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Our Ref: AWM/CLS

Date: 30 January 2017

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, 7 February 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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None

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

None

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Wednesday, 25 January 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: D. Batey, Mrs C. Brooks, R.A. Crowe, Mrs M. Dobson, G.P. Handley, J. Lee, Mrs P.J. Rainbow, Mrs L.M.J. Tift, I. Walker and B. Wells.

ALSO IN

ATTENDANCE: Councillor: D.J. Lloyd and P. Peacock.

141. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R.V. Blaney, N.B. Mison, Mrs S. E. Saddington and Mrs Y. Woodhead.

142. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Members declared interests in the items shown below:

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillor Mrs P. Rainbow	Orchard Boarding Cattery, Lower Kirklington Road, Southwell (16/02041/FUL) – Personal interest as the applicant is her neighbour.
Councillors D.R. Payne, I. Walker and B. Wells	Field Ref: 2564, A17, Winthorpe (16/01796/FULM) – Personal interests as members of the Trent Valley Internal Drainage Board who were one of the consultees.
Councillor J. Lee	Field Ref: 2564, A17, Winthorpe (16/01796/FULM) – disclosable pecuniary interest, as Councillor Lee was to be sponsored by the Newark Show Ground for charitable purposes.

143. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting. A Member of the public confirmed that he was also undertaking an audio recording of the meeting.

144. MINUTES OF THE MEETING HELD ON 10 JANUARY 2017

AGREED that the minutes of the meeting held on 10 January 2017 be approved as a correct record and signed by the Chairman.

145. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Items 5, 9, 10, 11, 8, 6 and 7.

146. LAND AT RUFFORD ROAD, EDWINSTOWE (16/01436/RMAM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought to agree the remaining reserved matters associated with the extant outline permission on the site. The current proposal related to the delivery of 67 dwellings of six differing house types.

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

Councillor P. Peacock, local Ward Member for Edwinstowe and Clipstone, spoke against the application for the following reasons. It was considered that the boundary to the Northern part of the development was not adequate as the proposed properties were very close to the boundary with existing properties. The living areas of the proposed properties would look into the houses on Robin Hood Avenue, causing lack of privacy for those properties that had enjoyed open countryside views for many years. The open green area could have been located in that location to reduce intrusion. It was felt that the developer had not listened to residents' complaints. Concern was also raised regarding the open green space adjacent to the B6030, which was a busy 60 mph main road. It was questioned whether this would be a safe area for children to play, for air quality reasons and also for balls going onto the main road. Concern regarding the play area on the southern side of the development which was adjacent to the pumping station was also raised, as the land was lower in that area and may become water logged, which again was not considered suitable. The roads on the development were not considered wide enough as residents and visitors would park their vehicles on the pavements and roads causing problems for lorries/dustbin wagons. Private drive ways would not be adopted and would not be maintained. He urged the developer to re-submit the plans to address those problems.

Members considered the application and it was commented that the developer had made adjustments from the outline planning permission to alleviate some of the issues raised by local residents. Bungalows had been included into the development which was welcomed and were of different designs, which was considered a rare commodity. The bungalows running north of the site would minimise any overlooking and there was green space outlined within the plan. The green space had been scattered around the development rather than in one area, in the original plans, which again was welcomed. The boundaries and planting appeared adequate. The car parking arrangements were also felt adequate with 152 car parking spaces for 67 properties. Other Members raised concern regarding the position of the play area which was adjacent to the busy

main road and that the landscaping could be improved to form denser planting especially to the north of the site, to form a thicker boundary to the existing houses on Robin Hood Avenue.

The Chairman suggested that the density of the landscaping be improved and included within the appropriate condition.

A Member also sought clarification as to whether the Section 106 agreement would include a Management Company to maintain the landscaped boundaries, play areas, green areas and non-adopted areas. He also asked that if the Committee were minded to approve the development, whether NCC Highways could be contacted and asked whether the 60mph speed limit on the road adjacent to the play area was appropriate.

AGREED (unanimously) that reserved matters approval be granted, subject to the conditions and reasons contained within the report, subject to a condition requiring robust landscaping to the boundary with properties on Robin Hood Avenue and a deed of variation to the extant S106 agreement to explicitly include for maintenance of non-adopted roads.

(Having declared a disclosable pecuniary interest on the following item, Councillor J. Lee left the meeting at this point and took no part in the debate or vote).

147. FIELD REF: 2564 A17, WINTHORPE (16/01796/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought the erection of a three storey building to accommodate vehicle/plant servicing and repair workshop, storage and ancillary office accommodation, external storage and sales display area, associated car parking, lighting, access roads and landscaping.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Nottinghamshire County Council Rights of Way Officer and the Applicant.

Councillor Allen representing Winthorpe and Langford Parish Council spoke against the application in accordance with the views of the Parish Council, as contained within the report.

Members considered the application and whilst the development and the creation of jobs was welcomed, concerns were raised regarding the traffic implications this development would cause on an existing busy, poorly designed road network, which intensified when an event was taking place on the Newark show ground. A route through Newark show ground was suggested as a solution to reduce traffic issues. Concern regarding flooding was also raised, although the statutory consultees had not raised any concern. Other Members commented that this was an international company wishing to locate within the District, which should be celebrated. Newark was a great place for international inward investment. Its traffic issues were no worse than those of other towns and cities.

A Member raised concern regarding a comment made by the Parish representative

regarding the Winthorpe Airforce drain and urged that condition 5 would be thoroughly followed up to address that issue. Another Member also asked for assurance that there would be no road planing on the site. The Chairman confirmed that both drainage and outside storage could be controlled through condition.

AGREED (with 8 votes for and 2 votes against) that full planning permission be approved subject to the conditions contained within the report and the following:

- (i) Requiring that the drainage scheme submitted includes reference to flow rates and is assessed by all relevant flood risk bodies; and
- (ii) An additional planning condition to require that scheme for management/storage to avoid no outside storage of material is included.

148. BASEMENT LIGHTING, UNIT 3 THE OLD MALTINGS, GEORGE STREET, NEWARK (16/01912/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting. The proposal was essentially a re-submission of a lapsed planning permission (applications 07/0069/FUL and 10/00678/FUL) which sought full planning permission for the conversion of the former Maltings buildings into 6 apartments.

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

The Business Manager Growth and Regeneration advised the Committee that the four car parking spaces had not been allocated to individual apartments, but that could be achieved through an additional condition.

Members considered the application and felt that the four car parking spaces should be allocated to the apartments and the remaining two apartments be let without designated parking space.

Members raised concern regarding the impact this development would have on car parking within that area, which would contribute to further parking issues. Another Member commented that the application should be refused, with a note to the applicant that the Committee would accept four apartments on the grounds of parking.

AGREED (with 7 votes for and 4 votes against) that:

- (a) full planning permission be approved subject to the conditions contained within the report; and
- (b) an additional condition requiring the allocation of the four car parking spaces to four of the apartments, the remaining two apartments to be marketed without parking provision.

149. SHANNON FALLS, TOLNEY LANE, NEWARK (16/01884/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the change of the site from scrubland to the creation of 8 pitches each one housing a static mobile home each with its own associated amenity building.

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

Members considered the application and it was commented that the Authority should undertake a lead role in sorting out the flooding issues on Tolney Lane. This area was home to the Gypsy and Travelling community and had been for many years and their safety should be carefully considered. A bridge was suggested as a solution for quick egress in the event of flooding, which could be built in the middle of Tolney Lane. The bridge would be a solution to the safety issues and would enable planning permission to be granted within this area. Concerns were raised regarding the tethering of caravans and the safety implications to the residents of Tolney Lane.

A Member sought clarification regarding a planning appeal on land directly to the north of the application site. It was confirmed that there had been an issue with the receipt of the appeal and that it had been returned.

Members suggested that the item be deferred pending further investigation into safety solutions for this area.

A vote was taken to defer the application, which was lost with 5 votes for and 6 votes against.

A further vote was taken to grant the application, subject to conditions, which was lost with 5 votes for and 6 votes against.

AGREED (with 6 votes for and 5 votes against) that full planning permission be refused for the reason contained within the report.

150. ORCHARD BOARDING CATTERY, LOWER KIRKLINGTON ROAD, SOUTHWELL (16/02041/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the change of use from commercial to residential C3 use, retaining the existing structure with extensions to the east side to create a bedroom and bathroom area and smaller extensions to the north and south to create an open plan kitchen/diner with utility room.

Members considered the application and felt it was appropriate.

AGREED (with 10 votes for and 1 abstention) that full planning permission be approved subject to the conditions contained with the report.

151. FORGE HOUSE, WESTGATE, SOUTHWELL (16/02032/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought retrospective consent for the construction of a dormer roof loft extension to the rear with velux roof light to the front.

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

The Chairman informed the Committee regarding the procedural matters for determining this application. The application would be considered on the basis of the extension as a non-retrospective application and then if necessary the enforcement action would be considered.

The Local Authority had undertaken the consultation process, which had resulted in no significant concerns from the consultees. The extension was to the back of the conservation area, which did not have detrimental harm to the conservation area and was not visible.

Other Members commented that even though the extension was to the rear of the building and to the back of the conservation area, it was still in the conservation area, which should not be underestimated. It was suggested that the extension could be approved on the condition that the materials used for the dormer be changed to slate, to soften the impact. The Business Manager Growth and Regeneration confirmed that this suggestion was feasible and dark upvc clad would also be an appropriate material if Members were minded to approve contrary to officer recommendation.

A vote was taken to refuse the application which was accepted with 10 votes for and 1 vote against. The discussion continued to determine the enforcement action.

The Chairman suggested that the enforcement action be deferred to the next meeting of the Planning Committee, pending a report from the Business Manager Growth and Regeneration, outlining all enforcement action alternatives and recent examples of enforcement action undertaken by the Council.

AGREED (unanimously) that:

- (a) full planning permission be refused for the reasons contained within the report; and
- (b) a report outlining enforcement alternatives be submitted to the next Planning Committee.

(Councillor J. Lee left the meeting at this point).

152. HOLBROOK HOUSE, NEWARK ROAD, SOUTHWELL (16/01777/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the demolition of the existing dwelling house and the erection of a new dwelling.

Members considered the application and it was commented that the development would be overbearing due to the 52% increase in size. It was suggested that the development should be scaled down, although it was considered in keeping with the conservation area.

A Member commented that if the Committee were minded to approve the application that an additional condition be included to control the parking of vehicles on site and not on the main road, during demolition and construction. Demolition could also be a messy process, it was also suggested that the road be kept clean whilst this process was being undertaken.

The Business Manager Growth and Regeneration confirmed that one condition could be included to address the construction and management plan. This would deal with the provision for service vehicles, cleaning of the highway and hours of operation. Parking could also be included within the condition to provide for space within the site, albeit it would not be an offence for a vehicle to park on the public highway.

An amendment to Condition 22 was also suggested to control drainage for any hardstanding within the curtilage.

AGREED (unanimously) that:

- (a) full planning permission be approved subject to the conditions contained within the report, with an amendment to condition 22 to include reference to all hard standing areas within the curtilage; and
- (b) to an additional condition as follows:

Construction and environmental management plan to deal with service vehicles (parking within site), hours of operations and cleaning of surface vehicles.

The meeting closed at 7.15pm

Application No:	16/02172/FULM	
Proposal:	Erection of two 2 bed dwellings.	
Location:	Land at Eastfield Close Clipstone Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	28th December 2016	Target Date: 22nd February 2017

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

Eastfield Close is a residential cul de sac located within the built up area of Clipstone accessed from Central Drive. The application site comprises triangular area of circa 0.072 hectares of land currently used as a public parking area providing circa 13 off street spaces with pockets of grassed and soft landscaped areas to the front and rear.

The surrounding area consists of a mix of semi-detached and two and single storey dwellings. Immediately to the south west are a pair of semi-detached two storey dwellings set at an angle to the application site whilst to the south east towards the rear of the site are a pair of semi-detached bungalows. There are semi-detached bungalows directly opposite the site on the other side of Eastfield Close.

Relevant Planning History

None

The Proposal

Full planning permission is sought for the erection of a pair of two storey semi-detached 2 bed dwellings set circa 4.6m back from the highway with off street parking to the side.

The proposed dwellings would have a footprint of 9.55m width and 8.88m depth with an eaves height of 4.73m and a ridge height of 8.2m.

9no. public parking spaces are also proposed to replace those to be lost to facilitate the development.

Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable transport
Core Policy 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

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
DM3 - Developer Contributions
DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Clipstone Parish Council – Objections are raised on the following grounds:-

- The development is likely to overshadow neighbouring bungalows.
- It will affect the privacy of neighbouring bungalows.
- Parking is a problem already. Taking away car parking spaces for housing which will require further spaces will compound the problem.
- A severe impact on fire and rescue services is envisaged. Carers and doctors are already struggling to park. This would get more difficult.
- Cars parked just outside people's front doors could diminish the accessibility for wheelchair users.

- Any construction work would be detrimental to the health and wellbeing of the mainly elderly residents.

NCC Highways Authority – No objections are raised subject to the following conditions being applied should the LPA be minded to approve this application;

No part of the development hereby permitted shall be brought into use until the replacement public parking areas are provided in accordance with the approved plan (rg+p drawing ref: 40860/D132/003A.) The parking areas shall not be used for any purpose other than parking, loading and unloading of vehicles.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the individual access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and 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: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until each replacement public parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and 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: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use at each individual driveway and each of replacement public parking areas are constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Note to Applicant:

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

Environmental Health Contamination - With reference to the above development, I have received a Phase I Desktop Study report submitted by the consultant (CollinsHallGreen Ltd) acting on behalf of the developer.

This includes an environmental screening report, an assessment of potential contaminant sources and a description of the site walkover.

The report then identifies made ground as a potential source of contamination. Following this, no conclusions or recommendations are made regarding the site's suitability for the proposed residential use. Furthermore no suggestion is made for any further work such as intrusive investigation.

I would have no objection to the commencement of intrusive investigations; however I would be surprised if this additional work is needed given that the risk to all receptors is described in the report as very low.

At the time of writing this report 2 written representations (including one petition with 50 signatories) have been received from local residents/interested parties which can be summarised as follows. Any further comments received raising additional issues will be reported to Planning Committee as a late item.

- The car park is well used by the bungalows in the area together with the residential home residents and visitors
- On street parking is already an issue and the proposal will result in obstruction of the highway and exacerbate existing issues
- A higher volume of traffic and parking could raise safety and access issues for vulnerable people
- The proposal would result in overshadowing and loss of privacy;
- The proposal will result in only 9 off street parking spaces being available for 29 bungalows. Some bungalows have off street parking provision on their front gardens but 10 bungalows cannot do this as they only have emergency access. If parking spaces are unavailable this raises issues as at least one resident is registered disabled.

Appraisal

Principle of Development

The site is located within Clipstone which is defined as a Service Centre with a wide range of services and facilities as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing and employment should therefore be focussed in this area as it is considered to be a sustainable location for new development.

Whilst I am satisfied that the site is located within the main built up area of a sustainable settlement, this does not provide a blanket carte blanche to development. However, I am of the opinion that the proposal for residential development within this area is acceptable subject to it not resulting in any undue impact upon the character of the area, the residential amenity of neighbouring properties or highway safety. These issues are discussed in detail below.

Impact On Character of the Area

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

The application site falls within a residential area which has a mix of single and two storey semi-detached dwellings.

I am satisfied that the design of the proposed dwellings is acceptable and that, in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the development has been designed such that the proposed buildings are set back from the highway with parking to the sides and landscaped frontages. Although some trees to the front of the site are proposed to be felled other mature trees to the boundaries are to be retained. I am of the opinion that the modest number of trees to be lost would not result in any detrimental impact upon the visual amenity of the streetscene or the proposed development. I am satisfied that the character and appearance of the area will not be unduly harmed by virtue of the retention of some of the existing mature trees and pockets of landscaping together with additional landscaping. This landscaping can be secured by condition should permission be granted and this will retain some sense of green space within the street-scene.

Taking these factors into account I consider that, on balance, the form, layout, scale, design and appearance of the proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area. The proposal therefore complies with Core Policy 9 and Policy DM5 in this regard.

Impact on Residential Amenity

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

The comments received with regards to impact on residential amenity in terms of loss of privacy and overshadowing impacts are noted. There is circa 12m separation distance between the dwelling annotated as 002 on the submitted layout drawing and no. 7 Central Drive to the south west and circa 14m separation between the dwelling annotated as 001 and the immediate adjacent bungalow at no. 2 Eastfield Close to the south east. The proposed development is set slightly further back and at an angle to no. 7 Central Drive and given this relationship and the separation distances I am satisfied that the proposal would not result in any undue overbearing, overshadowing or overlooking impact.

Although sited forwards of no. 2 Eastfield Close they are located to the side of this property. I am mindful that this adjoining dwelling is single storey and that it sits at a lower level than the proposed dwellings. However, I am satisfied that given the separation distances and the relationship between the bungalow and the proposed dwellings is such as to not result in undue overlooking, overshadowing or overbearing issues.

Taking account of the relationship between and separation distances from these adjacent dwellings and those on the opposite side of Eastfield Close together with the orientation of the plots and existing boundary treatments I am satisfied that the proposal would not result in any undue overshadowing, overbearing or direct overlooking impacts to justify refusal on these grounds. Notwithstanding this I do consider it reasonable should members be minded to grant permission to attach a condition requiring the first floor bathroom window to the side gables to be obscure glazed and top hung opening only to further safeguard amenity of immediately adjacent dwellings.

I am of the view that each of the proposed dwellings has been afforded private amenity space within their rear gardens which I consider to be commensurate to the size of the dwellings.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance and would provide an appropriate standard of amenity for future occupants of the properties. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

I note the comments received in respect of the potential impact of the loss of existing off street parking and the problems already experienced in the area with on street parking.

The Highway Authority has raised no concerns with regards to this matter nor have any concerns been raised more generally with regards to the impact of the proposals on on-street parking or vehicle/pedestrian access in the area.

Furthermore parking on Eastfield Close is not restricted by any Traffic Regulation Order which allows on street parking and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on the street. Notwithstanding this I am mindful that the proposal would result in the overall loss of four of the existing public parking spaces. However, given that 9 public spaces will remain to be provided I am of the view that this would not so significantly alter the existing situation to justify refusal.

Furthermore the site layout plan deposited with the application indicates appropriate off street parking provision for the proposed dwellings.

Given that the Highway Authority raise no objections to the proposal I am satisfied that the proposed scheme would not result in highway issues to justify refusal on these grounds. The proposal is therefore considered to accord with PolicySP7 and DM5.

Other Matters

I note the comments received from the Environmental Health Technical Officer who raises no objections to the proposed development. I am therefore satisfied that the proposal raises no contamination issues.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable relationship with the character and amenity of the area and I consider that there are no highway matters sufficient to justify refusal on these grounds.

RECOMMENDATION

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

01

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

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

02

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

- Proposed Site Layout Plan – drawing no. 40860/ID132/003A
- Proposed Plan and Elevations – drawing no. 40860/ID132/004

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] samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding

- Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

No part of the development hereby permitted shall be brought into use until the replacement public parking areas are provided in accordance with the approved plan (rg+p drawing ref: 40860/D132/003A.) The parking areas shall not be used for any purpose other than parking, loading and unloading of vehicles.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until the individual access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and 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: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until each replacement public parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and 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: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for use at each individual driveway and each of replacement public parking areas are constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

11

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

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

12

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

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Reason: In the interests of visual and residential amenity.

Informatives

01

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

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

02

The 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 the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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

BACKGROUND PAPERS

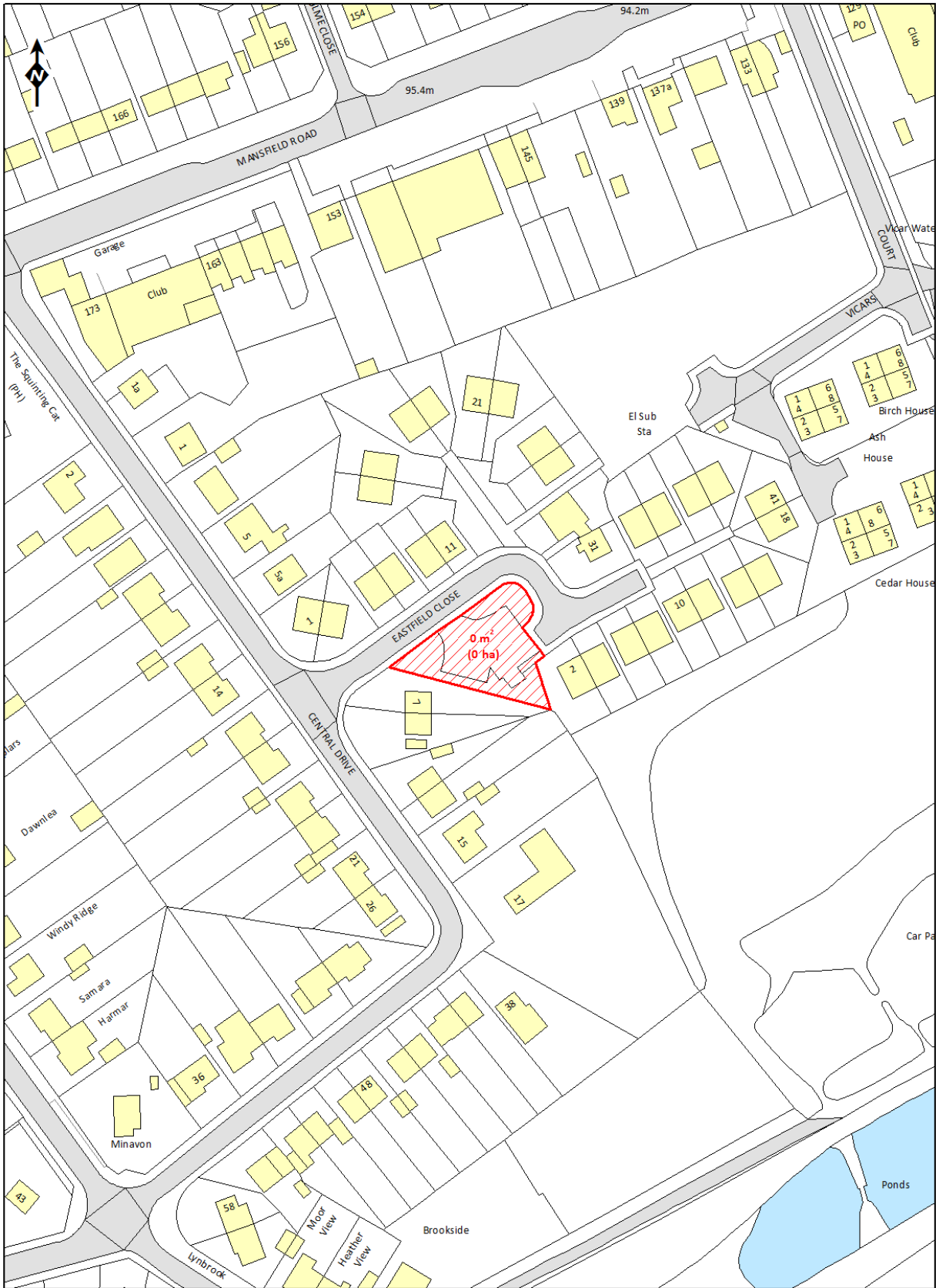
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02172/FUL



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Application No:	16/01575/OUTM
Proposal:	Outline Planning Application for up to 20 No. Dwellings
Location:	Field Reference No 8993 Mansfield Road Farnsfield Nottinghamshire
Applicant:	Trustees of the Mrs G M Murdoch Settlement
Registered:	14.10.2016 Target Date: 13.01.2017
	Extension of time agreed until 10.02.2017

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the officer recommendation is contrary to the comments of the Parish Council.

The Site

The original application site was a rectangular plot of approximately 4.15 hectares in extent to the south of Mansfield Road. The red line site location plan has been amended throughout the life of the application such that the site area is now approximately 1.37 hectares in extent. The site is outside of the village envelope of Farnsfield as defined by the Proposals Map. The designated conservation area is situated (at its closest point) approximately 65m to the east of the site separated by an intervening field.

The site as existing comprises two agricultural fields currently laid to crops. The northern boundary of the site is characterized by hedgerow planting forming the boundary between the site and the highway. To the south of the site, the landholding adjoins Vicarage Lane, which leads back into the village to the east. Immediately to the east and west of the application site is further agricultural land, which is bound by hedgerow planting.

Relevant Planning History

The north western corner of the site (approximately 1.32 hectares) was subject to an application for 33 affordable dwellings which was refused in 2010 (10/00708/OUTM). There is no other planning history on the site of direct relevance to the current application.

The current application has been screened in line with the Environmental Impact Assessment Regulations. The decision of this screening process was that the development does not require the submission of an EIA (16/SCR/00012).

The Proposal

The original proposal sought outline planning permission for up to 60 open market and affordable dwellings with a new access road. However, as discussed further below, the application has been amended during the life of the application and now seeks outline planning permission for up to 20 dwellings.

According to the submitted Design and Access Statement (D&AS) the proposed scheme envisages the provision of a full mix of dwelling types and sizes, including 2, 3, 4 and 5 bed properties, with a range of detached, semi-detached and terraced style dwellings, with some bungalows. However for the avoidance of doubt the application has been submitted in outline with only access to be agreed at this stage. Appearance, Landscaping, Layout and Scale would be subject to a later reserved matters application. Notwithstanding this, the application has been accompanied by an indicative site layout which demonstrates how the site may deliver the intended number of units. The application has also been accompanied by the following documents:

- Phase 1 Ecological Survey
- Topographical Survey
- Tree Survey
- Flood Risk Assessment
- Soakaway Testing and Drainage Strategy
- Highways and Transport Statement
- Landscape Assessment
- Noise Assessment
- Phase 1 Archaeology

Departure/Public Advertisement Procedure

Occupiers of adjacent 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 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 1: Affordable Housing Provision

Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM3 – Developer Contributions and Planning Obligations
Policy DM4 – Renewable and Low Carbon Energy Generation
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 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
- Developer Contributions and Planning Obligations SPD adopted 2013
- Farnsfield Conservation Area Appraisal

Consultations

Farnsfield Parish Council – In July 2016 Farnsfield Parish Council wrote a letter to N&SDC in relation to their on-going review into the N&SDC Housing Development Plan. Reference was made to Section 6 of the Farnsfield Neighbourhood Plan draft which considers the planning policy context to the NP. The letter contained information about recent housing developments that have taken place in Farnsfield.

The village has 2 allocated sites, one for housing Fa Ho/1 and a further site for mixed use development Fa/Mu/1. Fa/ho/1 was granted outline permission in Dec 2015 for 66 dwellings (Ref 14/01576/OUTM) and Fa Mu/1 has outline planning for up to 88 dwellings along with up to 0.5 ha of employment development 13/01072/OUTM. A recent application for 18 dwellings on this site has now been submitted by Barratts and this has been passed due to a lack of interest in this site for future employment.

There are no outstanding allocated sites within Farnsfield

However , outline planning permission was granted on appeal in Jan 2016 for up to 48 dwellings on land at Southwell Road. (Ref 14/01469/OUTM)

A total of 214 new dwellings have been permitted on large scale residential developments within Farnsfield at this early stage of the Development Plan.

The Allocation & Development Management DPD states 'The Core Strategy Of N&SDC directs 1% of the District's housing growth to the principle village of Farnsfield. This equates to a need to provide 142 dwellings in this settlement between 2006 and 2026'

It is clear that Farnsfield has already exceeded the growth levels proposed even without the 48 dwellings permitted in Jan 2016. There has been a 17% increase on existing housing numbers which places strain on infrastructure, services, roads and parking.

In the NP 77% of respondents to a questionnaire sent to all residents stated that they consider that Farnsfield does not require more housing beyond the 142 planned additional dwellings in the time period up to 2040.

The Parish Council does not accept that the proposed development will not harm

The setting or significance of the listed buildings in the vicinity of the conservation area and that the scale of the development will prove inappropriate and obtrusive in the context of existing landform and settlement character. It will have a significant effect on the landscape in a prominent and important location on the western approach to the village.

Additional comments received on 10th January 2017 in respect to the revised proposal:

Farnsfield Parish Council wishes to make the following comments in response to the new application for 20 houses which has replaced the original application for 60 houses on the Mansfield Road.

In July 2016 Farnsfield Parish Council wrote a letter to N&SDC in relation to their on-going review into the N&SDC Housing Development Plan. Reference was made to Section 6 of the Farnsfield Neighbourhood Plan draft which considers the planning policy context to the NP. The letter contained information about recent housing developments that have taken place in Farnsfield.

The village has 2 allocated sites, one for housing Fa Ho/1 and a further site for mixed use development Fa/Mu/1. Fa/ho/1 which was granted outline permission in Dec 2015 for 66 dwellings (Ref 14/01576/OUTM) and Fa Mu/1 has outline planning for up to 88 dwellings along with up to 0.5 ha of employment development 13/01072/OUTM. A recent application for 18 dwellings on this site has now been submitted by Barratt's and this has been passed due to a lack of interest in this site for future employment.

There are no outstanding allocated sites within Farnsfield. However, outline planning permission was granted on appeal in Jan 2016 for up to 48 dwellings on land at Southwell Road. (Ref 14/01469/OUTM)

A total of 214 new dwellings have been permitted on large scale residential developments within Farnsfield at this early stage of the Development Plan.

The Allocation & Development Management DPD states 'The Core Strategy of N&SDC directs 1% of the District's housing growth to the principle village of Farnsfield. This equates to a need to provide 142 dwellings in this settlement between 2006 and 2026'

It is clear that Farnsfield has already exceeded the growth levels proposed even without the 48 dwellings permitted in Jan 2016. There has been a 17% increase on existing housing numbers which places strain on infrastructure, services, roads and parking.

In the NP 77% of respondents to a questionnaire sent to all residents stated that they consider that Farnsfield does not require more housing beyond the 142 planned additional dwellings in the time period up to 2040.

The Parish Council still does not accept that the proposed development of 20 houses will not harm the village environment and infrastructure. It will set a precedent for further development in the area. The roads have been planned in such a way as to be easily extended to allow more homes to be built in the future. There are no pavements on Mansfield road into the village, pedestrians must cross 3 roads to access the village and access for pushchairs and wheelchair users will be limited.

The setting or significance of the listed buildings in the vicinity of the conservation area and that the scale of the development will prove inappropriate and obtrusive in the context of existing landform and settlement character. It will have a significant effect on the landscape in a prominent and important location on the western approach to the village. If housing development is allowed on an isolated plot of agricultural land, then it may simply be considered as infill in the future and have a negative impact on the rural landscape.

This amended application does not address the central issue that Farnsfield has already exceeded its housing allocation.

NSDC Planning Policy – As noted in the Five Year Housing Land Supply – Current Position statement (April 2016), 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 with paragraph 49 of the NPPF not being engaged.

However, the Objectively Assessed Need figure of 454 dwellings per annum (dpa) has not yet been tested through the Local Plan Review Process and the Planning Inspector for a recent Farnsfield appeal arrived at the conclusion that the figure should be higher based on the evidence before in that case. Whilst we do not agree with the Inspectors reasoning in this matter, it is still a material 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 is aware of the need to assist housing supply on appropriate sites until such time as a housing requirement figure has been tested and found sound. On this basis the Council 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 (i.e. demonstrable ability to delivery) to positively contribute to boosting the supply of housing within the District in the short term.

In considering this application, officers need to be satisfied that this site lies immediately adjacent to the village envelope and is acceptable in terms of all other relevant Development Plan policies having regard to both the information provided by the applicants and other relevant material considerations raised through the consultation process.

NSDC Environmental Services (Contaminated Land) – No observations in terms of contaminated land.

NSDC Environmental Services (Noise) – ‘I refer to the above application and confirm that I have no comments to make.’

NSDC Community, Sports and Arts Management – ‘I have no objections to the proposed development subject to the payment of the community facilities contribution in accordance with the SPD. The scheme/s that the contribution would be allocated to would be agreed with the Parish Council and/or community representatives therefore I would be happy to provide further details as required.’

I have met with representatives of Farnsfield Parish Council and the Clerk, it would appear that the overarching priority as I am led to believe is a new village hall/centre but the details are not that advanced as at. There is a list of priorities that has been developed as part of the emerging neighbourhood plan which highlights a number of community projects that would align with the SPD in respect of a Community Facility contribution. The list includes improvements to the village hall and facilities and a new football pavilion.’

NSDC Park and Amenities – ‘As a proposed development of 20 dwellings this housing scheme will need to make a contribution towards public open space in the form of children’s playing space, as set out in the Council’s Developer Contributions SPD. I note that the revised indicative site plan states that the POS is ‘within the tree and screening belt’ however this cannot be relevant to children’s playing space. I thus believe the children’s playing space requirement would be best met by an off-site contribution towards the provision/improvement and maintenance of children’s playing space in Farnsfield.’

NSDC Conservation – *Original comments received:*

‘The proposed housing site is comprised of two fields within Farnsfield, between Mansfield Road and Vicarage Lane. The site is close but not directly adjacent to the Farnsfield Conservation Area. The site is also close to the Grade II listed Old Vicarage on Vicarage Lane. There are other listed buildings further away but due to their nature and outlook the only other listed building which is likely to be affected is the Grade II listed parish church. The proposed housing site has the potential to impact upon the setting of the Conservation Area, the setting of the Old Vicarage and the setting of the Church.

The Old Vicarage, which is now a house, dates back to the mid C19 and is an imposing red brick structure of two and half storeys, executed in Victorian Gothic style. While the building has a good level of architectural detail on all elevations, the elevation which would face north towards the application site is not its principal elevation. Nevertheless the north elevation will take in land to

the north in views from the building and it is appreciated alongside land to the north. While vicarages are strongly associated with their churches and surrounding towns or villages, this building was specifically located on the edge of Farnsfield, presumably to enjoy both a large plot but also the attractive rural setting. The open fields around this site do contribute to an attractive setting in which to enjoy the Vicarage. A high status house like this was designed to be seen in the wider landscape and to enjoy views out into the wider landscape. However, the application site is located to the west of the Old Vicarage and given its relative location and screening on Vicarage Lane, the application site is on the periphery of the open fields to the north which contribute most strongly to the setting of the Old Vicarage. There may be some minor imposition within the setting of the Old Vicarage but it will be mostly preserved by this application. Key to this would be consideration of building heights and a strong green boundary to the south and east of the site, although I note with concern there is little in the way of green screening in these areas shown on the indicative site plan. Any negative imposition into the open setting enjoyed to the north of the Old Vicarage will be minor, likely to cause negligible up to the lower end of less than substantial harm to the building's overall significance.

The proposed housing site is likely to be seen beyond the Conservation Area in views looking out of the Area towards the west. In the main, there are few vistas out of the Area that would be affected as the built form is generally quite tight. The exception is an attractive set of open paddocks within the Conservation Area to the east of Merrins Farm. These paddocks are open right up to the street front, offer attractive views out into the open countryside and mark the edge of the historic extent of the village, with the exception of dispersed farmsteads. The importance of these paddocks and the views they offer is noted at paragraph 29 of the Farnsfield Conservation Area Appraisal. It is likely that the application site will be visible across these paddocks, though the land does undulate here so the exact level of this impact is uncertain. The photo below shows views across these paddocks, with the location of the application site marked by a red arrow.

If the application site is development it is likely that this view will become less green and a sense of urbanisation will be seen beyond these paddocks. While the attractive paddocks which contribute so greatly to the character and appearance of the Conservation Area themselves would be unaffected, the result of the proposal would be to isolate these fields as pockets of greenery, rather than the current extended rural vista presented at the moment. To a large extent this would divorce the conservation area from its wider rural setting.

While overall, the rural setting of historic Farnsfield has been reduced by extensive C20 development arounds the village; this is one area where this once small rural village can still be read in its landscape. At its roots Farnsfield was a village with a rural economy and these views out to the countryside are both attractive and part of the historic setting of this settlement. By potentially urbanising this rural setting the understanding and appreciation of the historic context of Farnsfield would be weakened and attractive views would be harmed.

Given the overall significance of the Conservation Area of Farnsfield, which is derived primarily from its built form, this harm is towards the lower end of less than substantial.

A similar impact would also be experienced in views looking towards the Conservation Area from the west. As one progresses east along Mansfield Road, the historic village of Farnsfield becomes increasingly visible, beyond the green fields in its foreground. These fields form the historic setting of a rural village like this and help in understanding the once rural location of what is now a large village. The fields are also attractive and contribute to the aesthetic significance of the setting of the Conservation Area. I appreciate that the rural approaches to Farnsfield from the west have been encroached upon by developments like The Spinney, but views towards the core of the village are to the south east, which puts these modern developments to the back of the viewer when looking towards the village. As such there is a certain vista which remains relatively unspoilt and contributes positively to the setting of the Conservation Area, and this is the vista which would be negatively impacted upon by the proposed housing development. Again, given the overall significance of the Conservation Area of Farnsfield this harm is towards the lower end of less than substantial.

These views back to the Conservation Area are particularly attractive as the spire of St Michael's Church (Grade II listed) is clearly visible in the view (see photos below). This is a point highlighted in the Conservation Area Appraisal of Farnsfield at paragraph 20. I note the Appraisal singles out one point by Merrins Farm to illustrate this view, but this is indicative a much longer view. In many ways the impact on the setting of the Church from this location is indivisible from the impact on the setting of the Conservation Area, as the church is a landmark structure in the historic village (again, noted at paragraph 24 of the Appraisal).

Although the church does have a medieval origin it is Grade II listed (rather than the usual Grade II* or Grade I of most medieval churches) because of significant rebuilding of its fabric. This rebuilding doesn't actually alter or weaken the significance of the church as a landmark structure in and around Farnsfield. The church spire acts a local landmark, an indicator of a settlement beyond the fields and an indicator of a historic settlement. It is no accident that church spires frequently form landmarks as they were designed to be a conspicuous show of parish wealth as well as of the power and influence of the church and Christianity over most aspects of medieval life. The visibility of church spires has a historic significance which is part of the significance of the church itself. It is also an attractive feature to see in the landscape and is part of the aesthetic significance of the church.

The following photographs are taken from the entrance to Cockett lane, a point at which the Parish Council have seen fit to erect an information board about historic Farnsfield, presumably as this is a good spot from which to observe historic Farnsfield. The proposal site is almost opposite on the other side of Mansfield Road. The road here has a pavement so is designed for both road users and pedestrians, allowing a wide audience to experience the church in its setting from here.

As one progresses closer to the village the roof of the church also becomes visible as well as the spire. While it is possible that development in this location may still allow visibility over the new roof tops to the spire, it is likely that the new development will in some way obscure this view. Even if the spire is not obscured, development here will alter this view by urbanising the open fields and divorcing the village church from its rural setting in these views. It will also erode the attractive qualities the open fields provide in the setting of the church. If development proceeds

here the point at which the church can be appreciated in a green setting will be greatly reduced, and even then the green setting has become a wedge of land, rather than open countryside.

Given the overall significance of the Grade II listed church and the acknowledgement that views will be altered and curtailed, rather than wholly lost, the overall impact to the significance of the church is likely to in the lower end of less than substantial.

In examining the impacts upon the significance of heritage, weight must be afforded to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the desirability of preserving the setting of a listed building. The legislative requirement indicates that it is not enough to simply weigh the extent of harm against the associated public benefit arising out of the proposals as required by the development plan, but that decision makers are reminded to give considerable weight and importance to preserve the setting of a listed building. This duty applies whether substantial or less than substantial harm has been found. A similar duty has been found to exist in case law to the statutory duty (section 72 of the Act) to preserve or enhance the character or appearance of a conservation area.'

During the life of the application, a rebuttal has been received to the above comments, the conservation officer has provided the following response to the rebuttal:

'Thank you for sending the Agent's rebuttal comments on my Conservation Conservations.

I have the following comments:

It should not be interpreted that my findings of less than substantial harm equate to 'support' of the application as the agents have stated. I have made it clear in my comments that any harm is contrary to the statutory test of causing no harm. I make no opinion on whether the application can be supported but try to outline what the impact on heritage assets will be. For clarity I repeat here my concluding comments:

"In examining the impacts upon the significance of heritage, weight must be afforded to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the desirability of preserving the setting of a listed building. The legislative requirement indicates that it is not enough to simply weigh the extent of harm against the associated public benefit arising out of the proposals as required by the development plan, but that decision makers are reminded to give considerable weight and importance to preserve the setting of a listed building. This duty applies whether substantial or less than substantial harm has been found. A similar duty has been found to exist in case law to the statutory duty (section 72 of the Act) to preserve or enhance the character or appearance of a conservation area. "

The Old Vicarage: I would reiterate that while we seem to agree which are, and are not, the principal elevations of the building, it should not then follow that impact from other elevations can therefore be disregarded. Firstly, the level of architectural attention paid to *all* elevations does suggest a sense to which the building was designed to be appreciated from all angles. Secondly, setting is how the asset is appreciated, and I believe the application site will be seen from the

upper windows of the house and therefore will alter one's experience of the asset in this respect. I believe my previous comments (as below) are a balanced understanding of the potential impact:

"A high status house like this was designed to be seen in the wider landscape and to enjoy views out into the wider landscape. However, the application site is located to the west of the Old Vicarage and given its relative location and screening on Vicarage Lane, the application site is on the periphery of the open fields to the north which contribute most strongly to the setting of the Old Vicarage. There may be some minor imposition within the setting of the Old Vicarage but it will be mostly preserved by this application"

St Michael's Church: The agent refer to longer views of the church not being noted in the CA Appraisal and therefore not forming part of their Heritage Statement. Nevertheless they now address this view and accord that the potential impact on these views would lead to less than substantial harm to the significance of St Michael's Church. This then directly conflicts with their Summary of the rebuttal which states that the proposed development will not harm the significance of listed buildings in the vicinity.

No new evidence has been presented which changes any of my initial comments and I am happy that my comments remain a well-considered and measured response to the potential impact of this proposal.'

Additional comments received 20th January 2017

'Thank you for consulting conservation on the revised plans for this site. I see that the site area has been reduced to a portion of the fields towards the main road, leaving the land towards the top of the fields undeveloped.

In summary, this will be a marginally improved scheme in terms of heritage impact but will not remove harm to heritage assets.

The revision pulls the proposed new development away from the Old Vicarage (Grade II), which given the land levels and separation distances would, I believe, retain its mostly rural and open aspect. There may well be some limited inter-visibility but impact on the setting of this building would be very limited and I do not think there would be any harm to the setting of this listed building with the revised proposal.

My earlier comments also included this annotated photograph taken from within the Conservation Area, looking out over an open paddock, towards the application site, approximately identified by the red arrow.

By reducing the size of the proposed development site and pulling it off the sloping hills and towards the street front this should reduce the potentially negative impact identified previously in these views. This photograph shows that there is light green screening which will soften views back towards the development site, but these are outside of the red line (although within the Conservation Area) and deciduous. If the boundary treatment to the east of the development site was relatively strong in terms of green screening this could help screen the site – however I am aware of the potential landscape conflict with a heavy screening and also aware that such a screen

may also serve to obscure the church in views back towards it. I understand there is a public footpath across this paddock so views will open up towards the proposed development site and the negative impact identified from the public realm will therefore still exist. While marginally less harmful than previously identified the harm cannot be removed or fully mitigated in this view and would still be cause the lower end of less than substantial harm to the setting of the Conservation Area.

I also included this photograph of views back towards the conservation area and the church from approximately the position of the application site, as seen on the main road:

Reducing the development from the upper portion of these fields is not likely to materially affect the experience of the proposed housing development in these views as development is likely to still fill the vista. For the reasons already outlined in my earlier comments this is harmful to the setting of the Conservation Area and the church. Despite the revisions the level of harm here remains the same, being the lower end of less than substantial to both assets.'

On the basis of another rebuttal letter received 27th January 2017, the following additional comments have been received:

'My only comments to add are that the agent has not considered that views back towards the church, which both parties agree are harmed, are also views back towards the Conservation Area, the setting of which I regard as being harmed if this development is approved and implemented (for reasons already outlined). Their conclusion on the impact on the Conservation Area in this letter only relates to views out of the Conservation Area, which is narrower than my scope of comments as previously submitted.

The letter is also contradictory stating, 'any degree of harm to the setting of the church resulting from the proposed development will be low', but then concluding, 'this development will not harm the setting or overall significance of the listed buildings in the vicinity of the site'.

'Low harm' is not no harm and it is misleading to make these conclusions, especially considering that the decision maker is reminded, in law, to give considerable weight and importance to preserving the setting of a listed building. This duty applies whatever the level of harm has been found'.

NSDC Access and Equalities Officer – Observations in relation to building regulations.

NCC Highways Authority – 'The principle of this proposed development is acceptable. This is an outline application with only 'means of access' to be determined at this stage. Therefore no consideration has been given to the draft housing layout.

Submitted drawing 16209-001 shows an acceptable access arrangement. Whilst the visibility splays have been shown shorter than I would have wished, I am aware that adequate splays can be achieved anyway within the extent of the public highway boundary.

Similarly the Transport Assessment suggests traffic generation figures that are slightly lower than I would expect. But even if they met my expectations they would not, in my opinion and in these

circumstances, be sufficiently high to make material difference to the proposed junction layout, or other matters.

In view of the nature of Mansfield Road, it would be beneficial to avoid dwellings taking direct access from this road.

It is considered reasonable and appropriate that the developer of the site provide a footway that will link the development with the bus stop on the south side of Mansfield Road, to the west of the site (a distance of about 100m.). This will promote sustainable travel in line with Spatial Policy 7 and provide safe access to the facility without pedestrians having to walk along the roadside verge, or having to cross Mansfield Road twice.

It is considered that from a highways point of view the application may be approved subject to the following conditions:

No dwelling shall be occupied unless or until a footway has been provided along the south side of Mansfield Road to link the development hereby approved with the bus stop to the west of the site to the satisfaction of the Local Planning Authority and Highway Authority.

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

No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

Note 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. At the time of writing this is found at www.leics.gov.uk/6csgd

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

In order to carry out the footway 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. Contact david.albans@nottsc.gov.uk for Section 38 and Section 278 matters.

In view of the nature of Mansfield Road, it is highly recommended that direct access off Mansfield Road for individual dwellings be avoided.'

Additional comments received on 10th January 2017 in respect of the revised proposal:

'I note the revised indicative site layout plan received by you on 16th December (1440M/004).

The access off Mansfield Road remains acceptable as in previous comments, but the internal road layout would need some amendments to comply with adoptable standards and the 6C's highways guidance. I understand that this internal layout is indicative only so does not require approval at this stage and would be subject to a further reserved matters application.

My previous comments and recommended conditions dated 10 November 2016 remain valid for your consideration.'

NCC Rights of Way – 'This application may impact on Farnsfield Parish Path No 8 (aka The Robin Hood Way), which runs alongside the south boundary of the site as shown on the attached working copy of the definitive map.

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

I note from the proposed site layout the pedestrian link from the site to the footpath which I welcome, and that consideration of the footpath has occurred with no vehicular access to the site via Vicarage Lane.

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

Ramblers Association – 'The Robin Hood Way (Farnsfield Footpath 18) runs along the southern edge of this development.

Provided that the integrity of this right of way is protected during and after construction we have no objection.'

NCC Planning Policy – 'Thank you for your letter dated 18th October 2016 concerning the revisions as set out above. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make specifically on the change, in addition to those made by the County Council at previous stages. Unless otherwise stated, comments made

during previously still stand. These comments have been agreed with the Chairman of Environment and Sustainability Committee.

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: *similar to and not better than the England average*.

The National Planning Policy Framework (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. 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
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>.

This states the importance that the natural and build environment has on health.

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:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/healthandwellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>.

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic

and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is significantly better than the England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' –

http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf

are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL. Given that limiting long term illness or disability is significantly worse than the England average, the development needs to ensure that it is age friendly providing good access to health and social care facilities (include this if appropriate).

Waste

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

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.

Travel and Transport

General Observations

The planning application covers an area of land to the South of Mansfield Road in the village of Farnsfield. This application seeks permission for the development of 60 dwellings.

The proposed access point will be from a new entrance onto Mansfield Road, the nearest current bus stops are approximately 200 metres from the centre of the site on Mansfield Road.

Bus Service Support

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

Service 28b, Mansfield to Eakring via Bilsthorpe, serves Cockett Lane itself as does the Sherwood Arrow, Nottingham to Worksop or Retford via Ollerton. Service 28 operates close to Cockett Lane on its way 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:

NS0031 Cockett Lane – Wooden Bus Shelter.

NS0048 The Spinney – Bus Stop Pole.

Possible Infrastructure Improvements

Bus stop upgrades are due to be completed during Q4 2016/17 on both of the closest stops to this site as below following receipt of external funding from the developer of the nearby site on Cockett Lane:

NS0031 Cockett Lane – Replacement Wooden bus Shelter, Solar Lighting, Improved Hardstanding, Raised Boarding Kerbs, Dropped Crossing Point and Real Time Bus Stop Pole & Displays including Associated Electrical Connections.

NS0048 The Spinney – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Raised Boarding Kerbs.

Transport and Travel Services would therefore request the following improvements in light of the additional traffic flows that will arise from the proposed new development:

NS0031 Cockett Lane – Enforceable Bus Stop Clearway.

NS0048 The Spinney – Enforceable Bus Stop Clearway.

It should also be requested that the proposed footway fronting the site be extended further West to provide access to bus stop NS0031, so that residents do not have to cross the road to then cross back over further along the road in order to access their closest bus stop.

The positioning of the proposed vehicular access should take into account the location of bus stop NS0048 as it is almost opposite the junction and may cause a safety issue. This proposal would need to be assessed by the Highways Safety team prior to planning permission being granted.

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 upgrade of the two bus stops on Mansfield Road (NS0031 and NS0048) have been carried out to the satisfaction of the Local Planning Authority and shall include enforceable bus stop clearways.

Reason: To promote sustainable travel.

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

Ecology

A Preliminary Ecological Appraisal has been carried out in support of the application. This indicates that the site:

- Is not covered by any nature conservation designations
- Comprises two arable field bisected and bounded by hawthorn hedgerows
- Is likely to support a typical farmland bird assemblage

- Supports a tree assessed as having 'low' potential to support roosting bats (others assessed as 'negligible'); this tree is to be retained in proposals
- Has some potential to support foraging and commuting bats along the hedgerow network; boundary hedgerows and the majority of the internal hedgerow are to be retained
- No evidence of badgers was found on site, although it does offer suitable habitat

By way of mitigation and enhancement, it is requested that **conditions** are used to cover the following:

- The control of vegetation clearance during the bird nesting season, which runs from March to August inclusive
- The protection of retained trees and hedgerows during construction, using temporary protective fencing
- The use of standard measures (as detailed in section 7.5 of the PEA) to protect badgers during construction
- The submission of a detailed landscaping scheme, to include species mixes and establishment methods, and to use native species of tree and shrub in peripheral areas and areas of open space, selected with reference to the relevant Landscape Character Area species list ([see:http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm](http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm)).

It should be noted (with reference to the Indicative Site Layout Plan) that:

- Beech and Scots pine should not be used in the Tree Structure Planting mix (field maple can be used as a replacement for beech), and silver birch should be used instead of downy birch
- Wayfaring tree should be omitted from the hedgerow mix, with hawthorn made up to 55% of the mix
- Low level planting should be split into two types, that used in residential areas (utilising the proposed mix), and one for open space areas across the centre of the site, which should only use native shrub species
- The inclusion of integrated bird and bat boxes into the fabric of a proportion of the new dwellings
- The submission of a detailed lighting scheme, in the event that artificial lighting of the site is required; such a scheme should be bat friendly, and developed in conjunction with a bat ecologist.

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 continue to work with the applicant and the Local Planning Authority to ensure all requirements are met.

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 terms of education; a proposed development of 60 dwellings would yield an additional 13 primary and 10 secondary places. The County Council would therefore wish to seek an education contribution of £148,915 (13 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In respect of secondary education, the proposed housing development is in the catchment of The Minster School for which any contributions would be covered by CIL. Further information about the contribution sought and the justification for this can be found in the attached document

In respect of libraries; at an average of 2.4 persons per dwelling a development of 60 dwellings would add 144 to the existing library's catchment area population. We would therefore seek a developer contribution for the additional stock that would be required to meet the needs of the 144 population that would be occupying the new dwellings. This is costed at 144 (population) x 1,532 (items) x £12.50 (cost per item) = £2,758.'

NCC Archaeology – No comments received.

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

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

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.'

Nottinghamshire Wildlife Trust – No comments received.

NCC Flood – ‘Current preliminary comments: No objection subject to the following:

- 1.1 Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests. Where infiltration is proposed it must be noted that Nottinghamshire County Council, as Highway Authority, do not adopt permeable paving and ownership / future maintenance must be considered as point 1.5.
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding. The proposed ‘Flood Flow Route’ must be legally protected to ensure it remains as part of the site design for the lifetime of the development and in a way that allows potential home owners on the site to understand its design / use and implications.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.’

Environment Agency – No comment from the EA but you may wish to consult the LLFA regarding surface water disposal.

Severn Trent Water – ‘With reference to the above planning application the Company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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

Reason

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

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact

Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.'

Trent Valley Internal Drainage Board – '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.

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

The suitability of new soakaways, as a means of surface water disposal should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals 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 Local Planning Authority.

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.'

Newark and Sherwood CCG – No comments received.

During the *original consultation period*, Representations were received from 133 local residents/interested parties (including Browne Jacobson on behalf of the Farnsfield Trust), all of which constitute objections to the proposal, which are summarised below. In addition a petition listing an objection to the development has been submitted listing 85 signatures.

Principle of Development

- The Core Strategy required an additional 109 houses to be built – the development already approved in Cockett Lane, The Ridgeway and Southwell Road provide for over 200 houses houses and more than meet the 5year plan for the supply of development land
- This new proposal is not needed to meet any housing quota or target in any strategy, plan or policy
- The site plan shows potential to extend the housing development into land adjacent also in the applicants ownership
- Approval would set a dangerous precedent for further development on other agricultural land outside the village envelope
- The proposal represents an opportunist attempt to secure profit by converting agricultural land to housing land
- The list of potential sites assessed as 'may be considered suitable' in 2010 does not include the site subject to this application
- The village needs to settle into the additional housing already created and planned and time needs to be given to assess the impacts on the supporting infrastructure ahead of any further planning being granted
- The proposal does not meet any of the 3 dimensions to sustainable development outlined by the NPPF
- Surely there has to be some brownfield sites within NSDC that can be developed before building on beautiful countryside
- Farnsfield is a village not a town – the rate of applications coming in will change that – surrounding villages should be considered for development instead

- The land is prime farmland which provides much needed food crops year on year – the report by BSP is misleading in saying ‘the land is unoccupied and serving no purpose and no known prior uses’
- The rapid expansion of Farnsfield is being used as a result of local government failure to have a proper development policy – this village is being targeted as an easy option to overcome planning failures
- The village does need to develop but in a sympathetic and gradual way so that the changes can be absorbed in a dignified manner
- The Core Strategy housing target was not just based upon OAN – it also arose from the designation of Newark as a Growth Point
- Farnsfield is only expected to take about 1% of overall growth according to the Core Strategy
- Applications promoting development on unallocated sites represent a significant departure from the distributive strategy
- The implications of allowing unplanned wider distribution amongst the less well connected villages will be to diminish the ability to deliver growth at other more sustainable settlements such as Newark
- Judgements are clear that para. 49 does not make ‘out of date’ policies irrelevant – it simply becomes a matter of weight
- The Farnsfield appeal decision is not necessarily a correct analysis one year later
- Farnsfield does not need another large scale residential development
- There are clearly central Government targets which must be met but infrastructure and facilities are necessary before increasing the population
- The disproportionate level of new development will detrimentally distort the character of the village

Site History

- The application in 2010 (10/00708/OUTM) was refused – the reasons for refusal still apply

Landscape Impacts

- The application does not meet the NPPF principles of recognizing the intrinsic character and value of the countryside
- The development will create an eyesore – instead of seeing cottages, the approach will feature boxes

- It is not appropriate to permit a development in the middle of open fields with no adjoining housing
- The development would create an isolated settlement
- The proposal will spoil the views of the village when approaching down Mansfield Road
- Any development on this farmland will have an irreversible and significantly adverse impact on the rural character of the western approach into Farnsfield
- Properties on the opposite side of the road were purchased due to their rural location and countryside views
- The site has no relation in form to the Farnsfield village
- The flood risks create a need to further split the site into two
- If approved the development should be restricted to the lower half of the proposed area avoiding the high land to the south
- Because of the rising ground it will dominate the surrounding land and destroy the village appearance on the approach from the west
- It is not directly adjacent to the main built up area and as such will form a physically and socially isolated pocket of development

Heritage Impacts

- Building of this volume of homes should not be approved in a Conservation Area
- The historic built environment and strong sense of plan is key for this area of the village – the proposal will destroy the character
- Owners of listed buildings have to comply with planning demands to preserve the unique character of the village
- The proposal will affect the setting of the Conservation Area and the church

Site Access

- There is no pedestrian access to and from the site and access to the village would involve crossing the busy Mansfield Road twice – cars exceed the speed limit on this road
- The access is close to the bend in the road
- There is no planning for the provision of pavements for pedestrians to walk to the village shops, schools and special events

- The access would lead to congestion and danger to pedestrians but it is impossible to widen without negatively impacting wildlife in the hedgerows
- Pedestrian access to the village from the site is extremely poor
- Vicarage Lane is not a suitable alternative pedestrian use – it is a muddy, unmade single track

Infrastructure including drainage

- There is no additional employment generated or facilitated in any of the developments in the village
- Farnsfield primary school is already full and over subscribed
- There will be severe shortages in the availability of secondary school places in the area
- The NHS surgery in Farnsfield has limited capacity and will struggle to meet the demands placed upon it from the approved developments without even considering this new proposal
- There are already drainage issues on Mansfield Road – when it rains the road floods residents
- The flooding issues have got worse since the development on Cockett Lane, there is concern that the issues will further worsen
- The roads and pavements in Farnsfield already need upgrading
- The shops, schools and car parks are all being used to full capacity
- Local utilities are under strain
- The flood risk assessment is a mass of paperwork of ‘smoke and mirrors’ not reflecting the reality
- Who will be financially responsible when the drainage systems go wrong
- Doubt that the sewers are able to take the extra foul water produced
- Pumping systems are notoriously high maintenance
- The creation of hard surfaces will lead to more surface water
- The village doesn’t even have a post office
- Flooding in excess of that shown by the applicant has been witnessed at the site

- There have already been instances of overflowing sewage from the Cockett Lane development
- The proposed site falls within the catchment of the Cotton Mill dyke, the source for localized flooding in Beck Lane, Cotton Mill Lane and Quaker Lane
- There is no mention of the developers providing money to rectify the drainage issues
- The plans showing drainage systems across fields ending near Bells Field would simply move the problem further into the village
- The proposal fails to make provision or contribution towards community facilities, integrated transport, health, libraries or education provision
- Severn Trent are proposing to start upgrading the Farnsfield sewer system in Feb 2017 however this work is subject to budgetary constraints and there is no guarantee that this will commence

Traffic Impacts

- Traffic pollution, noise and congestion in the village will increase harming the quality of local community life and increasing risk to the health of the local population
- Pedestrians will be at risk from construction traffic
- An increase in the number of cars will cause gridlock in the centre of Farnsfield creating frustration and vehicle pollution
- Ambulances, police and fire engines use this route at speed
- 60 houses with 2 cars each will create 120 extra car movements plus visitors – the existing road is already busy
- Emergency services already find it difficult to pass through the village
- The road in parts is physically impassable for two cars due to its narrow width
- There are no plans to expand the car parking in the village
- People would try to make shortcuts along Station Lane which is in places very narrow – as is the pavement
- The BSP report suggest that pedestrians could access Vicarage Lane as an alternative route into the village – however this leads to Blidworth Lane which is a very narrow, poorly lit land with a severe 90 degree bend
- Stationary buses at the nearby bus stop would block motorists view

Amenity Impacts

- There will be a loss of privacy for existing houses on Mansfield Road – it will take years for tree and hedge screening to be effective so will have an overbearing impact

Other Matters

- The Council should be forcing the developer to build premises to provide employment development
- The Planning Committee should be basing their decision on the Farnsfield Neighbourhood Plan – the NPPF identifies this as a core planning principle to be followed in order to give the community the opportunity to shape its future
- The development may impact the house prices of those in close proximity
- There are badgers, bats and buzzards in the field
- There is already disruption from the existing building in the village
- The proposal is driven by ownership
- There should be an extension to the consultation period to allow local residents and the planning authority to consult the Farnsfield Neighbourhood Plan which is to be published shortly
- The proposal will not address the needs of the village in terms of bungalows to enable older people to move from larger homes – developers are only interested in building larger homes
- There seems to have been little publicity for the application and many Farnsfield residents are unaware of the proposals
- The development has not been developed in conjunction with and does not benefit from any firm support from a registered social landlord
- Adjoining fields and properties have been subject to mining subsidence over a number of years – it follows that the site may be subject to further movement in future years

Following the submission of the amended proposal (for up to 20 dwellings) a period of re-consultation has been undertaken, a further 101 letters of representation (some from correspondents who have already provided comment on the original scheme) have been received. These are summarised as follows:

Principle of Development

- All of the reasons for objecting to 60 houses still apply to 20 houses

- The village has already been subject to permissions which would exceed the number of dwellings intended through the Allocation and Development Management DPD
- This proposal is not needed to meet any housing quota or target in any strategy
- There is no additional local employment generated or facilitated in any of the developments
- There would be potential to extend the housing into land adjacent to the proposed site
- Approval would set a dangerous precedent for further development on other agricultural land outside the village envelope
- The application does not meet the principles of the NPPF
- Developments should instead be shared across other villages – Farnsfield has had their quota
- The Farnsfield Neighbourhood Plan is out for consultation and makes reference to the fact that 77% of respondents oppose development beyond the 142 identified by NSDC – Barratt Homes have also recently been given permission to build another 18 dwellings on the Ash Farm site
- The fluid nature of the developers intentions (33 to 60 to 20 shows the lengths they are prepared to go to to go against the wishes of the local residents and the council
- If this application is approved there is meaning in having a village envelope
- There is a desperate need for more housing in England and I can see no reason significant enough to stop this application – properties should be of mixed values
- Agricultural land should not be lost without a strategic need for more housing
- The consequences of building in the wrong place will last forever
- The development for 20 houses still leaves the rest of the field open for development – there is adequate provision between Plots 9 and 10 for extending the access road and linking it to further building beyond
- Farnsfield has already been subject to great changes in the last 30 years which has totally spoilt the village
- Recent housing development have focused on 4 to 5 bed dwellings which are often under occupied
- Strip development is contrary to the basic elements of good planning: it consumes open space and depletes natural resources, impedes pedestrian and non-motorised traffic and ruins any sense of place

- The village is being targeted as an easy option to overcome planning failures
- It doesn't matter whether the application is for 1 or 100 houses, the developers could seek to exploit the opportunity presented to them if it is granted, and to press for future development until their goal is met however incrementally slow that is.
- The potential development at Thorseby Colliery increases the pipeline supply of housing lowering the need to grant planning permission for unplanned development particularly around Farnsfield
- The Southwell Road appeal cannot be used as justification for this application – the Inspector was clear that each site application had to be judged on its own merits
- The policies referred to by the Inspectors decision seem to be still available for cherry picking when it suits the purpose
- The original application for 60 dwellings shows the applicants real intentions

Site History

- The reasons for refusal for application 10/00708/OUTM still apply

Landscape Impacts

- The site is socially and physically isolated outside of the village envelope
- Any development for any number of houses would be harmful to the landscape and character of the village and its rural environment
- The proposed tree screening along the side of the main road will not hide the development – it is merely a token measure
- The development would spoil the vista of the village approaching from the west
- At present the approach to the village is massively enhanced because of the vista of this open farmland
- It is accepted that the revised development reduces the landscape impact however it will still amount to a significant change
- The application site does not immediately adjoin the main built up area as stated
- The site is a Mature Landscape area established under NCC's Policy E14 – it is the defining landscape for Farnsfield for its residents
- The recent Barrats site has been called 'St Michaels View' – the view would already be adversely altered only a short time after building

- Mansfield Road clearly forms a delineating line between the built environment to the north and the rural open landscape to the south – the development would destroy the most prominent view of the village
- The current pattern of fields and paddocks has remained largely unchanged and provides a strong defining influence in the landscape

Heritage Impacts

- If the houses were to be built on this land it would forever ruin the view of the church and listed buildings on the way into the village
- Permission was denied for the planting of trees on this site for the Queens Jubilee due to impacts on the setting of the listed church
- Any development on this farmland will have an irreversible and significantly adverse impact on the rural character of the western approach into Farnsfield
- The proposed development is close to The Old Vicarage – a listed building, the development will affect the environment of this building

Site Access

- There is no pedestrian access to and from the site
- One small entry / exit would be inadequate to meet the needs of 20 dwellings and would lead to congestion and danger to pedestrians – to widen the access would destroy the hedgerow
- The application for 20 dwellings no longer creates a footway going southwards to meet Vicarage Lane
- The site is not fit for residents to be able to walk conveniently and safely to local facilities and services

Infrastructure including drainage

- There have been infrastructure and services problems in the village which are yet to be addressed
- Farnsfield Primary School is already full and over subscribed
- The Minster school is full as is nearby Joseph Whitaker
- The NHS Surgery has limited capacity and will struggle to meet demands – this also has implications for the pharmacy – the situation has become worse already from the recent developments

- The site is low lying and prone to flash flooding with water flowing from the hillside opposite and from the main road when the storm drains could not cope
- Cllr Stewart spoke to 'Farnsfield's plight' in his speech on flooding
- Rose Cottage and Merrins Farm frequently suffer from flooding
- There is no mention of the developers contributing towards drainage issues
- Infrastructure needs time to develop for the existing housing developments
- One grocery store in the village has already closed leaving just one
- Services in the village are decreasing rather than increasing
- The development has not been developed in conjunction with any firm support from a registered social landlord
- The proposed development makes no provision for children's play areas and there is no Sports Facilities
- It has not been addressed who will be responsible for the inevitable drainage issues
- Severn Trent is proposing to upgrade the sewer system in Farnsfield in Feb 2017 however there is no guarantee of this project going forward – The Barratt Homes vs Welsh Water established that LPA's can make planning permission conditional on public water authorities first ensuring public sewers can cope

Traffic Impacts

- Traffic pollution, noise and congestion in the village will increase thereby harming the quality of local community life and increasing the risks to the health of the local population
- The main street through the village already descends into one big traffic jam which is made worse by the lack of parking areas in the centre of the village
- Most roads around the village are narrow and are struggling to cope with the number of vehicles parked and moving through
- The 30mph speed limit is often ignored
- Nearby bus stops would mean buses would block the view for people trying to cross the road
- The village has no public car park
- The current volume of traffic includes heavy good vehicles, buses and tractors already creates daily problems

- There are issues with traffic around the school already

Other Matters

- Increased flood risk to properties downward to the proposed development, near to Beck Lane
- It will create construction disruption for years to come
- The building work and development will have a detrimental impact on wildlife – there is not mention as to how badgers will be protected
- The village has not been given enough time to respond to such a major development
- The revisions are significant reducing the scale of the development by two thirds – the supporting written material does not support what is now being applied for – documents such as the D&AS and Planning Statement should be revised if they are to be material to the determination of the application
- The fields are subject to mining subsidence

Comments of the Business Manager

Principle of Development

The District Council adopted its Core Strategy in 2011 outlining which settlements are central to the delivery of Newark and Sherwood's Spatial Strategy over the plan period to 2026. Spatial Policy 1 confirms that Farnsfield is a Principal Village with a function of acting as a secondary focus for service provision. As clarified by Spatial Policy 2, the intention was for Farnsfield to deliver 10% of the growth in Principle Villages (with Principle Villages intended to deliver 10% of the overall housing growth of the District). This is a point that has been well rehearsed through the comments received during consultation of the application. Indeed it is acknowledged that utilizing the figures stated within Spatial Policy 2, the original expectation was for Farnsfield to accommodate around 140 additional dwellings over the plan period. I am mindful that given other approvals (including the Southwell Road application for 48 dwellings granted at appeal), there are already extant permissions in Farnsfield for over this circa 140 figure. Nevertheless, Members will be aware that each application must be considered on its own merits and that the housing figures referenced by the Core Strategy were not intended as a ceiling figure. Whilst I have sympathy for the residents of Farnsfield in terms of their point that an opportunity should be given to allow the newly built and recently approved community to 'settle in,' unfortunately the approval of housing developments on other sites in the village would not automatically justify a resistance of the current application. Equally the existence of a previous refusal on part of the site in 2010 does not alter the need for the current application to be fully assessed against the currently adopted Development Plan and other material considerations.

Notwithstanding the above, the growth envisaged by the Core Strategy was intended for the

extent of the main built up areas of the Principal Villages which have been defined by Village Envelopes. The Allocations and Development Management DPD adopted in July 2013 includes the Proposals Map for Farnsfield which explicitly defines the extent of the Village Envelope as well other notable features such as the Local Centre and the designated Conservation Area.

The application site for the current proposal is located on land adjacent to, but outside of the defined village envelope. On this basis there is no dispute between parties that the site is therefore considered as being land within the open countryside. Policy DM8 is clear that development in the open countryside will be strictly controlled and limited to certain types of development listed in the policy. The third item of the list refers to new dwellings stating 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 the immediate setting and be sensitive to the defining characteristics of the local area. This policy approach is in full accordance with the NPPF which advocates as one of the core planning principles the need to recognise the intrinsic character and beauty of the countryside.

Delivery of Housing Need

NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, *“boost significantly the supply of housing”*. Paragraph 17 states further that the planning system should *‘proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.’* NPPF indicates that this will be achieved first and foremost, by local planning authorities, *‘using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.’*

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 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 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, 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. However until such time as a housing requirement figure has been tested and found sound, the Council 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 subject to an appropriately framed condition for implementation within a reasonable period. It is noted that the applicant has provided a letter dated 5th December from Taylor Wimpey East Midlands implying that Taylor Wimpey would express an interest in purchasing the site.

The current pragmatic approach is based on sites which are immediately adjacent to village envelopes. This is a matter which has been previously assessed in the aforementioned planning history (reference 10/00708/OUTM). In this assessment the officer concluded:

'When viewed from the main public viewpoint of Mansfield Road, the site would appear as an isolated pocket of development in the countryside not at all related to the main built up area. Whilst there is development on the northern side of Mansfield Road, the closest development within the main built up area on the south side of the road is some 300 metres to the east.'

It is worthy of note that the above assessment is in relation to a different application site which was narrower in extent in terms of the Mansfield Road frontage. It therefore extended further southwards in comparison to the current application site as revised during the life of the application. The existing application site would be approximately 80m closer to the closest development. Officers nevertheless consider that a similar conclusion would undoubtedly be drawn in terms of the site being isolated on the southern side of Mansfield Road.

Notwithstanding this, it is clear that the stance behind the pragmatic approach which refers to application sites being adjacent to village envelopes is in direct reference to their sustainability credentials. With this in mind, I am conscious of the proximity of the site to the village envelope (notwithstanding the necessary improvements to the pedestrian footpath to make the village more accessible to occupants) particularly noting that the presence of built form on the northern side of Mansfield Road. On balance, officers are content that the application site can be considered as one to which assessment should be subject to a 'pragmatic approach' at the current time noting the Council's position on five year land supply.

It is also important, given the expectations of the communities involved, that any development outside of the established main built up area should provide for the appropriate level of affordable

housing, open space and other social contributions required to meet the needs of the development. Care must also be taken to respect the landscape setting of this edge of settlement sites and transitional planting should be provided where appropriate.

Thus proposals for development beyond the Village Envelopes, as is the case with the current application, will need to be considered in the context of the individual harm which a scheme would cause.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

The indicative layout submitted suggests that the site would comprise a mix of detached and semi-detached. However, due to the outline nature of the proposals no specific details of the illustrative mix have been provided as part of the submission. The design solution which is developed for submission as part of a future reserved matters application may well comprise a different mix, type and density of dwellings on site to that outlined at this stage. As such no firm conclusions can be reached at this outline stage regarding these matters; however the applicant has demonstrated that an appropriate mix of units could be accommodated on site to address the requirements of the development plan and to address local need at that time. These matters would be controlled through the reserved matters process where due consideration would be provided to the relevant planning policies and guidance to deliver a high quality housing scheme.

Impact on Land Use

Paragraph 17 of the NPPF identifies a set of twelve core land use planning principles, of which bullet point 8) states that planning should *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'* This encouragement of the use of previously developed land is reiterated in paragraph 111. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 112 of the NPPF indicates that *'Local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.'*

The site as existing is currently laid to crops. It is noted that the application has not been accompanied by a formal Agricultural Land Classification document. According to Natural England maps, the land within and surrounding Farnsfield is classed as being Grade 3 (Good to Moderate Quality). Unfortunately there is no division into 3a and 3b which would allow a definitive conclusion as to whether the proposal would lead to the loss of the best and most versatile land. Officers considered requesting further surveys in order to classify the land more specifically but given the anecdotal comments provided during consultation in relation to surface water flooding, it is unlikely that the site would be classified as Grade 3a. In any case, it is further unlikely that even if the land were to be Grade 3a it would be reasonable to resist it purely on the basis of a loss of best and most versatile agricultural land given the weight which would be afforded to the delivery of housing in the overall balance and the limited site area.

Impact on Landscape Character

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

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

The application site is within Policy Zone MN36 Halam Village Farmlands. Key characteristics of this zone include a 'very good' landscape condition with very gently undulating and rounded topography. The Landscape Action identified for this Policy Zone is to 'conserve' with further residential development being identified as a threat / driver for change within the Zone.

The original application for up to 60 dwellings was accompanied by a Landscape and Visual Impact Assessment (LVIA) and associated figures prepared by ASH design and assessment Ltd. and dated August 2016. The LVIA details an assessment of both the potential effects on landscape character as well as visual amenity which would arise from the proposed residential development.

It was acknowledged that the development would introduce permanent effects both directly and indirectly to the landscape character through the introduction of residential built form. The LVIA summarises at Table 1 the landscape effects of the proposal on the basis of the original 60 unit scheme both during construction and operation and during operation after 10-15 years. Of the five 'Local Landscape Character Areas' identified one is predicted to receive Moderate and therefore significant effects during construction and initially during operation. It was stated that these impacts will reduce progressively through tree planting on completion.

In respect of visual amenity, paragraph 3.16 stated that, *'the assessment of visual receptors within the study area indicates that there would be significant adverse visual effects during construction*

and operation for 27 receptor locations out of a total of the 153 included in the assessment. During the operational period 10-15 years after completion, receptors affected significantly would drop to one, as mitigation planting progressively reduces potential adverse visual effects.'

The submitted LVIA was noticeably lacking in respect of an overall conclusion. Indeed the lack of clarity afforded by the LVIA has been raised as an issue through an independent review commissioned by the District Council in order to allow Members to reach a robust decision on the proposal. During the life of the application landscape consultants 'Influence' submitted a Landscape Statement dated November 2016. For clarity, this note was in reference to assessment of the original scheme for up to 60 units.

Influence made a number of observations in respect of the submitted LVIA that could have a material effect upon the outcomes of the assessment and resultant design. These observations included critiques of the methodology stating that overall, the limited narrative of the LVIA led to confusion as to how the conclusions have been drawn. Moreover, it is contended that there were no detailed landscape recommendations with regard to proposed mitigation measures. Crucially, Influence stated that *'the submitted LVIA and Indicative Site Layout Plan do not adequately assess and consider the local landscape characteristics of the site and its context.'* On this basis it is ultimately concluded that *'due to the lack of appropriate consideration of the local landscape character, the judgement of the landscape effects could be incomplete and flawed.'* It therefore followed that the view of independent consultants was that the applicant had not provided the LPA with an appropriate level of landscape assessment in order to understand the extent of the impacts of the development.

The following statements are drawn directly from the independent Landscape Statement by Influence (again worthy of note still based on the original scheme of up to 60 units):

'The experience of the linear field pattern to the southwest of the village would evidently be altered by the proposed development. Whilst it is proposed to retain the boundary hedgerows, including the internal hedgerow, the legibility of the landscape pattern would be altered and the relationship to the historic core eroded.'

'The proposed development would alter the experience of arriving in Farnsfield from the west along Mansfield Road. Although the built form would be seen in context with that to the north, it would alter the character of the western settlement approach and the perception of the historic southern part of the village, including the experience of the church in these views.'

'The proposed development would extend south across the gently rising topography that forms the local ridgeline that extends west of Farnsfield along the line of the Robin Hood Way. We understand that the properties in the southern part of the site (on the higher landform) would be single storey (bungalow) development. However, due to the open character of the landscape to the west of the linear field system and rising landform, these units would become prominent in views along the Robin Hood Way and would obscure the existing views of the historic part of the settlement.'

'The proposed development would be separated from the existing western edge of the village, which is defined by the brick wall boundary of the Stallion Paddocks and linear field systems. This separation would be particularly evident when travelling west out of the village along Mansfield Road and in views from footpath FP2. It is also likely that the rooflines of properties in the south of the site would be seen in the currently open views across Bell's Field to the west and southwest.'

In the interests of positive and proactive planning, during the life of the application officers presented the independent advice received to the applicant in order to allow them the opportunity to comment. A rebuttal dated December 2016 and covering email was received on 9th December 2016. The rebuttal was undertaken by the same consultants who undertook the original LVIA. As well as detailing levels of experience of the author, the document confirmed an intention to focus on Landscape Character Issues. Perhaps unsurprisingly the overall stance of the document is a disagreement with the independent Statement in defence of the approach taken through the submitted LVIA. The concluding paragraph of the rebuttal questions the weight that can be given to the independent Statement partially on the basis that Influence as the authors had not carried out their own LVIA.

Indeed officers conceded that this was the case. The original commission with Influence related solely to an independent review of the submitted LVIA. Officers maintain that this was the correct approach acknowledging that it falls to the applicant to demonstrate to the LPA that the development proposed is acceptable in landscape terms. It would be wholly unreasonable to expect the LPA to undertake their own LVIA for each application. Nevertheless, again in the interests of positive planning, officers have taken the opportunity to further discuss the proposal with Influence including in the context of whether a separate LVIA would be beneficial. It was also at this point which the applicant (on the basis of the original landscape concerns discussed above) revised the proposal for up to 20 units.

The revised proposal has included the submission of another indicative site layout plan representing a reduced site area. Through agreement with the applicant the LPA have commissioned Influence to undertake their own LVIA with a focus upon the issues identified within the original Landscape Statement, providing an assessment of the effects upon the local landscape character, associated features and associated visual receptors. The final draft of the independently commissioned LVIA was received by the LPA on January 13th 2017. The document has been published as part of the application electronic file.

Having assessed the detail of the independent LVIA, the overall stance in the context of the indicative layout presented is notably negative in content. The following paragraphs are drawn directly from the summary conclusions at Section 9:

'Whilst this is an outline application, the Indicative Site Layout Plan sets out various principles including landscape strategy that form the development proposals for this site. This plan forms the basis of the LVIA and following summary.

Landscape and visual impacts associated within the proposed development would be localised.

The legibility of the local landscape pattern would be altered in part by the proposals, in particular the proposed tree structure planting and screening belt along the north and northwest site boundaries. Hedgerow boundaries with occasional hedgerow trees have been proposed along the south, east and southeast boundaries, which is more in character with the adjacent landscape pattern.

Although this is an outline proposal, it is considered that the level and location of proposed planting along the northern site boundary is out of character with this part of the settlement, as outlined in section 4. The proposed planting mix and extent of the screening would not reflect the character of the existing road frontage that extends through the village.

The proposed development would be separated from the existing western edge of the village, which is defined by the brick wall boundary of the Stallion Paddocks and linear field systems. This separation would be particularly evident when travelling west out of the village along Mansfield Road and in views from the eastern end of footpath FP18. The proposed screening belt would contribute to separation of the properties from built form on the northern side of Mansfield Road, which would create a local sense of isolation of the proposed development. However, the development would generally be experienced in the context of the existing settlement edge, particularly in views along footpath FP18 and Mansfield Road approaching the settlement from the west.

The proposed development would introduce a different form of development to that currently experienced along the road frontage of Mansfield Road. The proposed units along the north edge of the application site would back onto the road, which is out of character with the existing roadside development through the village.

It is considered that the localised change in land use would have an adverse effect upon the local landscape character in relation to the experience of approaching the village from the west, towards the historic edge. The modern development and associated tree structure planting would erode the existing open character and in this part of the village.

Overall, there would be a medium magnitude of effect of a permanent, adverse nature upon the character of the local landscape associated with the site and the landscape on this settlement edge.

Visual impacts to users of footpath FP18 would be localised. The proposed development would be clearly visible in views approaching the settlement along the eastern part of the footpath. It would be contained to the lower slopes of the existing linear fields by a new hedgerow boundary with hedgerow trees along the southern site boundary. The proposed development would appear as part of the linear settlement development along Mansfield Road in these views.

On completion and once the proposed landscape strategy has matured there would be a negligible magnitude of effect upon users of the western part of the footpath. As users move towards the village the magnitude of effect would increase to medium, of an adverse, permanent nature.

Users of Mansfield Road would experience a high magnitude of effect, of an adverse and permanent nature as they come round the bend of the road alongside existing properties on the northern side of the road. The proposed development would be prominent in the view and obscure the church spire. The proposed development would result in an abrupt change to the views on approaching the village.'

Officers have extrapolated the following key issues from the above conclusions:

- 1) The indicated landscaping proposals (i.e. tree structure planting and screening belt along the north and northwest site boundaries) would be out of character with the settlement.
- 2) The proposed development would be separated from the existing western edge of the village thereby isolating the development.
- 3) The indicative orientation of the units along the northern edge of the application would be out of character with the village.
- 4) The localised change in land use would have an adverse effect upon the local landscape character in relation to experience of the village in the historic context.
- 5) On completion the magnitude of effect upon users of the nearby footpath would be negligible at the western part of the footpath increasing in magnitude moving towards the village.
- 6) The proposed development would result in an abrupt change to the views on approaching the village.

First and foremost, it is worthy of note that the LVIA forms a stand-alone document and is based on the indicative site layout presented. Whilst acknowledging the outline nature of the proposal, it does not comment in explicit terms as to whether a revised layout could have more favourable landscape impacts. In this regard, officers would advise Members that the weight attached to the conclusions in points 1 and 3 should be limited. These are clearly issues that the applicant could address through any reserved matters application.

At this point, it is considered necessary to move to assess the more fundamental landscape implications which would arguably be relevant for any residential development on the site in principle. Notably, officers concede that residential development of up to 20 dwellings, in any form, would undoubtedly have a fundamental impact on the local landscape character. The difficulty is in reaching a judgement as to whether this impact would be so harmful to tip the balance to the proposal being unacceptable on landscape grounds. This is a matter which officers have again sought assistance through the use of independent landscape consultants; Influence.

Noting that the LVIA commission was not the appropriate vehicle for the consultants to deliver a judgement on an alternatively designed scheme, Influence has also provided a letter dated 17th January 2017. The letter states the following:

'Following completion of the Landscape and Visual Impact Assessment (LVIA) for the proposal of 20 houses and associated infrastructure and landscape, it is my professional opinion, in respect of the findings of the LVIA and in landscape and visual terms, that the type and form of the proposed development could be accommodated in the proposed location.

Whilst this is an outline application, in considering the submitted indicative site layout and landscape proposals, there are elements of the scheme that are out of character with the existing local landscape and settlement. These have been outlined within the LVIA. However, we consider that these landscaping and development form issues could be dealt with through detailed proposals for the site.'

As will become apparent in the overall balance of the proposal below, officers have attached significant weight to the above professional landscape view. It is noted that the applicant will have to make significant changes to the currently presented indicative layout in order for a successful scheme to be delivered, however it would be inappropriate to insist on this being submitted in the context of the current outline application given the overall view that the site can accommodate the quantum of development in principle.

Impact on Heritage

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...'* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

The application has been accompanied by a Heritage Statement dated October 2016 undertaken by Trigpoint Conservation & Planning Ltd. and a Geophysical Survey Report undertaken by Stratascan Ltd dated June 2016. In addition to this, during the life of the application a letter dated 12th December 2016 has been received in response to the original comments from internal conservation colleagues. The response to this letter is listed in full in the consultation section of the report.

Further to the comments of internal conservation colleagues listed in full above, Members may have noted reference to the implications of the historic environment in the context of the above landscape discussion. Indeed when assessing matters of historic setting, the landscape conditions will inevitably have a material impact on assessment.

As is confirmed by the aforementioned comments, the site is close to, but not directly adjacent to the designated Conservation Area. There are also Grade II listed buildings nearby including the Grade II listed Parish Church which is clearly visible from the site.

Officers concur with the comments of conservation colleagues that the proposed housing site is likely to be seen beyond the Conservation Area in views looking out of the Area towards the west.

Specifically through an attractive set of open paddocks to the east of Merrins Farm which mark the edge of the historic extent of the village (with the exception of dispersed farmsteads). Moreover these paddocks are explicitly noted in the Farnsfield Conservation Area Appraisal. Nevertheless, the Conservation Officer concludes that the harm here is characterized as being towards the lower end of less than substantial and I see no reason to dispute this judgement. In addition, it is acknowledged that the revised proposal on a reduced site area would subsequently have a reduced impact. Further specific impacts are discussed in detail as listed above, including in respect to the attractive spire of St Michael's Church which is identified as acting as a local landmark. Equally the impact of the proposed development is considered to be at the lower end of less than substantial harm.

Notwithstanding the above conclusions, the fact remains that the proposal would equate to heritage harm. The legislative protection of heritage assets required by Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to give considerable weight and importance to the preservation of setting of listed buildings and conservation areas. This duty applies whether substantial or less than substantial harm has been found. It therefore falls to be the case that any harm, regardless of where this harm sits on an indicative scale, must weigh negatively in the overall balance of the proposal.

Impact on Highways including Access

Although the application has been submitted in outline, agreement of the access details are being sought at this stage. The site would be accessed from a single access at the north from Mansfield Road. The indicative site layout plan annotates that the access road would be 5.5m in width with 2.0m footways and 2.4m x 46m visibility splays. Nottinghamshire CC as the Highways Authority has assessed the details of the proposal and raises no objections subject to the inclusion of conditions. Mention is made to the length of the visibility splays indicated however this does not amount to an objection as such given the opinion that adequate splays can be achieved within the extent of the public highway boundary.

The application has been accompanied by a Transport Assessment undertaken by BSP Consulting dated August 2016. This includes traffic generation figures which aim to quantify the number of vehicle trips generated by the originally proposed development of up to 60 dwellings. Indeed comments in respect to traffic generation raised through the consultation process has been noted. The TA has been assessed by colleagues at NCC Highways. Whilst the comments state that traffic generation figures are slightly lower than expected, this has not amounted to a reason to resist the proposal. In the context of the revised proposal for a third of development, the traffic generation will clearly be further reduced.

Paragraph 35 of the National Planning Policy Framework (NPPF) states that '*developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities*'. I concur with the comments raised during consultation that the footpath along Mansfield Road is inconsistent in its width. There is no public footpath to the south of Mansfield Road at the point of the site boundary. This is a matter which has understandably been raised as a concern through the consultation stages of the application.

In this context the comments of NCC Highways are again relevant and whilst listed in full above, are deemed relevant to repeat in the appraisal context:

'It is considered reasonable and appropriate that the developer of the site provide a footway that will link the development with the bus stop on the south side of Mansfield Road, to the west of the site (a distance of about 100m.). This will promote sustainable travel in line with Spatial Policy 7 and provide safe access to the facility without pedestrians having to walk along the roadside verge, or having to cross Mansfield Road twice.'

This would deal with the issue of providing occupants adequate access to sustainable means of transport through the local bus service. However, it does not overcome the issue that in order to walk into the centre of the village (to the east) occupants would have to cross the busy Mansfield Road. Officers have carefully considered and indeed discussed with the Highways Authority whether it would be reasonable to insist on further contributions towards the provision of a pedestrian crossing to ease this movement. Unfortunately in the context of up to 20 dwellings this is considered to be an unreasonable expense to the applicant. Whilst the need to cross the road would be undesirable, on balance I do not consider this sufficient reason to resist the proposal against Spatial Policy 7 or the relevant paragraphs of the NPPF.

Impact on Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment. In the context of this application this has been provided through a Preliminary Ecological Appraisal undertaken by Brindle & Green ecological consultants dated May 2016.

i) Bats

All species of British bats and their resting places are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. The hedgerows and margins are identified as being of potential local importance to bats. It is accepted that the site provides suitable habitat for commuting and foraging bats. This includes a single mature ash tree which was found to have a crack on its

northern face. This tree is indicated for retention as is the central hedgerow within the site which will assist in maintaining connectivity.

ii) Birds

All nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended). The ecological survey concludes that existing hedgerows and scattered trees on site contain suitable nesting potential for a number of bird species. Furthermore fifteen species of bird were recorded during the survey either on site or within the local vicinity. The proposals are likely to require the removal of minor areas of hedgerow which could negatively impact upon breeding birds.

iii) Trees

The application has been accompanied by an Arboricultural Report by AWA Tree Consultants dated May 2016. The survey identified 17 items of woody vegetation; comprised of 9 individual trees and 8 groups of trees or hedges. Of these, 6 are identified as being Category 'B' (retention desirable) and the remaining 11 as Category 'C' (trees which could be retained). The majority of the tree cover within the site forms the boundaries with the most visually prominent specimen being the aforementioned Ash Tree within the dividing hedgerow. The report makes recommendations that the majority of the tree cover should be retained although some of the category 'C' cover could be removed subject to appropriate replanting. I am mindful that the indicative site layout is not necessarily how development would come forward if approved, but there is at least a clear intention to retain the majority of tree cover where possible.

The submitted ecological appraisal details a number of mitigation measures which could be secured by appropriately worded conditions should the application be approved. I note the lack of objection from consultees in relation to ecological matters and therefore on balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area, and opportunities to conserve and enhance biodiversity could be secured through conditions if the application were to be approved. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Flood Risk and Drainage

The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of NPPF and NPPG. The FRA indicates that the site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk.

A letter from BSP Consulting dated 10th June 2016 has also been submitted in respect on 'Initial Soil Infiltration Testing'. This letter states that the use of soakaways to dispose of surface water from the proposed development may potentially be feasible.

I have had full regard to the concerns raised from neighbouring parties in respect to matters of existing drainage issues on Mansfield Road with recent experiences of surface water flooding (in some instances documented by photographic evidence). As Members will be aware, it would not be the role of the current developer to make good any existing surface water drainage issues. However, it remains a legitimate concern that additional residential development would have the potential to worsen drainage issues.

The proposal has been subject to consultation with the relevant expertise in relation to surface water flooding. NCC as the Lead Local Flood Risk Authority have raised no objection to the proposal subject to the inclusion of an appropriate condition to secure further details of the drainage proposals for the site. This is also the case in respect of Severn Trent Water as listed in full in the consultation section of the report. On this basis, it is considered that it would be difficult to resist the application purely on matters of drainage implications.

Design, Layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement and associated plans to present the site opportunities and constraints and to explore potential design solutions for the site (notably for the original scheme of up to 60 dwellings). In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site. Notwithstanding the aforementioned landscape character implications, the applicant would be expected to address detailed design issues at reserved matters stage in accordance with relevant development plan policies and the NPPF to ensure that a high quality scheme is achieved, which respects the characteristics of the surrounding area.

Comments with respect to impact on neighbouring amenity in particular with reference to overbearing impacts are noted. However given the outline nature of the proposal there is no guarantee that the development will be in line with indicative layout presented (and indeed on the basis of the comments of independent landscape advice it is highly unlikely that it would be delivered in this way). It is therefore inappropriate to undertake a detailed assessment of amenity at this stage. Nevertheless it is considered that the constraints of the site are such that an appropriate scheme could be designed for up to the maximum quantum sought giving careful consideration of existing neighbouring residents.

Land Contamination

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. This has not been addressed through a study at this

stage although the existing nature of the site is noted and colleagues in Environmental Health have raised no observations from a contaminated land perspective.

Developer Contributions

Core Strategy Spatial Policy 6, Policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

Affordable Housing

There is an indication from the applicant that they would be willing to provide the necessary affordable housing provision on site. Based on the maximum quantum of dwellings currently presented this would equate to 6 dwellings.

Community Facilities

The Council would seek a Community Facility contribution as per the LDF Developer contributions and Planning Obligations Supplementary Planning Document. The exact location of where the monies would be spent would need to be detailed subject to further discussions with the Parish Council and Community, Sports and Arts Manager. The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling at 2016 indexation. A development of 20 dwellings would therefore equate to a contribution of £27,681.40 plus potential further indexation.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. In reviewing the original proposals, Nottinghamshire County Council indicated that the proposed development of 60 dwellings would yield an additional 13 primary school places and 10 secondary places. Although no formal comments have been received in relation to the amended scheme, it seems a reasonable approach that contributions would still be sought for a development of 20 dwellings. The actual scale of the financial contribution can only be determined when the precise number of dwellings is known at the point of a future reserved matters application being determined; however in taking into account the reduced quantum of development, it is anticipated that at its maximum quantum of 20 dwellings, the proposal would be expected to deliver a contribution of £48,120 (subject to indexing). Contributions for secondary school places would be secured by the Community Infrastructure Levy (CIL).

Libraries

In respect of libraries; at an average of 2.4 persons per dwelling a development of 20 dwellings would add 48 to the existing library's catchment area population. NCC have therefore indicated that they would seek a developer contribution for the additional stock that would be required to meet the needs of the 48 population that would be occupying the new dwellings. Based on 2016

indexing figures this would amount to approximately £950.80 for the maximum quantum of dwellings.

Open Space

As a development of 20 dwellings this application would need to make provision for public open space. Indeed areas of public open space have been demonstrated on the indicative site layout. The SPD states that the scheme, at its maximum quantum, would need to provide for open space in the form of provision for children and young people (18m² per dwelling) and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum (£1,029.92 per dwelling) is required as well as the potential maintenance costs that would need to be agreed as part of any legal agreement. The alternative would be to provide all open space on site with a maintenance company.

Health

Whilst the development does not explicitly meet the housing trigger of the SPD in respect of Health contributions (65 dwellings), the SPD does also include the caveat that proposals which may place extra demand on the local healthcare may also be liable to make contributions towards health provision. Indeed I note that the existing operation of the NHS surgery is a cause of concern for local residents. Despite consultation with the Clinical Care Commissioning Group for Newark, no comments requesting a health contribution have been forthcoming at the time of writing. It is therefore considered unlikely that it will be reasonable to seek health contributions without a clear steer as to where and how the monies will be spent.

Clearly of the above, some contributions cannot be fixed until overall numbers are known. The S106 will therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. The inclusions for the S106 agreement as discussed in full above are summarised by Appendix 1.

Other Matters

A number of other matters have been raised during the consultation process which warrant reference in the assessment.

Comments in respect to the potential for the applicant to make further applications for additional residential development on neighbouring land are noted. Indeed this is all the more pertinent in the context of the revised application given that the applicant has already shown an intention to develop further land within their ownership. However, as Members will be aware, each application must be assessed on its own merits and any further applications would have to be assessed fully against the adopted development plan at the time of their submission if this were to be the case. Equally, the applicant is alive to the potential issues in terms of landscape impacts which led to the amendment of the current proposal.

Whilst I have sympathy in respect of some of the matters raised, for example the loss of a countryside outlook potentially affecting house prices, these do not form material planning

considerations which can be afforded weight in the overall planning balance. This is equally the case for disruption in respect of construction impacts again acknowledging sympathy for the local residents given the level of residential development already taking place within the village.

The Council has designated the parish of Farnsfield as a Neighbourhood Area for the purposes of Neighbourhood Planning. The Parish Council has submitted their Pre-Submission Draft Neighbourhood Plan which, at the time of writing is subject to consultation. At this stage, the Neighbourhood Plan cannot be afforded weight in the determination of this application. I also find it unreasonable to delay the determination of the current application in order to allow progress and review of the Neighbourhood Plan (as requested by a number of consultation responses received).

Overall Balancing Act and Conclusion

The revised proposal seeks outline planning permission for up to 20 residential units on a site of approximately 1.37 hectares in extent outside of the defined village envelope of Farnsfield. In usual circumstances a proposal outside of the village envelope would be resisted in principle. However, in acknowledgement of the current position in respect of the ability to demonstrate a five year land supply officers are of the view that a pragmatic approach should be applied and proposals of this nature could potentially be considered acceptable subject to compliance with the remainder of the development plan.

The level of local objection both from the Parish Council and interested parties is noted and fully considered in the above appraisal. Indeed it is acknowledged that the village of Farnsfield has been subject to a number of recent approvals including those granted on appeal. Nevertheless, this alone is not deemed as a reason to resist the proposal. The proposal has been assessed against all material planning considerations as outlined in the above appraisal.

Through the support of independent landscape advice, officers have identified that the revised proposal would no longer equate to harm to the landscape character of the policy zone in principle. It is fully appreciated (and indeed has been relayed to the applicant) that if Members are minded to grant permission, then any reserved matters application would have to be carefully designed (and ultimately fundamentally altered in respect of the indicative site layout currently presented) in order to be deemed acceptable in landscape impact terms.

It is fully acknowledged that Conservation colleagues have indicated harm to nearby designated heritage assets which must weigh negatively in the overall balance of the proposal. Nevertheless, owing to the scale of the harm identified, this is not considered sufficient to resist the proposal in its own right. Equally this is the case in respect of the undesirable impact on pedestrian movement whereby occupiers would have to cross Mansfield Road to walk into the village.

Other material considerations discussed fully above such as impact on residential amenity and ecology of the site are deemed to have a relatively neutral impact on the overall balance subject to the ability to secure appropriate conditions and an associated S106 agreement. Whilst being a finely balanced recommendation, officers are of the view that the overall balance of the scheme is tipped favourably towards approval on the basis of the delivery of housing at a time where full

weight cannot be attached to the Council's OAN and thus the 5YLS position. In reaching this judgement, the boost to the council's housing supply through the delivery of a policy compliant scheme in respect of necessary developer contributions has been attached significant weight. Being mindful of the influence of the current 5YLS position in this conclusion, it is considered reasonable to reduce the timescales for which associated Reserved Matters applications should be submitted and subsequent that the development should be implemented to 12 months in each respect.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

Conditions

01

Applications for approval of reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

The development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved.

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

02

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

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

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

04

The development hereby permitted authorises the erection of no more than 20 dwellings.

Reason: To define the planning permission as revised throughout the life of the application.

05

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

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

No development shall be commenced until a surface water drainage scheme, 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. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- The drainage system should include a 2-stage treatment of the rainfall from hardstanding areas in accordance with Ciria C697 to reduce the risk of pollution to the environment.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

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.

07

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

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

08

Prior to the commencement of development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

09

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

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

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey

must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

11

The development shall be carried out in accordance with Section 7.5 of the Preliminary Ecological Appraisal carried out by Brindle and Green dated May 2016 in reference to the protection of badgers during construction.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

12

No dwelling shall be occupied unless or until a footway has been provided along the south side of Mansfield Road to link the western side of the footpath adjacent to the access with the bus stop NS0031 to the west of the site to the satisfaction of the Local Planning Authority and Highway Authority.

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

13

No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

14

No part of the development hereby permitted shall be brought into use unless or until the upgrade of the two bus stops on Mansfield Road (NS0031 and NS0048) have been carried out to the satisfaction of the Local Planning Authority and shall include enforceable bus stop clearways.

Reason: To promote sustainable travel.

Informatives

01

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. At the time of writing this is found at www.leics.gov.uk/6csdg

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

02

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.

03

In view of the nature of Mansfield Road, it is highly recommended that direct access off Mansfield Road for individual dwellings be avoided.

04

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

05

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

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

06

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in

accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

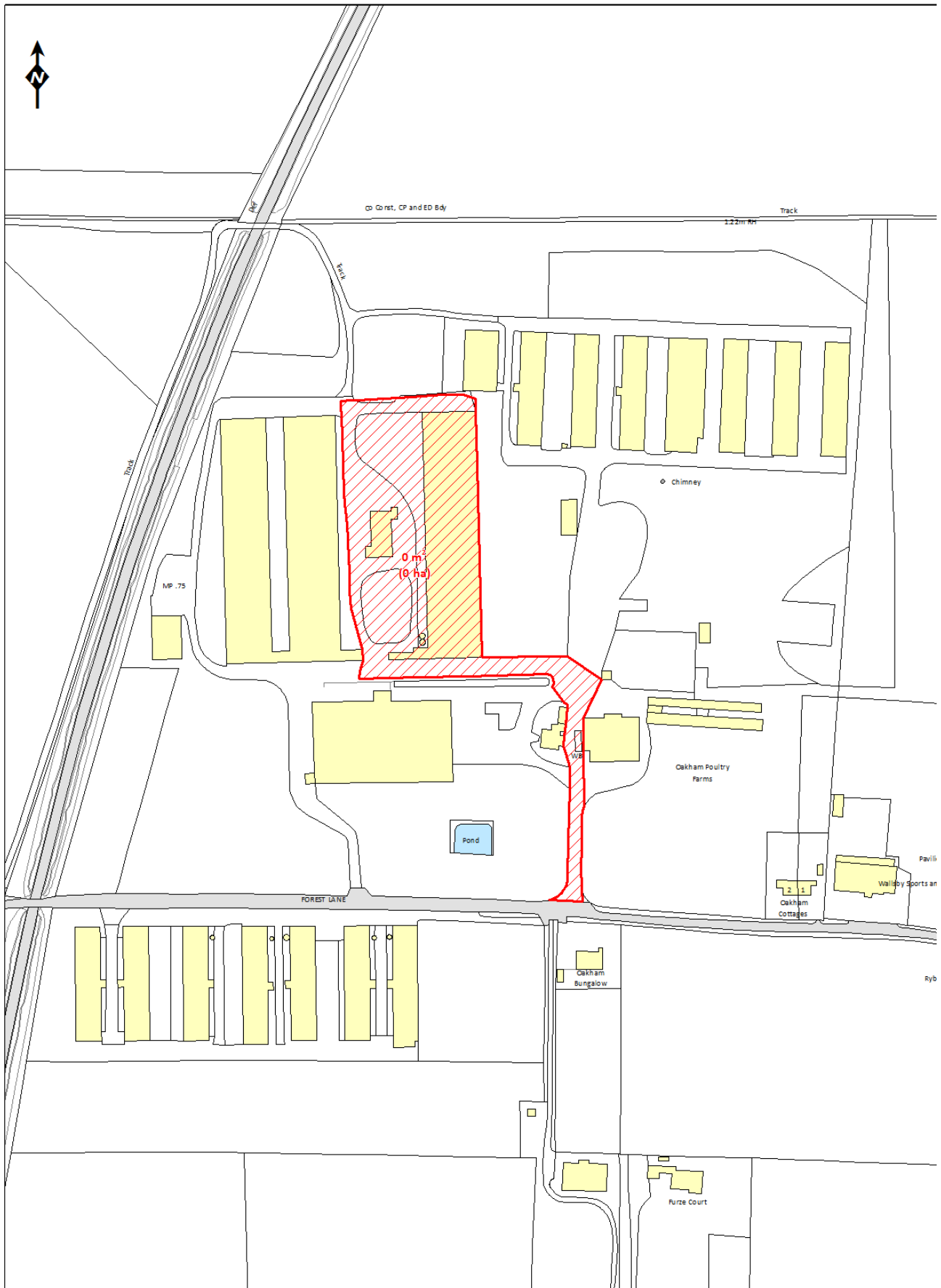
For further information, please contact Laura Gardner on ext. 5907.

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 - 16/00990/FULM



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Application No:	16/01952/FUL	
Proposal:	Erection of an Office Building with Workshop to Replace Existing Workshops and Storage Building	
Location:	Lodge Farm Lowdham Road Gunthorpe NG14 7ES	
Applicant:	Mr William Capps	
Registered:	12.12.2016	Target Date: 06.02.2017
	Agreed Extension of Time: 10.02.2017	

This application is being referred to the Planning Committee for determination by the local ward member Cllr Roger Jackson ‘on grounds of retrospective as already built and flooding issues as it is right in the middle of the Gunthorpe flood corridor around the village’. Clarification has been sought as to what is meant by the retrospective nature of application (a site visit on 11th January 2017 confirms the building is yet to be built). It appears the concerns have arisen from discussions with the Parish Council and therefore despite the lack of formal response from the Parish Council it is considered likely that they would object to the application.

The Site

The application site forms a relatively large rectangular plot of land accessed via Lowdham Road set back from the highway by approximately 85m. There are other residential curtilages to the north and north west of the site but the land to the east is open in nature. The site is between the villages of Gunthorpe to the south and Lowdham to the north but is washed over by the Nottingham Derby Green Belt. The site is also within Flood Zone 3a according to the Environment Agency maps.

It is understood that the wider site within the applicants ownership was originally used as part of an agricultural unit, although this use has ceased and the site is now being used for the storage and repair of touring caravans. No formal planning history has been identified for this change of use although aerial photographs indicate the use has been ongoing for a number of years (it appears the use was in operation in 2005 from the council’s photographic records) and therefore it is likely that the use would be immune from enforcement action.

As well as numerous caravans, the wider site contains a number of former agricultural buildings and a more modern ‘workshop’ type structure. The site has a large area of hard standing which is used for customer car parking and large areas of grass where the caravans are stored.

Relevant Planning History

There is an extensive planning history on the site mostly relating back to between 1978 and 1990 where numerous applications were both approved and refused in relation to the use of a residential caravan in connection with the historic agricultural use of the site.

More recently however, a lawful development certificate for the lawfulness for the change of use of land to residential use (C3 Use Class) for one touring caravan was issued. The decision date was 26th June 2015 with the relevant planning reference as **14/02206/LDC**.

Following this, an application was submitted in August 2015 for the demolition of an existing building and the erection of a new dwelling to replace the existing residential caravan (**15/01545/FUL**). In the absence of a decision in the prescribed time scale, the applicant appealed against non-determination. The LPA appeal statement outlined that, given the opportunity; the LPA would have refused the application on two separate matters:

- 1) The site lies within Flood Zone 2 and 3 and would fail the sequential test.
- 2) The proposed development would amount to residential curtilage in close association with an ongoing business to which the LPA would have no control and as such would create a substandard level of residential amenity for the proposed occupiers.

The appeal was dismissed and planning permission refused by decision dated 7th January 2016 (**APP/B3030/W/15/3137072**). The Inspector in making her decision identified three main issues; the above two identified by the LPA and whether the proposal would be inappropriate development in the Green Belt. However, the determinative issue for dismissing the appeal was on the basis of the flood risk of the site.

More recently, an application was submitted for the erection of a new live work dwelling to replace the existing residential caravan and workshop and storage building (**16/01241/FUL**). The application was refused under delegated powers on the basis that the residential occupation of the building would fail to pass the sequential test given the location of the site within Flood Zone 3a.

The Proposal

The current application seeks planning permission for the erection of an office building with workshop following the demolition of existing workshops and storage buildings.

As is discussed further in the appraisal section below, the application has been amended twice during the life of the application in respect to concerns raised by officers. The scheme to which the current appraisal relates is based on the revised plans received 13th January 2017.

The proposed building would be single storey with an office and workshop element. The office would be a maximum of approximately 5m in pitch height with the workshop element being approximately 4m. The approximate footprint of the proposed building would be 157m².

Departure/Public Advertisement Procedure

Occupiers of 16 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 4B: Green Belt Development
Spatial Policy 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 12: Biodiversity and Green Infrastructure

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Chief Planner letter dated 31st August 2015 ‘Green Belt protection and intentional unauthorized development’

Consultations

Gunthorpe Parish Council – No comments received.

NCC Highways Authority – This application is for the erection of an office building and workshops, following demolition of the existing workshops and storage building. There is not expected to be an intensification of use of this site, as a result of this application. There are no alterations proposed to the existing vehicular access onto Lowdham Road, therefore, there are no highway objections.

Additional comments in respect to the revised plans:

The site layout plan is acceptable to the Highway Authority, therefore, there are no highway objections to this proposal.

NSDC Access and Equalities Officer – Observations in relation to building regulations.

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

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

*based on indicative mapping produced by the Public Health England and British Geological Survey
Nov 2007

Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment and the subsequent email from BSP Consulting to the Environment Agency on the 1st October 2015 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures:

1. The internal finished floor levels shall be set no lower than 18.84mAOD (Above Ordnance Datum).
2. The development shall incorporate flood resilient design and construction techniques to a height of no less than 19.44mAOD (i.e. at least 600mm above the proposed internal finished floor level).

In addition to the above, it is recommended that the applicant should give consideration to the recommendations of the Environment Agency and DEFRA report, *'Improving the flood performance of New Buildings – Flood Resilient Construction'* (ISBN 9781859462874).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To reduce the consequence of flooding and to facilitate a quicker recovery in the event of a flood.

Trent Valley Internal Drainage Board – The Board maintain Hall Drain a culverted water course exists approximately 50m to the east of the site and to which BYELAWS and LAND DRAINAGE ACT 1991 applies.

The Boards consent is required to erect any building or structure (including walls or fences) whether temporary or permanent or plant any tree, shrub or willow or other similar growth within 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Boards prior written consent.

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

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

No letters of representation have been received.

Comments of the Business Manager

Given the complex site history whereby assessment of similar proposals has already been undertaken, there will undoubtedly be instances where the Inspectors decision, the LPA's Appeal Statement on the appeal proposal (15/01545/FUL) and the LPA's delegated report from the most recent refusal (16/01241/FUL) are of relevance to the current application. For ease of reference, elements of these assessments where included below have been done so in italic text. Content of the Inspectors decision is further distinguished by numbered paragraphs.

It is considered key to the current assessment to note that the current application is materially different in that it no longer seeks permission for residential occupation of the building (as has been the case with both of the previously refused decisions referenced above).

Principle of Development

The Core Strategy outlines the spatial strategy for the District aiming to direct new development to the more sustainable areas of the District such as the Newark Urban Area or principal villages such as Lowdham. Spatial Policy 1 clearly states that, where development falls within the designated Green Belt, proposals will be assessed against Spatial Policy 4B. This policy in turn directs assessment to the relevant paragraphs of the NPPF.

It is acknowledged that the proposal incorporates offices and workshop space in association with an established (albeit unauthorized) caravan repair and storage business. Core Policy 6 outlines a support for a diverse range of employment opportunities within the District. The Design and Access Statement (D&AS) confirms that the rationale for the current application is to allow investment into the business to diversify into new areas and allow the business to grow. It has further been confirmed that at present, the business has 5 no. full time members of staff and 1 no. part time staff member. If the application is approved, it is stated that the applicant will be looking to employ 1 no. full time member of staff and 2 no. part time members of staff.

The application site is situated within Flood Zones 3a according to the Environment Agency maps. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific FRA, the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

Impact on Green Belt

Paragraph 89 of the NPPF regards the construction of new buildings within the Green Belt as inappropriate, and by definition harmful to the Green Belt, with the exception of six listed circumstances. The appropriateness of development at the site in the context of the Green Belt constraint was identified as a key consideration by the Inspector in reaching her decision on the previous application:

6. A further exception set out at bullet point 6 of paragraph 89 of the Framework is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

7. Although previously an agricultural unit, the site is used for the storage and repair of caravans. Whilst no planning permission has been granted for this business, the Council confirms that it has been ongoing for a number of years and is likely to be immune from enforcement action. I note the Council's point that the brownfield nature of the site has come about due to the length of time that the unauthorised caravan storage business has been operating. Nevertheless, I am satisfied that the site is previously developed.

8. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. It can be considered as meaning an absence of built development. The Council accepts that the site as existing does not have an open character due to the existing buildings and the storage of caravans. The proposed house would be around 12.5 metres wide and 9.1 metres deep, with a maximum height of around 7.5 metres. An existing large single storey detached building would be demolished. The appellant advises that the proposal would result in a loss of around 122.22 square metres of footprint within the site. The Council does not dispute that this would be the case. Even though the proposed dwelling would be taller than the building to be removed (two storey rather than single storey) and a new parking area is indicated to the front of the proposed house, this reduction in footprint would be significant. Additionally the residential caravan would be removed.

9. This being so, on the basis of the information before me, and in the absence of a contrary view from the Council, it seems to me that the proposal would see a reduction in the amount of built development on the site.

10. The purposes of the Green Belt are set out at paragraph 80 of the Framework. The Council considers that the proposal would not contradict any of these intentions, and I see no reason to come to a different view.

11. Thus overall, I am content that the proposal concerns the redevelopment of a previously developed site and would not have a greater impact on the openness of the Green Belt or the purpose of including land within it than the existing development. On this basis, the Council concludes that the proposal would be an exception to Green Belt policy. Based on the evidence before me, and what I observed on site, I see no reason to find contrary to this view and am also satisfied that the proposal would not be inappropriate development in the Green Belt.

As identified, the material difference of the current proposal is that the application no longer seeks permission for residential occupation. Through negotiation the design of the building has now been altered which has implications for the footprint figures referred to above. The agent has confirmed through the submission of revised plans that the current proposal would amount to a reduction in overall footprint of approximately 71.71m². Although this is a lesser amount than that previously considered in the Inspectors above assessment, I do not consider that the conclusion reached in terms of the impact of Green Belt openness would differ. Arguably, the current proposal would have a lesser impact on openness by virtue of its single storey height.

In addition to the above, the current scheme, in the absence of residential accommodation, would also meet the fourth exception bullet point of para. 89. Officers consider that the current proposal

can be considered to represent a replacement building in the same use, which, taking all factors into account, is not considered to be materially larger than the building it replaces. The proposal is therefore considered to be an exception to inappropriate development in the Green Belt in line with para. 89 of the NPPF.

Impact on Flooding

The site is within Flood Zone 3a according to the Environment Agency maps. The application has been accompanied by a Flood Risk Assessment and Sequential Test Report. Members will note that issues of flood impact formed the sole reason for refusal on the most recently refused application and formed the compelling grounds to why the Inspector dismissed the appeal for previous application.

13. Paragraph 101 of the Framework requires decision makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test. Planning Practice Guidance (the Guidance) indicates that the aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

The notable absence of residential accommodation in the current application fundamentally changes the previous assessments. It is noted that the current proposal relates to office and workshop space to replace existing facilities within the site. As is confirmed through the submitted Sequential Test report, any building within the site would be situated within Flood Zone 3a and thus subject to the same flood risk. Sequentially therefore, there are no alternative locations to which office and workshops could be developed at the site at a lesser risk of flooding. It is accepted that it would be necessary for the offices and workshop to be situated on the site to allow new investment into the established business. The current proposal is therefore considered sequentially appropriate in flood risk terms.

As confirmed above, where development is to be sequentially accepted in Flood Zone 3, the NPPF requires consideration of the flood risk vulnerability of land uses. This is outlined by Table 2 of Technical Guidance to the NPPF. The proposal, for offices and workshop space would be considered as a 'less vulnerable use' according to the table. Table 3 of the guidance goes on to identify flood zone compatibility and confirms that, in Flood Zone 3a, less vulnerable uses are considered to be appropriate development. Table 3 does not render it necessary to apply the exception test. Nevertheless, the submitted FRA has been assessed by the Environment Agency and the development found to be acceptable subject to conditions.

Impact of Design

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.

The originally submitted D&A Statement addressed the design of the originally proposed development. For clarity, the original plans were identical in design to those presented for the previous planning application for a 'live work' unit. Para. 6.7 stated that the new office building with workshop had sought to consider its setting and local context, whilst enhancing the natural environment through the removal of an existing untidy structure and its replacement with a permanent, better designed structure. It is further stated that the proposed building was of a size and scale suitable to meet the needs of the Applicant with a traditional, yet functional design.

As outlined above the originally submitted plans were identical in design to those submitted for the previously refused live work unit application. Thus whilst the functionality of the workshop space with a large garage door could in some respects be interpreted, overall the domestic detailing of the plans implied a residential use. In this respect, officers disputed the statement that the design of the building is functionally orientated towards an office and workshop building. Revised plans were then submitted removing some of the domestic elements such as the dormer windows on the south elevation and the porch on the north elevation. The first addition of revised plans made no attempt at a substantial re-design. On this basis, officers again raised concern with the design of the building and indeed the need for the substantial area of floor space set across two storey's.

These discussions led to the submission of a second set of revised plans received on January 13th 2017. It is these plans on which the current proposal is assessed. The proposed building now presented is much more simplistic in design with the majority of domesticated elements removed (albeit officers are mindful that certain elements such as the doors and windows still have slightly domestic connotations). Officers now consider that the proposed building demonstrates better functionality to the intended purpose which would adequately conform to the defined character of the immediate site as business venture.

Whilst I am mindful of the planning history which shows a clear intention to gain planning permission for a permanent residential dwelling on the site, I do not consider this alone to be sufficient grounds for refusal. The current intentions of the applicant for office and workshop accommodation have been confirmed through correspondence during the life of the application and the LPA have no evidence to suggest to the contrary. Any application to change the use of the building to a residential use would require the submission of a separate planning application which would be assessed on its own merits. Nevertheless, the applicant will of course be aware that the inappropriateness of allowing residential occupation has been fully rehearsed in the site history and would remain the case in the long term owing to the positioning of the site within flood zone 3a.

On the basis of the above discussion the proposal, as revised, is considered to appropriately conform with the character of the site in compliance with the aspirations of Policy DM5.

Impact on Ecology

The proposal necessitates the demolition of existing workshop and office buildings within the site.

As with the previous proposal, the application has been accompanied by an ecological assessment dated October 2015 which has considered the implications of demolishing the existing building. Although Notts Wildlife Trust has not provided detailed comments on the current application, their comments from the previous application remain of relevance:

'We have reviewed the report and are generally satisfied with the methodology used and conclusions reached. Provided the recommendations given in 7.1 with respect to timing works to avoid the bird breeding season are conditioned, ecological impacts are considered unlikely.

We are supportive of the enhancements recommendations for birds and bats in Sections 7.1 and 7.2 of the report which could be secured through a condition, should the application be approved.'

If the application were to be approved I am confident that appropriate conditions could be imposed to safeguard the ecological value of the site. The same conclusions can be drawn for the current proposal.

Impact on Highways

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

The business is established within the site and the current proposal represents a replacement of existing workshop and office space. As such, it is not anticipated that the proposal will have a material impact on the highways network. In this regard, it is noted that NCC Highways have raised no objection to the proposal.

I am conscious that additional information has been submitted during the life of the application suggesting that the business is intended to employ three potential additional staff members (not indicated through the application form). It is considered that the site area itself will be self-governing in terms of expansion beyond this and it is not anticipated that the additional staff referred to would tip the balance to an unacceptable highways impact. Indeed NCC Highways have confirmed that their position would not change on the basis of the revised plans.

Impact on Amenity

Previous applications on the site have focused assessment towards the amenity impacts of the proposal notably in the context of introducing a new residential unit within an established business use. Given that the current proposal no longer seeks to deliver a residential use there is no conflict with amenity provision which would warrant a resistance of the proposal.

Overall Balance and Conclusion

The site has been subject to a complex site history owing to the site constraints notably that the site is within Flood Zone 3a and washed over by the Nottingham Derby Green Belt. The current proposal, relating solely to the delivery of replacement of workshop and office accommodation is a less vulnerable use in flood risk terms.

As with previous proposals the proposal is considered to be an exception to inappropriate development in the Green Belt on the basis of two of the bullet points at para. 89 of the NPPF.

Officers have taken the opportunity to work with the applicant in terms of revisions to the originally submitted plans such that the proposal now more accurately represents a design typically functional to the intended use of the building. On the basis of the revised plans the building is now considered appropriate to serve its purpose. Officers have identified no other material planning considerations which would justify resistance of the proposal. On balance, the current proposal in seeking for a reduced use is deemed to have overcome the previous reasons

for refusal. Approval is recommended on the basis of the following conditions.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site Layout Plan – LR-02 dated Jan 2017
- Proposed Plans – LR-03 dated Jan 2017
- Proposed Elevations – LR-04 dated Jan 2017

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

The development hereby permitted shall be carried out in accordance with the recommendations made at Section 7 of the Ecological Appraisal Report (Brindle and Green, Oct 2015) unless otherwise agreed in writing by the LPA. In particular it should be noted that 7.2 requires an additional survey to determine if bats are roosting within the buildings on the site prior to the commencement of development.

Reason: To protect ecology present within the site.

05

The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures:

1. The internal finished floor levels shall be set no lower than 18.84mAOD (Above Ordnance Datum).

2. The development shall incorporate flood resilient design and construction techniques to a height of no less than 19.44mAOD (i.e. at least 600mm above the proposed internal finished floor level).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to reduce the consequence of flooding and to facilitate a quicker recovery in the event of a flood.

06

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

Reason: To ensure that the development is provided with a satisfactory means of drainage.

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 3 of the Order in respect of Class I (industrial and general business conversion).

Reason: In acknowledgement of the existing highways access, any change of use to B8 (storage or distribution) would require consideration through a separate planning application.

Notes to Applicant

01

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

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

02

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

03

This application includes the demolition and rebuilding of commercial workshop buildings and there lies the potential for these to have been used for a variety of activities. It would depend on

what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

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

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007

04

Trent Valley Internal Drainage Board maintains Hall Drain a culverted water course exists approximately 50m to the east of the site and to which BYELAWS and LAND DRAINAGE ACT 1991 applies.

05

Trent Valley Internal Drainage Boards consent is required to erect any building or structure (including walls or fences) whether temporary or permanent or plant any tree, shrub or willow or other similar growth within 9m of the top edge of any Trent Valley Internal Drainage Board maintained watercourse or the edge of any Board maintained culvert.

06

The erection or alteration of any mill dam, weir or other like obstruction to the flow or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Trent Valley Internal Drainage Board prior written consent.

07

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

BACKGROUND PAPERS

Application case file.

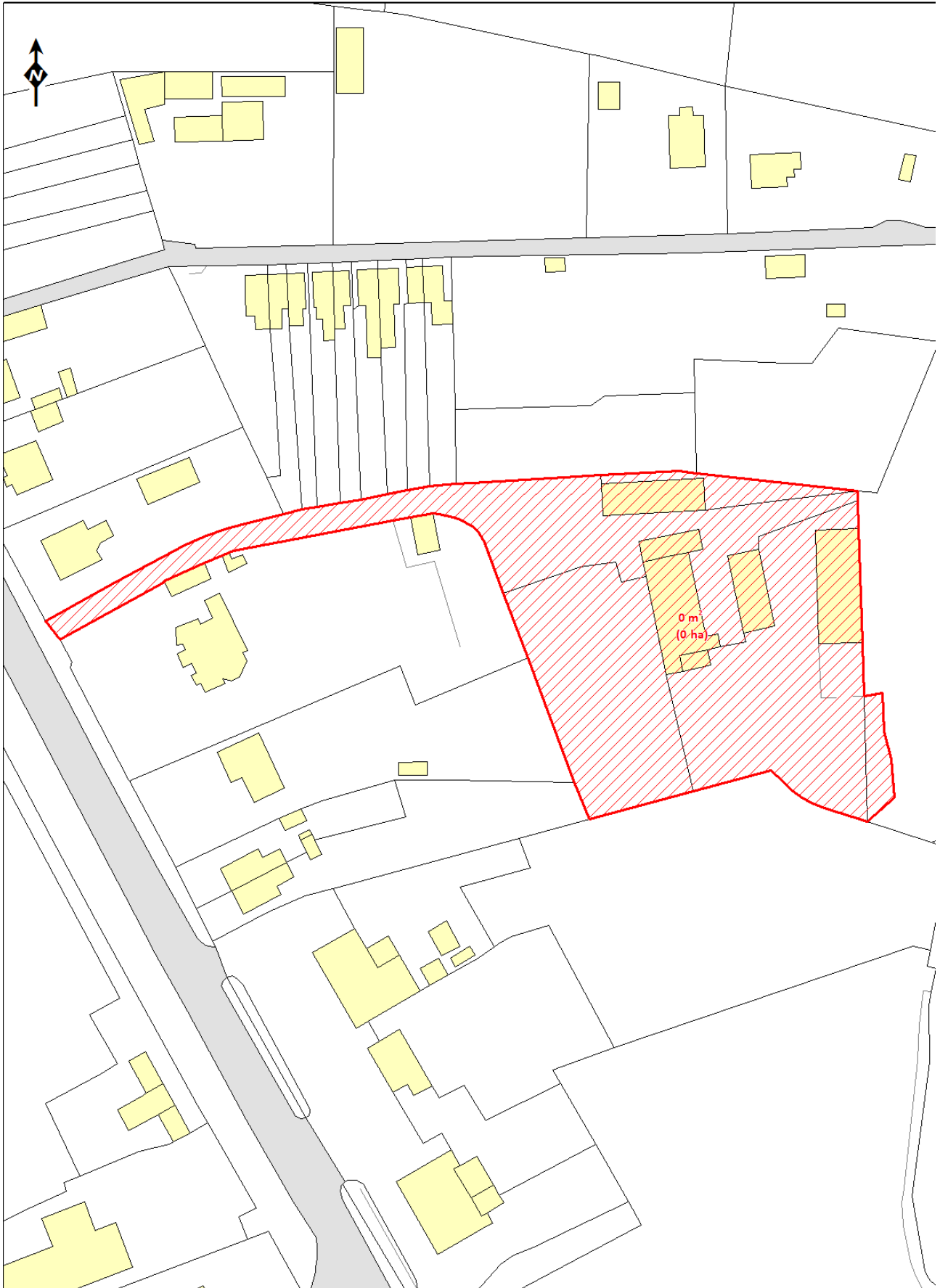
For further information, please contact Laura Gardner on ext. 5907.

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 - 16/01952/FUL



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Application No:	16/02164/FUL	
Proposal:	Demolition of garages and erection of 6 No. dwellinghouses (C3)	
Location:	Garages, Grange Road, Newark On Trent, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	03.01.2017	Target Date: 28.02.2017

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

The site is situated within the built up area of Newark defined as an 'sub-Regional Centre' in the Settlement Hierarchy under Spatial Policy 1 of the Core Strategy. The site is a corner plot at the junction of Grange Road and Vixen Close which comprises rows of garages on the south, east and west boundaries with access from Grange Road to the south through a low brick wall. Timber fencing makes up the rear and side boundaries. The forecourt in front of the garages consists of hard standing.

The area is characterised by a mix of dwellings with two storey dwellings adjacent to the east, three storey dwellings opposite to the north and single storey bungalows to the south and west.

Relevant Planning History

00/01373/FUL - Demolition of Hawton House Cottage, demolition/re-location of 27 garages and creation of 15 new 2 bedroom bungalows – Permitted 16.02.2001

The Proposal

The proposal seeks planning permission for the erection of 6 dwellings in a terrace. The houses will all have two bedrooms and be two storey in height with a pitched roof design. The proposed dwellings would be located centrally within the plot stretching from east to south facing north. Each dwelling would have a single off street parking space and private amenity space provided in rear gardens. Bin storage and access would be provided to the rearmost part of the rear gardens.

The approx. measurements of each dwelling would be:

8.88m deep
4.66m wide
4.8m to the eaves
8.23m to the ridge

Public Advertisement Procedure

Occupiers of 49 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable transport
Core Policy 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

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
DM3 - Developer Contributions
DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Comments are due on the 2nd February due to the date of the next available Town Council meeting being the 1st February.

NCC Highways Authority – “The application site is currently a garage site/parking area and this proposal is for the construction of 6 x 2 bedroom dwellings. The site plan submitted shows there will be one parking space per dwelling. The properties opposite the site have no off street parking and so vehicles currently park along Grange Road.

Due to the minimal parking spaces provided as part of this proposal, along with the removal of the existing parking area, it is considered that this proposal would lead to an increase in on street parking, and as Grange Road is a bus route, this is a situation that should be avoided.

Therefore, whilst there are no objections in principle to development of this site, further off street parking is required to ensure any on street parking is kept to a minimum.”

N&SDC Environmental Heath Contaminated Land – No comments received at the time of writing this report

Representations

None received

Comments of the Business Manager

Preliminary matters

Comments received from Nottinghamshire County Council raise no formal objection to the principle of the development proposed but they have stated that further off street parking is required. In light of this the applicant has been asked to consider reducing the amount of built form of the site to accommodate further off street parking spaces associated with the dwellings. If a revised plan is received as anticipated this will be presented to planning committee as a late item.

Principle of development

The site is located within the built up area of Newark which is defined as ‘sub regional Centre’ as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

I am satisfied that the site is located within the main built up area of a sustainable settlement, and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties or highway safety will all need to be taken into consideration and are discussed below.

Impact on the Character of the Area

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

The application site falls within an area that is characterised by a mix of dwellings with two storey dwelling adjacent to the east, three storey dwellings opposite to the north and single storey bungalows to the south and west.

I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance the proposed development would sit well within the context of the adjoining dwellings (particularly in terms of scale in relation to the two storey dwellings to the east) and the wider residential setting.

The layout of the development has been designed such that the proposed dwellings are set back from the adjacent highway which will serve the properties (Grange Road), with a small landscaped frontage and single car parking space (per dwelling). Private amenity space is afforded to the proposed dwellings in the form of rear gardens.

Whilst I am mindful that a revised plan is anticipated, in design terms this is likely to follow similar design principles. On this basis it is considered that proposed development would not result in an undue impact upon the visual character or visual amenity of the immediate street-scene or the wider area.

Impact on Residential Amenity

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

The proposed properties will be two storeys with a pitched roof. Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area. The existing site is bound by the garages themselves on west and south boundaries and a 2m fence to the east boundary.

Based on the above and due to the proposed position of dwellings within the plot and the separation distances that would exist, I consider the adjacent dwelling located to the south, north and west would suffer no negative impacts with regard to amenity in terms of overbearing impact or loss of light. The dwelling to the east of the site would be close to the east side boundary of the end terrace property and as such there is the potential for amenity impacts. I note that there is a single first floor window located to the west side elevation of number 25a to the east of the proposal site and that the property benefits from a single storey garage located to the west of its plot. This provides a separation distance of approx. 3m between the side window and the proposed end terrace dwelling. Whilst the potential impact on this window is fairly limited, as noted above it is anticipated that a revised layout will be submitted by the applicant reducing the level of built form on the site. It is considered that this is likely to further improve the relationship between the end of the terrace and number 25a Grange Road and on this basis I am satisfied that the proposal will have an acceptable relationship with this neighbouring dwelling.

With regard to privacy there are ample separation distances between the front and rear windows of the proposed properties and surrounding dwellings. The rear gardens and boundary treatment will also protect neighbours further. No west side facing windows are proposed but ground and first floor windows are proposed to the east side boundary. The ground floor window here will look out onto boundary treatment and as such will not create any privacy issue. The proposed first

floor window will serve a bathroom and as such, if the scheme is found suitable a suitably worded condition to control this glazing to be obscured and non opening lower than 1.7m from internal floor level would be imposed to restrict any overlooking to the neighbouring property to the east.

The proposed dwellings have been afforded private amenity space to the south of the proposed plots which I consider to be commensurate with the 2 bedroom dwellings proposed.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance and this is likely to be further improved through the receipt of the anticipated revised plan reducing built form on the site. The proposal would also provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal will accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

I note the comments received from Nottinghamshire County Council Highways whilst not objecting to the proposal they do state that further off street parking is required to ensure any on street parking is kept to a minimum due to Grange Road being a bus route and no off street parking being available for the existing properties to the north of the site. As noted above a revised proposal has been sought from the applicant in this regard. It is anticipated that further off street parking may be able to be included in the scheme if a dwelling is deleted from the scheme.

Parking on Grange Road and Vixen Close is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 20 garages. However, it must first be noted that the dwellings will provide for a minimum one off street parking space per dwelling but this ratio is due to increase through the submission of the anticipated revised plan to approximately 2 spaces per dwelling. Such a level of parking is considered to be acceptable and commensurate with the size of the dwellings proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the vicinity. More information on occupation rates is being sort and any additional information received will be reported as a late item to Committee. However, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration, provided that the Highway Authority raise no objections to any revised plans received, I consider that the loss of the garages as parking spaces could be justified and that the proposed scheme would not result in highway issues to justify refusal on

these grounds. In those circumstances the proposal would be considered to accord with Policy SP7 and DM5.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and provided that no highway objections are received recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the receipt of a revised plan to the satisfaction of the Highway Authority and the following conditions:

Conditions

01

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

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

02

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

- Proposed Site Layout Plan – drawing ref 40860/ID023/001C (To be updated on receipt of revised plans)
- Proposed Site Layout – drawing ref 40860/ID23/04C (To be updated on receipt of revised plans)
- Proposed Plans – drawing ref 40860/ID023/005 (To be updated on receipt of revised plans)
- Proposed Elevations – drawing ref 40860/ID023/006A (To be updated on receipt of revised 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.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall

thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

Notwithstanding the provisions of the Town and Country 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

Reason: In the interest of protecting the character and appearance of the area and neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

08

No part of the development hereby permitted shall be occupied until such time as a scheme that secures the housing for affordable rent, as set out in the application forms accompanying this application and in line with the definition in the NPPF, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be occupied in accordance with the approved scheme.

Reason: In the interests of securing affordable housing to meet an identified need in accordance with the aims of Spatial Policy 3.

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 understanding that CIL may not be payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Council's website.

02

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

Order 2010 (as amended).

BACKGROUND PAPERS

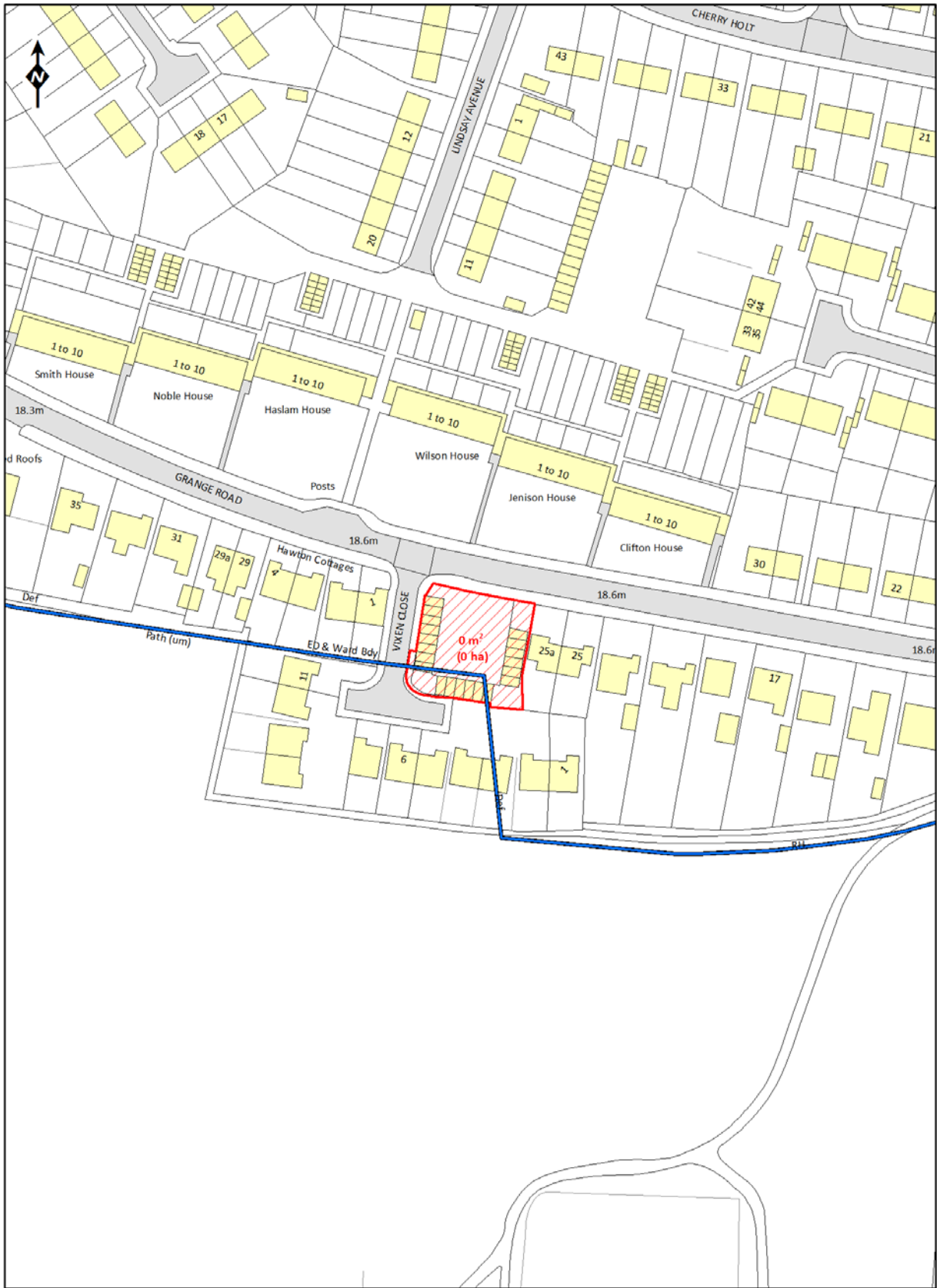
Application case file.

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02164/FUL



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Application No:	16/02168/FUL	
Proposal:	Demolition of garages and erection of 1No. 2 bed bungalow	
Location:	Garage Units Adjacent, 15 - 17 Almond Grove, Farndon, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	23.12.2016	Target Date: 17.02.2017

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council’s agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council’s constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

The site is situated within the built up area of Farndon defined as an ‘other village in the Settlement Hierarchy under Spatial Policy 1 of the Core Strategy. The site comprises a level site currently occupied by 2 rows of garage units and hard surfacing as well as an electricity sub station. The access road measures some 24.0m in length with no passing point and sits between side boundaries serving a two storey semi detached dwelling at nos.15 and a bungalow at no.17 Almond Grove. These adjoining dwellings are reflective of the wider character of the area which comprises a mix of two-storey and single storey brick dwellings with occasional application of render at ground floor level and brown roof tiles. Bungalows on Oak Avenue and a cemetery adjoin the site to the rear.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks planning permission for the erection of one 2 bedroom bungalow with a pitched roof design. The proposed dwelling would be located to the eastern corner of the site facing south west (towards the access). Two parking spaces would be provided to the front of the dwelling and private amenity space would be located to the north west side of the dwelling.

The approx. measurements of the dwelling would be:

8.65m deep
8.54m wide
2.33m to the eaves
5.7m to the ridge

Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter and a site notice was posted adjacent to the site on the 4th January 2017.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable transport
Core Policy 1 - Affordable Housing Provision
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 – Sustainable design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
DM3 - Developer Contributions
DM5 – Design
DM7 - Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Farndon Parish Council – ‘At our Parish Council meeting last night Members considered the applications outlined above. Given that the development is proposed on garage spaces alongside residential areas that currently suffer badly with on-street parking, Members have asked me to request, as a matter of urgency, details on the current occupancy level of the garages. They will then consider the applications at an extraordinary meeting of Council.’

NCC Highways Authority – This application is for the demolition of existing garages and the erection of one bungalow using the existing access. The layout submitted provides two parking spaces, however, the turning facility appears to be very restrictive, in that vehicles may have difficulty manoeuvring within the site to enable exit in a forward gear. Could the applicant/agent provide vehicle swept path analysis to clarify and address this matter.

A written representation has been received from one interested party raising concerns with the proposal which can be summarised as follows:

- Concerned that the removal of the garages will increase pressure on street parking in the area and cause further issues as:
 - the garages proposed to be demolished are currently in use reducing on street parking presently
 - Almond Grove is not particularly wide and not all houses have driveways
 - The new house would also need more parking
 - The proposal could cause road safety issues as there will be no space to pass
 - Public transport already struggles to pass parked cars on the street

Comments of the Business Manager

Preliminary matters

Comments received from Nottinghamshire County Council raise no formal objection to the principle of the development proposed but they have stated that the proposed turning facility appears to be very restrictive and vehicles may have difficulty maneuvering within the site.

In light of this the applicant has been asked to consider revisions to the layout to accommodate an enhanced turning facility to enable vehicles to exit the site in a forward gear. If a revised plan is received as anticipated this will be presented to planning committee as a late item.

Principle of development

Spatial Policy 1 of 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. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

5 Year Housing Land Supply

The Council's 5 year housing land supply (5HLS) 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 July 2016 Planning Committee. I will not rehearse the position in full; save

to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need (OAN) 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 (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation), the Council is of the opinion that paragraph 14 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, 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 Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

The five criteria outlined by SP3 are location, scale, need, impact and character. Farndon is classed as an 'Other Village' where development will be considered against the sustainability criteria set out in Spatial Policy 3.

Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the built up area of the village adjacent to existing residential development on Almond Grove to the west and south, residential properties on Oak Avenue to the north and east and the cemetery located to the north west.

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement 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/Visual Amenities

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. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single and two storey semi-detached, and terrace dwellings.

I am satisfied that the design of the proposed dwelling is acceptable and that in terms of appearance the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the development has been designed such that the proposed dwelling is set to the south east corner of the site. This position will render views of the front of the proposed dwelling to be limited to passing views from Almond Grove. An adequate level of private amenity space is considered to be afforded to the proposed dwelling to the north west side of the proposed bungalow.

It is therefore considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area.

Overall, the dwelling is considered to reflect the character of surrounding built form and due to the sites position set back from the main road and its single storey nature, is not thought likely to be a prominent addition to the street scene. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

Need for Development

I have already rehearsed above that the Council cannot currently demonstrate a 5 year land supply (5YLS) against an independently approved OAN. That said, SP3 remains a material planning consideration to be assessed in an overall planning balance.

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Farndon. The need is not Farndon specific in that there is no local housing needs survey. The need covers a slightly wider geographical area, including Newark. That said, given the 5 YLS position considerable weight should be attached in an overall planning balance to the provision of affordable housing outweighing the lack of a specifically proven local need. Indeed, I note the 5YLS has been persuasive recently for a market unit in this SP3 village.

Impact on Residential Amenity

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

The proposed property will be single storey with a pitched roof. Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To

maintain privacy and security boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area. The existing site is bound by the garages themselves on the two side boundaries and 2m walls to all other boundaries. Based on the above and due to the proposed position of the bungalow within the plot and the separation distances that would exist, I consider the adjacent dwellings located on Oak Avenue positioned to the north east and east of the site to be the most sensitive properties with regard to residential amenity impacts. Based on the aforementioned condition requiring boundary treatment and the approx. eaves height of 2.3m the pitched roof of the bungalow will be of most concern regarding amenity but due to the proposed bungalow being located to the west and south of the neighbouring dwellings referred to, the spacing between adjoining properties and the single storey nature of the proposal I don't envisage any undue impacts with regard to the potential for overbearing or overshadowing. Furthermore no roof lights are proposed and the windows to the ground floor will not create any privacy issues due to the boundary treatment that would be controlled by condition.

The proposed dwelling has been afforded private amenity space to the west side of the proposed plot which I consider to be commensurate with the 2 bedroom dwelling.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance and would provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

I note the comments received in respect of the loss of existing off street parking currently provided by the garages and the on-street parking problems already experienced in the area. Parking on Almond Grove is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 12 garages. However, it must first be noted that the dwelling will provide for two off street parking spaces, this is considered acceptable provision commensurate with the size of the dwelling proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents on Almond Grove. More information on occupation rates is being sought and any additional information received will be reported as a late item to Committee. However, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

The comments of the Highway Authority in relation to the proposed turning facility are noted and revised layout plans have been requested. Subject to the Highway Authority raising no objections to the revised layout, I consider that the loss of the garages as parking spaces could be justified and that the proposed scheme would not result in highways issues to justify refusal on these grounds.

In those circumstances the proposal would be considered to accord with Policy SP7 and DM5.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and provided that no highway objections are received recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to the receipt of a revised plan to the satisfaction of the Highway Authority and the following conditions:

Conditions

01

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

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

02

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

- Proposed Site Layout Plan – drawing no. 40860/ID081/003B (To be updated on receipt of revised plans)
- Proposed Plan and Elevations – drawing no. 40860/ID081/00
- The Location Plan - 40860-ID081-001B

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 of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

Reason: In the interest of protecting the character and appearance of the area and neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allotments and Development Management DPD (2013).

08

No part of the development hereby permitted shall be occupied until such time as a scheme that secures the housing for affordable rent, as set out in the application forms accompanying this application and in line with the definition in the NPPF, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be occupied in accordance with the approved scheme.

Reason: In the interests of securing affordable housing to meet an identified need in accordance with the aims of Spatial Policy 3.

09

No development shall commence until a schedule of the demolition works to be carried out is submitted and agreed by the authority. This schedule shall include the details of temporary site enclosure following the demolition works which shall be retained until construction works have been completed and boundary treatments approved in accordance with condition 4 of this permission have been erected in accordance with the approved details.

Reason: In the interests of neighbouring amenity and site 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/cil/

The proposed development has been assessed and it is the Council's understanding that CIL may not be payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Council's website.

02

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

BACKGROUND PAPERS

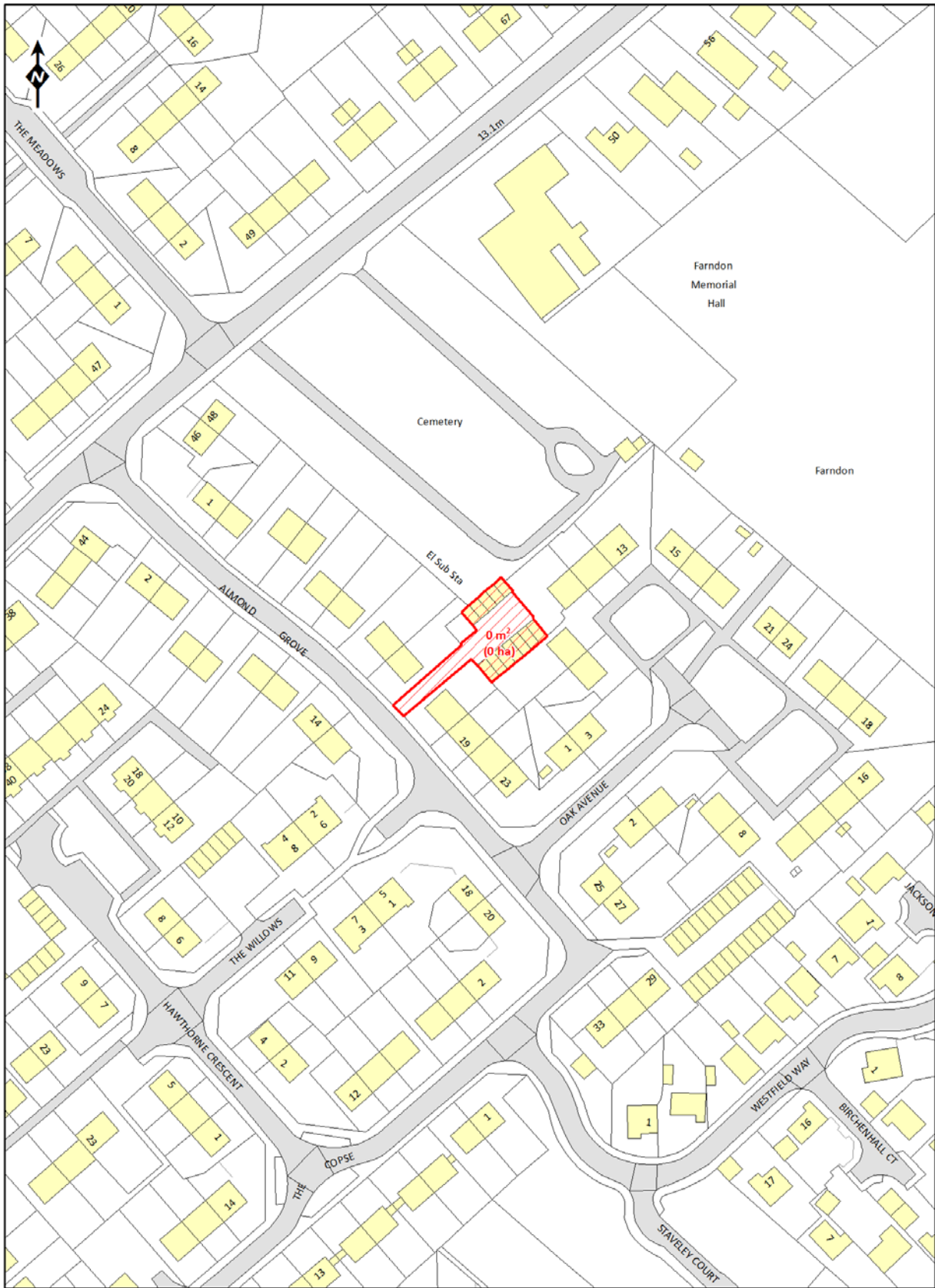
Application case file.

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02168/FUL



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Application No:	16/02174/FUL	
Proposal:	Erection of two dwellings.	
Location:	Land At, The Willows, Farndon, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	28.12.2016	Target Date: 22.02.2017

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing position remains high in the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

The site is situated within the built up area of Farndon defined as an 'other village' in the Settlement Hierarchy under Spatial Policy 1 of the Core Strategy. The site comprises a level site currently occupied by a single row of garage units, hard surfacing and a wide grass verge. Access to the site already exists and the site is surrounded by adjoining dwellings which are reflective of the wider character of the area which comprises a mix of two-storey and single storey brick dwellings with occasional application of render at ground floor level and brown roof tiles.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks planning permission for the erection of 1no. 2 bedroom and 1no. 3 bedroom dwellings which would be two storey in height with front gardens, two parking spaces each and private amenity space provided in rear gardens.

The approx. measurements of the footprint of the dwellings would be:

- 8.88m deep
- 10.57m wide
- 4.8m to the eaves

8.23m to the ridge

Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy

Spatial Policy 2 - Spatial distribution of growth

Spatial Policy 3 – Rural Areas

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 - Sustainable transport

Core Policy 1 - Affordable Housing Provision

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable design

Core Policy 10 - Climate Change

Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy

DM3 - Developer Contributions

DM5 – Design

DM7 - Biodiversity and Green Infrastructure

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Farndon Parish Council – ‘At our Parish Council meeting last night Members considered the applications outlined above. Given that the development is proposed on garage spaces alongside residential areas that currently suffer badly with on-street parking, Members have asked me to request, as a matter of urgency, details on the current occupancy level of the garages. They will then consider the applications at an extraordinary meeting of Council.’

NCC Highways Authority – The application site is an existing garage site, and this proposal is for the construction of two dwellings, each with two parking spaces. Whilst there are no highway objections in principle to development of this site, the parking bays for plot 002 are positioned so that a vehicle would have to drive over the footway at the end of the cul-de-sac to manoeuvre into/from the bays. Therefore, it is recommended that the plan be amended to show the bays relocated to a more suitable position.

N&SDC Environmental Health Contaminated Land – No comments received at the time of writing this report

Two written representations have been received from interested parties, one objecting and one supporting with concerns the proposal which can be summarised as follows:

Support with concerns

- Concerned with the removal of the garages which currently form the boundary of adjacent dwellings. How will this be managed during construction to secure neighboring properties and not lead to damage to gardens and who will be responsible for a new boundary?

Objection

- The two storey dwellings are out of character and should be bungalows
- Any development will reduce parking and increase competition for on street parking with overspill onto Hawthorne Crescent
- Any trees should not become overbearing

Comments of the Business Manager

Preliminary matters

Comments received from Nottinghamshire County Council raise no formal objection to the principle of the development proposed but they have stated that the parking bays for plot 002 are positioned so that a vehicle would have to drive over the footway at the end of the cul-de-sac to manoeuvre into/from the bays and have recommended that the plan be amended to show the bays relocated to a more suitable position. If a revised plan is received as anticipated this will be presented to planning committee as a late item.

Principle of development

Spatial Policy 1 of 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. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

5 Year Housing Land Supply

The Council's 5 year housing land supply (5HLS) 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 July 2016 Planning Committee. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need (OAN) 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 (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation),

the Council is of the opinion that paragraph 14 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, 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 Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

The five criteria outlined by SP3 are location, scale, need, impact and character. Farndon is classed as an 'Other Village' where development will be considered against the sustainability criteria set out in Spatial Policy 3.

Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the built up area of the village adjacent to existing residential development on The Willows to all sides.

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement 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. Two additional dwellings are considered small scale in numerical terms and as such are unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that two additional dwellings are unlikely to materially affect the transport network in terms of increased traffic levels in volume.

Impact on Character/Visual Amenities

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. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single and two storey semi-detached, and terrace dwellings.

I note the objection received during consultation regarding the impact on character that this proposal will have but due to the site context outlined above. I am satisfied that the scale and design of the proposed dwellings are acceptable and that in terms of appearance the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the development has been designed such that the proposed dwellings are positioned centrally within the site closer to the front south boundary adjacent to the highway. This position is in line with the two storey dwellings located to the north east of the proposal site which is considered an acceptable approach to maintain the appearance of the street scene. The height of the proposed dwellings would also be similar to these two storey dwellings and the dwellings to the south and south east on the other side of the highway. The proposed front elevations and position of the fenestration is, although simple, not dissimilar in proportion to neighboring dwellings.

It is therefore considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area.

Overall, the dwellings are considered to reflect the character of surrounding built form and are therefore not thought likely to be prominent additions to the street scene. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

Need for Development

I have already rehearsed above that the Council cannot currently demonstrate a 5 year land supply (5YLS) against an independently approved OAN. That said, SP3 remains a material planning consideration to be assessed in an overall planning balance.

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Farndon. The need is not Farndon specific in that there is no local housing needs survey. The need covers a slightly wider geographical area, including Newark. That said, given the 5 YLS position considerable weight should be attached in an overall planning balance to the provision of affordable housing outweighing the lack of a specifically proven local need. Indeed, I note the 5YLS has been persuasive recently for a market unit in this SP3 village.

Impact on Residential Amenity

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

The proposed properties will be two storey with pitched roofs. I note the comments received during consultation raising concern with the impact that the development will have on the existing

boundaries of the site which are formed by the rear wall of the garages to the north west of the site. Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information to be submitted and approved as part of any approval. To maintain privacy and security boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area. Furthermore concerns have been raised regarding the potential interim arrangements regarding the removal of the garages and the private gardens that would be revealed by this activity. Again I consider that it would be reasonable to impose a condition requiring a construction methodology to include details of demolition and interim boundary treatment.

In assessing the impact of the dwellings further I first consider the adjacent existing dwellings located to the rear and front of the site. Given the separation distances and the rear boundary treatment as discussed above I am satisfied that there would be sufficient separation distances and barriers resulting in no negative impacts on residential amenity with regard to overbearing impact, loss of light or privacy.

The dwelling to the east would be side on with the proposed dwellings due to their orientation matching that of the proposed. I note that there would be a separation distance of 5m here and that there is a side window present in the existing dwelling. It was clear from my site visit that this window serves a landing and as such, it not considered sensitive being non habitable. When considering the existing dwellings to the west I note that there would be a separation distance of just over 12m between the side gable of the proposed dwelling and the rear elevation of the neighbouring property which faces south west. This separation distance is considered acceptable due to the new building being sited due north east of the existing dwelling and there being no new clear glazed windows proposed that would create a privacy impact with regard to the neighbouring garden. I do note that two windows are proposed in this side elevation but they would serve bathrooms and as such will be conditioned to be obscure glazed and no openable below 1.7m above internal floor levels.

The proposed dwellings have been afforded private amenity space to the west rear of the proposed plots which I consider to be of a size commensurate with the 2 and 3 bedroom dwellings.

Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance and would provide an appropriate standard of amenity for future occupants of the property. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

I note the comments received in respect of the loss of existing off street parking currently provided by the garages and the on-street parking problems already experienced in the area. Parking on The Willows is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who

are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 6 garages. However, it must first be noted that each dwelling will provide for two off street parking spaces, this is considered acceptable provision commensurate with the size of the dwellings proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents on The Willows. More information on occupation rates is being sought and any additional information received will be reported as a late item to Committee. However, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

The comments of the Highway Authority in relation to the position of the 2no. off street parking spaces to the side of plot 2 are noted and revised layout plans have been requested. Subject to the Highway Authority raising no objections to the revised layout, I consider that the loss of the garages as parking spaces could be justified and that the proposed scheme would not result in highway issues to justify refusal on these grounds.

Subject to the Highway Authority raising no objections to the proposal I am therefore satisfied that the proposed scheme would not result in highway issues to justify refusal on these grounds. In those circumstances the proposal would be considered to accord with Policy SP7 and DM5.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and provided that no highway objections are received recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Proposed Site Layout Plan – drawing no. 40860/ID083/004A (To be updated on receipt of revised plans)
- Proposed Plan and Elevations – drawing no. 40860/ID083/005
- Site Location Plan – drawing no. 40860-ID083-001C

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 of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall commence until a schedule of the demolition works to be carried out is submitted and agreed by the authority. This schedule shall include the details of temporary site enclosure following the demolition works which shall be retained until construction works have been completed and boundary treatments approved in accordance with condition 04 of this permission have been erected in accordance with the approved details.

Reason

In the interests of neighbouring amenity and site safety.

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;

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

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

Reason: In the interest of protecting the character and appearance of the area and neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

09

No part of the development hereby permitted shall be occupied until such time as a scheme that secures the housing for affordable rent, as set out in the application forms accompanying this application and in line with the definition in the NPPF, has been submitted to and approved in

writing by the Local Planning Authority. The development shall thereafter only be occupied in accordance with the approved scheme.

Reason: In the interests of securing affordable housing to meet an identified need in accordance with the aims of Spatial Policy 3.

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 understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Council's website.

02

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

BACKGROUND PAPERS

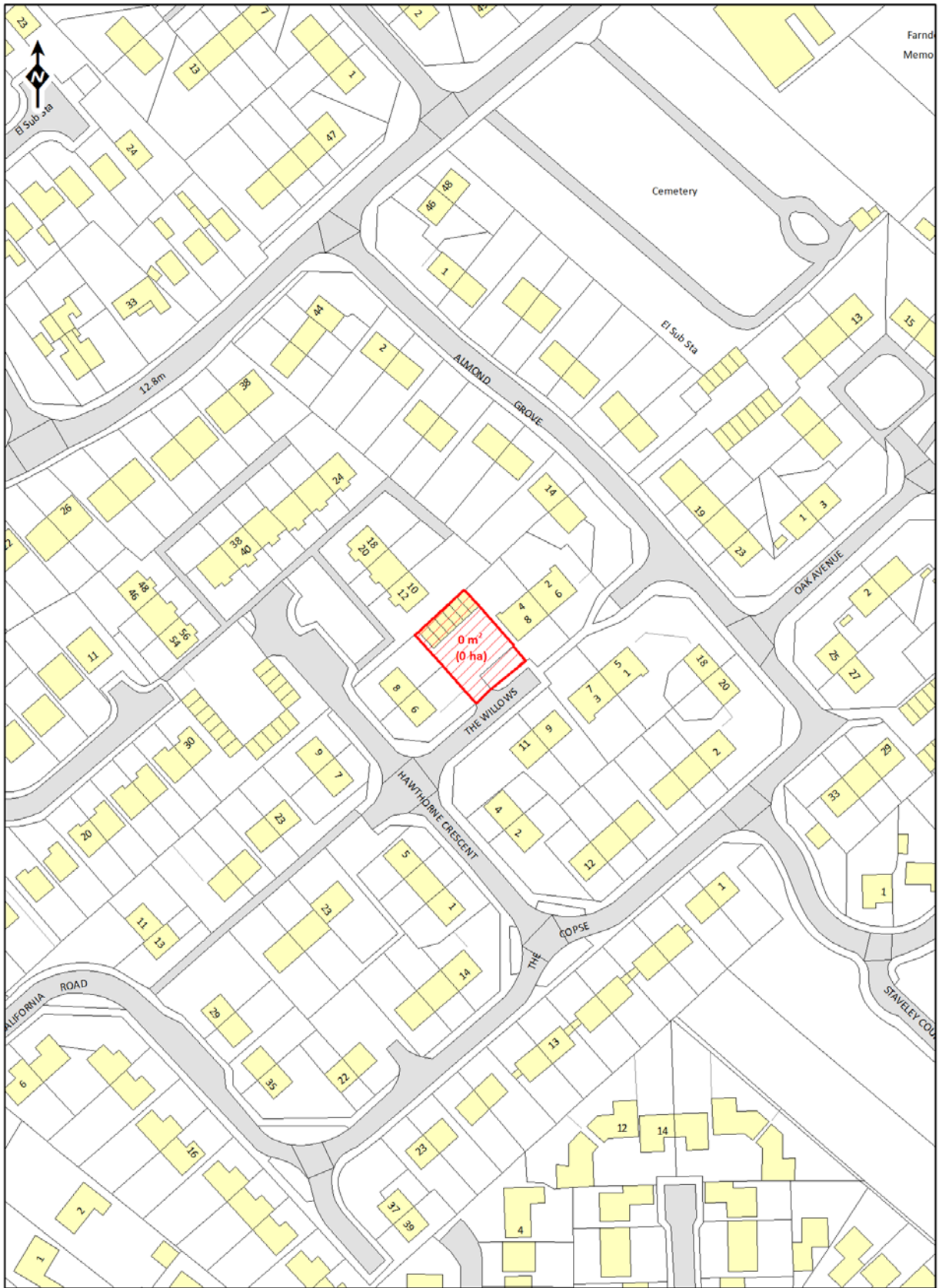
Application case file.

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02174/FUL



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Application No:	16/00990/FULM	
Proposal:	Change of Use of Former Egg Production Sheds to Storage and Distribution Use (B8)	
Location:	Noble Foods Ltd, Oakham Farm, Forest Lane, Walesby, NG22 9PF	
Applicant:	Noble Foods Ltd	
Registered:	07 October 2016	Target Date: 06 January 2017
	Extension of time agreed until 10 February 2017	

This application has been referred to Planning Committee for determination due to the officer recommendation being contrary to that of the decision of the Parish Council.

The Site

The application site forms part of a large former egg packing and distribution centre complex located to the north west of and on the periphery of the village of Walesby. The complex comprised of 3 no. very large modern dark green profiled metal clad buildings until a fire destroyed two of them in September 2016. Now only one remains which is sited to the west of the site. Across the remainder of the site there remain large portal buildings, open areas of hardstanding and vehicular turning. The complex also comprises a number of smaller wooden structures and detached brick buildings with associated hard surfacing with parking to the south of the complex. The site falls within open countryside.

The site is accessed via Forest Lane, a private shared road serving residential properties and a further poultry farm located to the south west. It is bounded to the north east and west by mature trees and small areas of woodland and is immediately adjoined by agricultural land to the north and west. To the east, the site is separated from the residential properties on Retford Road by an open field. The boundaries of these properties are approximately 335 metres from the application site. Residential properties also exist along Forest Lane approximately 205 metres from the main part of the application site.

This application relates specifically to largest remaining unit on the site which has maximum dimensions of 130m length and 28m width and would utilize the existing access from Forest Lane to the south.

Relevant Planning History

16/00660/CMASCR - Change of use from Poultry Sheds to Waste Processing, Recycling and Transfer – Decision by Nottinghamshire County Council 27.05.2016

15/01198/FULM - Change the use of unit 2 of the former poultry farm to develop an indoor motor bike training facility – Approved by committee 03.03.2016. This permission has not been

implemented and the building has now been destroyed.

12/00795/FULM - Change of Use of Former Egg Production Sheds to Storage and Distribution Use (B8) – Approved 29.10.2012. This permission has not been implemented and has now expired.

09/01430/FUL - Change of use of poultry/egg production sheds to storage in connection with egg processing/packing factory – Approved 23.11.2009

00/01535/FUL - Erection of an egg processing unit – Approved 19.04.2001

FUL/960747 - Erection of egg processing unit – Approved 19.11.1996

FUL/921156 – Erection of two poultry houses and extension to egg packing station – Approved 08.01.1993

920389 - Erection of poultry house – Approved 27.05.1992

840863 - Extension of existing packing station and new farm workshop – Approved 06.12.1984

The Proposal

Full planning permission is sought for the change of use of the one remaining former egg production shed following a major fire which destroyed the two adjoining units to a use associated with storage and distribution (use class B8). There are no structural changes proposed to the building nor would it encompass land from other parts of the site.

The application has been re-registered due to the red line site plan being revised in light of two of the buildings which formed part of the original application being burnt down during the processing of the application.

The applicant has confirmed by email dated 2 August that 52 parking spaces and 6 spaces for disabled use are proposed.

Departure/Public Advertisement Procedure

Occupiers of 24 properties have been individually notified by letter, a notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 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 6 – Shaping our Employment Profile

Allocations and Development Management DPD (adopted July 2013)

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

Policy DM5 – Design

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

Consultations

Walesby Parish Council - Following the Parish Council meeting and subsequent site visit to Oakham Farm, Walesby Parish Council would like to lodge their objection to planning application 16/00990/FULM. Their reasons and comments are listed below.

- 1) The road down to the site is too narrow for lorries, in particular articulated lorries. The road is too narrow and the entrance to the lane too narrow for long vehicles to turn safely.
- 2) The lane is used as a bridleway and there appears to be no pavement for pedestrians accessing the Social Club. As per previous applications for this site we have commented on, this is not a satisfactory or safe situation with presumed traffic movements.
- 3) If this application is passed, there should be a limit on vehicle size due to the points above, say 7.5 tonne maximum for wagons.
- 4) There appear to be no fire hydrants in the area. Considering the recent fire this seems inappropriate to allow a building of this size to be run as warehousing with little facility to extinguish fires easily.
- 5) Does the existing fire detection/suppression equipment in the building meet the requirements for warehousing? It would appear that it was totally inadequate for the recent fire at the other 2 (now destroyed) buildings.
- 6) If the application goes through, will the operation be restricted to a time period, for example between the hours of 8 am and 6 pm to minimise the potential impact upon the amenity of residents of Forest Lane if it were to operate for a longer period.
- 7) In regard to the Transport assessment included with the application, the information on the bus services is now outdated and incorrect. It assumes workers will travel mainly by bus, however, the 35 service between Ollerton and Retford has now been removed, which leaves the village with an extremely limited service to and from Retford. Also, it states the 15a bus service on Sundays is hourly, it is actually every 2 hours between appx 11.15 and 17.15 whence it becomes hourly, there being no service before 11.15am.

NCC – Highway Authority – 27.07.2016 (*comments on the original submission*) The block plan submitted with this application does not provide adequate details of the parking arrangements, also the application form indicates that 55 spaces and 6 for disabled visitors are proposed. It is

understood that a previous application has been approved (ref.12/00795/FUL) for this site, so it is assumed that the layout plan submitted at that time is appropriate for this application (indicative block plan 1644-010). However, this shows 52 spaces and 6 spaces for disabled visitors. Perhaps the parking provision could be clarified by the applicant/agent.

There is no information relating to employee numbers. Could this also be clarified?

12/08/2016 (*comments on the original submission*) The agent has confirmed by email dated 2 August that the block plan, 1644-010, submitted with the previously approved application (12/00795/FUL) is appropriate for this proposal. It is also confirmed that 52 parking spaces and 6 spaces for disabled use will be available.

Whilst it may be an oversight, the applicant should note that the red line of the application site shown on the site location plan must extend to the public adopted highway (B6387 Retford Road) to include the means of access.

As such, as the traffic generation will not vary significantly from the previous use of the site, there are no highway objections subject to the red line being amended as stated above.

25/10/2016 Amended site location plan. The amended plan is a smaller area than was originally submitted. However, it does still include the proposed parking area, therefore, there are no highway objections to this amendment.

25/11/2016 Revised Traffic Statement. This is now submitted as two buildings on site have been destroyed by fire, and so the revised proposal is for the one remaining building.

The Traffic Statement takes into account the reduction in vehicular movements due to the reduction of the gross floor area. Also, the fact that this is a renewal of a previous application (12/00795/FULM), for the larger site which has now lapsed this should also be taken into consideration.

A further comment has been received which advises that a condition be attached requiring the submission and approval of a car park layout prior to the unit being first brought into use.

Therefore, there are no highway objections subject to the above condition.

Natural England – No comments to make.

Bassetlaw District Council - The District Council notes the Local Highway Authority's consultation response on the proposal. Given the close proximity of the site to the boundary between the Newark & Sherwood and Bassetlaw Districts, we would ask that consideration be given to the potential impacts of the proposal on those nearby roads that cross the boundary between the two districts, as well as impacts on the highway network more generally. It would appear that the block plan submitted with the application doesn't actually include all of the land enclosed by the red line on the site location plan. It is considered that the block plan submitted with the previous application would give a clearer indication of the intended parking provision.

Environment Agency – The site is low risk. No comments are therefore raised.

Fire Authority – any comments received will be reported to Planning Committee.

NSDC Building Control – advise that full detection system will be required. The amount of extinguishers would be allocated by the fire officer

NCC Rights of Way – any comments received will be reported to Planning Committee.

NSDC Environmental Health – I note that the traffic assessment shows a modest impact and that NCC highways have not objected.

Nevertheless were consent to be granted we could have a problem from early morning/late night activity depending on the nature of the future operators business.

Given the proximity of residential property I would ask that a restriction of 07:00 till 19:00 Monday to Saturday with No Sunday or bank Holiday working. Be attached to any approval given. In respect of vehicle movements I would ask that these are the same though I am mindful that some provision may need to be made for opening up. Could we restrict all vehicle movements to within 06:45 till 19:15 if you thought that appropriate.

If you were concerned about external storage that could be prohibited.

Concern has been raised about the nature of the materials stored, depending what they were they may need consent either from the Environment Agency or HSE.

Were a scheme of lighting to be proposed should approval be given it would be wise to require details to be submitted for approval by the LPA.

NSDC - Access and Equalities officer – Observations regarding inclusive access and facilities for all.

3 representations were received on the original submission when the proposal included all three units. These can be summarised as follows:

- Increase in traffic movements along Forest Lane, not only for the lorries but staff too;
- Forest Lane is no more than a single carriageway with no public footpath on either side;
- Other users use the Lane, including horses, Scout and Guide groups and the Sports Club located on Forest Lane also;
- What is meant by Storage and Distribution?
- Sufficient safeguards are put in place to prevent the increase in fly population;
- The road has never been wide enough for HGVs;
- There are no footpaths or adequate lighting and it is used by children to access the sports centre;
- A variety of users already use the road including horse riders, joggers, dog walkers, scout and cubs;
- Since the closure of the egg factory the sports club has become more popular thus resulting in an increase in traffic already, and parking problems when they hold events;
- The foundation of Forest Lane are not substantial enough for HGVs and it is already showing signs of fatigue;
- What control would be put in place for noise pollution and who will monitor the amount of HGVs?
- What hours would the HGVs operate and what controls would be put in place to stop HGVs operating in unsociable hours?

10 representations have been received from local residents on the revised submission following the fire, which can be summarised as follows:

- Questions have been raised by a local resident on the management of the building i.e. who owns it?, will it be let to a 3rd party?, what does the applicant mean by storage and distribution?, what license does the applicant hold for storage?, what materials will be

stored?, how will it be stored?, Will it be stored outside?, how will they prevent the spread of flies?;

- If permission is given the site and shed must have frequent unannounced inspections;
- Noble Foods have demonstrated a lack of respect for the local community by not overseeing its site which was used as a waste and recycling site and now burnt down;
- Increase in traffic movements along Forest Lane, not only for the lorries but staff too;
- Forest Lane is no more than a single carriageway with no public footpath on either side;
- Other users use the Lane, including horses, Scout and Guide groups and the Sports Club located on Forest Lane also;
- Increased noise and nuisance to existing residents;
- Public transport to the site is limited with no busses passing the road except early morning and early evening.

Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) the impact on highway safety, 2) the use of the site for Storage and Distribution in the open countryside, 3) The impact on neighbouring land users/occupiers.

Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Spatial Policy 1 and 2 does not include the settlement of Walesby as one which is capable of supporting additional growth with its nearest Service Centre identified as Ollerton and Boughton. The application site is located within the open countryside although it retains close links to the main settlement of Walesby as it has development to the south of the site which is the Walesby settlement spreading northwards.

A presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (NPPF) and is identified as being seen as a golden thread running through decision taking. This means approving development proposals that accord with the development plan without delay.

Paragraph 7 of the NPPF advises that there are three dimensions to sustainable development, having an economic, social and environmental role by:-

- contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;
- supporting strong vibrant and healthy communities by creating a high quality built environment with accessible local services that reflects the needs of the community; and
- contributing to protecting and enhancing the natural built and historic environment and to adapt to climate change including moving to a low carbon economy.

Paragraph 8 of this document advises that these roles should not be seen as being independent of each other but that to achieve sustainable development these gains should be sought jointly through the planning system which should play an active role in guiding development towards sustainable solutions.

At paragraph 17 the NPPF identifies 12 core planning principles which should underpin planning decisions. Of particular relevance to this application are the principles that planning should proactively drive and support sustainable economic development, should always seek to secure a

good standard of amenity for all existing and future occupants of land and buildings, should encourage and support the transition to a low carbon future (taking account for example the conversion of existing buildings). Moreover planning should contribute to conserving and enhancing the natural environment reducing pollution, encourage the effective use of brownfield land, promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas by actively managing patterns of growth and focusing significant development in locations which are or can be made sustainable.

The NPPF goes on to recognise that significant weight should be attached to supporting economic growth through the planning system. Paragraph 28 relates to supporting a prosperous rural economy and advises that planning should support economic growth in rural areas in order to create new jobs and prosperity by taking a positive approach to sustainable development by supporting sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. The NPPF also promotes the development and diversification of agricultural and other land based rural businesses.

At a local policy level, Core Policy 9 of the Core Strategy discusses Sustainable Design. This policy outlines that the District Council will expect new development to achieve a high standard of sustainable design and layout that is capable of being accessible to all and is of an appropriate form and scale to its context, complementing the existing built and landscape environments. New development should demonstrate an effective and efficient use of land that, where appropriate, promotes the reuse of land and optimises the site potential at a level suitable to local character. Development should also contribute to a compatible mix of uses.

Policy DM12 of the Allocations and Development Management DPD further reflects the guidance and the presumption in favour of sustainable development identified in the NPPF. Planning applications which accord with the policies of the Development Plan will be approved without delay unless material considerations indicate otherwise. Account should be taken as to whether the impacts of granting of permission would significantly or demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF.

The NPPF states that significant weight should be attached to supporting such economic growth in rural areas in order to create new jobs and prosperity and states that planning should proactively drive and support sustainable economic development such as this.

The proposal seeks the effective reuse an existing large vacant building sited within a much larger vacant brownfield site. The existing building and associated land would require little alteration to facilitate the proposed use. It is acknowledged that some weight should be given to the consideration as to whether the proposal might be likely to compromise any possible future more comprehensive development of this wider site. The land and building to which this report relates together with the wider site has been vacant for a number of years and more recent marketing and planning permissions issued have not resulted in any land or buildings being brought into use and indeed the most recent application for the proposed use of one of the buildings for motocross use (15/01198/FULM) which Members approved in March 2016 could not be implemented in any case as that building has been destroyed by fire.

I am mindful that the wider poultry farm site has not been identified or allocated for development in any current development plan documents and from discussions with Policy colleagues the allocation of the site for residential use would not be considered favourably due to its location

away from a service centre or principal village. The only other suitable use, other than for commercial purposes would be for agricultural operations. This was explored during consideration of the application for the motocross proposal (15/01198/FULM) where it was evidenced that the buildings were originally designed for egg production and associated operations and changes in technology and processes have now resulted in it not being financially viable to upgrade any of the buildings in order to facilitate the continuation of such a use. I acknowledge that the scale and form of the building would in itself limit potential alternative uses and its scale is conducive to a storage/warehouse use which would require large expanses of covered areas.

Whilst the proposal would only occupy a small proportion of the site and would not result in comprehensive redevelopment, which would have helped in gaining a better understanding of the future cumulative impacts of uses on the site and relationships with the area I am mindful that the NPPF promotes mixed use developments and encourages multiple benefits from the use of land including in rural areas, and in this sense this standalone proposal would not necessarily prejudice such an approach.

The proposal would utilise an existing access and the nature of the development is not such that it would create an incompatible use or relationship to other future potential commercial users of the wider site. When considering other uses on the site, a commercial use would be most suited as opposed to residential and as such a B8 use would be seen as compatible with other uses which are generally seen on a typical commercial or light industrial estate environment.

Furthermore any future applications received for the larger site would need to be considered on their own merits including whether they would contribute to a compatible mix which would sit well within the context of the site and the wider area.

I consider that the proposal will meet the economic, social and environmental role by contributing to the economy moving towards a low carbon economy through the conversion of an existing building. In these respects the development can be viewed as being relatively sustainable under the guidance in the NPPF.

Taking this into account I therefore consider that the significant weight be attached to supporting sustainable economic growth and the suitable reuse of a large building on redundant brownfield land which would on balance weigh in favour of the proposal.

When considering the principles set out in Core Policy 9 above, the development would make effective use of the existing large former poultry building and therefore the impact on the existing built and landscape environment would be reduced. Given the development relates to a single building, the proposal does not necessarily optimise the potential of the wider site but as stated above this would not be considered to prejudice other proposals coming forward where it would result in a compatible mix.

The site falls outside of the main built up area of Walesby and therefore under the criteria of Spatial Policy 3 falls to be assessed against Policy DM8 of the Development Management and Allocations DPD (Development in the Open Countryside). Development away from the main built up areas of villages, in the open countryside is to be strictly controlled under these policies and Policy DM8 sets out 12 types of development considered to be appropriate in the open countryside. In the interests of sustainability, one such type of development is the conversion of existing buildings. The sub text of this policy recognises that there are many buildings within the district which are no longer needed or are suitable for their original purpose.

Whilst new businesses should demonstrate both a need for a particular location and a contribution to sustaining rural employment, in this instance the location of the building on brownfield land on the edge of a settlement would ensure that at least part of the site is brought in to use and the contribution to economic growth and employment would consequently fall in line with that.

Policy DM8 also identifies rural diversification and employment uses as being other types of appropriate development within the countryside. These are subsequently discussed within the report.

Taking the above issues into consideration I am also mindful that the NPPF states that significant weight should be attached to supporting such economic growth in rural areas in order to create new jobs and prosperity. It is acknowledged that some weight should be given as to whether the proposal might be likely to compromise any possible future more comprehensive development of this wider site, however I am mindful that the NPPF encourages mixed use and any future applications would need to be considered on their own merits including whether they would contribute to a compatible mix. On balance I therefore consider that the significant weight to be attached to supporting sustainable economic growth and the suitable reuse of a large building on redundant brownfield land which would weigh in favour of the proposal. Members should be mindful that although there is no defined end user for the site, the site has not been in full operation for approximately 15 years and although applications have been granted in the past for change of use to B8 and other uses the take up of those applications has been reliant on market factors. Now that two of the largest units have been lost to fire this further limits the marketability of the site for reuse of the buildings and therefore it is the Districts Council's responsibility to weigh up the factors of further supporting the suitable reuse of the site and contributing to local employment and the economy or accept a sterile site. On the basis that the proposal would be sustainable by reusing an existing building, it would contribute to the local economy and employment and would not prejudice further development of the site, the principle of the proposal would be acceptable. However, other site factors and local and national policy considerations need to be weighed in the planning balance and these are set out and assessed below.

Impact on Residential Amenity

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

Concern has been expressed during the processing of the application that the proposal would cause harm to the amenity of surrounding occupiers and where necessary mitigate for any detrimental impact. The building is approximately 304m west of the rear boundaries of the properties on Retford Road and approximately 151m north of the nearest property on Forest Lane. Having visited the site and experienced the juxtaposition of the properties with the surrounding land users, and whilst I am sympathetic to the occupiers of the properties, I do not consider the use of the site to be so harmful to their amenity that the movements to and from the site would cause significant harm from noise, nuisance or loss of privacy.

The applicant has submitted an updated Transport Assessment following the demise of the two former units to the fire, which has been assessed by Nottinghamshire County Council Highway

colleagues. The loss of the two buildings would significantly reduce the original proposed intensity and although the scheme allows for 52 car parking spaces and 6 disabled spaces this was for the three units combined in full occupancy. As there is not end user defined at this stage it is difficult to assess the intended routes to the building however from the nearest service centre of Ollerton there is a regular hourly bus service to and from Walesby from 06:53 AM. The TRICS data submitted states that the proposed use of one building could generate circa 8 two way trips during the morning peak hour and 12 trips during the evening peak hour. This is in comparison to the estimated circa 30 two way trips during the morning and 44 trips in the evening when there were 3 units on the site. These trips are for staff using the site and do not include HGV or other vehicle movements which obviously cannot be assessed as there is no defined end user to the scheme. However the former use of the site as a poultry operation would naturally have included HGV movements during the day and whilst it would not be ideal it would not be uncommon within the area. I do not consider the level of vehicle movements, coupled with the submitted Travel plan showing other means of transport to the site is possible, would cause such an unacceptable and harmful impact upon residential amenity that it would warrant a reason for refusal on that basis alone.

I accept the comments submitted on structural integrity of Forest Lane and the other users of the Lane, including children and horses, however NCC Highways have not raised any objections to the proposal and therefore I can only accept their expertise on the issue.

Understandably residents are concerned with regards to the proposed intended use of the site and the recent effects of the fire experienced at the site. As stated previously there is no end user identified however the B8 Storage and Distribution use can include such uses as warehousing or distribution centres. *I note that the Environmental health officer has advised that depending on the nature of materials to be stored consent may be needed either from the Environment Agency or the HSE.* Furthermore I consider it necessary and reasonable should Members resolve to approve the application that a condition be attached to ensure that that there is no storage outside of the building

In addition residents have requested that regular unannounced visits are carried out when the building is occupied to assess the site to ensure another fire does not take place. Whilst their request is understandable it is not within the Planning Act to consider this reasonable, however whoever occupies the building may have to comply with certain licensing restrictions which this may be covered within.

I note that Environmental Health have advised that given the proximity of residential properties to the site, a restrictive hours of operation condition be attached should Members be minded to resolve to grant permission.

I am mindful the Noble Foods site operated without restrictions and the two previous applications for change of use to B8 storage and distribution did not include a condition restricting the hours of operation of the business. However, the previous 2012 permission for B8 use of the site has now expired and cannot be implemented and the previous use of the site for the egg production business has ceased and has not been in operation for a number of years. Given the loss of the adjacent two large units following the fire and bearing in mind that changes in technology and processes have now resulted in it not being financially viable to upgrade the remaining building in order to facilitate the continuation of the egg production operations at the site it is considered that the business would be extremely unlikely to resume in this instance.

Being mindful of this and the nature of the proposed use I consider that such a condition restricting hours of operation would be reasonable in this instance and would safeguard the residential amenity of the occupiers of nearby properties.

Having carefully considered the comments received from local residents regarding the impact of the development upon amenity, I am of the view that the proposal, subject to conditions, would not cause significant harm upon the amenities of the adjoining occupiers from noise, nuisance, loss of privacy, overshadowing or overbearing impact to justify refusal on these grounds. Although it is accepted that the proposal would result in some increased vehicle movements from that which is currently experienced particularly when balancing this against the former use of the poultry units, I do not consider that, subject to the restriction of the hours of operation by condition, this would be so significantly greater to justify refusal in this instance and the proposal is therefore considered on balance to be compliant with policy DM5 of the ADMDPD.

Impact on highway safety

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

I note that the Highways Officer has raised no objection to the proposal in terms of parking provision or impact on the public highway from an engineering perspective subject to a condition being attached should Members be minded to grant permission requiring the submission and approval of a car parking layout, which is considered reasonable in order to safeguard adequate parking provision. I note that comments have been received from residents raising concerns with regards to highway safety. However it is considered that the use of the one building for storage and distribution purposes should generate less traffic than the original proposal previously granted for three units and indeed the previous use of the site as the poultry farm. I note that some time has elapsed since the former use, however I am of the view that this should be afforded some weight and should be taken into consideration. NCC Highways have not raised any objections to the use of Forest Lane as the main access which they deem to be acceptable as this is an existing operational access which although it is used by residential properties it is not restricted to such use by the Highways Authority.

I therefore consider the proposal to be acceptable with regards to highway safety and accords with Spatial Policy 7 of the Core Strategy, Policy DM4 and DM5 of the ADMDPD.

Flood Risk and Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. The proposal would not result in any operational development or significantly increase the amount of hardsurfacing. It is therefore considered that the proposal would not significantly increase the surface water run-off to the detriment of the surrounding area.

Overall, the development accords with Policy Core Policy 9 and 10 of the Core Strategy.

Impact on the Character of the Open Countryside

Policy DM8 states that all proposals will need to satisfy other Development Management Policies, take account of potential visual impact they create and in particular address the requirements of landscape character in accordance with Core Policy 13.

Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified in the LCA as falling within the Sherwood character area and within character zone S PZ 27 Ollerton Estate Farmland, a landscape considered to be of moderate condition and moderate landscape sensitivity. The LVA identifies the policy action in this zone to conserve and create. Given that the proposal seeks to reuse an existing vacant building and immediately adjoining land without the need for any extension or substantial alteration to either and that the land surrounding the site also contains vacant commercial buildings which are set within a brown field site formally occupied by a poultry farm business, I am satisfied that the proposal would not result in any undue physical impact on the landscape character of the area or the open countryside.

I have carefully considered the potential impact of the proposed use and levels of activity generated on the character of the area. Although it is accepted that the use of the single building would result in some change in the relationship of the site with the character of the area by virtue of the nature and level type of activity I am of the view that the proposed use would not generate such a significantly greater level of activity than the previous use as a poultry farm or the previously approved B8 use to adversely impact on the character of the countryside setting of the site or the wider area to justify refusal on these grounds.

I am therefore of the opinion that the proposed use would not result in such an impact on the landscape or character of the area to justify refusal on these grounds.

It is therefore considered that the proposal accords with the aims of Core Policy 13 of the Core Strategy.

Rural Diversification

Policy DM8 identifies that proposals which diversify the economic activity of rural businesses will be supported but should seek to re-use existing buildings wherever possible. Particular and careful consideration should be given independent businesses which may be more sustainably located elsewhere.

The building to which this application relates is of an appropriate scale and form and is in a relatively sustainable location with good links to transport links to other major road networks and towns and cities within the region to meet the requirements of the proposed use. Its reuse would negate the need for any construction of new buildings or development of Greenfield sites.

I therefore consider that, on balance, the proposal would keep the building in a viable use and contribute to the local economy and thus meet the aims of Policy DM8 of the ADMDPD.

Employment

In considering the principle of the development regard has been given to the NPPF which states significant weight should be attached to supporting economic growth in rural areas in order to create new jobs and prosperity. Core Policy 6 of the Core Strategy identifies that the economy of the district will be strengthened and broadened to provide employment by a number of factors including supporting the rural economy by rural diversification. Additionally the employment land and sites should be retained and safeguarded to meet the needs of modern businesses and to ensure their continued use for employment purposes. All of which will help to strengthen the economy.

Policy DM8 of the DPD reflects the aims of Core Policy 6 and supports small scale employment proposals in rural areas only where it can be demonstrated that there is a particular need for a rural location and that the proposal will contribute to sustaining rural employment.

Whilst the proposal does not specifically address a local need in terms of the stipulating the employees would come from the nearest settlement, I am mindful that a number of jobs would be gained by the reuse of the vacant building and it would provide much needed employment opportunities following the loss of the poultry operations.

I am therefore of the opinion that, on balance, the proposal meets the criteria contained with Core Policy 6 of the Core Strategy and Policy DM8 of the ADMDPD.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The site has received no objections from Natural England and has not warranted comments from Nottinghamshire Wildlife Trust.

The proposal is considered to not have any adverse impact upon ecology in accordance with the aims of Core Policy 12 of the Core Strategy.

Other Matters

I note the comments which have been received with regards to fire safety issues. I am awaiting the comments of the Fire Authority. Any comments received will be reported to Planning Committee. However, Building Control has advised that a full fire detection system will be required.

Conclusion

The NPPF states that significant weight should be attached to supporting economic growth in rural areas in order to create new jobs and prosperity. The proposal would re-use this building which has been vacant for some considerable time without significant external alteration or extension, it would offer support to the local and the rural economy. It is acknowledged that some weight should be given as to whether the proposal might be likely to compromise any possible future more comprehensive development of this wider site but it is considered that this should only be limited weight being mindful that the NPPF encourages mixed use and any future applications

would need to be considered on their own merits including whether they would contribute to a compatible mix. The proposal would result in some impact on the character and amenity of the area but not to such a degree that would warrant a refusal of planning permission.

On balance I therefore consider that the significant weight to be attached to supporting sustainable economic growth as well as the other benefits of the proposal weigh in favour of the proposal and on this basis it is recommended that planning permission be granted.

RECOMMENDATION

That full planning permission is approved for the following reasons:

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 approved plans reference :

- Site location plan (unnumbered)

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 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.

Reason: In the interests of residential and visual amenity

04

The use of the unit hereby permitted shall not be subdivided internally unless planning permission has first been granted for such works by the local planning authority.

Reason: To allow the Local Planning Authority to assess the traffic impact of uses and in the

interests of residential amenity.

05

Prior to the first use of the unit hereby approved a plan to show the proposed car parking layout shall be submitted to and approved in writing by the Local Planning Authority. The provision shall be laid out on site entirely in accordance with the details as agreed and retained as such for the life of that user's occupancy.

Reason: To ensure that adequate parking is provided on site for each unit/user in the interests of safe use of the public highway.

06

Before development is commenced precise details of external lighting and any CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be kept to a minimum and directed downwards away from boundary features. The development shall be undertaken in accordance with the approved details and all must be so maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to protect neighbouring residential amenity.

07

The use hereby approved shall only operate between the hours of 06.45 to 19.15 Mondays to Saturdays inclusive and not on Sundays, Public or Bank Holidays.

Reason: In the interests of residential amenity

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

BACKGROUND PAPERS

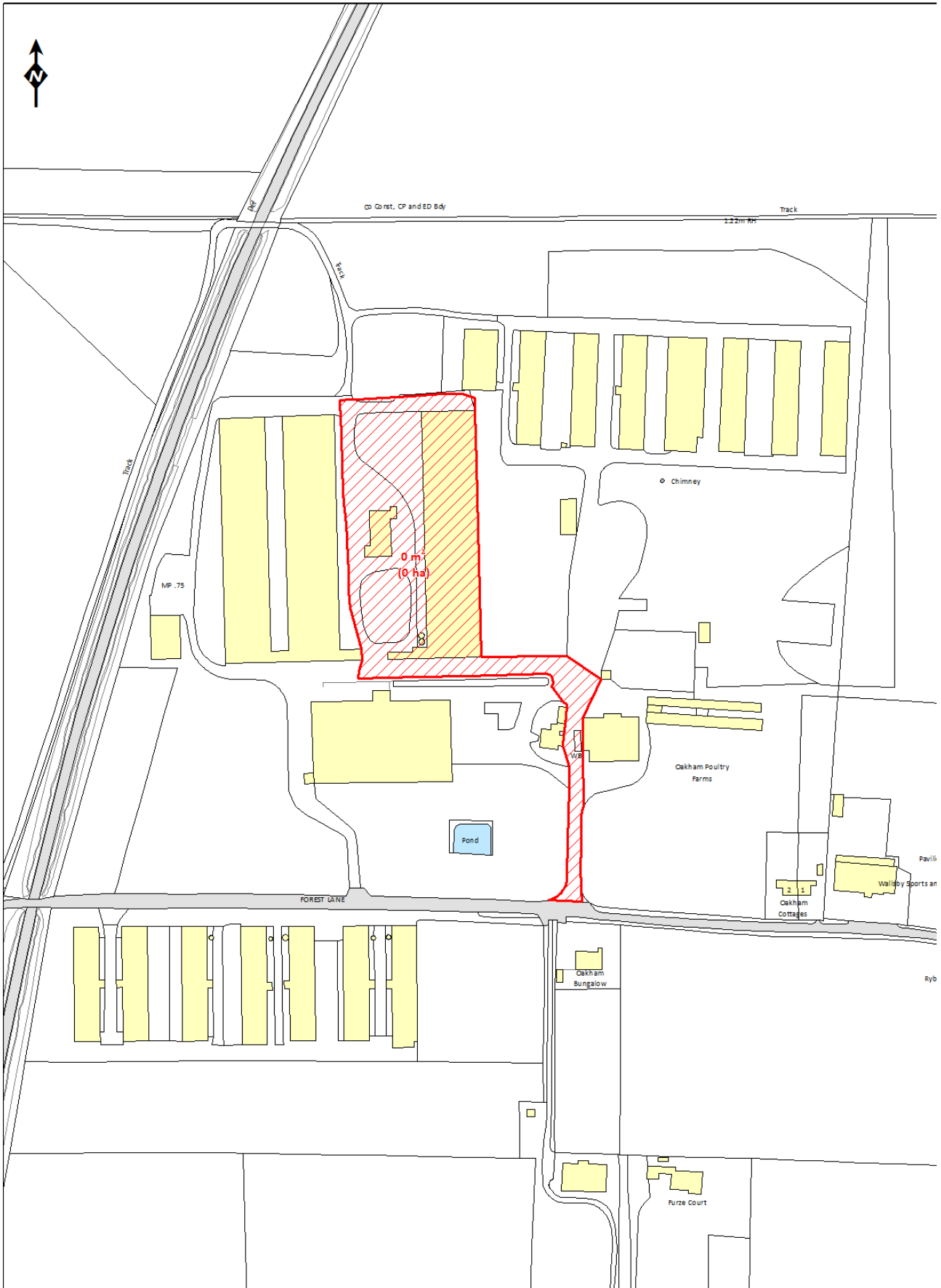
Application case file.

For further information, please contact Lynsey Tomlin on ext 5329.

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 - 16/00990/FULM



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Application No:	16/01977/FUL	
Proposal:	Variation of condition 2 attached to 16/01388/FUL to allow amendments to plot 2	
Location:	Land To The Rear Of Franklyn Lower Kirklington Road Southwell	
Applicant:	Mr S Klim	
Registered:	05/12/16	Target Date: 30/01/17 Extension of Time: 10/02/17

This application is being referred to the Planning Committee given that Officer's recommendation differs to that of the Town Council.

The Site

The application relates to one dwelling which forms part of a development with 3 others situated on the north western edge of the settlement of Southwell which were approved by members in November 2016. The site is situated on a private access driveway which serves a handful of other dwellings and a cattery (granted consent for change of use to a dwelling at last month's meeting). The land contains a gravelled driveway and a number of trees. The wider land to the south & west is allocated for residential development of approximately 45 dwellings under policy So/Ho/4.

Site History

16/02080/DISCON - Request for confirmation of discharge of condition 03, 04, 05, 08, 12, 13 and 14 attached to planning permission 16/01388/FUL; Phased Development of Four Detached Dwellings and Alterations to Existing Access and Driveway. Conditions discharged January 2017

16/01388/FUL - Phased development of four detached dwellings and alterations to existing access and driveway. Approved November 2016

15/02179/FUL - Erection of four detached dwellings and alterations to existing access and driveway on the same application site. Approved July 2016

The Proposal

The application is for full planning permission for the variation of Condition 02 of planning permission 16/01388/FUL by way of amending the approved plans and details.

Condition 2 stated: *The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:*

- o 1:1250 Location Plan*
- o MH587/11H*
- o MH587/12A*
- o MH587/13B*

- o MH587/14A
- o MH/587/15A
- o MH/58/16B

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

Reason: So as to define this permission.

Of particular relevance to this application is the variation of plan MH587/15A to vary the design and appearance of plot 2.

The initially submitted application detailed the variation of the earlier application (15/02179/FUL) on the same site. However in discussions with the applicant it is clear that an error had been made and that the variation of condition 2 on the most recent application was required. It is not considered that materially there is any difference between the two applications other than the introduction of phasing and as such it has not been considered necessary to undertake a re-consultation following the amendment to the description of development.

Departure/Public Advertisement Procedure

25 neighbours notified

Earliest Decision Date 11.01.17

No letters of representation received

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Core Policy 9 – Sustainable Design

SoAP1 Role and Setting of Southwell

Allocations and Development Management DPD Adopted July 2013

DM5 – Design

DM12- Presumption in favour of sustainable development

Southwell Neighbourhood Plan (Adopted October 2016)

Policy SD1 – Delivering Sustainable Development

Policy HE1 – Housing Type and Density

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Southwell Town Council – Objection

The removal of condition would increase the risk of the previous objection, which was It is not apparent that the run off flood risk issue has been addressed. The committee support Southwell Civic Society views.

Southwell Civic Society – Objection

This application forms part of the incremental development of a housing estate and should be considered in this respect especially with regard to affordable homes and vehicle access. This application should have been anticipated as part of application 16/01388.

The Society strongly objected for many reasons to application 16/01388. Principally it did not take into account the requirements of the Southwell Neighbourhood Plan especially with regard to the size and distribution criteria and this proposal just makes things worse.

Comments of the Business Manager

Appraisal

An application under Section 73 (variation of condition) is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved dwelling cannot be revisited as part of this application.

The application seeks to amend the design & appearance of the previously approved dwelling. The amendments sought are as follows:

- Increase in the ridge height of the attached garage by 1m to 6.5m
- In-fill the walkway between the garage and the dwelling
- Insertion of an eaves dormer window on the front of the garage
- Insertion of large glazed opening & balcony at first floor level on side elevation of the garage
- Construction of partial glazed single storey lean to on rear elevation
- Construction of chimney on eastern elevation
- Insertion of brick plinth at ground level
- Amendment of window layouts

The approved planning policies are set out in the Planning Policy Framework section above. This includes the National Planning Policy Framework (NPPF). These policies indicate that the District Council will support design alterations subject to an assessment of site specific issues including impact on character of the area and residential amenity.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. Policy DM6 accepts householder development subject to ensuring the development protects the amenity of neighbouring residents.

As detailed above the site forms one of four properties recently approved and situated to the south of Lower Kirklington Road. The property is relatively well removed from other neighbouring properties both existing & proposed. Concern has been raised with the applicant regarding the proposed balcony in relation to both the appearance of it on the prominent elevation fronting the access drive and the potential for overlooking of the wider area. The applicant has agreed to delete this element with the high level glazing remaining.

Taking this into consideration the amendments as detailed above are not considered to impact on the amenity of neighbouring properties by way of overlooking, overbearing or loss of light to justify refusal on these grounds.

Impact on the Character of the Area

The alterations are minor in scale; the inclusion of a brick plinth would be similar in appearance to properties situated in the vicinity. The small lean to would be partially obscured from view by the bulk of the main dwelling and is modest in its scale. The increase in the garage ridge height to provide accommodation at first floor level is considered to be acceptable particularly given the deletion of the balcony on the side elevation which was considered to be unduly prominent. The gap between the dwelling & the garage has been deleted with the space in-between now forming part of the proposed kitchen, albeit the overall width of the dwelling has remained unaltered. It is considered that the amendments to the previously approved dwelling are all relatively small in scale and would be in keeping with other surrounding properties.

As such it is not considered that the alterations as detailed above detrimentally impact upon the character of the surrounding area and the proposals therefore comply with the policy framework set out above.

Other Matters

The comments raised by the Town Council and the Civic Society are noted. It is not considered that the minor additional extensions would result in concerns in relation to surface water management, particularly given that the increase in footprint overall would be approximately 12m². In relation to the scale of the property; the alterations would result in a greater first floor space, however the number of bedrooms as detailed would not increase albeit an office would be provided. Whilst it is recognised that the potential could arise for the office to be converted to a bedroom at a later date it is considered that in terms of Lifetime Homes standards there is a need for flexibility for the lifetime of the occupants to grow & shrink as required.

It is not considered there are any further material considerations that would warrant refusal. The below conditions are those that were attached to the previous consent (16/01388/FUL) and have been copied over for consistency. Conditions have been amended to reflect the application for discharge of condition (16/02080/DISCON) recently determined with the exception of conditions 16 & 17 which have been combined as they appeared to be a duplicated.

Recommendation

Approve, subject to the following conditions:

Conditions

01

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

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

02

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

- Revised proposed floor plans & elevations Drawing No. SK 08 01 Rev A
- Revised Site Plan Drawing No. SK 08 02 Rev A
- 1:1250 Location Plan
- MH587/11H (plot 2 varied as per Drawing No. SK 08 02 Rev A)
- MH587/12A
- MH587/13B
- MH587/14A
- MH587/16B

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

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the following materials: -

Plot 1: Ibstock Otterburn antique facing brick

Sandtoft County natural red clay pantiles

Plot 2: Hurstwood Multi brick, Weber Monocouche through colour render – ivory

SSQ Del Prado natural blue/black

Plot 3: Lagan Knoxton brick, Weber Monocouche through colour render – ivory

SSQ Del Prado natural blue/black

Plot 4: Lagan Grafton brick, Weber Monocouche through colour render – ivory

Sandtoft Olympus Flanders clay pantiles

Reason: In the interests of visual amenity.

04

The boundary treatments to be used adjacent to the access drive or on the particular plot to be developed shall be carried out in accordance with the details approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON and as shown on plan reference: MH587/11 Revision J. Development of the access drive or given housing plot shall then be carried out in accordance with these approved details prior to any housing plot commencing in the case of the access drive and prior to the first occupation of the relevant dwelling in each case thereafter and shall thereafter be so retained.

Reason: In the interests of visual and residential amenity.

05

The access shall be constructed and surfaced in a bound material in accordance details approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON and with plan ref. MH587/11 Revision J and no other part of the development shall be commenced until the access has been completed in accordance with that plan.

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

06

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

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

07

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

Reason: In the interests of highway safety.

08

Drainage installation shall be carried out in accordance with the details approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON and as shown on plan reference: P-DER-1247-01 Rev A. Development of the access drive or given housing plot shall then be carried out in accordance with these approved details prior to any housing plot commencing in the case of the access drive and prior to the first occupation of the relevant dwelling in each case thereafter and shall thereafter be so retained.

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

09

No tree/vegetation removal shall take place during bird-breeding season, which runs from March to September (inclusive) unless a nesting-bird survey is carried out by a suitably qualified ecologist prior to works going ahead. If active nests are found then the vegetation clearance works would be delayed until all chicks have fledged. However, if vegetation is to be removed prior to the bird breeding season it shall be undertaken in compliance with the letter dated 21/12/2016 and as approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON.

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

10

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

approved scheme shall be implemented on site prior to first occupation of the given housing plot and shall be retained for the lifetime of the development.

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

11

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

Reason: In the interests of ecology.

12

Refuse provision shall be carried out in accordance with the details approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON and as shown on plan reference: MH587/11 Revision J. Development of the given plot shall be carried out in accordance with these approved details and shall thereafter be so retained.

Reason: To ensure adequate refuse provision.

13

Hard and soft landscaping shall be carried out in accordance with the details approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON and as shown on plan reference: MH587/11 Revision J.

Reason: In the interests of visual amenity and biodiversity.

14

Tree protection measures shall be carried out in accordance with the details approved by correspondence dated 25th January 2017 under discharge of condition application ref: 16/02080/DISCON and as shown on plan references: MH587/16 Revision C & MH587/11 Revision J

o 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;

o no development (including the erection of site huts) shall take place within the crown spread of any tree;

o no materials (including fuel and spoil) shall be stored within the crown spread of any tree;

o no services shall be routed under the crown spread of any tree

o no burning of materials shall take place within 10 metres of the crown spread 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.

15

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

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

16

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interest of residential amenity.

Informative

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up of phased self-build development. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development.

02

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

03

It is recommended that consideration be given to inclusive access and facilities for all. With regard to proposal, it is recommended that access recommendations described in Sections 6 to 10 of Approved Document M are incorporated as far as is reasonably practicable. In particular, the

approach to, into and around the dwelling should be carefully considered to facilitate easy access and manoeuvre. Accessible switches and sockets and suitable WC provision etc. are important considerations. It is recommended that a separate enquiry be made regarding Building Regulations.

04

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

05

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

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

BACKGROUND PAPERS

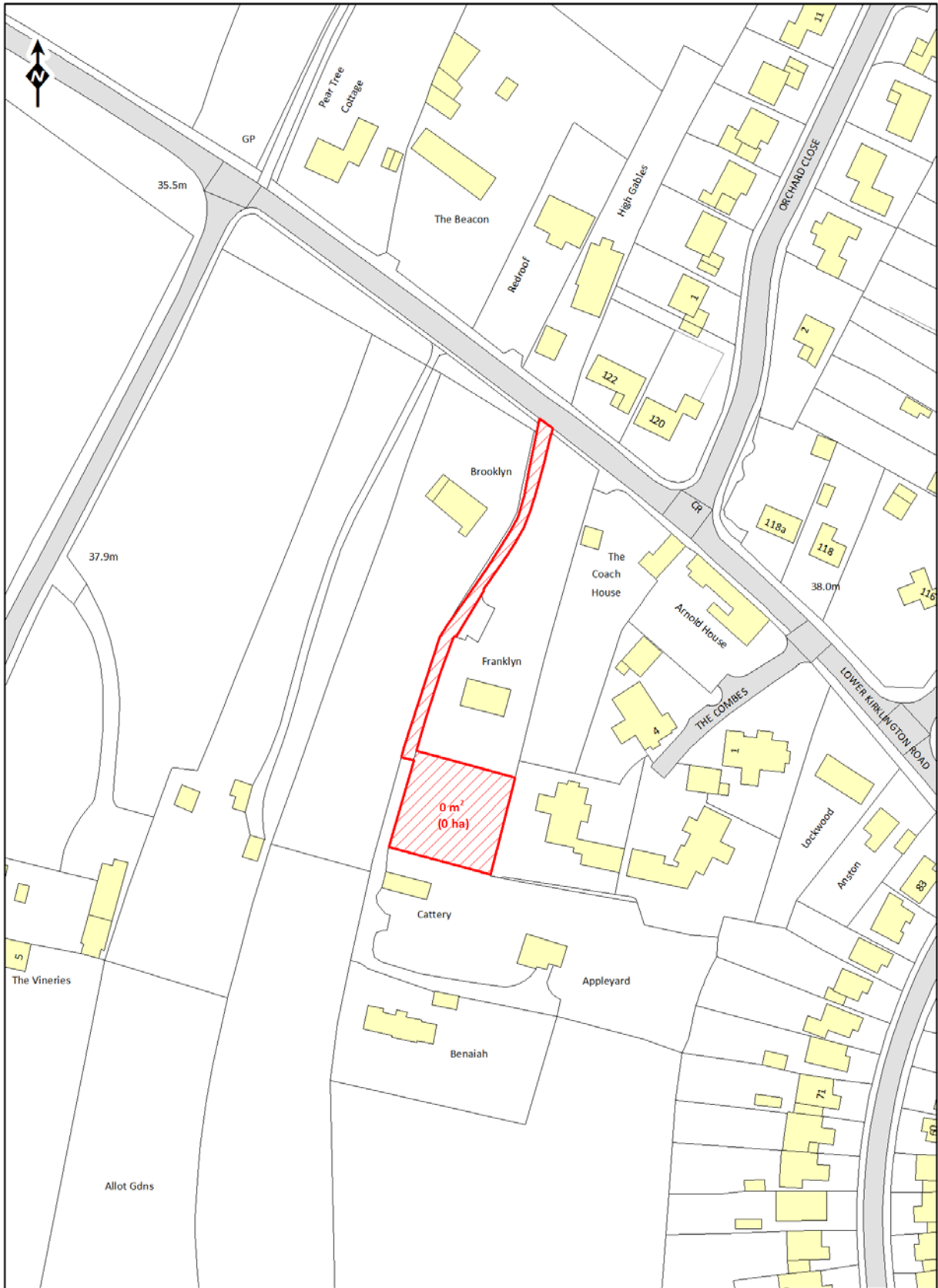
Application case file.

For further information, please contact 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 - 16/01977/FUL



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APPEALS A

APPEALS LODGED (received between 19 December 2016 – 23 January 2017)

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

2.0 RECOMMENDATION
That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Growth & Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3161098	16/01130/OUT	Land Adjacent Ivy Cottage Hawksworth Road Syerston Nottinghamshire	Erection of two detached dwellings with a single point of access off Hawksworth Road. Off street parking to be provided.	Written Representation
APP/B3030/W/16/3162218	16/00571/FUL	Harlow Fields Station Road Edingley NG22 8BY	Conversion of an existing blockwork rendered and tile outbuilding to form dwelling, including small rear extension	Written Representation
APP/B3030/W/16/3163968	16/00974/FUL	Hall Farm Westhorpe Southwell Nottinghamshire NG25 0NG	The conversion of an existing dutch barn to form a two storey dwelling.	Written Representation
APP/B3030/W/16/3164242	16/00803/OUT	Chapel Farm Chapel Lane Spalford NG23 7HD	Erection of 2 detached dwellings	Written Representation
APP/B3030/W/16/3164269	16/00202/OUT	Lynwood House Fiskerton Road Rolleston Newark On Trent Nottinghamshire NG23 5SH	Outline application for residential development of up to two new dwellings	Written Representation
APP/B3030/W/16/3164759	16/00992/FUL	Newark And Sherwood Play Support Group Edward Avenue Newark On Trent Nottinghamshire NG24 4UZ	Change of use of premises from B1 Offices to A1 (retail) to include a butchery and tea room	Written Representation

APPENDIX B: APPEALS DETERMINED (between 19 December 2017 – 23 January 2017)

App No.	Address	Proposal	Decision	Decision date
16/00479/FUL	Stud Farm House Ossington Lane Sutton On Trent Newark On Trent Nottinghamshire NG23 6NX	Householder application for replacement of existing two bay timber garages with new three bay steel and masonry garage	ALLOW	23.12.2016
16/00697/FUL	Gable Oaks Old Main Road Bulcote Nottinghamshire	Proposed New 4 Bedroom Dwelling and ancillary pool building	ALLOW	06.01.2017
16/00859/FUL	Little Hollies The Close Averham NG23 5RP	Demolition of garage and creation of a 3 bedroom house. Formation of new driveway for the existing dwelling, Little Hollies.	ALLOW	04.01.2017
16/01421/FUL	16 Fairway Newark On Trent Nottinghamshire NG24 4RG	Householder application to replace 2m hedge with lattice top fence 1.8m (at highest point) and replacement gate	ALLOW	10.01.2017
15/02278/HRN	Hedgerow Thorpe Lane Farndon Nottinghamshire	Removal of eleven metres of hedge between Field No SK7650 9533 and Field SK7750 1343	DISMISS	21.12.2016
16/00943/ADV	Beacon Hill Road Retail Pak Beacon Hill Road Newark On Trent Nottinghamshire	Illuminated and none illuminated Fascia Signs	NOT DETERMINED	12.01.2017
15/01770/FUL	Shannon Falls Tolney Lane Newark On Trent Nottinghamshire	Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One	NOT DETERMINED	28.12.2016

	NG24 1DA	Amenity Building		
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RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Growth & Regeneration

Appeal Decision

Site visit made on 6 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 23 December 2016

Appeal Ref: APP/B3030/D/16/3157565

Stud Farm House, Ossington Lane, Sutton on Trent, Newark on Trent, Nottinghamshire NG23 6NX

- 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 Robert Siddall against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00479/FUL, dated 19 March 2016, was refused by notice dated 8 June 2016.
 - The development proposed is the replacement of existing two bay timber garages with new three bay steel and masonry garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing two bay timber garages with a new three bay steel and masonry garage at Stud Farm House, Ossington Lane, Sutton on Trent, Newark on Trent, Nottinghamshire NG23 6NX in accordance with the terms of the application, Ref 16/00479/FUL, dated 19 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SF-01, SF-03.
 - 3) Notwithstanding condition 2, no development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the external doors to the building, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Stud Farm House is an impressive large detached house with steps up to the front door and high ceilings. It is set within particularly spacious gardens well back from Ossington Lane with the complex of Stud Farm set slightly further to the north. To the east, beyond the farm complex are a number of industrial buildings. Other than in relation to the development described the appeal site
-

- is in an isolated location in the countryside. At present, the dwelling is served by a two bay open fronted timber garage set back to the side of the house. The appellant proposes to replace with a far larger structure in order to house his vehicles, which include a tall antique steam roller and traction wagon.
4. Consistent with the National Planning Policy Framework ('the Framework'), policies DM5 and DM6 of the Newark and Sherwood Allocations and Development Management Development Plan Document (A&DMDPD) support the erection of curtilage buildings, subject to high quality design that respects the host dwelling and surrounding area. The '*Householder Development*' supplementary planning document (SPD), to which I have had due regard, provides more specific detail.
 5. The proposed garage at 5.1m to the ridge of its dual pitched roof and 12.5m in width and length would be a tall building with a large footprint. However, the house would be significantly taller than the garage and its scale and mass would be notably greater. In combination with its location, set well back to the side of the house and largely screened from view by tall mature evergreen planting, it would be a subservient building that in terms of scale would not compete with the house visually. Given the large gardens that surround the property the garage would be comfortably accommodated and more than sufficient amenity space would remain.
 6. In keeping with the house, the garage would have a gabled ended roof. Whilst its gables would form the front and rear elevations of the building, rather than the side elevations as with the house, this would not be a discordant feature. The pitch of the roof would not be as steep as the roof to the house. However, this serves to reduce the scale of the garage and given that it would be a detached building, set well back from the front elevation of the house and to its side, the garage would not be prominent enough for this feature to adversely affect the character and appearance of the dwelling.
 7. The house is predominantly rendered. However, there are sufficient areas of exposed brickwork to the base of its walls for a garage built from brick to complement its appearance. The roof would be clad in profile steel sheets. Normally this would give the building a utilitarian industrial appearance similar to those on Stud Farm or on the site further to the east. However, the proposed brick parapet with stone coping to the front and rear gable ends of the building would avoid this from occurring. I note that the plans state that the doors to the garage would be metal roller shutters. This potentially would result in a more industrial look than would be appropriate for a residential ancillary building. However, this matter could be controlled by condition.
 8. Taking all these matters into account, I therefore conclude that the proposed development is well designed, in compliance with the SPD guidance in relation to garages and outbuildings, and would complement the character and appearance of the house and area. It would therefore comply with policy DM5 and DM6 of the A&DMDPD, the SPD and the Framework.

Conditions

9. Otherwise than as set out in the conditions, for the avoidance of doubt and in the interests of proper planning, the development shall be carried out in accordance with the approved plans. In order to ensure that the development complements its surroundings, external materials, including those used on the doors to the building, need to complement the house. I have required these matters by condition.

10. Conditions have been suggested by Nottinghamshire Wildlife Trust. However, the Council in the appeal questionnaire has not stated that they are necessary. In my assessment, as they relate to duties identified by the wildlife survey under other statutes it is not necessary to include them as conditions. Furthermore, the appellant having commissioned the survey will be familiar with the survey advice.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed.

Ian Radcliffe

Inspector

Appeal Decision

Site visit made on 6 December 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 06 January 2017

Appeal Ref: APP/B3030/W/16/3157932

Gable Oak, Old Main Road, Bulcote, Nottinghamshire NG14 5GU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs D Grayson against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00697/FUL, dated 8 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is a new 4 bedroom dwelling and ancillary pool building.
-

Decision

1. The appeal is allowed and planning permission is granted for a new 4 bedroom dwelling and ancillary pool building at Gable Oak, Old Main Road, Bulcote, Nottinghamshire NG14 5GU in accordance with the terms of the application, Ref 16/00697/FUL, dated 8 April 2016, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. Two appeal statements, dated 11 November and 14 November 2016, were submitted by the Council. I have taken the content of both into account in determining the appeal. However, in relation to the suggested conditions I have proceeded on the basis that the Council's list in its second appeal statement, dated 14 November 2016, superseded the list of conditions included with its earlier appeal statement.

Main Issues

3. The main issues are;
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the character and appearance of the Bulcote Conservation Area; and,
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal site is located within the village of Bulcote which is located within the Green Belt. Policy 4B of The Newark and Sherwood Core Strategy ('Core Strategy'), adopted in 2011, sets out the Council's policy to Green Belt development. In order to support new housing and employment, it excludes that part of Bulcote attached to Burton Joyce from the Green Belt. As the appeal site is located towards the northern edge of the village, it is not located within that part of Bulcote and so is not excluded from the Green Belt. Within the Green Belt, policy 4B states that development proposals will be judged according to national Green Belt planning policy.
5. Paragraph 87 of the Framework advises that inappropriate development in the Green Belt is by definition harmful to it. Paragraph 89 of the Framework advises that 'limited infilling in villages' is not inappropriate development, but provides no definition of this term.
6. The appeal site is a large triangular plot of private land next to Oak Lodge and other residential development to the east along Old Main Road. Housing to the south on the opposite side of the road faces the appeal site. Across the junction on the opposite side of Nottingham Road recent residential development along Old Main Road has enclosed much of the western side of the site. Therefore whilst to the north west, towards the rear of the site, across Nottingham Road is open undeveloped countryside, the majority of the site is now enclosed by residential development. The appeal site therefore constitutes a gap in development that the proposal would infill. Given that the proposed house would occupy the eastern side of the site, and that open green space in the form of gardens to the proposed house would continue to occupy the western side of the site, the extent of infill would be limited.
7. I recognise that the view of the Inspector in relation to a dismissed appeal for residential development on the site in 1991 was that as the gap was not small and land next to it was not continuously developed it did not constitute infill development¹. However, this was based upon his interpretation of the term 'infill', rather than 'limited infill', neither of which is defined in the current development plan or national planning policy.
8. Furthermore, on the basis of what the Inspector wrote it is unclear if at that time infilling in villages, whether limited or otherwise, was identified by local or national policy as appropriate development within the Green Belt. In addition, as I have noted, since that decision new development on the opposite side of Nottingham Road means that the site is now effectively enclosed on three sides by residential development. The circumstances of that appeal are therefore materially different to the appeal before me and for the reasons given above I have arrived at a different finding in relation to this matter. Consequently, reference to this decision has not altered my conclusions in relation to this issue.
9. Taking all these matters into account, I therefore conclude that the proposal would constitute limited infilling in a village in compliance with paragraph 89 of the Framework. As a result, it would not be inappropriate development and would comply with policy 4B of the Core Strategy. It is therefore unnecessary to consider whether there are considerations in favour of the appeal which would amount to very special circumstances necessary to justify the development.

¹ Ref APP/B3030/A/90/173185

Character and appearance

10. The appeal site is located within the Bulcote Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Core Policy 14 of the Core Strategy and policy DM9 of the Allocations and Site Management Development Plan Document (A&SMDPD) control development in Conservation Areas. In requiring the protection of the character and appearance of heritage assets, including conservation areas, through high quality design that respects local design features these policies are consistent with the statutory test.
11. Based upon what I have read and seen the Conservation Area covers that part of the village that contains a variety of well designed older buildings the majority of which are set within spacious grounds. The variety of buildings together with their spacious setting and mature trees are important features of the Conservation Area. The significance of the Conservation Area is therefore architectural and historical.
12. The appeal site is located towards the northern edge of Bulcote where large houses on spacious plots predominate. The Conservation Area Appraisal identifies that the appeal site forms part of the former parkland around the Lodge. I saw that it is a large area of open lawn that is enclosed by a tall hedge and mature trees.
13. As an open area of land enclosed by a hedge and mature trees the Conservation Area Appraisal identifies the site as a significant open green space with significant and important tree cover along the boundary with Old Main Road. It identifies an important view across the site from Old Main Road, close to the junction with Nottingham Road, which provides glimpses of the church. To the extent that open views remain across the site above the height of the boundary hedge, I agree with that assessment.
14. The proposed dwelling would have a narrow rectangular plan form and would be orientated so that its narrow elevation faces Old Main Road. Its second storey would largely be contained within its roof space. These design features would reduce its scale and mass allowing it to fit sympathetically into its surroundings. Viewed from the road, with the mature trees and hedges around the perimeter, the proposed house and pool building would therefore be largely screened from view. In terms of the site as a whole, the house would be set back from Old Main Road towards the eastern side of the site, well away from Nottingham Road and would occupy a relatively small proportion of the site. With large areas of the site undeveloped in public views therefore the important view across the site would be preserved along with most of its open nature.
15. The design of the house would be modern but subject to the use of appropriate materials externally, which is a matter that could be controlled by condition, the appearance of the house would complement the variety of development that characterises the Conservation Area.
16. Taking all these matters into account, I therefore agree with the Council and conclude that the proposed development would not harm that part of the Conservation Area in which the appeal site is located, or the Conservation Area as a whole. As a result, the objective of preservation would be achieved. The proposal would therefore pass the statutory test and comply with Core Policy 14 of the Core Strategy and policy DM9 of the A&SMDPD. The proposed

development would also comply with the Framework in relation to good design and preserving the historic environment.

Other matters

Housing land supply

17. On the basis of a recent appeal decision, the appellant states that the Council has less than a 5 year supply of housing land. In the absence of more recent evidence to the contrary I agree with that position. The proposal would contribute to addressing the shortfall. However, as it would only result in the supply of one additional dwelling the weight I attach to this consideration is limited.

Living conditions

18. Concern has been expressed that the dwelling would result in overlooking of houses around the junction of Redmays Drive and Old Main Road. However, the eastern elevation of the proposed house, which would face in this direction, would contain only two windows at first floor level and these windows would serve a corridor rather than main habitable rooms. As a result, any views towards dwellings in this direction would be likely to be inconsequential. For this reason and given the significant distance separating the proposed house from Oak Lodge and its garden to the east, and greater distances separating it from houses further away towards the junction of Redmays Road and Old Main Road, privacy would not be harmed.

Wildlife

19. Whilst the Council has no objection to the proposal on ecology grounds, concerns have been raised locally regarding this matter. As I have noted, the appeal site is set to lawn and the trees and hedges on the site would be preserved. Furthermore, no works of demolition would occur. On the basis of what I have read and seen, there is therefore no reasonable basis for supposing that the site provides a habitat for protected species that would be harmed by the proposed development.

Conclusions

20. The proposal would not be inappropriate development in the Green Belt and it would be a well-designed house that would preserve the character and appearance of the Conservation Area. As a result, it would accord with the development plan. In compliance with paragraph 14 of the Framework, it should therefore be approved without delay.
21. Concern has been expressed that if the appeal is allowed this would set a precedent for similar development. However, each application and appeal is determined on its individual merits. A generalised concern of this nature therefore does not justify withholding permission in this case.
22. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal.

Conditions

23. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in this decision and conditions, the development needs to be

carried out in accordance with the approved plans. In order to ensure that the development complements its surroundings in the Conservation Area further details on external materials, the detail of the buildings, landscaping, including boundary treatments, are required. To ensure that any planting becomes well established it needs to be well maintained. Trees that are to be retained also need to be protected during construction. Given that the proposed development has been carefully designed to respect the open nature of the site and complement development within the Conservation Area permitted development rights in Classes A to F also need to be removed.

24. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan ref Pln-A.01.1, Proposed site plan reference Pln-A.02.1.1, Proposed ground floor plan reference Pln-A.02.1.2, Proposed first floor plan reference Pln-A.02.1.3, Proposed roof plan reference Pln-A.02.1.4, Proposed north elevation reference Pln-A.02.2.2, Proposed east elevation reference Pln-A.02.2.3, Proposed south elevation reference Pln-A.02.2.4, Proposed west elevation reference Pln-A.02.2.6
- 3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 4) 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.
 - External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
 - Treatment of window and door heads and cills
 - Verges and eaves
 - Rainwater goods
 - Coping
 - Extractor vents
 - Flues
 - Meter boxes
 - Airbricks
 - Soil and vent pipes

- The 'meadow' green roof specification.
- 5) No development shall be commenced until details of the boundary treatments to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with these approved details prior to the first occupation of the dwelling and shall thereafter be retained.
 - 6) 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: an implementation and phasing plan; a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; a plan showing all the trees and hedges to be retained; and all hard surfacing materials.
 - 7) No development shall be commenced until the trees/hedges shown to be retained have been protected by measures to be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented for the duration of the construction on site and shall include the following: no development (including the erection of site huts) shall take place within the crown spread of any tree, no materials (including fuel and spoil) shall be stored within the crown spread of any tree, no services shall be routed under the crown spread of any tree, no burning of materials shall take place within 10 metres of the crown spread of any tree.
 - 8) All hard and soft landscape works shall be carried out in accordance with the implementation and phasing plan approved under Condition 6 of this permission. The works shall be carried out prior to the first occupation of the dwelling or in accordance with the programme agreed with 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.
 - 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
 - Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.
 - Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
 - Class C: Any other alteration to the roof of a dwellinghouse.

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

Class E: Development within the curtilage of a dwellinghouse.

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

Appeal Decision

Site visit made on 23 November 2016

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 04 January 2017

Appeal Ref: APP/B3030/W/16/3158075

Little Hollies, The Close, Averham NG23 5RP

- 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 and Mrs D Burke against the decision of Newark and Sherwood District Council.
 - The application, No 16/00859/FUL, dated 27 May 2016, was refused by a notice dated 12 August 2016.
 - The development proposed is the creation of a three bedroom house.
-

Decision

1. For the reasons that follow the appeal is allowed and planning permission is granted for the erection of a three bedroom house at Little Hollies, The Close, Averham, in accordance with the terms of the application, No 16/00859/FUL, dated 27 May 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. In relation to rural areas, Spatial Policy 3 (SP3) the Newark and Sherwood Core Strategy DPD (the Core Strategy) states, among other things, that local housing need will be addressed by focusing housing in sustainable, accessible villages. Beyond 'Principal Villages' (Averham is not identified as a Principal Village) the policy sets out that proposals for new development will be considered against five criteria: location, scale, need, impact and character.
3. The appeal site lies within the built-up area of Averham, within the settlement boundary. Three previous appeals relating to the erection of a dwelling on this site have been dismissed in the recent past, each narrowing the areas at issue.¹ My colleagues found that Averham is a suitable and sustainable location for small infill development, with the latter two decisions confirming that the design of the proposed dwelling was acceptable, that it did not comprise over-development, it would not appear cramped on its plot and that there would be no harm to the character and appearance of the Conservation Area within which the site lies.
4. Apart from some internal modifications as a consequence of the changing needs of the appellants' dependants (for whom the house is intended) the dwelling proposed is of the same external appearance and siting within the plot as was the subject of the last two appeals. I am mindful, in this regard, that it is no part of the Council's case that the development proposed would conflict

¹ Application No 11/00150/FUL Appeal Ref: APP/B3030/A/11/2162334; Application No 12/00705/FUL Appeal Ref: APP/B3030/A/12/2188232; Application No 13/01468/FUL Appeal Ref: APP/B3030/A/13/2220069

with the location, scale, impact or character criteria of policy SP3 in relation to villages such as Averham. I have no reason to take a different view. On that basis, the main issue in this case relates to whether there is an identified proven local need for new housing in Averham, having regard to the provisions of policy SP3.

Reasons for the Decision

5. The Council does not draw my attention to any definition of 'local need' in the terms of policy SP3. However, in September 2013, subsequent to the second appeal decision, the Council published 'Spatial Policy 3 Guidance Note', which sought to explain the policy in order to aid consistency in decision making. Whilst no copy of that document is before me, the Inspector who dealt with the last of the appeals on this site commented that the Note indicated that policy SP3 was intended to serve the public interest, rather than that of individuals and that consequently, the proven local need to which it refers was that of the community rather than the applicant (the local need previously argued by the appellants related to the need for accommodation for a close relative). She recorded that the Note goes on to say that the policy is not intended to cater for individuals' desire to live in particular locations or in particular types of accommodation, an approach she found to be in broad accordance with the Government's Planning Practice Guidance (planning guidance) which refers to the general view of the Courts that planning is concerned with land use in the public interest.² She found that policy SP3 and the Guidance Note aligned generally with the advice in the Framework and the planning guidance, going on to conclude that the individual needs of the appellants in that case could not readily be equated to a proven local need in the terms of policy SP3.
6. In relation to the development the subject of the current appeal, there is no evidence before me to demonstrate that there is an identified proven local housing need in terms of the needs of the wider community, as opposed to the personal needs of the appellants such as, for example, a local housing needs survey carried out perhaps by the Parish Council or some other organisation. Absent such evidence, I conclude that the development proposed would conflict with policy SP3. However, policy SP3 is a policy that is relevant to the supply of housing. As such, having regard to the advice at paragraph 49 of the Framework, it is not to be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
7. The officer's report in relation to the application the subject of this appeal refers to uncertainty in respect of the delivery of a five year housing land supply. There being no other harm, the report recommended that the application be approved. Members, however, took a different view, and the application was refused. Now, at the time of this appeal, the Council maintains that it can currently demonstrate a five year supply of housing land.
8. The Core Strategy, which was adopted in 2011, sets out a housing requirement of some 740 dwellings per annum. That figure was formulated before publication of the Framework and was derived from the now revoked East Midlands Regional Plan Strategy. As such, it would have been constrained by the policy considerations of the time. Accordingly, whilst the Core Strategy figure is preferred by the appellants, I agree with the Council that it cannot be

² Paragraph: 008 Reference ID: 21b-008-20140306

- said to be up-to-date in the terms of the Framework, since it does not plan to meet the full objectively assessed housing need of the District.
9. Although the Council has started work on a Local Plan review, it is still at an early stage, with submission for examination not expected until at least spring 2017. As part of the evidence base for that emerging plan, the Council suggests that its full objectively assessed need (OAN) is in the region of 454 dwellings per annum (a figure derived from the Nottingham Outer Strategic Housing Market Assessment October 2015, using 2013 as a base date). Against that figure, it is maintained that a five year supply of housing land can be demonstrated currently.
 10. That figure was the subject of detailed scrutiny at an Inquiry in November 2015 in relation to an appealed application for residential development elsewhere in the District.³ Based on the evidence before her, and taking account of economic circumstances, market signals and the need to increase affordable housing provision, the Inspector in that case concluded that the OAN for the District was likely to be higher. She went on to conclude that the Council could not demonstrate a five year supply of housing land.
 11. Whilst the Council does not agree with the Inspector's reasoning on this matter, or the assumptions made, there is no indication as to precisely what its specific concerns are. It is confirmed, in this regard, that supporting information on this is to be provided for the Local Plan review in due course. I note though, that for the purposes of this appeal, the Council accepts that the 454 figure cannot be attributed full weight and that the appeal decision is a material consideration.
 12. In support of its case, the Council draws attention to a couple of strategic sites within the District which are progressing: one is an outline application for 1800 dwellings on land south of Fernwood that Members are minded to approve, subject to a planning obligation; the other relates to a recent application for landscape reserved matters approval for part of phase 1 of an earlier outline permission for residential development on a site to the south of Newark. However, whilst those schemes may well have positive implications for the supply of housing land within the District in due course, there is no indication as to the likely timescale for the delivery of housing on those sites.
 13. The Council's preferred figure has not been tested through the Local Plan review process. Although the Council contests the findings of the Inspector following detailed examination of the figure at a Public Inquiry, no substantiated evidence is before me to undermine the Inspector's findings that the OAN was likely to be higher and that the Council could not demonstrate a five year supply. Whilst there may be some progress on two strategic sites within the District, the timescale for delivery, and thus the contribution that they could make to the five year supply, is unclear. On balance therefore, I am not persuaded, for the purposes of this appeal, that the Council can currently demonstrate a five year supply of housing land. On that basis, policies relevant to the supply of housing, including policy SP3, are not to be considered as up to date.
 14. In these circumstances, paragraph 14 of the Framework sets out that, for decision taking, the presumption in favour of sustainable development means

³ Appeal Ref: APP/B3030/W/15/3006252 Land at Southwell Road, Farnsfield, Nottinghamshire

that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. There being no harm other than the conflict with policy SP3, I am satisfied that the presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, applies in this instance and I conclude, on balance, that the appeal should succeed.

Conditions

15. I have considered the conditions suggested by the Council in the light of the advice in the Framework and the Government's Planning Practice Guidance. The Council has suggested a one year time limit on commencement of development. However, no reason is given for the foreshortened timing. In the absence of such, I see no reason not to impose the usual three year time limit on commencement of development in this instance. (1)
16. It is necessary to ensure that the scheme is carried out in accordance with the approved plans, as this provides certainty. (2)
17. Conditions relating to external materials, detailed design of doors, windows and rainwater goods and removal of the existing garage are necessary in the interest of visual amenity and to protect the character and appearance of the Conservation Area within which the appeal site lies. (3, 4, 5, 8) The suggested condition relating to tree protection refers to the submitted tree constraints plan (TCP-01). However, that plan does not show which trees are to be retained. It simply shows crown spread and root protection areas. Plan No DB 389-A104 shows which trees are to be removed. Those not shown as being removed will need protection during the construction process. I have amended the wording of the suggested condition accordingly. (6)
18. The Council requests a condition requiring details of boundary treatment. However, boundary treatment is clearly shown on the submitted plans and there is no suggestion, in this regard, that the details shown are unacceptable in any way. Since development is to be carried out in accordance with the plans, I find the suggested condition to be unnecessary.
19. A condition requiring the submission of details relating to hard and soft landscaping is also suggested. However, the scheme relates to a single dwelling. As such, I am not persuaded that it is reasonable or necessary to control planting within the garden to the property. I agree though, that any hardsurfacing materials need to be agreed with the authority, in the interest of visual amenity, given the location of the site within a Conservation Area. (7)
20. In order to protect the privacy of both future residents of the proposed dwelling and of adjoining residents, conditions precluding the formation of additional windows within the side facing elevations and requiring the provision of obscure glazing to the side facing landing and bathroom/toilet windows are necessary. I have amended the wording such that the conditions relate only to first floor windows – I am not persuaded that there would be privacy issues in relation to side facing ground floor windows. (9, 10)
21. Conditions relating to the provision of a new vehicular verge crossing for the occupiers of Little Hollies, pedestrian access to the dwelling proposed,

permanent closure of the existing garage access off The Close, and provision of on-site parking for the proposed dwelling are necessary in the interest of vehicular and pedestrian safety. (11, 12, 13, 14)

22. In order to protect the character and appearance of the Conservation Area and to safeguard the amenities of adjoining occupiers, I agree that some residential permitted development rights should be removed, although not to the extent suggested by the Council. In particular, I am not persuaded that it is necessary to remove permitted development rights in relation to the erection of porches nor, given the restrictions that apply in any event in Conservation Areas, am I persuaded that it is necessary to remove permitted development rights under the provisions of Schedule 2 Part 1 Class B (additions or alterations to the roof), Class G (the installation, alteration or replacement of a chimney, flue or soil and vent pipe) or Class H (the installation, alteration or replacement of a microwave antenna). Again, I have amended the condition accordingly. (15)

Jennifer A Vyse
INSPECTOR

Schedule of Conditions
Appeal APP/B3030/W/16/3158075
Little Hollies, The Close, Averham

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless required otherwise by the conditions set out below, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - Revised Site Location Plan, Drawing No. DB 389 – A100 Rev B
 - Proposed Site / Block Plan, Drawing No. DB 389 – A104
 - Proposed Dwelling Plans and Elevations, Drawing No. DB 389 – A102 Rev C
- 3) No development shall be commenced until details/samples of the bricks and roofing tiles to be used 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.
- 4) No development shall be commenced until a brickwork sample panel showing brickwork, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. All subsequent walling shall match the approved sample panel in terms of detailing.
- 5) No development shall be commenced in respect of rainwater goods and external windows (including roof windows) and doors, and their immediate surroundings including details of glazing and glazing bars and joinery details, 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.

- 6) No development shall be commenced until the trees not shown as being removed on plan No DB 389-A104 have been protected by the following measures, which measures shall be retained during construction works, unless otherwise agreed in writing by the local planning authority:
 - a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at the outer extremity of the tree canopies, or 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 crown spread of any tree.
- 7) No development shall be commenced until details of external hard surfacing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) The dwelling hereby approved shall not be occupied until the existing garage shown to be removed on drawing No DB 389 – A104 has been demolished in full and all materials removed from the site.
- 9) Prior to first occupation of the dwelling hereby permitted, the bathroom and landing window openings on the first floor side elevations shall be fitted with obscure glazing to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. The glazing shall be retained in accordance with this condition thereafter.
- 10) 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) no windows, including dormer windows (other than those expressly authorised by this permission) shall be constructed on the first floor side elevations of the dwelling hereby permitted.
- 11) The dwelling hereby permitted shall not be brought into use unless and until the new vehicular verge crossing off Pinfold Lane to serve Little Hollies, as shown on plan No DB 389-A104 has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
- 12) The dwelling hereby permitted shall not be brought into use unless and until the new pedestrian access to the dwelling has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
- 13) The dwelling hereby permitted shall not be brought into use unless and until the existing garage access from The Close (shown on plan DB389-A104) has been permanently closed and the verge reinstated in

accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

- 14) The dwelling hereby permitted shall not be brought into use unless and until the on-site parking area for the proposed dwelling has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The parking area so provided shall thereafter be retained in perpetuity and shall be kept available for its intended purpose.
- 15) 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) and other than as may be expressly authorised by this permission, no development within the following Classes of Schedule 2, Part 1 of the Order shall take place:
- 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 C: Any other alteration to the roof 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.

[END OF SCHEDULE]

Appeal Decision

Site visit made on 4 January 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 10th January 2017

Appeal Ref: APP/B3030/D/16/3163383

16 Fairway, Newark-on-Trent, Nottinghamshire, NG24 4RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Andrea Ferguson against the decision of Newark & Sherwood District Council.
 - The application Ref: 16/01421/FUL dated 28 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is 'replacement of 2m hedge with lattice top fence (1.8m at highest point), and replacement gate to match the fence'.
-

Decision

1. I allow the appeal, and grant planning permission for 'replacement of 2m hedge with lattice top fence (1.8m at highest point), and replacement gate to match the fence' at 16 Fairway, Newark-on-Trent, Nottinghamshire, NG24 4RG in accordance with the terms of the application, Ref: 16/01421/FUL dated 28 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan received by the Council on 31 August 2016; Aerial Plan A received by the Council on 31 August 2016, and details showing the 'Sussex Wave' fence and gate details received by the Council on 6 September 2016.
 - 3) No development shall take place until the finished treatment and colour of the fence and gate have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. I consider the one main issue in this case is the effect of the proposal on the street scene in Fairway and Peebles Road and the character and appearance of surrounding residential area.

Reasons

3. The treatment of front boundaries in the area is very varied, with low open fences, brick walls, higher solid fences and hedges of various kinds. There is no overall consistency or uniformity and at my site visit I noted a number of fences of similar height and materials to the appeal proposal, including

- examples on corner plots at the Fairway/Riverside Road junction and elsewhere. Taken together these varied boundary treatments are part of the established character of the area.
4. Core Policy 9 of the *Newark and Sherwood Core Strategy 2011 (CS)* requires development to achieve a high standard of sustainable design appropriate in scale and form to its context. Policies DM5 and DM6 of the *Allocations and Development Management Development Plan Document 2013 (DPD)* require proposals to reflect local distinctiveness and respect the character of the area. I have also been referred to the Council's *Householder Development Supplementary Planning Document 2014 (SPD)*. Paragraph 8.20 says the scale, height and materials of boundary treatment should be in keeping with the character and appearance of the dwelling and area, should not be too obtrusive (particularly on corner plots), and should not create an oppressive appearance.
 5. Given the range and variety of boundary treatments in the area, I do not agree with the Council that the proposed fence would be an unacceptable visual intrusion or unacceptably oppressive. I consider that its materials, height and neat design would be appropriate in this context, and not out of keeping with the appearance of the street scene. Although the existing occupier clearly keeps the hedge very well maintained, I recognise that this might not necessarily be the case in the future. I also accept that a lower fence or a post and rail arrangement would not provide the same degree of privacy as a taller fence, especially on this exposed corner plot with roads on two sides.
 6. Overall on this issue I consider that the proposed fence and gates would not significantly harm the street scene in Fairway and Peebles Road and the character and appearance of the surrounding residential area. As such, I find no conflict with the relevant criteria of CS Core Policy 9, DPD Policies DM5 and DM6, and advice in the SPD.
 7. I have considered the conditions put forward by the Council in the light of the advice in the Government's *Planning Practice Guidance (PPG)*. A condition requiring details of the finish and colour of the fence is necessary in the interests of the appearance of the area. For the avoidance of doubt and in the interests of proper planning a condition is also needed to secure compliance with the submitted plans.
 8. For the reasons given above and having regard to all other matters raised, I consider that the appeal should be allowed.

Nigel Harrison

INSPECTOR