a 50/50 split (23 ticking yes and 21 ticking no) when asked if you or your family would consider living in one of the proposed homes. Five people didn't know and one didn't answer.
- Eight people went on to complete an 'Expression of Interest' form.
- 88% (45) of respondents thought that yes, it is a good idea to provide publically accessible wildlife areas within the site. 10% answered no and one didn't know.
- 39 (76%) people answered 'yes', they thought they would use the wildlife areas, 6 (12%) said 'no' and 6 (12%) didn't know.
- Overall 42 (82%) respondents were in favour of the proposals, 5 (10%) answered 'no', 3 (6%) answered 'don't know' and 1 (2%) did not answer.
- When asked if they found the exhibition useful, 38 (75%) respondents ticked 'yes', 4 (7%) ticked 'no' and 9 (18%) ticked 'don't know'.

In conclusion, a significant proportion of local residents (74%) felt there is a genuine local need for affordable, low cost housing in the Eakring area. The majority considered that two and three bedroom homes are required. Almost 90% of respondents liked the idea of publically accessible wildlife areas and 82% of respondents were on favour of these development proposals.

In the comments made by the Strategic Housing Officer under the heading Housing Need (page 39) it is alleged that the applicant has provided no evidence of local housing need with the application. This is not the case. As well as the above further details are contained within the submitted Spatial Planning Statement under the heading Development Proposals (page 4), Scale and Need (page 17 onwards).

In addition, which Members may not be aware of as the application was determined under delegated powers and is not referred to in the committee report, planning permission has recently been granted for the erection of a

two-bedroom bungalow at land off Mill Lane, Eakring under reference 16/00585/FUL. As detailed in the Officer report (attached for ease of reference) the applicant was accompanied by a Housing Needs Survey. The Survey was prepared by Chris Broughton Associates which in the executive summary reports on some very noteworthy findings including, as set out in paragraphs 2.4 and 2.5 the following headlines,

'2.4 Other noteworthy population and household characteristics are:

- 25% of all households consist of people over 65 years;*
- 60% of households have no children living with them;*
- 20% of households live alone;*
- 80% of households have no more than 3 persons;*
- 19 residents that have bad or very bad health;*
- 28 residents consider that their day to day activities are limited; and*
- 15% of residents provide unpaid care to another person.*

2.5 Noteworthy characteristics of the housing stock are that:

- 79.4% of all dwellings in the parish have 3 or more bedrooms (60% across England);*
- 37.6% of dwellings have four or more bedrooms;*
- 20.6% of dwellings have 1 or 2 bedrooms which is lower than the average for the district (28.1%) and England (39.7%).'*

And furthermore in paragraph 3.7 and 3.8 which state:

'3.7 Overall we conclude that Eakring parish sits within a local authority district that will:

- see a significant growth in population and households by 2033; and*
- a dramatic growth in the number of older people increasing the need for additional specialised housing, care and support.*

3.8 There has been little supply of housing in the last 5 years suited to the long term needs of older people.'

The Executive summary that is publicly available via the Council's planning application website file is also attached to this letter for ease of reference.

It was concluded in the Officer report relating to the above application that the proposal represents **a sustainable pattern of development on the basis that Eakring has some local services and sustainable access to a wider range of services and employment in nearby sustainable locations**. It is furthermore noted that the proposal offers the opportunity to **contribute towards the housing supply at a time of uncertainty in respect of a 5-year supply** and given the assessment of sustainability the application was supported.

In light of the above there is a clear and locally identified need for small dwellings in the Eakring locality which is precisely what is on offer here. It should also be noted that a group of local people with an Eakring connection who have expressed an interest in the development has been formulated.

The applicant is a long established local family farming business which has strong ties to Eakring in terms of all three strands of sustainability: economic, social and environmental strands. The Parsons family business wishes to continue to invest locally in the village by providing low cost eco homes which would be available for rent, rather than investing in other business opportunities either at the existing holding in Eakring or elsewhere. The applicant employs local people and wishes to advise Members that its youngest employee has recently had to move out of the village to Edwinstowe to a small rented property having recently moved out of the family home as nothing was available closer by.

As part of this proposal to public benefit the applicant is willing to open up parts of the site for the local community to use and is willing to enter into a legal agreement allowing 'permitted access' to the parts of the site as shown on the submitted plans. It should be noted that historically the Parsons family has gifted land for public benefit before, for example the recreational land at the end of Triumph Road was given to Eakring PC.

It is disappointing to read that, as stated in the committee report (page 43), no appetite or commitment has been shown to enter into a legal agreement by the applicant. An opportunity for the applicant to offer their agreement to either a planning condition or planning obligation has not until now been explored with the applicant by the Local Planning Authority. However, as the accompanying correspondence setting out, Heads of Terms from Harrisons, Clark Rickerbys, - the applicant's appointed Solicitors - confirms that the applicant is willing to commit and enter into such undertakings with a view to ensuring that the proposed homes would be offered to people who have a local connection. For example, people who live or have lived in the area, work or have worked in the area, or have family in the area. It is our view that this could be controlled via planning condition/s106 agreement as such was the case when 25 'affordable' dwellings were granted planning permission at land to the south of Scarborough Road, Bilsthorpe- see condition 2 on planning consent 13/01585/FULM.

In terms of the applicant's relationship with Hexgreave Estates (discussed at page 43 of the report), Hexgreave Estates would merely be providing estate management consultancy services to the applicant. It would in our view be wholly unreasonable to tie Hexgreave Estates into any legal undertaking given their capacity is merely as a management company provider.

The letter from Gascoines seeks to convey and provide evidence of the typical rental/sales market applicable to the Eakring locality and how the proposed eco homes would effectively be low cost by comparison when taking into account the rental costs and running costs. The facts taken from

the Technical Report prepared by Hockerton Housing Project in this case can be summarised as follows:

	Rental pcm	Estimated Energy Running costs pcm	Total	Percentage cheaper
Typical 1 bed property mapped in proportion to floor area from case study in technical report.	£500	£72 to £125	£572 to £625	
Proposed 1 bed Eco home based on Eco House data from Hockerton and mapped in proportion to floor area.	£400	£11	£411	28% to 34%
Typical 2 bed property based on case study in technical report.	£600	£110 to £192	£711 to £792	
Proposed 2 bed Eco home based on Eco House data from Hockerton	£600	£17	£617	13% to 22%
Please reference Technical Report: Eakring Eco Houses for the source of the data provided. Occupancy patterns and characteristics are assumed to map across similarly from the case studies.				

As set out in the application submission (see page 24 of the SPS) further details of how rental figures have been calculated can be provided upon request if required. It should be noted that with regard to how Hockerton Housing Project Trading Ltd is involved in this project, the applicant has commissioned HHP to design the proposed development and oversee the building work should permission be forthcoming.

Turning to the matter of design Policy DM8 advises that new dwellings should be of an exceptional quality and innovative nature of design, reflecting the highest standards of architecture, significantly enhancing the immediate setting and be sensitive to the defining characteristics of the local area.

It is acknowledged that the proposed development would alter the existing nature of the site which is presently used for intensive agriculture, however it is not considered that these proposals would result in any significant or demonstrable adverse impacts which would outweigh the benefits that the scheme would bring.

In this regard a Landscape Technical Note prepared by Influence Environmental accompanies the submission which provides an opinion on the minimal impact arising from the development on the surrounding Landscape. The small scale single storey eco homes would not have a detrimental impact on the character of the location or its landscape setting. There innovative design with earth mounds and green rooves, along with extensive new planting would help blend the eco homes with their surroundings. The proposal is therefore considered to have a very low or neutral impact on the character of the locality.

It is noted that in the committee report under the heading impact on heritage assets and landscape character that an overall conclusion is drawn that the no substantial objection can be raised in this regard.

The application is also accompanied by an Ecological Appraisal prepared by RammSanderson Ecology Consultancy which, as well as the proposal having a low environmental impact, expands on the biodiversity benefits the scheme would bring including the habitat enhancements and improvements as well as opportunities for new habitat creation consisting of scrub, red bed, pond and meadow habitats. It is noted in the committee report under the heading ecology that it is considered that the proposal accords with Core Policy 12 and the ecological enhancements offered could be secured by planning condition.

With regard to sustainability credentials of the scheme, a supporting Technical Report prepared by Hockerton Housing project accompanies the submission. Attached to this letter is an addendum report expanding on the applicability to this Scheme of the passive house standard or other accreditation. The report shows the proposed scheme meets or surpasses the outcomes of the most relevant standards, but their full application is inappropriate. The innovative approaches set out in the Technical Report are not yet recognised by such standards, and the application of the codes would add cost to the Scheme without improving either quality or innovation. Most concerning is that compliance could be detrimental to the outcomes where such codes require redesign, such as the inclusion of inappropriate and costly heating technologies. Instead, it is hoped that this scheme will provide further evidence on the measures used to inform the future development of such standards and, more fundamentally, building and energy performance regulations.

With this in mind it is suggested that the desirable outcomes could be secured by relevant planning conditions covering the overall energy performance, the delivery of a user guide to residents (recognising the importance of residents' behavioural choices to that performance), and an Ecology Management Strategy to assure stakeholders of the ongoing management of communal areas and systems.

In conclusion when weighing this proposal in the overall planning balance, it is identified at page 41 that Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, are on the edge of settlements with key services and are acceptable in every other respect. You will see from the submitted plans that the application site is not situated in an open or isolated location. Rather the site is located on the edge of a 'sustainable settlement' as deemed by Officers in their report for application 16/00585/FUL.

For these reasons we urge you to follow the planning policy direction of the 'presumption in favour of sustainable development' as set out in paragraph 49 of the NPPF and motion your support for this truly sustainable development proposal which seeks to provide much needed homes, amongst other benefits, where the Council cannot confidently demonstrate a 5-year housing land supply.

Finally as set out above and in the spirit of the Localism agenda it has carefully been formulated, in direct consultation with the local community

and Parish Council, and seeks to offer a sustainable solution to meet an identified local need for the sustainable settlement of Eaking.

Please feel free to contact me should wish to discuss the proposal or if you need any further information.

Yours faithfully,

J Pope

**Jon Pope BSc (Hons) MSc MRTPI
Chartered Town Planner**

DELEGATED REPORT

Application No:	16/00585/FUL	
Proposal:	Erection of two bedroom bungalow	
Location:	Land off Mill Lane, Eakring,	
Applicant:	Mr Malcolm Goodall	
Registered:	6th May 2016	Target Date: 1st July 2016

The Site

The application site is a rectangular plot approximately 0.11 hectares in extent to the west of Mill Lane in the village of Eakring. The site is close to the junction with Back Lane and Side Lane with Mill Lane being an unmade track albeit it serves other residential properties on the eastern side of Mill Lane. The site as existing is vacant grassland forming part of a wider plot. There are a number of fruit trees within the site owing to the previous use of the site as an orchard. The site is bounded to the north and east by adjoining residential curtilages and to the south and west with open space.

The site falls within the designated Conservation Area of Eakring. There is a public footpath along the northern boundary of the site. It is understood that the footpath runs through land that is within the applicants ownership and has been safeguarded by the formation of a new fence and hedgerow separating the footpath from the remainder of the site. Indeed this was apparent during site inspections.

Fields to the south of the site (intervened by the remainder of the land in the applicants ownership) are considered to be a Local Wildlife Site with a species rich neutral grassland community.

Relevant Planning History

There is no planning history considered to be of direct relevance to the determination of the current application albeit the applicant has sought pre-application advice on a similar proposal.

The Proposal

The application seeks full planning permission for a single storey detached dwelling with an approximate footprint of 150m². The dwelling would comprise two bedrooms as well as other associated living accommodation. The dwelling proposed is of an L-shaped plan form set broadly centrally within the plot. It would be approximately 5.2m to the maximum pitch height and 2.3m to the eaves height. There is also a detached garage proposed to the north eastern corner of the

site.

The application has been accompanied by the following documents:

- Design and Access Statement
- Archaeological Desk Based Study
- Arboricultural Survey Report
- Ecological Appraisal Report
- Housing Need Survey
- Landscape Scheme Appraisal

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Spatial Policy 3 Guidance Note SPD

Consultations

Eakring Parish Council - Eakring Parish Council voted in favour of this application but believe that conditions should be placed on any approval so that the building could not be extended upwards

or beyond the original footprint or into the garage as the village need is for small living units for down-sizing locals or first time buyers.

NSDC Strategic Housing – Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The applicant recently commissioned a Local Housing Needs Survey (November 2015) to provide an evidence base to support the application for a single dwelling. The survey established a picture of housing need in the parish of Eakring and identified that 9 existing households and two new households were looking to move within the next five years. Of these, 6 households were looking to leave the parish. The remaining 5 households expected to move within the Parish if suitable housing was available at a price they could afford. The survey indicated that there is no plausible match between their requirements and the existing accommodation.

In terms of affordable housing, it is stated in the survey that two households have some degree of housing need that are currently living in Eakring, however I cannot state that these households would be eligible for this tenure. The survey acknowledges that this need could be met through existing stock.

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Eakring is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a two bedroom dwelling if the housing stock in Eakring has a good supply of this type of housing and they appear on the open market for sale. Currently there are no 2 bedroom properties for sale and the minimum entry level sales price of a property in this location currently is £285,000.

The remaining demand in Eakring as detailed in the Parish Housing Needs Survey refers to smaller homes and bungalows. There is a requirement/preference for smaller homes in this location and for households wishing to downsize to smaller accommodation on one level. Respondents to the survey cited smaller properties, bungalows and affordable homes as the main shortfall in the area. The housing stock in Eakring has a very limited amount of these types of accommodation and therefore I would attach significant weight to an application that met this shortfall.

NSDC Conservation - The proposal site is situated within Eakring Conservation Area (CA).

Legal and policy considerations

In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), the local planning authority (LPA) must pay special attention to the desirability of

preserving or enhancing the character and appearance of the CA. In this context, 'preservation' means to *cause no harm* and is a matter of paramount concern in the decision-making process.

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). Paragraph 132 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

In addition, the NPPF makes it clear that planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

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 (paragraph 64).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance. Overall, the key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting.

Assessment of proposal

The proposal involves construction of a single storey dwelling on land to the west of Mill Lane.

The proposal site appears to be an old orchard. The green character of the site, historic significance attributed to orchard/field enclosures, as well as archaeological interest (medieval field use), ensure that the site contributes positively to the setting of the historic core of the village and therefore the significance of the CA.

Buildings on Mill Lane are predominantly located to the east of the lane (with the exception of Cherry Lea). The proposal therefore results in a degree of encroachment into rural countryside. However, the built form along Mill Lane is varied in terms of layout and appearance.

The scale, form and appearance of the dwelling is simple, with traditional detailing and a materials palette which sustains the historic values of the CA.

Overall, I consider that the proposal causes no harm the character and appearance of the Eakring CA. The proposal is therefore considered to meet the objective of preservation set out under section 72 of the Act, and otherwise accords with conservation objectives contained within DM9 of the LDF DPD and section 12 of the NPPF.

If approved, appropriate conditions should address the following:

- Samples of all facing materials;
- Roof tiles shall be natural clay of a non-interlocking variety;
- All windows and doors shall be timber construction (to be retained), design, glazing, finish and method of opening to be agreed;
- Further details of chimney (to be retained), verges, eaves, headers, sills, rainwater goods, services, any other external accretion;
- Brick panel showing brick, mortar specification, pointing technique and brick bond to be shown on site;
- Any boundary treatments, planting and access arrangements; and
- PD restricted (as appropriate) on changes to the building envelope and curtilage.

The submitted archaeological report is useful, and confirms that the site has some medieval interest, but not sufficient to warrant further investigation.

NCC Highways Authority – This proposal is for the construction of a two bedroom dwelling with a new vehicular access onto Mill Lane, which is unadopted. The block plan submitted shows the access is to be positioned near the junction with Side Lane, which is the widest section of Mill Lane. The existing vegetation along the site frontage will require regular cutting back and maintenance to provide adequate visibility from the access point.

Mill Lane is a 'Byway Open to All Traffic' and any works that may be required on Mill Lane relating to the access will require the approval/advice of NCC Countryside Access Team prior to any works commencing.

As such, subject to the following, there are no highway objections to this proposal:

No part of the development hereby permitted shall be brought into use until the access drive and parking area are surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway boundary. The surfaced drive and parking area shall then be maintained in such hard bound material for the life of the development. Reason: To reduce the possibility or deleterious material being deposited on the Public Right of Way (loose stones etc).

Notes to applicant

The development makes it necessary to construct a vehicular access onto a Byway Open to All Traffic. You are, therefore, required to contact the County Council's Countryside Access Officer (0115) 977 4559 for advice/approval prior to any works commencing.

It is recommended that the applicant cut back and maintain the existing vegetation/shrubbery along the site frontage to provide adequate visibility for emerging vehicles onto the Public Right of Way, in the interests of pedestrian/vehicular safety.

NCC Archeology – No comments received.

NCC Rights of Way – This application may impact on Eakring Parish Foot Path No 3 & Byway No 25, which run alongside the northern & eastern boundary of the site respectively 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.

Nottinghamshire Ramblers – The critical question here is the survival of Eakring Footpath 3 which will be directly affected by this development.

I note that the Design and Access Statement mentions specifically that the footpath will be protected by a hedgerow.

As long as this footpath remains open during and after the development we have no objection.

Nottinghamshire Wildlife Trust - Thank you for consulting Nottinghamshire Wildlife Trust on the above planning application. We have studied the Ecological Appraisal Report (MRB Ecology and Environment 2016) and we would make the following comments.

The applicant's ecologist has undertaken a very thorough and professional ecological assessment of the application site and we are satisfied that this proposal will not have a detrimental impact on the nature conservation interest of the site or the adjacent Mill Lane Grassland Local Wildlife Site (LWS 5/1011). We would also like to take this opportunity to acknowledge the excellent work that has been undertaken by the applicant to restore species rich grassland and well-structured wildlife friendly hedgerows within the site. This work will compliment habitats within the adjacent LWS. We fully support the mitigation proposals stated in Section 8 of the report relating to the Pre-Development Stage (8.1), Construction Phase (8.2) and Wider Site Management: Contribution to Biodiversity (8.3) and we would like to see these implemented.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

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 2 local residents/interested parties which can be summarised as follows:

- Support with concerns
 - Mill Lane is privately owned and needs to allow access to other properties
 - Concern about disruption and access during construction and damage to road
- Object
 - House is outside of the village in a small woodland which has been quietly cleared over the last couple of years
 - Mill Lane will not sustain any increase in traffic – the surface is in a poor state of repair and is not adopted nor looked after professionally

Appraisal

Principle of Development

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within other villages in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). The five criteria outlined by SP3 are location, scale, need, impact and character.

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 impacts and our approach is set out below.

5 Year Housing Land Supply

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 National Planning Policy Framework (NPPF) and National Planning Policy Guidance (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 is 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 [said in the context of small number of dwellings] 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. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Notwithstanding the above, I am mindful that the current application has been accompanied by an independent Housing Needs Survey undertaken by Chris Broughton Associates. This document

brings together evidence from a variety of sources, including a village household survey, to determine the housing requirements of local households over a five year period. The document was compiled through discussion with colleagues in Strategic Housing and indeed their consultee comments listed in full above are deemed of particular relevance, specifically the concluding statement:

'Respondents to the survey cited smaller properties, bungalows and affordable homes as the main shortfall in the area. The housing stock in Eakring has a very limited amount of these types of accommodation and therefore I would attach significant weight to an application that met this shortfall.'

The applicant has made clear endeavors to demonstrate that the proposal for a small two bedroom bungalow will meet an identified local housing need. In line with the comments of colleagues in Strategic Housing, I am satisfied that, even without the above discussion in respect of the pragmatic approach owing to the current position on housing supply, the proposal would satisfy the need criterion of SP3.

The following is an assessment of the proposal against the remaining criteria of SP3.

Location

The application site is on the western side of Mill Lane close to the junction with Back and Side Lane. There are other residential curtilages along the eastern side of Back Lane and Mill Lane further northwards. In addition to this, the northern boundary of the site abuts the residential curtilage of Cherry Lea. On this basis I consider that the site towards the eastern frontage of the wider site within the applicants ownership, can be appropriately considered as being within the main built up area of the village.

In addition to the above, the locational criterion of SP3 requires the site to have access to local services in order to reduce the need for a reliance on the use of a private car. With this in mind it is noted that Eakring has a public house as well as a local church and village hall. There are good public transport links to other villages including Bilsthorpe, Ollerton and Southwell. In light of the above, the proposal is considered to meet the locational criterion of SP3.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume.

Impact on Character

The character criterion of SP3 states that new development should not have a detrimental impact

on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The sites location within the designated conservation area is also important to consider and the council's conservation team have been consulted in this regard.

It is acknowledged that the introduction of built form on the western side of Back Lane and Mill Lane is a departure from the predominant established character of the area and thus has the potential to affect the interpretation of the area in terms of encroachment into the openness of the countryside. However, this has already been breached by the neighboring dwelling to the north. Moreover, the applicant has taken on board comments received during pre-application discussions and significantly reduced the area of residential curtilage to be associated with the proposed dwelling such that the rear boundary of the curtilage would roughly align with the built form to the north.

As acknowledged by the comments of colleagues in Conservation, the proposal site appears to be an old orchard. The nature of the site as existing is therefore considered to contribute positively to the setting of the historic core of the village.

The proposed dwelling is simple in design and appearance with traditional detailing and usage of materials. The dwelling has been designed in an L-plan footprint with a detached garage towards the highways frontage. The dwelling is considered to be relatively subtle in character to a degree which would conform with the character of the immediate surroundings particularly noting the relatively modern appearance of the immediately adjacent neighboring properties. In this respect the proposal is therefore considered to meet the relevant points in respect to design in Policy DM5 and DM9.

Impact on Amenity

The most likely affected neighbouring property would be the dwelling to the north known as Cherry Lea. Having assessed this relationship on site I am comfortable that the scheme presented, being single storey in nature with one small opening on the north elevation would not introduce an adverse amenity impact to neighbouring residential properties. The dwellings would also be afforded the separation distance of the public footpath which currently features a fenced boundary with Cherry Lea. The landscape plan submitted to accompany the application confirms that a native hedgerow has recently been planted along the northern boundary of the site. In this respect the layout of the proposal is considered to adequately protect neighbouring amenity in terms of overbearing, loss of light and privacy impacts.

In terms of available amenity provision for the proposed occupiers, the demonstrated curtilage, whilst being modest in size, is considered to be commensurate to the needs of a two bedroom dwelling. On the basis of the above the proposal is deemed to comply with the amenity criterion of Policy DM5.

Impacts on Highways

A new access is proposed as part of the scheme to allow vehicular access to the dwelling. Provision has been made for off street parking both through a detached garage as well as a driveway to the east of the principal elevation. The access would be close to the junction of Mill Lane and Back Lane at a point of unadopted highway. The comments received during consultation of the application make reference to this point and indeed advance this to a concern with regard to the current state of the highway. However, the maintenance of a privately owned access would be a private legal matter and thus one which it would be inappropriate to resist the application on the basis of. As confirmed by the consultation section above, NCC Highways have raised no objection to the application subject to the imposition of a condition requiring bound material for a minimum distance of 2m behind the highway boundary. I do not consider that one additional dwelling would have such a significant impact on the highway network to warrant resisting the proposal. The proposal is therefore considered compliant with Spatial Policy 7 of the Core Strategy and the relevant sections of Policy DM5.

Impacts on Ecology and Trees

The application has been supported by an Arboricultural Survey Report and Ecological Appraisal Report. As confirmed by the site description above, fields to the south of the site (intervened by the remainder of the land in the applicants ownership) are considered to be a Local Wildlife Site with a species rich neutral grassland community. Policy DM7 confirms that, in line with the requirements of Core Policy 12, new development should protect, promote and enhance green infrastructure. The Ecological Appraisal Report has been assessed by Nottinghamshire Wildlife Trust and as included in full in the consultee section of the report, NWT have offered their full support of the ongoing management of the site to restore the species rich grassland and hedgerows within the site. Subject to a condition requiring the works to be undertaken in accordance with the mitigation measure outlined, the proposed is deemed compliant with both Policy DM7 and Core Policy 12.

With respect to trees, the Arboricultural Survey Report confirms that the majority of the tree stock recorded in the survey area is of low value. Many of the trees form components of historic or existing hedgerows or are remnant of the sites previous use as an orchard. The survey identifies the most significant tree as being an Ash tree, albeit it is acknowledged that the tree is in a declining condition and exhibits many defects. On this basis the tree is advised for removal. The report includes a tree protection and retention plan. I am minded to agree with the conclusions of the report that there are very few trees on the site that should constrain development. The proposed landscape works will mitigate for the impact on the site surroundings in terms of the trees marked for removal and overall I consider the impact on the character of the area, including in its heritage context, to be neutral.

Impact on Public Footpath

The northern boundary of the site abuts a public right of way. As confirmed through a site visit, this has already been separated on site through the plantation of a new hedgerow. I do not consider that the proposal for an additional residential dwelling will have an adverse impact on the functional use of this footpath.

Overall Balancing Act and Conclusion

The proposal seeks full planning permission for an additional dwelling in a rural village. It represents a sustainable pattern of development on the basis that Eakring has some local services and sustainable access to a wider range of services and employment in nearby sustainable locations. It is noted that the proposal offers the opportunity to contribute towards the housing supply of the District at a time of uncertainty in respect to the delivery of a five year supply, and given the assessment of sustainability this is supported. There are not considered to be any other material considerations which would outweigh this benefit and therefore the proposal is recommended for approval subject to the conditions listed below.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Floor Plan – 03B
- Elevations – 04A
- Block Plan – 05B
- Landscape Proposals – TER_PEND0416-001

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

Reason: So as to define this permission.

03

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Roofing Tiles

Reason: In the interests of visual amenity

04

All external joinery including windows and doors shall be of a timber construction only. Prior to the commencement of development, details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special architectural or historic interest of the listed building.

05

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.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

No part of the development hereby permitted shall be brought into use until the access drive and parking area are surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway boundary. The surfaced drive and parking area shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the Public Right of Way (loose stones etc).

07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

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

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

Reason: In the interests of visual amenity and in order to preserve the setting of the nearby heritage assets.

08

The landscaping proposals demonstrated on the approved plan reference TER_PEND0416-001 shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be implemented on site prior to first occupation.

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

09

The development shall be carried out in complete accordance with the mitigation proposals contained in Section 8 of the Ecological Appraisal Report carried out by MRB Ecology and Environment updated April 2016 unless otherwise agreed through approval of a non-material amendment to the permission.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

Notes to Applicant

01

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

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



02

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

03

The development makes it necessary to construct a vehicular access onto a Byway Open to All Traffic. You are, therefore, required to contact the County Council's Countryside Access Officer (0115) 977 4559 for advice/approval prior to any works commencing.

It is recommended that the applicant cut back and maintain the existing vegetation/shrubbery along the site frontage to provide adequate visibility for emerging vehicles onto the Public Right of Way, in the interests of pedestrian/vehicular safety.

Officer		Manager	
Date	28.06.2016	Date	28.06.16

In signing the above I have checked that the conditions and reasons shown within the report match those within the back office UNIFORM system.

Your reference: 16/00819/FULM
Our reference: RA03.PAR0687-0003.ET
Direct email: randrews@hcrlaw.com



5th September 2016

Sukh Chohan
Planning Department
Newark and Sherwood District Council
Kelham Hall
Kelham
Nottinghamshire
NG23 5QX

5 Deansway, Worcester WR1 2JG
Telephone: 01905 612001
Fax: 01905 744899
DX: 716260 Worcester 1
Direct Line: 01905 744868
PLANNING TEAM

Dear Sirs

Planning Application: 16/00819/FULM

Property: Land to the South of Bilsthorpe Road, Eakring, Nottinghamshire

Proposal: Erection of 9 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, electric car recharging facilities.

We have been instructed by Applicants of the above Planning Application, and understand the Planning Application is being referred to the Planning Committee and is due to be heard on the 6th September 2016.

From the Committee Report we note this application has been recommended for refusal, and understand the reason for this stems from concerns that there is no guarantee that the proposed properties will be made available to people with a local connection to the area. Additionally we understand that there is concern that the Applicants have not shown an appetite for entering into a Section 106 Agreement to secure the properties are available to local people with a need for this type of housing.

To address these concerns, we are instructed to confirm that the Applicants are (and have always been) willing to enter into a Section 106 Unilateral Undertaking on the following terms:

- The proposed dwellings may only be occupied by persons with a 'local connection' to the parishes of Eakring, Bilsthorpe, Kirklington, Maplebeck and / or Wellow and their families or dependants for twenty years from the date of first occupation.
- It is proposed that the Unilateral Undertaking define 'local connection' such that it would restrict occupation of the dwellings to parties who meet one of the following criteria:

Birmingham T. 0121 454 0739 F. 0121 455 7211 53 Colthorpe Road Edgbaston Birmingham B15 1TH
Cheltenham T. 01242 224422 F. 01242 518428 Ellenborough House Wellington Street Cheltenham GL50 1YD
Hereford T. 01432 349670 F. 01432 349660 Thorpe House 29 Broad Street Hereford HR4 9AR
Ross-on-Wye T. 01989 562377 F. 01989 565961 6 High Street Ross-On-Wye HR9 5HL
Thames Valley T. 0118 925 6100 200 Brook Drive Green Park Reading RG2 6UB
Worcester T. 01905 612001 F. 01905 744899 5 Deansway Worcester WR1 2JG

By appointment in London
lawyers@hcrlaw.com www.hcrlaw.com

Our Membership



Our Quality



Our Directors



- **Residence** – the proposed occupant’s principal residence at the date the property is advertised was within the parishes of Eakring, Bilsthorpe, Kirklington, Maplebeck and / or Wellow and had been for at least six months prior to this date;
 - **Work** – the proposed occupant was working in the parishes of Eakring, Bilsthorpe, Kirklington, Maplebeck and / or Wellow at the date the property is advertised, and had been for at least six months prior to this date;
 - **Previous Residence** – the proposed occupant has previously lived in the parishes of Eakring, Bilsthorpe, Kirklington, Maplebeck and / or Wellow for at least three of the last 5 years; and / or
 - **Close Relatives** – the proposed occupant has close relatives who live in the parishes of Eakring, Bilsthorpe, Kirklington, Maplebeck and / or Wellow.
- In the event that there is no proposed occupant who satisfies the above criteria following three months of marketing (such evidence to be provided to the reasonable satisfaction of the Council on request if required), the properties may be occupied by other persons who have a local connection to the area.

The proposed wording will need to be agreed between the Applicants and the Council, and the Applicants are willing to consider any standard wording or variations to the above which the Council may like to suggest.

As the Applicants only became aware of the concerns following the publication of the Committee Report, it has not been possible to agree a Section 106 Unilateral Undertaking with the Council ahead of the committee meeting. It is hoped, however, that the above will alleviate the Council's concerns.

We can also confirm that we have been instructed by the Applicants to prepare a Section 106 Unilateral Undertaking should the Committee resolve to grant planning permission, further demonstrating the Applicants willingness to provide a legal commitment to secure the use of the proposed houses to those with a local need.

Yours faithfully

Harrison Clark Rickerbys

HARRISON CLARK RICKERBYS LIMITED

Addendum

4th September 2016

Purpose: to address planning officers' concerns that the scheme is 'not of such exceptional quality or innovative', and that it 'does not commit to the requirements of the passive House standard or any other accreditation'. This Scheme offers nine homes with exceptional energy performance, with social and ecological benefits that surpass the current standards and codes on offer.

Proposal

It is proposed that the information provided in the following section is used to develop planning conditions that assure the delivery of an innovative and high-quality scheme. Specifically, it is suggested that planning conditions consider the energy performance of the homes, in conjunction with the delivery of a user guide to residents, and an Ecology Management Strategy. These elements capture and assure the delivery of the innovations offered by the Scheme.

Clarification

This addendum seeks to clarify why the scheme has not committed to the requirements of a standard or external accreditation as it is understood this was not clear in the original submission. This clarification underlines the innovative nature of the scheme in delivering exceptional functionality through both high energy performance and broader sustainability indicators.

This scheme is not committed to meeting the requirements of a standard or another accreditation such as the Passive House standard as:

- a) There is no standard that recognises the innovation in this project, as they reflect only what has worked at scale in the past:
 - a) there is no accreditation scheme or energy performance certification that recognises the scheme's innovative use of thermal mass.
 - b) there is no accreditation scheme that recognises the breadth of the sustainable elements combined within this scheme
 - c) this scheme could collect data to inform future standards.
- b) In terms of quality assurance, the scheme will be delivered by local builders, overseen by Hockerton Housing Project. It is felt that this transparent, directly accountable, local supply chain, together with the scheme's low-tech yet innovative approach, removes need for the accreditation that is often desirable on larger and more technically and

contractually complex projects. In terms of assurance for developers and residents, data collection has been used to demonstrate the real-life performance of past developments, as set out in the Technical Report.

- c) Accreditation adds to the costs of the scheme, affecting the affordability of the homes, without assisting the quality and performance of the homes in this instance. Most concerning is the potential for such schemes to inappropriate and costly elements, such as heating systems.

The attached tables compare the predicted outcomes of the proposed scheme against those set out in the Passive House standard and in the recently scrapped Code for Sustainable Homes.

Comparison with Passive House standards

Table 1: Expected performance of Eakring homes compared to requirements of the Passive House standard

Requirements	Passive house standard	Eakring scheme expectation
Space heating energy demand	Not to exceed 15 kWh per square meter of net living space (treated floor area) per year or 10 W per square meter peak demand.	Space heating energy demand is zero under standard occupation ¹ .
Renewable Primary Energy Demand	The total energy to be used for all domestic applications (heating, hot water and domestic electricity) must not exceed 60 kWh per square meter of treated floor area per year for Passive House Classic.	Total energy demand is predicted to not exceed 40 kWh per square meter of floor area (including sunspace), under standard occupation ¹ .
Airtightness	A maximum of 0.6 air changes per hour at 50 Pascals pressure (ACH50), as verified with an onsite pressure test (in both pressurized and depressurized states).	A maximum of 0.9 air change per hour at 50 Pascals pressure.
Thermal comfort	Not more than 10 % of the hours in a given year over 25 °C.	Not more than 8% of the hours in a given year over 25 °C.

¹ Heaters may be used to cope with the heat demands of elderly, disabled, homeworkers or very young occupants or periods of extreme weather, and such use is incorporated into the consideration of primary energy demand.

The predictions for the Eakring scheme² are based on standard occupation (relating to the number of bedrooms), evidence from past developments (as presented in the scheme’s technical report) and application by residents of guidance on use of appliance use, ventilation, heating and shading to meet comfort levels.

Further to those requirements, the following principles are applied by Passive House developments. Again, these are generally met or surpassed by the proposed scheme.

Table 2: Expected performance of elements within the Eakring build, compared to Passive House standard Principles

Principles	Passive house standard	Eakring scheme
Thermal insulation	A heat transfer co-efficient (u-value) of 0.15W/(m ² K) at the most	A heat transfer co-efficient (u-value) of 0.15W/(m ² K) at the most
Passive House windows	U-value of 0.80 W (m ² K) or less, with g values around 50%	Not calculable at this point, dependent on cumulative whole building performance of external and internal glazing.
Ventilation heat recovery	At least 75% of heat from the exhaust air is transferred to incoming fresh air by means of a heat exchanger	At least 80% of heat from the exhaust air is transferred to incoming fresh air by means of a heat exchanger
Absence of thermal bridges	Thermal bridges must be avoided or minimised.	Thermal bridges are avoided.

The Scheme therefore meets the core performance outcomes, and most of the related building principles. However, the wider Passive House methodology does not recognise the interseasonal benefits of thermal mass and would therefore not recognise the Scheme’s expected energy performance, despite this being based on real-life data from a series of homes. This would lead to the inappropriate installation of expensive heating technologies at significant cost and potentially to the detriment of the property’s energy demand, simply to attain the standard. The Passive House standard also fails to cover the breadth of the proposed scheme in terms of social and environmental benefits.

Code for Sustainable Homes and its successor, the Home Quality Mark

Until 2015 the Code for Sustainable Homes was used in the planning process to set levels for sustainable housing, addressing energy, environmental and social elements of the build. Minimum requirements

² Additional evidence is available for thermal comfort. The given figure is based on BRE monitoring of HHP houses, where temperatures exceeded 25 °C in 8% of readings. The Eakring scheme will improve on this due to the solid roof on the sunspace, which limits solar gain in the summer.

are now incorporated into building regulations, with higher standards being encouraged by BRE's Home Quality Mark which is currently in a beta version.

The following table summarises how the proposed scheme relates to the higher standards proposed for the Home Quality Mark. This is not to suggest compliance, but to demonstrate the breadth of the proposed Scheme. To apply for the full mark, the scheme would need to hire a qualified ecologist, acoustician, security specialist, a cost consultant and a further professional to identify the potential for low or zero carbon energy sources. That is a cost that is deemed inappropriate for a scheme of this scale with a local and reputable supply chain. It would possible to incorporate core requirements in to planning conditions, in the form of an Ecology Management Strategy, a performance standard for energy demand and the provision of a related user guide to address the impact of resident behaviour on energy use.

Home Quality Mark	Eakring Scheme proposal
<i>Outdoors</i>	
Access to public transport and local amenities	There is a pub, and an hourly bus from Eakring to a main supermarket and large town, which can be used by residents for access to shopping, work and social events.
Alternative Sustainable Transport Options	Dedicated cycle storage is provided in close proximity to each home. There will be facility for an electric car charging point for each home.
Ecology	Ecological design is integral to the built structure through the use of intensive green roofs, which are accessible for growing shrubs and perennials. During the build, the Scheme will undertake removal, limiting or disposal of invasive, pest and diseased species (e.g. cutting and/or spraying, root removal, etc.) in line with best practice for preservation of biodiversity. Plant species used for landscaping purposes are either native species or non-native species which do not pose an invasive risk or contribute to the invasive risk of another species An Ecology Management Strategy will be delivered on completion of the build and passed onto those who will have the responsibility of maintaining ecology and related systems in communal areas.

Home Quality Mark	Eaking Scheme proposal
Recreational space	<p>Homes are both provided with private external space, and are within walking distance of the public recreational space that will be created by the scheme</p> <p>Management and maintenance arrangements will be in place for communal space prior to the completion of the build (forming part of an Ecology Management Strategy)</p> <p>Growing space is an option for residents. Fruit trees will be planted and form a key aspect of the Ecology Management Strategy.</p>
Flood risk	The scheme is proposed for a site with a low annual probability of flooding from all sources.
Managing the impact of rainfall	<p>Due to their green roofs and rainwater-harvesting systems there is no change in the impermeable area of the site other than that caused by the access road and parking areas.</p> <p>Rainwater runoff from these areas is managed through onsite drainage to, and management by, water bodies created as part of the development.</p> <p>The long-term maintenance of the green roofs and water run-off from landscaped areas will be developed and managed through the Ecology Management Strategy.</p>
Security	Risk and fear of crime reduced through a strong sense of community, appropriate lighting and the inherent security of the building structure (in its thermal mass) and its components (for example air-tight windows have multiple and hidden fastenings).
Home	

Home Quality Mark	Eaking Scheme proposal
Comfort	<p>Indoor pollutants: The build will use inherently non-VOC emitting products such as brick, concrete, ceramic tile, glass, wood and metal; paints used in the build will be low or non-VOC emitting; and paints used in wet areas will protect against mould growth.</p> <p>Daylight: The houses have a large glazing to floor ratio and are all south-facing to maximise daylight for both heat and light, and related energy savings.</p> <p>Temperature: The sunspace has a solid roof to avoid overheating in the summer months.</p> <p>Internal and external noise: Ventilation system noise is managed and mitigated through careful selection, placement, design, and commissioning. External communal functional spaces, namely parking areas, are sited between homes, away from glazing to the bedrooms.</p> <p>Sound insulation: Walls and floors will be separated between dwellings.</p> <p>Ventilation: Homes will have whole-house mechanical ventilation with heat recovery.</p>
Energy and cost	<p>Energy forecast and cost: The estimated usage for a two-bed house is 2500kWh, with an annual cost of around £380³. This compares with a national average energy bill for a two-bedroom house of £1,062, with the difference largely down to the lack of need for a heating system.</p> <p>Decentralised energy: Energy bills will be offset in part by use of power generated by the solar photovoltaic panels that will be installed on each house (as set out in the Technical Report and designs). It is estimated, on the basis of performance of onsite solar PV at Hockerton Housing Project, that these could reduce the energy bill by 50% due to the reduced need to import energy from the grid.</p> <p>Impact on local air quality: Energy demand will be met using electricity, which will have zero impact on local air quality, which will actually be improved through improvements to biodiversity and increased planting.</p>

³ These figures are subject to energy prices and resident behaviour and cannot be guaranteed, but are based on experience set out in the Technical Report.

Home Quality Mark	Eakring Scheme proposal
Materials	<p>The criteria for the sourcing of construction products for this scheme are:</p> <p>Balance the use of embodied energy against operational energy use: concrete production is an energy intensive process but when used in housing as thermal mass for the retention of heat, this embodied energy is paid off through the reduction in the long-term energy requirement of homes (the operational energy) and the provision of structural integrity.</p> <p>Source local materials wherever possible: concrete forms the majority of the mass of materials used, and will be sourced from local manufacturers; other materials will be sourced locally where possible.</p> <p>Source off-the-shelf materials where possible: use of readily available materials reduces waste and cost.</p> <p>Durability is key to sustainability: lessons have been learned from Hockerton Housing Project about the durability of timber products, and long-term reliability is taken into consideration alongside short-term environmental impacts of production, as the low initial impacts can be undermined where there is a resultant need for replacement and repair.</p>
Space	<p>Drying space: the conservatories offer drying space.</p> <p>Access and space: The proposed houses have level access entry as required, but also have straightforward movement corridors throughout the house.</p> <p>Cloak rooms have been increased in width to facilitate wheelchair access and allow more space for mobility aids. Bathrooms have showers with level entry and easy access. Corridors are minimised and, where unavoidable, are large enough to have a secondary utility or storage function of useful size. All entrance spaces have sufficient room to store wheelchairs, mobility scooters and baby buggies/prams together with outdoor clothing and utility appliances. All doors at ground floor level are 2'9" allowing a clear opening of 800mm.</p> <p>Level access is provided throughout the house and between the main body of the home to the sunspaces and beyond into the garden.</p> <p>900mm wide hard surface paths allow easy mobility from car parking spaces to every house entrance and between entrances.</p> <p>The houses have minimal technology maintenance requirement reducing Operating and Maintenance (O&M) costs and associated disruption.</p> <p>The proposed new build meets all the requirements for lifetime homes.</p> <p>Recyclable waste: Each home will have bins in line with local authority policy, with additional compost bins offered to residents.</p>

Home Quality Mark	Eaking Scheme proposal
Water	<p>Water efficient appliances will be installed, including toilets and shower fitting.</p> <p>Water consumption is expected to be less than or equal to 110 litres per person per day, but is highly subject to resident behaviour.</p> <p>Effluent is all treated on site through settling tanks and a reedbed.</p>

Conclusion

- The houses themselves comply with many elements of national standards and in some cases are better in terms of energy use, heat loss and running costs.
- Some standards are not met such as the collection and tanking of rain water, however the limited run off from the hard surfaces is utilised within the scheme to provide water for the wildlife area. We estimate that all the water will stay "on site" and therefore is not being wasted.
- The fact that the function of internal mass is not well understood or standardised means light weight houses are often built. These comply to current national codes but do not necessarily perform well. The temperature variation in light weight buildings can vary considerably whereas in this design we expect the temperature in the core of the house to be very stable indeed with approximately 23 °C in summer and 18 °C winter with no dedicated heating system in the house. Typical temperatures are shown in the technical report.
- Therefore, to stick to accreditation standards to the letter would have a detrimental impact on the design and overall project.
- Furthermore, the overall outcomes from the design of these houses is better than eco-housing built to typical standards set nationally.

A Study of Housing Need within the Parish of Eakring, Nottinghamshire

Report Executive Summary

November 2015



Chris Broughton Associates

chris@chrisbroughton.co.uk

www.chrisbroughton.co.uk

A Study of Housing Need within the Parish of Eakring, Nottinghamshire

Executive Summary

1. Introduction

- 1.1 The aim of the study is to estimate the housing needs and requirements of households resident in the parish. This is achieved by compiling and analysing the evidence to describe the characteristics of households and the housing stock within the parish. A household survey was used to provide the information needed from households. The survey also recorded resident's views about priorities for meeting the housing needs of different household groups as well as village services and amenities needed to support all residents.
- 1.2 All of this information is brought together to estimate the housing requirements of local households over a 5 year period and using contextual information to suggest trends and changes in housing supply and demand in the longer term.

2. The Parish Context

- 2.1 This section presents information about the population, households and housing stock within Eakring Parish.
- 2.2 As at census day 2011 there were 419 people resident 170 households in the parish (2.46 people per household). The previous census (2001) recorded 393 people resident in 154 households in the parish (2.55 people per household).
- 2.3 Overall the data provides a remarkable insight into the relationship between Eakring's housing and its households. The evidence tells us that the housing stock is largely fixed with only 5 new dwellings being built since 2001. However the characteristics of households have changed significantly over this period:
 - average household size is decreasing;
 - there are fewer younger people and more older people; and
 - there are more outright homeowners (not subject to a mortgage) and fewer social tenants.
- 2.4 Other noteworthy population and household characteristics are:
 - 25% of all households consist of people over 65 years;
 - 60% of households have no children living with them;
 - 20% of households live alone;
 - 80% of households have no more than 3 persons;
 - 19 residents that have bad or very bad health;

- 28 residents consider that their day to day activities are limited; and
- 15% of residents provide unpaid care to another person.

2.5 Noteworthy characteristics of the housing stock are that:

- 79.4% of all dwellings in the parish have 3 or more bedrooms (60% across England);
- 37.6% of dwellings have four or more bedrooms;
- 20.6% of dwellings have 1 or 2 bedrooms which is lower than the average for the district (28.1%) and England (39.7%).

3. The housing market context

3.1 To provide a complete picture of the parish housing market it is necessary to understand the context the wider housing market area within which it sits.

3.2 According to the local authority strategic housing market assessment (SHMA), between 2013 and 2033, the population of Newark and Sherwood District is projected to grow by 11%. The proportion of people aged 60-74 will grow by 26%. The number of those aged 75 and over will grow by 84%. It is further estimated that an additional 1,356 people (91% increase) will suffer from dementia problems and an additional 3,206 (76.6%) will suffer from mobility problems.

3.3 Over 9,000 additional homes are needed across the district by 2033 equivalent to 454 per annum around 60% of these need to be affordable.

3.4 Newark and Sherwood's house prices and household incomes are higher than other local authorities in the local housing market. Eakring prices are similar to those found in Southwell. This means that housing in Eakring would not be affordable for a larger proportion of Newark and Sherwood District's household's especially first time buyers. The income needed to fund an average entry level home is £5,000 p.a. more than the average for the sub-district. Prices would not be affordable to an estimated 70% of the local housing market area assuming a 10% deposit could be raised from savings.

3.5 Estate agents told us that the parish was not perceived as a destination for retired people. It is perceived as a sought after destination for couples who are attracted by the village environment, the variety of high quality homes many of which are built on very large plots, its proximity to local labour markets and good quality schools. Most sales were to outsiders typically households from within a 30 mile radius.

3.6 Land Registry and Rightmove data tells us that there was an average of 5 sales per annum over the last 5 years. Nearly three quarters of these were detached dwellings. Fifteen of these homes could be described more fully from Rightmove data. All 15 were larger family homes; and two of them were bungalows. One of the bungalows has remained unoccupied for several years and sits it a very large plot which needs maintenance. This is an above average amount of turnover than is normal for a similar sized village.

- 3.7 Overall we conclude that Eakring parish sits within a local authority district that will:
- see a significant growth in population and households by 2033; and
 - a dramatic growth in the number of older people increasing the need for additional specialised housing, care and support.
- 3.8 There has been little supply of housing in the last 5 years suited to the long term needs of older people.

4. Social rented housing supply and demand

- 4.1 Our key findings are that:
- there are currently 18 social rented homes in the parish, all owned and managed by Newark and Sherwood District Council being 12 x 3 bed houses for general needs and 6 x 2 bed bungalows;
 - over the last 5 years, 8 homes (3 houses and 5 bungalows) became available for letting in Eakring;
 - 2 and 3 bedroom houses form just over half of the social housing stock (56%) the remainder is bungalows);
 - according to the housing register, there are 81 households with some degree of housing need seeking in the letting area (Eakring and Bilsthorpe); and
 - there are 2 households with some degree of housing need seeking housing in Eakring that are currently Eakring residents.

5. The household survey

- 5.1 **Part A of the survey** consulted with residents about priorities for future new build housing in the parish and the importance attached to amenities.
- 5.2 The *house types* considered to be a priority by most residents who expressed a view were:
- small homes for singles and couples - high priority;
 - small family homes (2/3 bedroom) - high priority; and
 - bungalows and smaller family homes - medium priority.
- 5.3 70% of respondents who expressed a view agreed with a statement ‘that no new homes should be built’ but 30% of respondents disagreed. Around one third of respondents went on to tell us there were enough homes in the parish and any development would spoil its character. However 21 respondents told us in remarks that they supported meeting the needs of certain household groups, some stating that there were ‘enough’ large houses.
- 5.4 The *household groups* considered to be a high priority were:
- first time buyers;
 - affordable housing for low income households; and
 - older people wanting to downsize (also a significant medium priority).

- 5.5 Around one third of respondents indicated that future housebuilding if any should be to meet the needs of households already resident in the parish, a slightly smaller proportion felt that new homes should be available to anyone. By implication 40% of respondents indicated that no homes should be built.
- 5.6 The amenities most considered to be a high priority were establishing, retaining or improving:
- the pub shops and post office;
 - public transport; and
 - amenities for younger children.
- 5.7 **Part B of the survey** led to an estimate of the additional housing needed in the parish, to meet the housing requirements of those households wishing move to more suitable housing in the parish. This is referred to as 'local need'.
- 5.8 Eleven households said that they were seeking to move home at some point over the next 5 years of which two were new households seeking to live independently. The main reasons given for seeking to move home were diverse.
- 5.9 6 households proposed to leave the parish. 5 households expected to move within the parish or would do so if suitable housing was available at a price they could afford.
- 5.10 The future local need (the net future 5 year requirement for additional housing) was estimated by studying the mismatch between the likely supply of housing and the requirement of the moving households. It is estimated that there is a need to provide additional housing to meet the needs of all 5 households that wish to move home within the parish.
- 5.11 The size type and tenure required by the 5 households is reported in detail however the key finding is that there is supply gap of two 2 bedroom homes.
- 5.12 **Part C of the survey** reports on the characteristics of the 13 households who told us they had moved home within the last 5 years. Eleven of these households indicated that they had moved **into** the parish rather than within it.
- 5.13 The main reason cited for moving to the parish was because of its rural location. Individual responses cite a number of other related factors such as family ad work related reasons.
- 5.14 Four households upsized, two households downsized and the remaining 7 were like for like moves.

6. Bringing the Evidence Together and Conclusions

- 6.1 The evidence suggests that:
- Eakring's housing stock is biased towards larger detached homes;

- whilst there is little demand for social housing in the village there is much demand for social housing in the nearby area;
- there has been little recent new build housing that will significantly change the profile of the stock;
- 9 existing households and two new households have indicated they intend to move home within the next 5 years;
- the 9 moving households will create vacancies however there is no plausible match between these vacancies and the 5 households seeking to live elsewhere in the village.
- two out of the 5 households are seeking 2 bedroom house or bungalow accommodation.

6.2 The last point is a key finding as there has only been one suitable bungalow and no 2 bedroom homes for sale in the last 5 years. The likelihood of 2 bedroom homes and bungalows in particular are small as 80% of the stock in Eakring is made up of 3 or more bedrooms compared to 60% across England.

6.3 Case study evidence from estate agents tells us that older people tend to re-locate outside the village when they decide that their present home cannot meet their needs however the survey tells us that a small number anticipate moving and wish to stay. The household survey supports this view but concludes there is little prospect of supply if they are seeking 2 bedroom homes or smaller.

6.1 Evidence from the SHMA tells us that there will be significant increases in the elderly population by 2033 and as a consequence a greater number than at present will become frail or infirm requiring suitable housing, care and support. There is evidence that this is already affecting Eakring residents on a significant scale as 15% of Eakring's population was providing unpaid care and support for someone else.

6.4 Whilst the majority of residents we consulted are against any form of future development a significant minority – 40% recognise that the housing stock of the village does not serve the needs of local residents. Many consider there are enough larger homes but little scope for first time buyers and older people.

Conclusion

6.5 Our overall conclusions must be put in the context of the Parish. Eakring is a small parish in terms of its population and housing stock. Therefore the scale of any housing need is likely to be small. There is also the nature of the stock from which future supply will come, 80% of which is larger family homes.

6.6 The household survey and supply and demand analysis demonstrated that unless 5 additional dwellings are built of specific sized and types then these 5 households will

households will either continue to live in housing they find is unsuited to their needs or they will be forced to leave the village.

- 6.7 This is most plausible for 2 of the households as it is unlikely that the parish housing stock will generate a supply of 2 bedroom bungalows or houses.
- 6.8 However the evidence suggests that this is an underestimate. Further, the demographic change forecast for the district shows that by 2033 population of those over age 75 will grow by 84% and that the population suffering with mobility problems will grow by 74%. It is reasonable to suggest that the small number of households anticipating this scenario revealed in our survey will be a fraction of the need that will arise by 2033 especially if new building elsewhere in the district is focussed on family housing. Therefore there is a compelling case for facilitating the provision of smaller dwellings and those particularly suited to older people within the village. Therefore the finding of this study should not be taken literally, i.e. that two 2 bedroom homes are needed, but that there is a critical and growing gap of smaller homes for older people and that where provided they should be suitable for the long term needs of older people.
- 6.9 The social housing register analysis shows that the waiting list demand for Eakring will probably be supplied from the stock and additional housing is not required. However this finding must be viewed with caution as in our experience households seeking social tenancies tend to register for areas where there is a good supply of housing. Our knowledge of working with registered providers suggests that they would not regard Eakring as a sustainable location for new development.
-

APPEALS A

APPEALS LODGED (received between 15 August 2016 and 19 September 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 and Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3154731	16/00390/FUL	51 Lansbury Road Edwinstowe Nottinghamshire NG21 9QH	Proposed dormer bungalow	Written Representation
APP/B3030/W/16/3155759	15/02155/FUL	Land To The South Of Sherwood Forest Lodge Main Road Kings Clipstone Old Clipstone NG21 9BT	Change the use of two existing stable buildings to self-catering tourist accommodation with minor external alterations and associated parking.	Written Representation
APP/HGW/16/412	16/00792/HRN	Stud Farm Rufford Nottinghamshire NG22 9HB	Removal of the hedge is to enable farm activities to be undertaken and make the fields easier to work. Plant a new hedge along the northern boundary of approved solar park for screening purposes.	Written Representation
APP/B3030/W/16/3155876	16/00114/FUL	Land At Clay Barn Main Street Maplebeck Nottinghamshire NG22 0BS	Proposed two-bedroom single-storey dwelling (in replacement of existing independent residential use of building subject of LDC reference 15/00795/LDC)	Written Representation

APPENDIX B: APPEALS DETERMINED (between 15 August 2016 and 19 September 2016)

App No.	Address	Proposal	Decision	Decision date
13/01363/FUL	Land At Brecks Farm Maplebeck Nottinghamshire	Erection of 1 No. 500kW wind turbine measuring 60m to the hub and 87m to the blade tip (additional bat survey) - (Slight amendment to application site boundary and position of turbine)	DISMISS	24.08.2016
16/00041/CPRIOR	Former Poultry Farm Rufford Lane Rufford Nottinghamshire	Application for prior approval for change of use of an existing agricultural building to Class C3 (dwellinghouse) including creation of domestic curtilage and vehicle parking area	DISMISS	25.08.2016
16/00184/FUL	Hulleys Close Church Lane Epperstone Nottinghamshire NG14 6RD	Householder application for partial demolition of external wall and removal of chimney stack and proposed single storey rear extension.	DISMISS	16.08.2016
15/01858/OUTM	Land Off North Gate Newark On Trent Nottinghamshire NG24 1HD	Application to vary condition 25 of planning permission 13/00997/OUTM for Proposed Erection of Retail Development Bulky Goods/ Open A1/ Open A1 Convenience uses and provision of car parking to serve same. Proposal submitted to allow the use of Unit B as A1 (non-food).	ALLOW	09.09.2016
App No.	Address	Proposal	Decision	Decision date

16/00178/FUL	5 Queen Street Balderton Nottinghamshire NG24 3NR	Retention of Bungalow and Erection of 1(No.) Four Bedroom House and attached double garage. Formation of New Vehicular Access and associated Parking Spaces, Repair and Part Demolition of Queen Street Boundary Wall and Erection of Railings.	ALLOW	16.08.2016
--------------	--	---	-------	------------

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 and Regeneration

Appeal Decision

Site visit made on 26 June 2016

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

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

Decision date: 09 September 2016

Appeal Ref: APP/B3030/W/16/3146578

Land off North Gate, Newark on Trent, Nottinghamshire NG24 1HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Philip Rowe against the decision of Newark & Sherwood District Council.
- The application Ref 15/01858/OUTM, dated 13 October 2015, was refused by notice dated 3 February 2016.
- The application sought planning permission for proposed erection of retail development bulky goods/open A1/open A1 convenience uses and provision of car parking to serve same without complying with a condition attached to planning permission Ref 13/00997/OUTM, dated 4 December 2013.
- The condition in dispute is No 25 which states that:
'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended:

Unit A on Drawing PL08 Rev K shall not exceed 1,520 square metres gross floorspace;

Units B and C on Drawing PL08 Rev K shall not in aggregate exceed 4,705 square metres gross floorspace and shall not be used for the sale of any goods other than those within the following categories:

- (a) Electrical goods and other domestic appliances
- (b) Bathroom suites - furniture and accessories; kitchen units - furniture and accessories, floor and wall tiles
- (c) DIY products, materials, tools and machinery for repair maintenance and improvement of the home, the garden and of motor vehicles
- (d) Motor and cycle goods
- (e) Furniture, bedding, floor coverings, soft furnishings and textiles;

Unit D on Drawing PL08 Rev K shall not exceed 528 square metres gross floorspace and shall not be used for the sale of convenience goods, but may be used for the bulk sale of wine and spirits.

- The reason given for the condition is: 'In order to protect the vitality and viability of the town centre from significant harm, to ensure that the range of goods sold is appropriate for the sites location and layout and to control the character of the development'.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed erection of retail development bulky goods/open A1/open A1 convenience uses and provision of car parking to serve same at Land off North Gate, Newark on Trent, Nottinghamshire NG24 1HD in accordance with the application Ref

15/01858/OUTM dated 13 October 2015, subject to the conditions set out at the end of my decision.

Application for costs

2. An application for costs was made by Mr Philip Rowe against Newark & Sherwood District Council. This application is the subject of a separate Decision.

Background and Main Issue

3. In 2011 an application for retail development on the appeal site was allowed on appeal, subject to a number of conditions. A revision to this consent was allowed in December 2013 to amend the layout. The site would contain 4 units (A-D), the use of which is restricted by condition on both consents. The appellant now seeks to vary this condition to essentially allow the use of Unit B for unrestricted non-food retail sales; the current condition seeks to restrict the use of this unit to electrical goods, furniture, including bathroom and kitchen units and suites. DIY or car maintenance and goods. The use of the future Units A, C, & D would remain the same.
4. The main issue in this case is whether the proposal would have a significant adverse effect on the vitality and viability of Newark Town Centre.

Reasons

5. The appeal site lies to the north west of Newark Town Centre, and consists of a large derelict space located between a former brewery to the north and a petrol station to the south. The busy Northgate road borders the site on its east side, with the River Trent on the west side. Evidence states that the site was formerly part of the brewery site but that all structures have been cleared. The site appears to have various areas of hardstanding and is somewhat overgrown and unkempt.
6. The brewery building has been converted into mixed usage. Adjacent to the brewery is Northgate Retail Park, a large out of town shopping development including Next, TK Maxx, Boots, Homebase and a substantial area of car parking. The owners of this site have submitted a substantial objection to the proposal. To the south further along Northgate lies an Aldi supermarket; this is close to a Morrisons supermarket which borders the northern edge of the town centre. On my visit a walk from the site to the market place in the centre of the town took around 10 minutes.
7. Policy 8 of the Newark & Sherwood District Core Strategy Development Plan Document, 2011 (the CS) applies a hierarchy for the determination of retail applications in the District. The policy states that out of town centres will be strictly controlled in accordance with [the now revoked] PPS4 and that proposals will need to demonstrate their suitability through a sequential site approach and provide a robust assessment of impact on nearby centres.
8. The Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (the DPD) was adopted in 2013. Policy DM11 states that in out of centre locations, proposals creating more than 2,500m² of floor space will require justification through a sequential test and robust assessment of impact, including an assessment of expenditure capacity, and the appropriateness of their scale.

9. The National Planning Policy Framework (the Framework) states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
10. An objection from Northgate Retail Park (NRP) states that a proposal under Section 73 of the Town and Country Planning Act has the effect of creating a wholly new consent. This is correct; however, the existing consent constitutes a realistic fallback position. Both could not be implemented on the same site and the difference between the extant and proposed schemes is in the usage of Unit B. It was therefore reasonable of the appellant and the Council to largely consider the effects of this change and to consider the sequential test met in this particular instance. Planning Practice Guidance (PPG) also states that in deciding an application under section 73, the local planning authority must only consider the disputed condition that is the subject of the application – it is not a complete reconsideration of the application.
11. Unit B is proposed to be 2,225m², and so would fall marginally under the floor space threshold contained in Policy DM11 of the DPD. However, the appellant submitted an assessment by Peter Brett Associates (PBA) in response to a request from the Council. This concluded that the proposal would not have any significant adverse impacts on Newark town centre.
12. The Council commissioned their own assessment of the effects of the proposal from Alyn Nicholls (AN), which concluded that the scheme would have a greater effect, with a diversion of around -£9.26m of expenditure from the town centre. However, this needs to be seen in the context of the extant consent for the site which represents a diversion of some -£7.8m, equating to a difference of £1.46m, and an effect of -6.1% as opposed to -5.3% of the scheme on the turnover of Newark Town Centre (comparison goods) in 2020. AN concluded on this worst case scenario that the proposal would not have a significant adverse effect upon the town centre, although the Council took the opposite view.
13. A separate assessment is submitted by the owners of NRP that concludes that the proposal would have a cumulative 17.81% impact on Newark Town Centre. This cumulative impact includes the effect of the 'NSK Bearings site' and an unimplemented section of the NRP. Around £7m of the cumulative effect (raising the effect from 10.51% to 17.81%) arises from the NSK site. However, I note that the NSK development has no planning permission in place, and that the allocation within the DPD states that the retail element of the site should not come forward until after 2019. I do not consider therefore that this site constitutes a full commitment; no planning permission exists for the site and the relevant development plan policy specifically states that retail delivery before 2019 would only be considered after consideration of its impact on the town centre. Questions are also raised by the appellant over whether the NRP consent is at least partially implemented already. I therefore place limited weight on this cumulative impact figure.

14. NRP also consider that the sole impact of the proposal would be 9.1%. This figure assumes that only 7.2% of the appeal scheme turnover would be drawn from their own retail park, compared to a figure of around 9.3% in the AN report. Significantly higher figures for the turnover of the proposed scheme in 2021 are also included in the assessment compared to the AN assessment in 2020. It appears to me that the proposed site would have more of an impact on the NRP than as predicted by their expert, and would be more akin to that within the AN report – in many respects both would be likely to be serving broadly similar markets and are sited extremely close to each other. I also note that the AN report refers to their assessment as a worst case scenario.
15. The appellant names the proposed occupier of the new unit as Next. However, NRP dispute this and provide various evidence to the contrary, indicating that Next intend to stay at the existing retail park. The Council also raise concerns over the end user, considering that for many years the Authority has been subject to assurances of likely occupiers which have not come to fruition.
16. However, to a certain extent whether Unit B would or would not be taken up by Next is irrelevant; the key issue is whether the change in the condition relating to Unit B would have a significant adverse impact on the town centre, irrespective of the end occupier. Both retail experts for the appellants and the Council consider that it would not. Whilst I note that this relates to the specific use of the unit by Next, given the range of sales/density and net floorspace figures tested by PBA and AN, including a higher net floorspace ratio by AN, a reasonably robust range of potential occupiers and demonstration of their impacts would be encompassed by the respective reports.
17. A key factor in this case is clearly the effect of the extant consent. This represents a significant fallback position in this case. Given the reasonably small difference in the AN report worst case figures of an effect of -6.1% as opposed to -5.3% of the scheme on the turnover of Newark Town Centre (comparison goods) in 2020, and based on the evidence presented to me and the respective reports the difference between the effect of the scheme with and without the proposed condition would not, in my view, result in a significant adverse effect on the vitality and viability of the town centre, even if Next are not the eventual occupiers of the unit.
18. The Council note that the retail sector is in a state of flux given the growth of internet shopping and other changes in the local economy. They also note that the demand forecast for future retail floorspace is driven by housing growth across the District, including 2 strategic urban extensions to the Newark Urban Area, and that to a certain extent this housing growth has failed to materialise. They also note that PBA use trade draw statistics from 2011 as their starting point, a significant time ago.
19. I note in this context that the Framework does not require that the need for new retail floorspace is justified, and this is a discrepancy between Policy DM11 and the Framework. The DPD was adopted after the Framework and forms part of the development plan; however, the Framework constitutes national policy and is therefore a material consideration. Notwithstanding this however, I note that the Council's figure demonstrate that around 70% of expected housing by the approximate end of 2015 had occurred and state that much of this housing growth occurred pre-recession. One of the aims of the Framework is to significantly boost the supply of housing and it is reasonable to assume

that the planned housing growth will still occur. I also note that the extant planning permission is in outline, and that once reserved matters has been sought and approved and construction complete on the site considerably more houses in the area may well then have been built.

20. NRP are of the view that the proposal would have a significant effect on current linked trips which may take place within the town between the Asda and Morrisons stores on the edge of the town centre and other shops within the town; in effect that the proposal would then become an alternative to the town centre with a range of shopping available. However, such a situation currently exists with the extant consent, and whilst the proposal would broaden the range of goods available to sell in Unit B, Unit A would remain as an unrestricted A1 store. NRP state that the appellants have consistently promoted the site to Sainsburys, who it is stated have been seeking a site in the town for some time. However in this context it seems reasonable to me for the appellant to have been seeking Sainsburys for the overall site; to in effect keep their options open.
21. The Council state that condition 25 originally came from the initial proposal which was allowed on appeal in 2011. The condition was contained within a Statement of Common Ground and was imposed by the Inspector. However. the condition as proposed in this instance would also control the range of goods and the size of units on the site; just the restrictions on Unit B would change. For the reasons given above I have concluded that the variation would not significantly harm the vitality and viability of the town centre.
22. The appeal site lies within the Newark Conservation Area. I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As the proposal merely seeks to alter the range of goods sold in Unit B I am satisfied that it would preserve those interests.
23. I therefore conclude that the proposal would not have a significant adverse effect on the vitality and viability of Newark Town Centre. The proposal would comply with the Framework, Policy DM11 of the DPD and Policy 8 of the CS.

Conditions

24. There is a discrepancy between the Council's proposed rewording of Condition 25 and that suggested by the appellant. This primarily relates to the maximum size of Unit B. I have used that as proposed by the appellant, aside from updating the reference to the General Permitted Development Order, as I note that this size was the one used by the AN report in formulating their views. I consider that this proposed revised wording of Condition 25 would be necessary and reasonable. Such a wording, on the basis of the evidence provided to me would ensure that the vitality and viability of Newark Town Centre is not significantly harmed.
25. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that have been suggested by the Council and that I consider remain relevant.

In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

26. It should be noted that the PPG states that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Having regard to this, and in the interests of natural justice, I have therefore amended the time limit condition to run from the date of the original permission.

Conclusion

27. I have concluded that with the imposition of the proposed variation to condition No 25, the proposal would not have a significant adverse effect on the vitality and viability of Newark Town Centre. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF CONDITIONS

- 01 Application for approval of the reserved matters shall be made to the local planning authority not later than the 4 December 2016. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters.
- 02 No development shall be commenced on site until details of a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall also detail how the phases that are not developed out in the early stages, will be secured and treated. The development shall thereafter be constructed in accordance with the approved phasing scheme unless otherwise agreed in writing by the Local Planning Authority.
- 03 Details of the appearance and landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins pursuant of its respective phase and the development shall be carried out as approved.
- 04 Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and illustrated in the following documentation, unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the consent.
- Maximum scale parameters for the buildings are; Buildings A to C would be a maximum height of 14m (including any chimneys) whilst Building D would have a maximum height of 7m.
 - Drawing No. PL01 (Location Plan)

- Drawing No. PL02 (As Existing Site Plan)
- Drawing No PL03-05 Rev A (As Existing Site Sections AA, BB, CC, DD)
- Drawing No. PL07 Rev A (Site Layout)
- Drawing No. PL08 Rev K (Proposed Ground Floor Plan)
- Drawing No. PL09 Rev A (Proposed Roof Plan)
- Drawing No.PL10-12 Rev C (Proposed Site Sections AA, BB, CC)
- Drawing No. BMT-120-TT-001 RP3 (Proposed access arrangements)
- Design and Access Statement (dated July 2013)

05 No development shall take place within the application site until details of a scheme for archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full accordance with the approved details. The developer shall afford access to the site at all reasonable times to any archaeologist nominated by the local planning authority and allow the archaeologist to observe the excavations and record items of interest and finds.

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

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

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

07 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 03/09/13-NWT/1500/FRA Rev C-BWB Consulting (D Harvey) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1:100 critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage on a level for level basis as detailed in Appendix D and Appendix E.
3. Finished floor levels are set no lower than 11.87 m above Ordnance Datum (AOD). The mitigation measures shall be fully implanted prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

08 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;

- The limitation of surface water run-off to existing rates with a reduction in rates where practicable;
- The ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

09 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

10. No part of the development hereby permitted shall be brought into use until:

- a) details of (i) the permanent closure of existing site accesses that have been made redundant as a consequence of this permission and (ii) the reinstatement of the access crossing as a footway, have been submitted to, and approved in writing by, the Local Planning Authority.
- b) The works have been carried out in full accordance with the approved details.

11 The development hereby permitted shall not be commenced until details of the pedestrian link between the development and the Riverside Walk and the adjacent Maltings in accordance with drawings PL08 Rev K and PL09 Rev A have been submitted to and approved in writing by the local planning authority. These details shall include a full specification of surface treatment and any means of enclosure. The approved scheme shall be implemented in full prior to first occupation.

12 No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the LPA and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

13 No development shall be commenced until details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to any other works commencing on site.

14 No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The details shall include the design, materials, amount and specification. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles. No part of the development hereby permitted shall be brought into use until provision has been made for the parking of cycles in accordance with the approved scheme.

- 15 No part of the development hereby permitted shall be occupied or brought into use until the parking/turning/servicing areas are provided in accordance with the approved plans. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.
- 16 The development hereby permitted shall not be commenced 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 of the matters listed a) to e) below 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.
- a) external windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
 - b) treatment of window and door heads and cills
 - c) verges and eaves
 - d) rainwater goods and
 - e) extractor vents
- 17 Any application for Reserved Matters shall be accompanied by a detailed scheme for both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. The 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, shrubs and other plants, noting species, plant sizes, proposed numbers and densities.
 - b) proposed finished ground levels or contours;
 - c) proposed means of enclosures (including noise attenuation measures adjacent to the service yard);
 - d) car parking layouts and materials;
 - e) other vehicle and pedestrian access and circulation areas;
 - f) hard surfacing materials;
 - g) minor artefacts and structures for example, furniture, refuse units, signs, lighting etc.)
 - h) retained historic landscape features and proposals for restoration, where relevant.
- 18 The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be implemented in full.
- 19 No raw materials, equipment, finished products or waste materials shall be stored outside buildings other than in accordance with details to be approved in writing by the local planning authority prior to the commencement of such storage. Thereafter any external storage shall be located in accordance with

- the approved details unless otherwise agreed in writing by the local planning authority.
- 20 The premises (Units A to D) hereby approved shall not be open to members of the public outside the following times: 08.00 a.m. to 20.00 p.m. on any day.
- 21 Servicing of Units A to D of the development hereby approved shall not take place outside the following times: 9.00 am - 10.30 am and 19.00 pm- 21.00 pm.
- 22 The development hereby permitted shall not be commenced until a Service Management Plan in relation to the servicing of Unit F of the development has been submitted to and approved in writing by the local planning authority. Thereafter Unit F shall be serviced only in accordance with the agreed Plan.
- 23 No part of the development hereby permitted shall be occupied or brought into use until full details of any proposed air conditioning equipment or other external plant has been submitted to and approved in writing by the local planning authority. The approved equipment and plant shall be installed strictly in accordance with the approved details.
- 24 The development hereby permitted shall not be commenced until a scheme detailing security measures for designing out crime at the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the provision of CCTV covering the public spaces within the curtilage of the site, appropriate external lighting and details of any physical barriers to lock off areas when the premises are closed. The approved details shall be installed on site prior to first occupation.
- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended:
Unit A on Drawing PL08 Rev K shall not exceed 1,520 m² gross floorspace;
Unit B on Drawing PL08 Rev K shall not exceed 2,225m² gross floorspace and shall not be used for the sale of convenience goods.
Unit C on Drawing PL08 Rev K shall not exceed 2,480m² gross floorspace and shall not be used for the sale of any goods other than those within the following categories:
(a) Electrical goods and other domestic appliances
(b) Bathroom suites - furniture and accessories; kitchen units - furniture and accessories, floor and wall tiles
(c) DIY products, materials, tools and machinery for repair maintenance and improvement of the home, the garden and of motor vehicles
(d) Motor and cycle goods
(e) Furniture, bedding, floor coverings, soft furnishings and textiles;
Unit D on Drawing PL08 Rev K shall not exceed 528 m² gross floorspace and shall not be used for the sale of convenience goods, but may be used for the bulk sale of wine and spirits.
- 26 No retail unit shown on Drawing PL08 Rev K shall be subdivided to create a unit with a gross floorspace of less than 523m².

- 27 No development shall commence on any part of the application site unless or until a priority junction on Northgate has been provided as shown for indicative purposes only on drawing BMT/120/TT/001 Rev P3 to the satisfaction of the Local Planning Authority.
- 28 The development hereby permitted shall not be commenced unless or until improvements to the Northgate/Queens Road junction has been made to provide MOVA traffic signal control and nearside pedestrian detection facilities (or similar arrangements to provide the same effect) to the satisfaction of the Local Planning Authority.

Costs Decision

Site visit made on 26 June 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 09 September 2016

Costs application in relation to Appeal Ref: APP/B3030/W/16/3146578 Land off North Gate, Newark on Trent, Nottinghamshire NG24 1HD

- 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 Philip Rowe for a full award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal of planning permission for proposed erection of retail development bulky goods/open A1/open A1 convenience uses and provision of car parking to serve same without complying with a condition attached to planning permission Ref 13/00997/OUTM, dated 4 December 2013.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
3. The costs application was based on three main grounds: (i) the treatment of the planning application and in particular its route to be heard at the Planning Committee; (ii) unreasonable behaviour in introducing new reasons for refusal in evidence and such reasons not being policy based; and (iii) that the decision to refuse was contrary to the Officer recommendation and that of the Council's independent retail consultant. In making such a decision the Council's Planning Committee misdirected themselves.
4. On the first ground the applicant considers that the planning application should have been decided under delegated powers, as the Town Council had withdrawn their objection to the scheme. They state that they were informed that the application would proceed to Planning Committee due to a Councillor 'calling in' the proposal. However, at a later date the Council responded to a query in writing stating that the application had proceeded to Committee due to an Authorised officer of the Council exercising his right to refer the application to the Committee.
5. The Council consider that the scheme proceeded to committee due to the Business Manager [an Authorised Officer] of the Council confirming that the application should do so. Despite the applicant being informally told that the scheme could be considered under delegated powers following the removal of

- the Town Council objection, on the evidence I have been provided with the decision to proceed with the application at Committee following consideration by an Authorised Officer accords with the published scheme of delegation of the Council. Accordingly the Council has not behaved unreasonably on this matter.
6. The applicant considers that the Committee's conclusion that the appellant had provided no evidence to justify the proposal was manifestly untrue. The Council considers that the Members were given a full report, and that the applicant has misinterpreted the minutes of the meeting. I also note that the officer's report contains details of the applicant's evidence and justification for the proposal. Again, on the evidence I have been provided with I do not consider that the Council has behaved unreasonably on this matter.
 7. The Council's planning committee refused the application and hence the Council's statement of case was the first substantive justification of this decision, other than the reason for refusal. The reason for refusal is detailed and can be summarised by the Council's view that they do not consider that the applicant adequately demonstrated that the condition in question was no longer necessary. This view has been fully justified in their statement of case, and whilst I have disagreed with their view I do not consider that they have behaved unreasonably on this matter. The Council freely admit that expenditure capacity is no longer an explicit policy test but is capable of being material to the case and justify this view with evidence. I note that this forms part of the stated policy which is part of the Development Plan, and postdates the National Planning Policy Framework. I do not consider that this is introducing new evidence, particularly given the nature and procedure of the refusal.
 8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Jon Hockley

INSPECTOR

Appeal Decision

Site visit made on 13 July 2016

by **S J Lee BA (Hons) MA MRTPI**

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

Decision date: 16th August 2016

Appeal Ref: APP/B3030/W/16/3149621

5 Queen Street, Balderton, Nottinghamshire NG24 3NR

- 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 M.R. & S.A. Parker against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00178/FUL, dated 2 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is the retention of bungalow and erection of 1 (no) four bedroom house and attached double garage. Formation of new vehicular access and associated parking spaces. Repair and part demolition of Queen Street boundary wall and erection of railings.
-

Decision

1. The appeal is allowed and planning permission is granted for retention of bungalow and erection of 1 (no) four bedroom house and attached double garage. Formation of new vehicular access and associated parking spaces. Repair and part demolition of Queen Street boundary wall and erection of railings at 5 Queen Street, Balderton, Nottinghamshire NG24 3NR in accordance with the terms of the application, Ref 16/00178/FUL, dated 2 February 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs M.R. & S.A. Parker against Newark & Sherwood District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of:
 - (a) the proposed development on the character and appearance of the Balderton Conservation Area; and
 - (b) the proposed access on highway safety for drivers and pedestrians on Marshall Court.

Reasons

Character and appearance of the Conservation Area

4. In considering this issue, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the
-

desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in Paragraph 131 of the National Planning Policy Framework (the Framework) which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.

5. I do not have a Conservation Area Appraisal before me and the Council has not described the significance of the heritage asset in any detail. The information I have been provided with, along with my own observations, would lead me to conclude that the area's significance relates to the older buildings and dwellings that line parts of Main Street and the periphery of a number of the roads leading from this. With some obvious exceptions, these generally appear to be two storey brick dwellings with tile pitched roofs. Some of these are painted white or rendered, as is the case with the dwellings nearest to the appeal site, and some remain red brick. Between Queen Street and Pinfold Street are a number of buildings, including the public library, church and public houses which differ architecturally but would still be indicative of the importance of preserving the historic core and character of the area.
6. The appeal site is the large side garden of 5 Queen Street. This is a rendered bungalow which is set back from Queen Street behind a wall and front garden. The site is within the Balderton Conservation Area and is set between two two-storey white painted dwellings at 3 and 7 Queen Street. The boundary to Queen Street consists of a roughly one metre high brick wall with pedestrian access gate, which rises to around two metres to the existing vehicular access gate and the side wall of 7 Queen Street. The site backs onto Marshall Court, a residential cul-de-sac of bungalows of a different style and finish to that on the appeal site and which sits outside the Conservation Area.
7. Overall, I would conclude that the site itself contributes little to the significance of the Conservation Area. It consists of a relatively modern bungalow and large unmaintained garden which does not seem to reflect the prevailing character or traditional nature of the Conservation Area as a whole, or this side of Queen Street. I have nothing before me which suggests that gardens are a particular feature of importance within the Conservation Area. However, this does not reduce the importance of considering whether development on the site would preserve or enhance the character and appearance of the Conservation Area.
8. In terms of scale and height, the proposal would be similar to that of the two dwellings either side of the bungalow and that of a number of other dwellings I saw within the Conservation Area during my visit. While obviously larger and different in style than the adjacent bungalow, I would agree with the appellant that it is this which appears more at odds with the scale and character of dwellings in the area than the proposal. The architectural style, detailing and suggested materials have had clear regard to many of the nearby dwellings that I would consider to be more characteristic of the Conservation Area as a whole. I note the issue with regard to the proposed use of UPVC rainwater goods as opposed to metal or imitation cast iron. This is a matter that could be addressed by an appropriate planning condition. I saw nothing on my visit, therefore, which would lead to conclude that the scale or style of the building is inappropriate in this location.
9. The proposal would use a sizable proportion of the site, with the access arrangements to the rear also taking up a part of the existing amenity space.

This would obviously reduce the feeling of spaciousness that the site currently has. The new dwelling would also be relatively close to the side wall of No 7. There would, however, still be a reasonable amount of garden space to the front of No 5 and to the side, albeit as part of a shared driveway. This, coupled with the setting back of the main dwelling and the creation of a small space to the front would help to maintain sufficient space around the development to ensure that the two buildings can comfortably co-exist without appearing cramped. The gap between the proposal and No 7 is not unreasonable in a residential area, particularly as the facing walls of No 7 are blank and there would be no adverse impact on outlook. The proposal would also provide an adequate area of private amenity space for the new dwelling which would further reduce any sense of the dwelling being unacceptably squeezed into the site.

10. The Council's appeal statement suggests a concern that the reduced amount of space around No 5 would result in what is now the front garden becoming the rear garden. It is argued that this would be uncharacteristic of the area. I am not sure to what extent the 'function' of the garden as either front or rear is critical to the character of the area. However, I would note that the space directly to the rear of the bungalow facing Marshall Court would not be affected by the proposal and the space fronting onto Queen Street already exists and could be utilised now in any way the occupants see fit. This is already an established part of the character of this street and would not change. There are also other examples of amenity space fronting onto Queen Street behind high boundary walls. The plans submitted with the appeal indicate that the retained garden space would be behind 1.8m walls, which would help to protect the privacy of any users of the garden and maintain the existing character. There is no reason why any *potential* change in the way this space is enjoyed would have a material adverse impact on local character.
11. I recognise that there are some differences in siting and orientation between this proposal and other nearby buildings. A number of buildings on Queen Street are built up to the edge of the footway but this does not represent an unbroken form of linear development where a building set back from the road might appear incongruous. The bungalow itself is already set back from the frontage as are the more modern dwelling opposite the site. The proposal would not appear jarring or awkward in the street scene as a result. The variation in the building line between the bungalow and proposed dwelling also does not lead to any significant concern. There is already variation in the building line along Queen Street, with the relationship between the bungalow and No 3 and 7 being a clear example. The proposal would not break any existing lines and would be more reflective of the area as a result of being nearer to the frontage.
12. Some nearby dwellings also have their side elevations to the highway but this is not universally the case. There are examples of development on the opposite side of the street, still within the Conservation Area, with their front elevations to the street. I see no harm resulting from this arrangement. The proposal would also have its roof slope toward the road as does No 7. While this is the side elevation for No 7, with no doors to the roadside, the general character and sense of this building would be reflected by the proposal.
13. A concern has also been raised regarding the blank rear wall of the garage being near to the pavement. A sizeable proportion of this side of Queen Street

is given over to high boundary walls with relatively long gaps between buildings. I acknowledge that the garage would be taller than these walls, but would not represent a significant change to the overall character of the street as a result. The boundary walls proposed either side of the garage would also not be dissimilar to others on the street or that which already exists. Friars Cottage, which is on the opposite side of Queen Street, has its front elevation to the highway and has the blank wall of an outbuilding, with pitched tile roof, abutting the pavement. I acknowledge that this is not an identical arrangement to the proposal but there is no reason why a similar arrangement on the appeal site should be seen as being materially harmful or incongruous.

14. The rear projection does not appear to be particularly uncharacteristic of the area, particularly when considering the large rear projection that already exists at No 7. In addition, while not a rear projection as such, the orientation of No 3 means it extends into its plot perpendicular to the road. I do not believe, therefore, that this aspect of the proposal's design would be incongruous to this particular street scene or harmful to the character and appearance of the Conservation Area as a whole. This feature adds to my view that the appellant has sought to reflect and respect the prevailing character of the area in the design of the dwelling. This has resulted in a development which would have only a neutral impact on the character and appearance of the Conservation Area.
15. The spire of the listed Church of St Giles is visible from the appeal site. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council has not raised any specific concerns over the setting of this listed building and I would concur that the proposed development would have no adverse impacts.
16. In conclusion on this matter, I consider the proposal to be a well-designed and sympathetic addition to the street scene which has taken account of, and reflected, the character of the Conservation Area. Accordingly, I find that the proposed development would preserve the character and appearance of the Conservation Area. Therefore, there is no conflict with Core Policies 9 and 14 of the Core Strategy¹ or Policies DM5 and DM9 of the Development Management DPD² which, amongst other things, seek to ensure that development is of a high standard of design which secures the preservation of the special character of Conservation Areas and other heritage assets.

Highway safety

17. The development would result in the existing access on Queen Street being blocked up and a new shared access created from Marshall Court. This would serve the new double garage, which would be shared between the properties, and space for off-street parking. A turning area within the site is also provided.
18. The Council's main concern here is the potential conflict between the proximity of the new access and the garage of 7 Marshall Court which lies directly

¹ Newark and Sherwood Core Strategy Development Plan Document (Adopted March 2011)

² Newark and Sherwood Allocations and Development Management Development Plan Document (Adopted July 2013)

adjacent to the new opening. I have also received a number of comments from interested parties relating to the potential effect of the proposal on on-street parking and concerns over the ability of carers and ambulances to safely visit residents on the cul-de-sac. I have noted that the highway authority have not raised any concerns relating to the access arrangements, either in terms of their adequacy for the proposal or safety of existing users.

19. The garage to No 7 is accessed from the turning head for the cul-de-sac. The proposal would not reduce the level of existing off-street parking for the property but would restrict any existing on-street parking that may take place directly outside the garage within the turning head. I see no reason why the proposed access would restrict the normal use of the garage. Cars would still be able to drive into and out of the garage without restriction. Notwithstanding whether or not the existing garage is used by the occupant, I must have regard to its existence and its ability to provide off-street parking for the occupant of the dwelling.
20. There are no parking restrictions on the cul-de-sac, though I accept the appellants' point that parking within a turning head is not encouraged or something to which the occupant of No 7 has any 'right' to do. I also acknowledge that the current occupant is an elderly lady who is concerned about the ability of carers, relations or emergency vehicles to park outside her home when needed. There is some dispute between the parties as to whether the existing occupant has any vehicles of their own and the extent to which on-street parking takes place. This is not a critical issue, however, as personal circumstances may change over time and it is the general effect on highway safety of the access that I am required to consider.
21. I noted that it would still be possible to park on the street outside the turning head but still be in close proximity to the house. I observed some on-street parking toward the junction of Main Street and Marshall Court but nothing which would suggest a significant issue already exists. I accept that I visited during the afternoon when people may have been at work but I also saw that a number of properties on the cul-de-sac had their own off-street parking facilities. This should reduce the pressure for on-street parking, particularly when considering that this is a small residential area which is unlikely to generate significantly high levels of car ownership. The proposal would also provide a reasonable level of off-street parking which I am satisfied would reduce the risk of increased levels of on-street parking on Queen Street and Marshall Court resulting from the proposal.
22. The displacement of one or two cars at most from the access point to another part of the cul-de-sac or part of Marshall Court would not appear to be sufficient to cause significant parking stress or safety problems. I understand that the occupant of No 7 is upset at the potential change in circumstances but I do not believe that there is any material cause for concern, particularly in terms of access by emergency vehicles or carers or in relation to the effect on their living conditions. The cul-de-sac is small and is unlikely to be subject to large amounts of traffic. Therefore, if cars, or indeed ambulances, are parked on the street, I am satisfied that vehicles will be moving at low enough speeds, and with sufficient visibility, to be able to carry out any manoeuvres they need to without any safety risks.

23. The provision of the turning space within the appeal site would also help to reduce any potential conflict between existing residents/users of the cul-de-sac and the proposal, as they would be able to drive on and off their property in a forward gear and not impact on the function of the existing turning head. The slight increase in vehicular movements as a result of the proposal are unlikely to change the character of the cul-de-sac or be sufficient to cause any other traffic related issues.
24. The relationship between the new access and the garage of No 7 may lead to the need for people leaving the appeal site to 'give way' to cars pulling out of the garage or vice-versa. I would accept that anybody pulling out of the garage may not have full visibility of vehicles attempting to leave the appeal site until part of the car is in front of the access. However, owing to the good levels of visibility within and outside the site, the speed vehicles will be moving, and the general expectation that in a dense residential area such as this there is a need to be aware of other residential traffic and cars accessing or leaving their drives, I do not believe that there would be a material risk to safety.
25. Equally, if the occupants of No 7 are travelling toward their garage from Main Street, there would be good visibility from within the new access to ensure that people would not pull out into oncoming traffic. There could be an argument that there would be some conflict when the users of the garage are opening and closing the garage doors and would be potentially be standing in front of the access point. There is a small space in front of the garage which should reduce any risk to users and the width of the access is wide enough to be able to minimise any actual conflict. I also consider that this would be a sufficiently infrequent occurrence to not raise fundamental safety concerns, especially when combined with my previous observations on visibility, vehicle speeds and the normal expectations of residents in a cul-de-sac. At worst, this is likely to lead to a small amount of inconvenience or delay that would not be sufficient to constitute material harm.
26. The Council has also raised concerns with pedestrian safety. This is mainly in relation to the termination of the footway prior to the access point. The appellant has drawn my attention to the fact that any pedestrian access would be from Queen Street and thus there would be no reason for pedestrians to access the site from Marshall Court. This is a compelling argument. Even if there was an attempt to access the site from the rear of the properties on foot, the relatively short area where there is no pavement is unlikely to create a large risk to pedestrians. The reasons for this are largely set out above in relation to speed, visibility and the expectations of drivers and pedestrians. It is not unusual for parts of a residential cul-de-sac to not have a pavement and the proposal will not significantly alter the existing situation.
27. In conclusion on this matter, I am satisfied that there is off-street parking to serve No 7 Marshall Court which would not be restricted, that adequate opportunities for on-street parking outside the turning head remain and, with normal levels of care and attention from drivers and pedestrians, there should be no material increase in risks to drivers and pedestrians on Marshall Court. As such, I find no conflict with Spatial Policy 7 of the Core Strategy which, amongst other things, seeks to ensure development provides safe, convenient and attractive accesses to all.

Other matters

28. I have noted the number of objections from local residents but have considered the planning merits of the case based on my observations of the site and the evidence before me. A number of comments have suggested that the access should continue to take place from Queen Street. As I am required to consider the proposal as submitted, this is not something that I am able to address in this decision.
29. It has been suggested that part of the appeal site lies outside the ownership of the appellant. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. Other legal matters, such as gaining access for maintenance, are also outside the scope of this appeal. Furthermore, any issues relating to inaccuracies on the submitted plans are not sufficient to alter the conclusions set out above. 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 the value of land or property.
30. Other concerns have been raised in relation to the disruption to local residents and highway safety during construction. Any adverse effects from the construction period would be short term and are not sufficient to outweigh the conclusions set out above. In terms of drainage and SuDs, the Council have indicated that the site is not in an area of identified flood risk and have not raised any concerns. I have insufficient evidence before me to suggest that I should come to a different conclusion.

Conditions

31. Subject to amendments made in the interests of clarity and precision I have broadly accepted the conditions suggested by the Council. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawing as this provides certainty. I have included conditions on the approval of materials and provision of samples in the interests of preserving the character and appearance of the Conservation Area. For the same reason, I have imposed a condition restricting the alteration of the buildings without the separate grant of planning permission.
32. A condition to ensure the provision and retention of obscured glass in the first floor window nearest to the garden of 7 Marshall Court is required to protect the living conditions of neighbours. I have included conditions on the nature and use of the access, including the closure of the Queen Street access, parking and turning areas in the interests of highway safety. Conditions relating to the nature of the landscaping and its implementation are necessary to ensure the permission is implemented fully in the interests of the character and appearance of the area.

Conclusions

33. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, other than in accordance with conditions 3, 5, 8 and 10:
 - Drawing No 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II
 - Drawing No 4A/49/2014 Revision A: 19 January 2016 Plans and Elevations as Proposed (Scheme II)
- 3) Notwithstanding the details of materials indicated on the approved drawings, no development shall commence until details with samples available for inspection on site of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority:
 - Facing materials
 - Bricks
 - Roofing tiles
 - Cladding
 - Render
- 4) No development shall take place until sample panels showing the proposed bricks, face-bond, mortar mix and pointing technique of typical construction of the elevations on the new dwelling and garage facing Queen Street have been provided for inspection on site and approved in writing by the local planning authority. Once approved, the development shall be carried out in accordance with the approved sample panels.
- 5) Notwithstanding the details of materials indicated on the approved drawings, no development shall be commenced in respect of the features identified below, until 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 doors and their immediate surroundings, including details of glazing and glazing bars
 - Treatment of window and door heads and cills
 - Verges and eaves
 - Chimney
 - Railings
 - Rainwater goods
 - Coping

- Meter boxes
 - Airbricks
 - Soil and vent pipes
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), 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 G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- Or Schedule 2 Part 2:
- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- 7) The dwelling hereby permitted shall not be occupied until the window at first floor to the gable ended rear projection of the dwelling facing no 7 Marshall Court as shown on approved plan 4A/49/2014 Revision A: 19 January 2016 Plans and Elevations as Proposed (Scheme II) has been fitted with obscured glazing to Level 3 or higher on the Pilkington scale of privacy or equivalent, and no part of that window that is less than 1.7 metres above the internal floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter unless agreed in writing by the local planning authority.
- 8) Notwithstanding the details shown on the approved plans, details of surfacing of the vehicular access and parking/turning areas indicated on approved drawing 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II shall be submitted to and approved in writing to the local planning authority in accordance with the approved details before any part of the development hereby permitted is brought into use. The parking/turning areas shall be retained in this form at all times and shall not be used for any purpose other than the parking/turning of vehicles related to the use of the development.
- 9) No part of the development hereby permitted will be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the specification agreed in writing beforehand with the local planning authority and the existing site access

onto Queen Street has been made redundant as a consequence of this planning permission and is permanently closed and the access crossing reinstated as footway in accordance with approved plan 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II.

- 10) Notwithstanding the details shown on approved plan 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II, 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. Any planting scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species
 - Proposed finished ground levels or contours
 - Means of enclosure
 - Hard surfacing materials including driveway details and means of drainage to prevent surface water run-off onto the adjoining highway
- 11) The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season (whichever is the earliest) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Costs Decision

Site visit made on 13 July 2016

by **S J Lee BA (Hons) MA MRTPI**

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

Decision date: 16th August 2016

Costs application in relation to Appeal Ref: APP/B3030/W/16/3149621 5 Queen Street, Balderton, Nottinghamshire NG24 3NR

- 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 & Mrs M.R. & S.A. Parker for a full award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal of planning permission for the retention of bungalow and erection of 1 (no) four bedroom house and attached double garage. Formation of new vehicular access and associated parking spaces. Repair and part demolition of Queen Street boundary wall and erection of railings.
-

Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. This applies to both 'procedural' and 'substantive' issues.
3. The Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal or if vague, generalised or inaccurate assertions about a proposal's impact are made which are unsupported by any objective analysis. The applicant's main concerns relate to the fact Members chose not to follow officer recommendations and, as a result, have not provided a substantive case to justify either of the reasons for refusal. Members are entitled not to accept the professional advice of officers provided that a planning case can be made for the contrary view.
4. The Council gave one reason for refusal of the scheme, which I concluded raised two distinct 'main issues'. The first related to impact on the character and appearance of the Conservation Area. Notwithstanding the comments of the Conservation officer I would accept that the impact of a development on the character and appearance of an area are matters of planning judgement, particularly in a Conservation Area which are of a more sensitive nature. The evidence provided by the Council sets out the main areas of concern and what aspects of the development they considered were uncharacteristic or harmful to the area. Though I did not agree with the Council's position on this issue, I

do not believe that they have failed to substantiate the reason for refusal or relied on vague or generalised assertions. While it would be fair to argue that some of the Council's arguments were stronger than others, this does not alter my conclusion that a reasonable level of explanation and evidence was provided. The inaccuracies alluded to by the applicant relate more to the difference of opinion between the parties on the merits of the proposal or the character of the area, rather than any demonstrate any sign of unreasonable behaviour.

5. The second main issue relates to highways safety. The highway authority raised no concerns with the proposal. The Council's evidence indicates that the proposed access would "result in restricted access and parking for the users and occupiers of No 7 Marshall Court". This is not examined in any detail, particularly in terms of the actual 'restriction' that would take place or the resulting safety implications. There is no discussion of whether the existing garage would actually be blocked or whether on-street parking within the turning head is something which should be 'protected'.
6. Furthermore, no evidence was provided in relation to existing problems of on-street parking, opportunities for parking elsewhere, existing safety problems associated with parking or any substantiation of the resulting safety implications. I find that the Council has relied on vague assertions to support their case in this matter. The reference to pedestrian safety is also not a credible argument to pursue when considering that the proposal would still have its pedestrian access to Queen Street, that the cul-de-sac already has areas with no pavement and that levels of traffic are likely to be quite low. In relation to the second reason for refusal, I consider that the Council has behaved unreasonably.
7. The applicant has suggested that there has been unreasonable behaviour resulting from the difference between the Committee resolution and the reason for refusal given on the decision notice. In particular, it is noted that the resolution does not specifically mention the Conservation Area or highway safety. The full minutes of the Council meeting and the resolution do, in my view, provide sufficient content to allow a reason for refusal to be drafted and that this did not constitute a 'reconsideration' of the matter between the meeting and the issuing of the decision. The Committee resolution to refuse the application was clear and thus the appeal is likely to have taken place in any event. The issues discussed in the appellants' case were raised in the Committee's resolution and would still have been addressed by the appellants' evidence. I find neither unreasonable behaviour nor wasted expense as a result of this issue.
8. The applicant has suggested that the rules of the Council's relevant committee did not allow the applicant to speak or rebut the arguments of the Parish Council who were able to speak. Further to this, it is noted that the Parish Council were permitted to submit photographic material to the Committee that was not made public prior to the meeting. The applicant has not suggested that there was a breach in the rules or that the applicant was not aware of the restrictions beforehand, but rather that the rules themselves are unfair.
9. It is not for me to comment on the local authority's constitution and I note the Council's comments that the procedures they have adopted are similar to many other local planning authorities. The issue before me is whether, in this case,

there was unreasonable behaviour on the part of the Council which led to unnecessary expense. It is clear that the Members were provided with a report which set out the arguments in favour of the proposal, the concerns of local residents and the Parish Council and, having been on a site visit that morning, had been able to draw their own conclusions as to the acceptability of the scheme. The Members had sufficient information before them to reach their conclusion and the applicant's case does not appear to have been unduly prejudiced by the Parish Council's evidence which essentially reflected their prior objections. In the context of the rules of the local planning authority, I do not find any unreasonable behaviour has been exhibited in this regard.

Conclusions

10. The Council's reason for refusing planning permission, as set out in its Decision Notice, consisted of two distinct elements. The first related to adverse impact of the proposed development on the character and appearance of the Balderton Conservation Area and the second to highway safety resulting from the new access point onto Marshall Court. I have found that the Council behaved unreasonably in reaching the second of these conclusions, but not the first. I have also found that there were no procedural issues which could be described as examples of unreasonable behaviour leading to unnecessary or wasted expense.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Section 7(2) and Schedule 3 of the Countryside and Rights of Way Act 2000, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Newark & Sherwood District Council shall pay to Mr & Mrs M.R. & S.A. Parker, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the part of the reason for refusal dealing with highway and pedestrian safety and alleged conflict with Core Policy 7 of the Newark and Sherwood Core Strategy of the Newark and Sherwood Allocations and Development Management Development Plan Document; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S J Lee

INSPECTOR