

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, 5 July 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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1. Apologies	
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PART 1 - ITEMS FOR DECISION

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PART 2 – ITEMS FOR INFORMATION

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PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

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

None

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7 June 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

01. APOLOGIES FOR ABSENCE

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

02. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillor R.V. Blaney	Agenda Item No. 14 – Springfield Bungalow, Nottingham Road, Southwell (15/01295/FULM) – Personal Interest as he knew the applicant.
Councillor R.A. Crowe	Agenda Item No. 9 – 8 Beacon Hill, Newark (16/00401/LBC) - Personal Interest.
Councillors D.R. Payne and Mrs P. Rainbow	Agenda Item No. 14 – Springfield Bungalow, Nottingham Road, Southwell (15/01295/FULM) Non Disclosable Pecuniary Interests
Councillors D.R. Payne and I. Walker	Agenda Item No. 11 – Southwell Racecourse, Station Road, Rolleston (15/01282/FULM) Personal Interest as they are Members of Trent Valley Drainage Board.

03. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

04. MINUTES OF THE MEETING HELD ON 3 MAY 2016

The Committee considered the minutes of the meeting held on 3 May 2016.

Minute No. 181 – Apologies for Absence – Councillor D.R. Payne advised that he had received apologies for absence from Councillor D. Clarke prior to the last meeting which were not recorded.

Minute No. 182 Declarations of Interest – Councillor Mrs S.E. Saddington advised that she declared a personal interest in respect of Agenda Item No. 10 – Land at Norwell Road, Caunton (16/00382/FUL) at the last meeting as was recorded but she also took no part in the debate or vote on the item as she had been part of the survey undertaken in Caunton.

AGREED that subject to the above amendments, the minutes of the meeting held on 3 May 2016 be approved as a correct record and signed by the Chairman.

05. 33 TRINITY ROAD, SOUTHWELL (16/00562/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission for the provision of an additional two bedroom dwelling attached to the north eastern elevation of the existing property 33 Trinity Road and alterations to existing vehicular access (resubmission of 16/00244/FUL).

Members considered the application stating that it was an over intensive proposal which would be overbearing for the properties to the north of the site. In addition the Members considered that the proposal would also result in no off street parking provision at the property.

AGREED (unanimously) that contrary to Officer recommendation the application be refused for reasons of over intensification of the site and the proposal being overbearing for the properties to the north of the site.

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

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

06. CENTRE PARCS, SHERWOOD FOREST HOLIDAY VILLAGE, OLD RUFFORD ROAD, RUFFORD (16/00543/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought consent for the creation of new openings to the Aqua Sauna building, as well as a single storey extension to create a 'hideaway', a detached warming room, treetop sauna and the relocation of the existing Japanese foot spa structure.

Members considered that the application was appropriate.

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

07. 51 LANSBURY ROAD, EDWINSTOWE (16/00390/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the erection of a single two bedroom dormer bungalow.

Members considered that the application did not fit in with neighbouring properties in the area, was an over intensification of the site and would affect the amenities of neighbouring properties. It was also considered that granting the application would set an unnecessary precedent.

AGREED (unanimously) that contrary to Officer recommendation the application be refused for reasons of over intensification of the site and the proposal would affect the amenities of neighbouring properties.

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

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

08. LAND NORTH OF STAUNTON WORKS, ALVERTON ROAD, STAUNTON –IN – THE- VALE (16/00316/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of six poultry buildings, boiler building, site office, access and hardstandings.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from a member of the public raising concerns about the application.

Robert Winterton representing Staunton Parish Meeting spoke against the application in accordance with the views of the parish meeting, as contained in the report.

Members considered the application and concerns were raised regarding the over intensity of the proposal given the size of the proposed poultry buildings. Concern was expressed about the impact the proposal would bring in terms of smell, noise and the increase in heavy goods vehicle traffic to and from the site. Members also expressed concerns in relation to flooding and the adverse impact on the local amenity and in particular the Grade II listed pigeoncote at Staunton Grange. The Members also considered that the application did not fit with the recreation and tourism aspirations which were being developed in this part of the District.

AGREED (with 12 votes for and 2 against) that contrary to Officer recommendation the application be refused for reasons of inappropriate scale in the open countryside, the visual impact of the proposal and the adverse impact this would have on the character of the local area, and that the proposal did not satisfy the requirements of Policy DM8 – Development in the Open Countryside adopted in July 2013.

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

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

09. 8 BEACON HILL ROAD, NEWARK (16/00401/LBC)

The Committee considered the report of the Deputy Chief Executive, which sought retrospective listed building consent to regularise the current status quo to seek to authorise the sequence of events to date. Listed building consent was also sought to fully remove the remaining dwarf brick wall along the south, east and west elevations and what was left of the brick remaining along the north elevation and remove the existing quarry tiled floor.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant. In addition Officers reported that Councillor D.J. Lloyd was due to speak as local Ward Member but as he was unable to attend he had emailed comments supporting the application. These comments were read out to the Committee.

Members considered the application and the commitment the applicants have demonstrated to restoring the property and recognised that the applicants inherited the glasshouse in a severely perilous state.

AGREED (with 12 votes for and 2 abstentions) that listed building consent be approved in order to support the applicants in their attempts to restore the property.

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

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

(Following this item the Committee adjourned for a short break. The meeting adjourned at 5.47pm and recommenced at 5.58pm).

10. LYNWOOD HOUSE, FISKERTON ROAD, ROLLESTON, NEWARK (16/00202/OUT)

The Committee considered the report of the Deputy Chief Executive, which sought outline planning permission for residential development of up to two new dwelling.

Access and layout were to be determined as part of this outline planning application with appearance, landscaping and scale to be determined as part of a later reserved matters application if outline planning permission was approved.

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

Members considered that the application was appropriate given the previous planning history and appeal decision and given that the proposal was supported by Rolleston Parish Council. However it was considered that the proposed development should be no greater in footprint or height larger than the original property.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and an addition to Condition 3 which would require that the property was no greater in footprint or height than the original property.

11. SOUTHWELL RACECOURSE, STATION ROAD, ROLLESTON (15/01282/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a flood alleviation scheme within and along the boundaries of the site to protect the racecourse from future flood events. Some of the proposed works were retrospective.

Planning Committee Members were informed that this application was presented to the Committee on 3 May 2016. It was resolved by the Committee to defer the application to allow officers to liaise with the relevant flood authorities (Environment Agency, Trent Valley Internal Drainage Board and Lead Local Flood Authority) in relation to four issues which were contained within the report. The responses from these authorities were set out in the report.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant and Flskerton-cum-Morton Parish Council.

Councillor Steve Johnston representing Rolleston Parish Council addressed the Committee in accordance with the views of the Parish Council, as contained in the report. Although not objecting to the proposal the Parish did have a number of concerns about the application.

Members supported the application in light of the additional responses received from the relevant flood authorities as was detailed in the report. The Committee proposed that a letter be sent to the Environment Agency requesting that they consider the points raised by Rolleston Parish Council in the context of the £25,000 annual contribution from the Southwell Racecourse for flood works. It was suggested that these works should include strengthening and raising the banks of the River Greet, desilting the Beck Dyke culvert under the railway bridge, maintenance and repairs to flood banks and prioritising various bunds and minor dykes in the area.

AGREED (unanimously) that:

- (a) full planning permission be granted, subject to the conditions contained within the report;
- (b) an additional condition be imposed requiring the first review to be undertaken three years after construction or immediately after a flooding event, in accordance with the recommendation of the Trent Valley Drainage Board; and
- (c) a letter be sent to the Environment Agency requesting the prioritisation of works as indicated.

12. PALACE THEATRE, 16 APPLETON GATE, NEWARK (16/00650/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the installation of mechanical equipment associated with catering facilities at the Palace Theatre. This included incoming gas supply to the north elevation and supply/extract ductwork to south elevation (part retrospective).

The application had been referred to the Planning Committee as the District Council owned the site.

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

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

13. PALACE THEATRE, 16 APPLETON GATE, NEWARK (16/00651/LBC)

The Committee considered the report of the Deputy Chief Executive, concerning listed building consent for the installation of mechanical equipment associated with catering facilities at the Palace Theatre. This included incoming gas supply to the north elevation and supply/extract ductwork to south elevation (part retrospective).

The application had been referred to the Planning Committee as the District Council owned the site.

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

AGREED (unanimously) that the application be referred to the Secretary of State with a recommendation that listed building consent be granted subject to the conditions and reasons contained within the report.

Following the conclusion of this item Councillors D.R. Payne and Mrs P. Rainbow left the meeting as they had both declared non disclosable pecuniary interests in respect of the application for Springfield Bungalow (15/01295/FULM).

Councillor G.P Handley took the Chair for the remainder of the meeting.

14. SPRINGFIELD BUNGALOW, NOTTINGAM ROAD, SOUTHWELL (15/01295/FULM)

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

AGREED (unanimously) that the meeting continue.)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the residential development of 38 dwellings and conversion and extension of existing residential property to form twelve supported living units.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from local residents, residents in other areas supporting the proposed supported living facility, Southwell Town Council, the Council's Strategic Housing unit and the agent.

Councillor David Martin representing Southwell Town Council spoke against the application in accordance with the views of the Town Council, as contained in the report.

Members considered the application and some concerns were expressed about possible flooding issues on the site, increased traffic and the low number of affordable units being provided on this allocated housing site.

AGREED (with 11 votes for and 1 against) that full planning permission be granted subject to:

- (i) the conditions specified; and
- (ii) the signing and sealing of a Section 106 Planning Agreement to secure the provision of Springfield Bungalow being gifted to the Reach Project (including relevant pay back clause(s)), on-site affordable housing (2 no. units), and developer contributions for open space, community facilities, education and transport enhancement.

15. LOCAL DEVELOPMENT FRAMEWORK TASK GROUP

AGREED (unanimously) that Councillors G.P. Handley, D.R. Payne and B. Wells be appointed to the Local Development Framework Task Group.

16. APPEALS LODGED

NOTED that the report be noted.

17. APPEALS DETERMINED

NOTED that the report be noted.

The Members requested further details of those appeals which were allowed.

The meeting closed at 7.45pm

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 14 June 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D.M. Batey and Mrs Y. Woodhead.

19. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

20. LAND AT STEPHENSON WAY, NEWARK ON TRENT (16/00166/FUL)

The Committee considered the report of the Deputy Chief Executive which related to a proposal for the erection of a hatchery with ancillary building and associated external works.

The Business Manager, Growth and Regeneration confirmed the item could have been delegated as no objections had been received but at the time arrangements were made for the meeting this was unknown. The proposal was a significant project for Newark with significant employment/economic benefits so best endeavours had been made to secure a timely decision. The Business Manager clarified the size of the building, processes involved and that the proposal was EIA development with c2.4million chicks produced a week. No highway concerns had been raised. Between the agenda being published and the Committee meeting clarification had been sought from independent legal advisors who had confirmed the proposal should be considered as an agricultural use and not a B1 use as applied for. Nevertheless either use in this particular instance would be acceptable when considered against Core Policy 6. Attention was also drawn to suggested conditions provided as a late item including to confirm matters principally controlled by the separate Environmental Permitting regime as well as some conditions to include 'no development other than site remediation' to enable the applicant to commence initial site works whilst matters of detail are confirmed.

A schedule of communication was also tabled at the meeting, which included correspondence, received after the agenda was published from the Agent and consultees relating to matters of detail to be agreed.

The Business Manager concluded the recommendation was to approve the application including an amendment to the description of the development to confirm the proposal is for agricultural use.

A Member disagreed with the figures presented on the vehicle movements in that individuals may visit the site not just HGVs, however, confirmed general support for the proposal.

A Member queried that there was concern in respect of light spillage and requested confirmation that this would be covered by condition. The Business Manager confirmed this was covered by suggested condition 12.

A Member accepted the legal advice received and therefore that the application was not CIL liable. It was noted that the applicant may have looked outside the District if CIL was required. Also whilst the proposed building was large, it was considered that it would not look out of character in this particular setting adjacent to existing industrial development.

A Member asked for clarity on the proportion of the allocated site to which the application related and queried who would want to build on the remaining land particularly with the lighting issue's associated with this proposal. The question was also raised as to who would be employed and whether jobs would be offered locally. The Business Manager advised that there were no planning powers to insist on local employment but that he was aware the Business Manager for Economic Development was already engaged with the applicant to explore and promote local employment opportunities.

AGREED (with 12 votes for and 1 abstention) that full planning permission be approved for the erection of a hatchery with ancillary building and associated external works as an agricultural use, subject to the conditions and reasons set out in the report and presented at the meeting.

The meeting closed at 4.29pm

Chairman

FIVE YEAR LAND SUPPLY POSITION AS AT 31 MARCH 2016

1.0 Purpose of Report

- 1.1 To update Planning Committee on the current Five Year Housing Land Supply Position as at the 31 March 2016.

2.0 Background Information

- 2.1 The Planning Policy Business Unit monitors the development of new housing on an annual basis to get the latest understanding on the delivery of the Development Plan. The information also informs the production of a Housing Monitoring and Five Year Land Supply Report. This report is still being produced however given the importance of having a five year supply it was felt important to report to committee as soon as practical the current position following the completion of the monitoring of housing development for the 2015/2016 financial year.

3.0 Proposals

- 3.1 The Five Year Housing Land Supply Position Statement and its appendices are attached at Appendix A and sets out that based on the Full Objectively Accessed Need of 454 dwellings per annum the Council has a 5.62 supply available. However the statement recognises that this figure has not yet been tested at a Plan Examination and is not confirmed and therefore sets out the considerations which need to be taken into account in these circumstances.

4.0 RECOMMENDATION

That Committee note the contents of the report and attached Five Year Housing Land Supply Position Statement.

Background Papers

Nil

For further information please contact Matthew Norton on Ext 5852 or Debbie Dickinson on Ext 5805

Kirstin H Cole
Deputy Chief Executive

Five Year Housing Land Supply – Current Position

- 1 The Council is currently compiling the full Housing Monitoring and Five Year Land Supply Report and this will be published later in the year. In the meantime the following data is being published to make clear the position with regards to the Five Year Housing Land Supply.
- 2 The Council is confident that it has a Five Year Housing Land Supply assessed against the up to date Objectively Assessed Need (OAN) figure of 454 dwellings per annum for the period 2013 to 2033 as set out in the 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.
- 3 However, whilst we are satisfied that we have taken a robust position with regard to the lead in times and delivery rates for the housing supply over the next five years we are aware that the Objectively Assessed Need figure of 454 dwellings per annum (dpa) has not yet been tested through the Local Plan Review Process. At a recent Appeal decision in Farnsfield, one Inspector disagreed with the annual requirement figure, noting that the information for the whole HMA was not before her. She concluded that on the balance of the evidence available to her, a reasonable assessment of the Full Objectively Assessed Need for Newark & Sherwood would be in the order of 550 dwellings per annum. 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.
- 4 The Council is therefore presenting the five Year Land Supply position for three annual requirement figures:

454 dpa - The OAN figure expressed in the SHMA, 5.62 years (see Appendix 1)

500 dpa - An intermediate figure which is OAN + 10%, 4.91 years (see Appendix 2)

550 dpa - The figure used by the Farnsfield Inspector, 4.31 years (see Appendix 3)

Details of the sites included within the supply are shown on Appendix 4 for sites with planning permission the two strategic sites allocated in the Core Strategy, and Appendix 5 for sites allocated through the Development Plan which do not yet have the benefit of planning permission.

- 5 As part of the Plan Review examination, the conclusions of the Strategic Housing Market Assessment will be fully tested. Until such time as the housing requirement figure has been tested and found sound, the Council will consider development on sustainable sites which fall immediately adjacent to urban 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.
- 6 It is particularly 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 these edge of settlement sites and transitional planting should be provided where appropriate.

2015/16 Five Year Land Supply Calculation

Based on a requirement of 454 dwellings per annum

Total Objectively Assessed Housing Need (2013-2033)	9080
Annual Target (9080 / 20)	454
Housing Target for 5 year period 2016/17 - 2020/21 (454 * 5)	2270
Housing shortfall (built up from years when targets not met 2013/14=180, 2014/15 = 7, 15/16=58)	245
Plus 20% buffer (2270+246=2516) (2516 /100) *20	503
5 Year Housing Requirement (5 year Target + shortfall + 20% buffer)	3018
Annual Housing Requirement	604
Total five year supply breakdown	
Sites with Permission (deliverable in 5 years)	2218
Core Strategy Allocations (deliverable in 5 years)	500
Allocations DPD (deliverable in 5 years)	675
Total Deliverable sites	3393
Total five year supply Supply / requirement (3756 / 604)	5.62

2015/16 Five Year Land Supply Calculation

Based on a requirement of 500 dwellings per annum

Total Objectively Assessed Housing Need (2013-2033)	10,000
Annual Target (9080 / 20)	500
Housing Target for 5 year period 2016/17 - 2020/21 (500 * 5)	2500
Housing shortfall (built up from years when targets not met 2013/14=226, 2014/15 = 53, 15/16=104)	381
Plus 20% buffer (2270+246=2516) (2516 /100) *20	576
5 Year Housing Requirement (5 year Target + shortfall + 20% buffer)	3457
Annual Housing Requirement	691
Total five year supply breakdown	
Sites with Permission (deliverable in 5 years)	2218
Core Strategy Allocations (deliverable in 5 years)	500
Allocations DPD (deliverable in 5 years)	675
Total Deliverable sites	3393
Total five year supply Supply / requirement	4.91

2015/16 Five Year Land Supply Calculation

Based on a requirement of 550 dwellings per annum

Total Objectively Assessed Housing Need (2013-2033)	11000
Annual Target (9080 / 20)	550
Housing Target for 5 year period 2016/17 - 2020/21 (550 * 5)	2750
Housing shortfall (built up from years when targets not met 2013/14=276, 2014/15 = 103, 15/16=154)	533
Plus 20% buffer (2750+534=3284) (3284 /100) *20	657
5 Year Housing Requirement (5 year Target + shortfall + 20% buffer)	3940
Annual Housing Requirement	788
Total five year supply breakdown	
Sites with Permission (deliverable in 5 years)	2218
Core Strategy Allocations (deliverable in 5 years)	500
Allocations DPD (deliverable in 5 years)	675
Total Deliverable sites	3393
Total five year supply Supply / requirement	4.31

APPENDIX 4

Planning application ref/ DPD policy ref	Type of permission	Parish	Address	Total number of dwellings built on site	Total residual number of dwellings under construction, permitted/ allocated	Total number of dwellings on site	Number of residual which are expected to be completed in 5 years	Number of residual which are expected to be completed in 10 years	Number of residual which are expected to be completed in 15 years	Number of residual which are expected to be completed in 15 years +
Extant Planning Permissions on Allocated Sites										
10/01586 - NAP 2A	Outline	Balderton	Bowbridge Lane (Land South of Newark)	0	3,150	3,150	230	650	650	1620
12/01557/outm - Bi/Ho/2	Outline	Bilthorpe	Noble Foods	0	50	50	50	0	0	0
13/00988/FULM - Bi/Ho/1	Detailed	Bilthorpe	Adj Wycar Leys Kirklington Road	0	8	8	0	8	0	0
13/01800/OUTM - Bi/Ho/2	Outline	Blidworth	Belle Vue Lane	0	13	13	13	0	0	0
14/01596/OUTM - Ed/Ho/1	Outline	Edwinstowe	Rufford Road	0	72	72	72	0	0	0
13/01072/outm - Fa/MU/1	Detailed	Farnsfield	Ash Farm Cockett Lane	30	58	88	58	0	0	0
14/01576/OUTM - Fa/Ho/1	Outline	Farnsfield	The Ridgeway/Milldale Road (Land off)	0	60	60	60	0	0	0
14/02020/FUL - Lo/Ho/2	Detailed	Lowdham	Epperstone Road (Adjacent Brookfield)	0	4	4	4	0	0	0
13/00743/outm - OB/Ho/1	Detailed	Ollerton	North of Wellow Road	17	130	147	130	0	0	0
14/00669/FULM - OB/Ho/3	Detailed	Ollerton	Whinney Lane (Land at Ollerton and Bevercotes Miners Welfare)	6	82	88	82	0	0	0
13/01256/outm - Ra/Ho/2 (part)	Detailed	Rainworth	Land off Warsop Lane	0	130	130	130	0	0	0
15/00994/FULM - So/Ho/6	Detailed	Southwell	Burgage Lane (Rainbows)	0	32	32	32	0	0	0
13/00689/FULM - So/Ho/3	Detailed	Southwell	Nottingham Road	0	34	34	34	0	0	0
Extant Planning Permissions on Unallocated Large Sites										
08/01905	Detailed	Clipstone	Cavendish Way (Cavendish Park)	0	109	109	109	0	0	0
14/01308/FULM	Detailed	Clipstone	Cavendish Way (Cavendish Park)	9	83	92	83	0	0	0
08/01905	Detailed	Clipstone	Cavendish Way (Cavendish Park)	124	64	188	64	0	0	0
08/01905	Outline	Clipstone	Cavendish Way (Cavendish Park)	0	180	180	130	50	0	0
13/00458/OUTM	Outline	Clipstone	West of Waterfield Way	0	100	100	30	70	0	0
10/01158	Detailed	Collingham	Low Street (Pitomy Farm)	21	10	31	10	0	0	0
05/01839	Detailed	Epperstone	Main Street	26	6	32	6	0	0	0
14/01469/OUTM	Outline	Farnsfield	Southwell Road	0	48	48	48	0	0	0
14/01542/CPRIOR	Detailed	Newark	Barnby Gate (14)	0	11	11	11	0	0	0
05/02257	Detailed	Newark	35 Beacon Hill Road	0	16	16	16	0	0	0
10/01256	Detailed	Newark	Beacon Hill Road	23	166	189	166	0	0	0
01/01496	Detailed	Newark	Castlegate	0	10	10	0	10	0	0
15/00036/FULM	Detailed	Newark	Land at 207 Hawton Road	0	20	20	20	0	0	0
08/0221	Detailed	Newark	Kings Road (Mount School)	12	11	23	11	0	0	0
03/01386	Detailed	Newark	Massey Street	16	11	27	11	0	0	0
12/00301/FULM	Detailed	Newark	Land off Millgate	0	11	11	11	0	0	0
05/01984	Detailed	Newark	Northgate	0	99	99	0	0	0	99
05/02004	Detailed	Newark	Northgate	0	90	90	0	0	0	90
15/01307/FULM	Detailed	Newark	17 Northgate	0	12	12	12	0	0	0
02/01094	Detailed	Newark	Potterydye/Pelham Street	0	14	14	0	0	0	14
14/01950/FULM	Detailed	Newark	111 Sleaford Road	0	71	71	71	0	0	0
05/02273	Detailed	Ollerton	Forest Road (Sherwood Energy Village)	15	169	184	135	34	0	0
03/00588	Detailed	Ollerton	Newark Road	192	37	229	37	0	0	0
06/01180	Detailed	South Muskham	Main Street (Old Grange Farm)	0	15	15	0	0	0	15
Extant Planning Permissions Medium Sites (5-9 dwellings)										
14/02186/FUL	Full	Balderton	70 Bullpit Road	0	7	7	7	0	0	0
14/01714/FUL	Full	Balderton	69 Main Street	0	9	9	9	0	0	0
15/02022/FUL	Full	Bilthorpe	65A Church Street	0	7	7	7	0	0	0
14/01855/FUL	Full	Bilthorpe	Adj 117 Kirklington Road	2	3	5	3	0	0	0
05/00775	Full	Bilthorpe	The Crescent	0	7	7	0	0	0	7
14/01883/FUL	Full	Bilthorpe	Adj Woodbank Close	0	6	6	6	0	0	0
12/01417/OUT	Full	Blidworth	Belle Vue Lane (South of the Red House)	0	5	5	5	0	0	0
06/01847	Full	Carlton on Trent	Main Street (Park Farm)	0	8	8	0	0	0	8
14/01242/FUL	Full	Clipstone	Vicars Court	0	8	8	8	0	0	0
15/00035/FUL	Full	Clipstone	Vicars Court	0	6	6	6	0	0	0
11/00219	Full	Eakring	Kirkington Road (Ponds Farm)	0	8	8	8	0	0	0

APPENDIX 4

Planning application ref/ DPD policy ref	Type of permission	Parish	Address	Total number of dwellings built on site	Total residual number of dwellings under construction, permitted/ allocated	Total number of dwellings on site	Number of residual which are expected to be completed in 5 years	Number of residual which are expected to be completed in 10 years	Number of residual which are expected to be completed in 15 years	Number of residual which are expected to be completed in 15 years +	
15/01915/FULM	Full	Edwinstowe	High Street (Ye Olde Jug and Glass)	0	16	16	16	0	0	0	
15/00069/FUL	Full	Edwinstowe	Second Avenue	0	6	6	6	0	0	0	
15/00122/FUL	Full	Farnsfield	Broomfield Lane	0	5	5	5	0	0	0	
05/02562	Full	Harby	Station Road (Enfield House)	3	1	4	0	1	0	0	
11/01046	Full	Newark	Castlegate (Ye Olde Market)	0	9	9	0	0	0	9	
14/00292/FUL	Full	Newark	St Mary's rooms	0	5	5	0	5	0	0	
04/02239	Full	Newark	London Road (65A)	0	5	5	0	0	0	5	
15/00430/FUL	Full	Newark	Mill Gate (85)	0	6	6	6	0	0	0	
11/00228	Full	Newark	Navigation Yard (Thorpe's Warehouse)	0	9	9	9	0	0	0	
13/00918/ful	Full	Newark	The Wing Tavern 13 Bridge Street	2	4	6	4	0	0	0	
04/02777	Full	North Muskham	Willow Drive	7	1	8	1	0	0	0	
15/00984/FUL	Full	Ollerton and Boughton	Adj Darwin Drive	0	7	7	7	0	0	0	
06/00635	Full	Ollerton and Boughton	Kirk Drive (Units 1 to 4)	4	5	9	3	2	0	0	
11/00704/OUT	Outline	Ollerton and Boughton	Majeka Wellow Road	0	5	5	1	4	0	0	
891091	Full	Ossington	Main Street (Highland Farm)	3	2	5	0	0	0	2	
14/00510/FUL	Detailed	south Scarle	Red May Ind Est	0	6	6	6	0	0	0	
14/01262/FUL	Full	Thurgarton	Coach & Horse Nottingham Road	0	5	5	5	0	0	0	
810282	Full	Upton	Main Road (Chapel Farm)	1	7	8	0	0	0	7	
Extant Planning Permissions Small Sites (if large number of sites totals can be used rather than a full list of sites)											
	Full	Brownfield	115 Sites	4	140	144	117	23	0	0	
	Full	Green	67 Sites	10	92	106	76	16	0	0	
	Outline	Brownfield	4 Sites	0	8	8	7	1	0	0	
	Outline	Green	5 Sites	0	17	17	14	3	0	0	
Sites Allocated in the Core Strategy DPD											
NAP2B	Allocation	Newark	Strategic Site (Land East of Newark)	0	1,000	1,000	165	500	335	0	
NAP2C	Allocation	Fernwood	Strategic Site (Land around Fernwood)	0	3,200	3,200	335	710	750	1405	
						0					
Sites allocated in the Allocations & Development Management DPD which do not currently have permission											
Sites Allocated in Allocations & Development Management DPD				See allocations schedule for details	0	2,516	2,516	675	806	1,028	7
Total											
				527	12,337	12,868	3,393	2,893	2,763	3,288	

Housing Trajectory for Allocated Sites (at 01/04/16)

ADM DPD	Settlement	Site Area	Address	0-5Years	5-10 Years	10-15 Years	15+ years
NUA/Ho/1	Newark	0.49	Land at the end of Alexander Avenue and Stephen Road			20	
NUA/Ho/2	Newark	2.33	Land South of Quibells Lane			86	
NuA/Ho/3	Newark	0.93	Land on Lincoln Road		24		
NUA/Ho/4	Newark	n/a	Yorke Drive Estate and Lincoln Playing Fields		80	150	
NUA/Ho/5	Newark	5.16	Land N of Beacon Hill Rd and the Northbound A1 Coddington Slip Road			200	
NUA/Ho/6	Newark	0.33	Land between 55 and 65 Millgate	10			
NUA/Ho/8	Newark	2.49	Land on Bowbridge Road			66	
NUA/Ho/9	Newark	4.25	Land on Bowbridge Road (Newark Storage)			150	
NUA/Ho/10	Balderton	5.03	Land North of Lowfield Lane	80			
NUA/MU/3	Newark	10.11	NSK factory, Northern Road			150	
NUA/MU/4	Newark	2.28	Land at Bowbridge Road, (Elm Avenue)	115			
Co/MU/1	Collingham	7.35	Land in between Swinderby Road and Station Road	70	70		
ST/MU/1	Sutton-on-Trent	2.07	Land to the East of Hemplands Lane	50			
So/Ho/1	Southwell	2.63	Land East of Allenby Road	65			
So/Ho/2	Southwell	1.66	Land South off Halloughton Road	38			7
So/Ho/4	Southwell	1.94	Land East of Kirklington Road		45		
So/Ho/5	Southwell	3.25	Land off Lower Kirklington Road	12	48		
So/Ho/7	Southwell	0.38	Southwell Depot		15		
Lo/Ho/1	Lowdham	0.25	Land adjacent to 28 Epperstone Road and	5			
OB/Ho/2	Ollerton & Boughton	0.80	Land adjacent to Hollies Close	25			
OB/MU/1	Ollerton & Boughton	19.23	Land at the rear of Petersmiths Drive	75	150		
OB/MU/2	Ollerton & Boughton	12.96	Land between Kirk Drive, Stepnall Heights and Hallam Road			120	
Ed/Ho/2	Edwinstowe	1.71	Land to the North of Mansfield Road		50		
Bi/MU/1	Bilsthorpe	3.95	Land to the East of Kirklington Road	25	50		
Ra/Ho/1	Rainworth	1.93	Land North of Top Street		54		
Ra/MU/1	Rainworth	0.62	Land at Kirklington Road			6	
Bl/Ho/1	Blidworth	2.08	Land at Dale Lane		55		
Bl/Ho/3	Blidworth	3.12	Land South of New Lane	75	25		
Cl/MU/1	Clipstone	27.64	Land at the former Clipstone Colliery		40	80	
Totals				645	706	1028	7

Application No:	16/00313/OUTM	
Proposal:	Residential development of up to 35 dwellings (30% affordable) with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works. All items other than access are to be reserved.	
Location:	Land To The Rear Of The Villas Ollerton Road Edwinstowe	
Applicant:	Mr Richard Gombos	
Registered:	25.02.2016	Target Date: 26.05.2016
	Extension of Time Agreed Until 08.07.2016	

This application is being referred to the Planning Committee for determination by the local ward member Cllr Brooks due to the scale of the development.

The Site

The application is a broadly triangular plot of land approximately 1.23 hectares in extent on the north eastern edge of Edwinstowe. The majority of the site is outside of the village envelope that was defined by the Proposals Map in the Allocations and Development Management DPD albeit the point of access from Ollerton Road and a small rectangular portion towards the south of the site is within it.

The site itself is generally flat in nature and as described by the submitted Planning Statement is characterized by a mixture of amenity land, grassland and bracken. There are hedgerows along the perimeter of the site as well as a hedgerow dissecting the site in a roughly north-south direction. The area surrounding the site is open in nature to the west, north and east owing to the positioning of the site on the edge of main built up area of Edwinstowe. There are allotments immediately to the west of the site and the railway line and wooded bank forms the neighbouring land use to the east. At the point of access from Ollerton Road, the east and western boundaries are shared with existing residential curtilages. There is an existing access to the site from Ollerton Road which forms a private access to the rear of the dwellings known as The Villas.

Beyond the site to the north is the edge of Sherwood Forest where it abuts the spoil heaps of Thorseby Colliery. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh Site of Special Scientific Interest (SSSI), and Birklands West and Ollerton Corner SSSI.

Relevant Planning History

The planning history on the site relates largely to the previous coal mining use of the site albeit there have been outline applications for residential development in the small area of the site fronting Ollerton Road (most recently in 1996).

The stance of the Planning Statement is noted in terms of the involvement of the site in the Council's SHLAA process.

The Proposal

The application seeks outline planning permission for the erection of up to 35 dwellings with associated public open space, landscaping and surface water drainage. All matters except for access are reserved. The proposal is intended to incorporate 30% affordable housing on site.

The original application submission was accompanied by numerous supporting documents including:

- An indicative site layout (albeit it is noted that this demonstrates a layout to deliver 23 dwellings rather than the maximum quantum applied for as confirmed by the description of development)
- Design and Access Statement
- Planning Statement
- Landscape and Visual Impact Assessment
- Habitat Survey

During the life of the application, the following documents have also been submitted for consideration:

- Transport Statement
- Revised Design and Access Statement
- Revised Landscape and Visual Impact Assessment
- Protected Species Impact Report
- Reptile Survey
- Bat Activity Survey Report

Departure/Public Advertisement Procedure

Occupiers of seven 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 DM1 – Development within Settlements Central to Delivering the Spatial Strategy
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

Consultations

Edwinstowe Parish Council – Support in principle, agree there should be some development but ask that any areas of heathland are preserved in the area.

NCC Highways Authority – *Detailed comments as follows:*

This is an outline application, with all matters other than access being reserved, to provide a residential development of up to 35 dwellings. The proposal involves the construction of a new access onto the A6075, which in this location is subject to 30mph. The proposed access will also serve the existing 4 dwellings currently served by an existing vehicular access onto Ollerton Road, which will require reinstating back to footway as part of this development.

Visibility splays of 2.4m x 90m are shown to be achievable from the proposed access, as demonstrated on the indicative site layout, dwg. no. 06/1509/1000 Rev. A.

This development will require the relocation and improvement of the existing bus stop adjacent the proposed access, which should feature a bus shelter with solar lighting (should the new location have sufficient space), raised kerb, real time displays and a bus stop clearway, and further assessment will be required to establish whether the bus stop opposite can remain in its current location. Any relocation/improvement costs will need to be met by the developer. All costs can be clarified with Transport and Travel Services during the detailed planning stage when a clear requirement is confirmed. The costs below are approximate, for information only and subject to change:

- Polycarbonate Bus Shelter - £2,750-£3,300
- Wooden Bus Shelter - £4,400-£6,600
- Solar/Mains Lighting in Bus Shelter - £2,200 - £3,300
- Additional Hard Stand for a Bus Shelter - £1,650 - £2,200
- Raised Kerb - £1,650
- Real Time Displays and Associated Electrical Connections - £6,100
- Bus Stop Clearways - £770
- Demolition and Removal of Brick Shelter - £4,000

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway 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.

Subject to the following conditions being imposed, there are no highway objections:

1. The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, gradients, surfacing, street lighting, and drainage (hereinafter referred to as reserved matters). All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

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

2. No development shall commence on any part of the application site unless or until a suitable access has been provided at Ollerton Road as shown for indicative purposes on the plan no. 06/1509/1000 Rev. A to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

3. No dwelling forming part of the development hereby approved shall be occupied unless and until bus stop relocation/improvements (inc. shelters, real time displays, raised kerbs etc) have been carried out in accordance with details to be first submitted and agreed in writing by the LPA.

Reason: To promote sustainable travel.

Note to applicant

a) 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.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

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.

NCC Developer Contributions - In terms of primary education, a proposed development of 35 dwellings would yield an additional 7 primary places. We would therefore wish to seek an education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. Further information about the contributions that would be sought and the justification for this can be found in the attached document.

In respect of secondary education, the proposed housing development is in the catchment of The Dukeries Academy. Any secondary education requirements would be covered by CIL.

In respect of libraries I can confirm that contributions for libraries are only requested on schemes for 50 dwellings or more. As this application is below this threshold the County Council would not be seeking a contribution for libraries provision.

NSDC Parks and Amenities – No comments received.

NCC Rights of Way - There are no registered public rights of way over or adjacent to the proposed development site.

Nottinghamshire Ramblers - As there are no rights of way involved with this application we have no objections.

Natural England – *Detailed comments received as follows:*

Thank you for your consultation on the above dated 23 March 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Conservation of Habitats and Species Regulations 2010 (as amended) Wildlife and Countryside Act 1981 (as amended) Internationally and Nationally designated sites

The application site is close to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh Site of Special Scientific Interest (SSSI), and Birklands West and Ollerton Corner SSSI. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The SAC is notified for old acidophilous oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal assemblage. Based on the scale of the development and the distance from the SAC we do not consider that there will be any significant impact on the notified features.

National Sites - No objection – no conditions requested

This application is in close proximity to Birklands and Bilhaugh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society e.g. the Birklands Ringing Group, and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area – appropriate avoidance and mitigation measures recommended

The proposed development is located in the Sherwood Forest area near to habitats that have been identified as important for breeding nightjar and woodlark, and which may or may not in the future become a potential Special Protection Area (pSPA), therefore we consider it appropriate to consider the potential effects of the proposed development on this important bird area and other identified habitats in the vicinity of the site.

While the provisions of ‘the Habitats Regulations’ do not apply in this situation Natural England recommend that the LPA may wish to adopt a risk based approach, in order to provide decision-making with a degree of future-proofing until there is more certainty on whether Sherwood Forest area is to be afforded pSPA or SPA status. We suggest proposals should be accompanied by information to demonstrate they have considered the likely impacts on the breeding nightjar and woodlark populations and have tried to minimise any potential effects as far as possible. Therefore we support the approach that has been taken by the Authority to ensure that sufficient information be provided in support of the application which considers the extent of those effects and the risk to breeding nightjar and woodlark populations.

Based on evidence from other SPAs, where ground nesting birds are the interest feature, it is considered that 400 metres represents the zone of highest potential impact on the SPA from new residential development and represents an area where it is unlikely that the effects resulting from increased recreational pressure and predation by cats could be successfully avoided or mitigated.

Due to the location of the application site, within 400m of identified nightjar and woodlark habitats, we consider that there may be potential impacts associated with the built development, people and their pets that could not be avoided or fully mitigated and therefore likely significant effects cannot be ruled out.

Therefore we consider appropriate avoidance and mitigation measures should be built into the development scheme, where possible, to minimise the potential effects on nightjar and woodlark and their habitats. These could include:

- a) Altering the site layout to keep the development as far away as possible from the areas important for woodlark and nightjar,
- b) Inclusion of signage to promote footpaths and areas of alternative green spaces that avoid sensitive ecological habitats, and
- c) Information/education/interpretation to inform residents of local biodiversity.

The use of appropriate measures and safeguards at this stage will help to ensure that if a SPA classification is formalised then any future need to review outstanding permissions under the 2010 Regulations is met with a robust set of measures in place.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Proposed open space within the site also offers opportunity to create new habitats that are appropriate to the Sherwood character type e.g. heathland or acid grassland. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Nottinghamshire Wildlife Trust – Original comments received as follows:

Thank you for allowing Nottinghamshire Wildlife Trust the opportunity to comment on the above application. We have reviewed the documents available, and wish to make the following comments.

Further Ecological Surveys Required

It is stated in Section 4.5 of the Design and Access Statement that *"No further ecological surveys are recommended"*. However, it is stated in Section 4.2. of the Phase 1 Habitat Survey that further surveys are recommended and these should include:

- Presence/absence surveys for reptiles (the Site was considered to be of moderate habitat potential for reptiles)
- Activity/emergence survey for roosting bats within the larger Poplar trees.
- Nesting bird surveys in the nesting season.

Paragraph 99 of Government (ODPM) Circular 06/2005 (which accompanied PPS9, but remains in force), which states that:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the

decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.'

Therefore, we would expect the Phase 2 ecological surveys to be completed prior to determining the application. We do not believe there is currently sufficient ecological information submitted with the application for the LPA to make a fully informed decision.

We are also concerned that acid grassland was identified outside. The Phase 1 survey was undertaken at a sub-optimal time for botanical identification and therefore we query the results regarding the low significance of this habitat, as lowland dry acid grassland is a UK BAP habitat.

SSSI Impact Risk Zone

The Site lies 500m SE of Sherwood Forest Special Area of Conservation (European protected site, EC Habitats Directive), National Nature Reserve & Site of Special Scientific Interest. The Site appears to fall within the SSSI Impact Zone and is a development that is, *"outside/extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or features such as trees, hedges, streams, rural buildings/structures"* and, *"A residential rural development outside of existing settlements/urban areas with a total net gain in residential units."* As such, we advise the LPA consults Natural England.

Possible potential Sherwood Special Protection Area

We are concerned that the proposed would result in further urban encroachment from Edwinstowe towards Sherwood Forest SAC/NNR/SSSI and we are therefore concerned of the impacts of increase anthropogenic disturbance, predation by domestic pets and light pollution.

Natural England's advice note (Nightjar and woodlark in Sherwood Forest Region, March 2014) includes, *"loss, fragmentation and/or damage to breeding or feeding habitat"* (for nightjar or woodlark). It is stated within the Extended Phase 1 Habitat Survey that the core breeding area is 1.5km from the Site and the Site is not immediately adjacent to an Important Bird Area. However, it is only the "Core Area" which is referred to regarding impacts from predators such as cats and not the IBA. It is stated that nightjar and woodlark could be impacted by cats and increase recreational disturbance (in the technical summary), but because of the distance to the "Core Area" this is not considered significant. The IBA within 500m of the Site is not mentioned regarding these impacts, and it should be remembered that the Core Area and IBA are currently indicative and that both the core and IBA areas are recognised for their importance for woodlark and nightjar. The impacts of increase predation and recreational footfall on the SAC/NNR/SSSI also needs to be considered (not just regarding woodlark/nightjar), since Sherwood Forest is a site of international ecological importance.

It is also stated in Section 4.2. of the Extended Phase 1 Habitat Survey that the surrounding habitats (arable farmland and housing) are unsuitable for woodlark and nightjar and therefore prevent the Site from being suitable foraging habitat due to lack of ecological connectivity. However, research by Birklands Ringing Group (radio tracking) found nightjar to travel over

farmland to foraging habitat. Further to this, acid grassland was identified onsite and we query as to why this was dismissed as woodlark foraging habitat. As such, we advise that Birklands Ringing Group are consulted for further ecological data regarding nightjar/woodlark locations onsite/within the surrounding area.

Ecological Connectivity

The site is referred to as being “isolated” within the Extended Phase 1 Habitat Survey, however, it is adjacent to a railway line embankment, which connects to Thorsby Colliery and the surrounding Sherwood Forest SSSI. As such, we query this, particularly as the colliery has recently closed (potentially resulting in open undisturbed habitats at present and future restoration of habitats).

Further to this, the area of arable farmland to the north of the Site defined as an ecological “buffer” in the Phase 1 Habitat Survey is identified as the location of the new Sherwood Forest visitor centre in the Sherwood Local Development Framework (July 2013). As such, this area of open countryside buffering Edwinstowe from the Sherwood Forest boundary is already being encroached by development.

Due to the requirement for further survey work and information regarding impacts to nightjar, woodlark and the nearby Sherwood Forest, we wish to place a holding objection. We also wish to be kept up to date with the progress of this application, and to be able to provide further comments once additional documents have been submitted.

Further comments received as follows:

Further to the response sent to you on the 8th March 2016, I have been informed that the information within the Newark and Sherwood Development Plan (July 2013) regarding the location of the proposed visitor centre is now out of date, and that it is now proposed for the visitor centre to be located on the old events field (west of the proposed visitor centre location within the Development Plan).

Nevertheless, we are still concerned by the above application, due to development north of the Edwinstowe village envelop and therefore the potential of increase urban encroachment towards the Sherwood Forest SAC/NNR/SSSI boundary. The potential development of the new visitor centre and Thorsby Colliery, as well as this application, highlights the need to consider cumulative indirect ecological impacts to Sherwood Forest which could occur in the future as a result of these developments.

As such, our advice still remains for the LPA to consult Natural England, the Ecologist/applicant to consult Birklands Ringing Group and for the Phase 2 Ecological Surveys to be completed prior to determining this application.

The comments from NWT were passed directly to the agent for review and on this basis additional information has been received during the life of the application.

Thank you for consulting Nottinghamshire Wildlife Trust on the additional information submitted in support of the above application. We have the following comments.

- **Information to support an Appropriate Assessment of the Impact of Land to the north of Ollerton Road (CBE Consulting, June 2016)**

We are satisfied that this document has assessed the potential impact of the proposal on nightjar and woodlark with respect to the possible potential Sherwood SPA. Direct and indirect impacts have been considered and we are generally satisfied with the conclusions.

We wish to draw attention to Section 4.4 of the report which highlights a number of recommendations. **Measures should be conditioned to ensure the early establishment of the green open spaces and the creation of a secure boundary along the northern perimeter of the site adjacent to the arable land.**

In addition, **conditions** should be used to secure the establishment of trees and shrubs around and within the site to further strengthen links from east to west and encourage migration of birds and bats across the site should be encouraged. Lighting at the northern and eastern boundaries of the site should be positioned and designed to be as directional as possible to minimise any light 'throw' into adjacent land to the north and east.

- **Reptile Presence / Absence Survey (CBE Consulting, June 2016)**

The Extended Phase 1 Habitat Survey report identified the potential for reptiles to be present on site and therefore the need for more detailed survey work. We are pleased to see this has now been undertaken in advance of a planning decision, which is in accordance with ODPM Circular 06/2005, and are satisfied with the methodology and conclusions. A small population of common lizard is present to the north of the site and in the absence of suitable mitigation works could impact this species.

To protect reptiles from killing or injuring during site works, the **methodology outlined in Section 5** including ecological supervision, reptile fencing and hand clearance of certain features should be secured through use of a planning **condition**. Common lizard is a S41 Species of Principal Importance and we would therefore also wish to see a **mitigation plan for new habitat creation** (as recommended in the report) secured by way of **condition**.

- **Bat Emergence and Dawn Survey For the presence of Roosting Bats (CBE Consulting, June 2016)**

The Extended Phase 1 Habitat Survey report identified the potential for bat roosts to be present in the poplar trees on site and therefore the need for more detailed survey work. We are pleased to see this has now been undertaken in advance of a planning decision, which is in accordance with ODPM Circular 06/2005, and are satisfied with the methodology and conclusions.

One emergence and one re-entry survey were carried out, with no evidence of roosting bats discovered. However, bat activity was noted on site and therefore the **recommendations in Section 5** of the report should be secured through a planning **condition**. It should be noted that we would recommend retention of existing vegetation where possible, with replacement planting of

native, locally appropriate species undertaken if tree/scrub removal is planned. Any removal should be timed to avoid the bird breeding season (i.e. avoiding March to August inclusive).

Sensitive lighting (see 'Appropriate Assessment' above) should also be used to minimise impact on foraging a commuting bats.

As the necessary survey work has now been completed, subject to the above comments, we are able to remove our objection to this application.

As this application is for outline permission, we would expect to see detailed site plans incorporating all of the recommendations within the ecological reports upon submission at the reserved matters stage. The above recommended conditions however should be secured at this stage.

NCC Ecology – No comments received.

NSDC Environmental Health (noise) – No comments.

NSDC Environmental Health (contaminated land) – No observations.

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

NSDC Strategic Housing – Support the proposal.

- The total number of affordable housing units on the proposed site is 10 out of a total of 35 dwellings
- The Proposed tenure is 60% social rent and 40% shared ownership and the Council seeks smaller family units on this scheme with consideration for some bungalows to be discussed with the developer.
- There is demand for bungalows for existing households in the Sherwood Area (408 units)

NSDC Conservation - Further to our recent discussions about the above proposal, I thought it would be helpful to clarify Conservation's perspective. Although the proposal site is outside of the Edwinstowe Conservation Area, due to the potential scale, form and layout of development on this site, it is capable of affecting the setting of designated heritage assets in this case. In particular, it is worth noting potential impact on the wider parish setting of the landmark Church of St Mary, which is Grade I listed and approximately 400m to the west of the development site. Views to and from the spire are material in any decision-making.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development affecting the setting of designated heritage assets are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Assessment of proposal

Having reviewed the submitted details and plans, I am satisfied that residential development could be achieved on this site in a layout similar to that indicated without causing material harm to the setting of the CA or listed buildings within the vicinity. However, I am concerned by the potential height parameters proposed and the potential location of the taller buildings within the site. Fundamentally, the 2.5 and 3 storey dwellings (maximum height 13.5m) could have a significant impact on the setting of the CA and nearby listed buildings, including the Grade I Church. In this context, I would suggest that you consult Historic England in accordance with Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended).

If the scheme could be amended or conditioned so as to restrict building heights to a maximum of 2 storeys, I believe that the proposal would be unlikely to cause harm to the historic environment. However, at 2.5 and 3 storeys, I believe that some harm could be caused to the setting and significance of the Church and CA whereby new development dominates and intrudes on its rural setting.

Historic England – No comments received.

Environment Agency - The site falls in Flood Zone 1 and of low risk to the Agency. The Lead Local Flood Authority should be consulted regarding surface water disposal.

NCC Flood Team – No objections in principle.

Development here should be drained using a sustainable drainage method with additional features including a SUDs treatment train to reduce the risk of hydrocarbon pollution entering the nearby watercourse.

- 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.

Coal Authority - The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Representations have been received from 5 local residents/interested parties which can be summarised as follows:

- The plans should be coordinated with the plans for the redevelopment of the Colliery
- The site is outside of the defined boundary of the village and development would be an unnatural and anomalous extension to the village boundary
- The site is not allocated and therefore would be contrary to the development plan and would potentially encourage other similar undesirable extensions to the village
- The creation of the access between houses on a busy main road would be contrary to highway safety generating significant extra traffic on the road

- The access would hinder rights of way to existing properties
- The traffic along the access road would affect the amenity of existing residential properties either side of the access
- The site as existing is a wildlife habitat with potential breeding for numerous types of birds, insects, small rodents and mammals
- The access arrangements for the Villas must be kept free from blockages by vehicles at all times – the deeds state that the drive cannot be changed or moved
- Those using the private access road will have to cross a pavement to get to the main access road
- The new road when it joins Ollerton Road will be very close to Lansbury Road – the bus stops would complicate matters even more
- There are numerous bats living in Poplar trees on the site
- The development will spoil the outlook of the proposed new Sherwood Forest Visitor Centre
- There would be a loss of privacy to the existing dwellings on the edge of the village
- The development would be overbearing to existing neighbouring properties
- Servicing the site could lead to a problem getting in and out of the drive
- There are too many dwellings proposed – this would be out of character with the surrounding area
- There is no need to more houses in Edwinstowe – there are newly built houses in Ollerton which are still empty
- The site is near the Sherwood Forest SSSI
- There are inaccuracies on the application form and the plans in relation to rights of way and the garage at no.1 being marked as single rather than a double and other outbuildings not shown

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 Edwinstowe is a Principal Village with a function of acting as a secondary focus for service provision. However, SP1 goes on to state that the extent of the main built up areas of the Principal Villages will be defined by Village Envelopes. The Allocations and Development Management DPD adopted in July 2013 includes the Proposals Map for Edwinstowe which explicitly defines the extent of the Village Envelope as well other notable features such as

the District Centre and the designated Conservation Area. The 1.23ha site to which this application relates to straddles the boundary of the Village Envelope with the majority of the site outside of the Village and therefore extending into the open countryside. Thus whilst the principle of development on a small area at the southern end of the site where it meets Ollerton Road (less than 0.2 hectares) would be acceptable, the majority of the site would be assessed on the basis of introducing new residential development into 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 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. 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 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. I go on to assess each issue in turn.

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 development proposes up to a maximum of 35 dwellings on site, which may comprise a mix of detached, semi-detached and terraced properties. The indicative layout has been submitted to demonstrate how the site could be delivered should outline planning consent be granted. The indicative layout is not fixed at this stage, and it is noted that the indicative layout demonstrates just 23 dwellings and thus significantly below the maximum quantum applied for. 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 submitted 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 significantly 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 Landscape Character

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) in support of the proposed development. The document includes a sound understanding of the principles of landscape assessment stating that, *'Landscape assessment, as opposed to visual assessment, deals with the fabric, character and quality of the landscape. The landscape fabric consists of the elements that make up the landscape, such as landform, land use and cultural factors. The way these elements fit together in terms of proportion, pattern and scale etc gives rise to a particular 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 site (with the exception of the small proportion within the Village Envelope) falls within the Sherwood Policy Zone 25 Birklands Wooded Estatelands. The characteristic visual features of this area include an undulating topography and a strong heathy character with frequent views of wooded skylines. The landscape condition is defined as good with a moderate sensitivity giving an overall landscape aim of conserve and reinforce. In terms of specific actions for built features, the intention is to conserve the historic character and setting of village settlements with new development respecting the scale, design and materials used traditionally. The integrity and remote rural character of the landscape is to be conserved by concentrating new development around existing settlements.

The LVIA defines the landscape character of the site as urban fringe owing to the positioning of the site adjacent to the existing settlement of Edwinstowe and other urban influences. I would concur with this assessment noting the positioning of the site adjacent to the railway line to the east. The LVIA goes on to describe the character of the site as being of Low-Medium sensitivity, *'which suggests that it is a landscape with reasonably positive character but with limited features of significance..'*

The LVIA divides assessment into predicted landscape impacts and predicted visual impacts. Of these, there is one identification of an adverse permanent landscape effect on the land use given the high magnitude of change. There is also an identification of an adverse visual impact at the viewpoint on Ollerton Road (taken from the bus stop on Ollerton Road). The LVIA does however also identify a number of neutral and beneficial impacts and specific mitigation measures to be incorporated into a detailed design of the scheme.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as the areas of open space. It is acknowledged that, despite being classed as open countryside, the site is immediately adjacent to the main built up area of Edwinstowe. It does extend further northwards than the existing residential development to the west. The adjacent allotments which infill the gap between the village envelope boundary and the site do somewhat dilute the rural character of the area. The railway line acts as a limit to the eastern extreme of built form within the village. Taking these factors into account, it could be argued that the site represents a natural extension to the main built up area of the village. With this in mind it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. Any reserved matters application would need to be accompanied by full landscape plans which would allow the LPA the opportunity to consider in detail the landscape implications of the proposal.

Impact on Ecology

The ecological constraints of the site have been described above and indeed referenced in the consultation comments received by both Natural England and Nottinghamshire Wildlife Trust.

Habitats Regulations Assessment

The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following “appropriate assessment requirements” to:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project;
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment.

The application site is in close proximity to the Birklands & Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands and Bilhaugh and Birklands West and Ollerton Corner Sites of Special Scientific Interest (SSSIs).

Natural England has not raised an objection to the proposal acknowledging that it is unlikely to have a significant effect on any European site. The SAC is notified for old acidophilus oak woods and is notable for its rich invertebrate fauna, particularly spiders, and for a diverse fungal

assemblage. Based on the scale of the development and the distance from the SAC I would concur with Natural England that there will not be any significant impact on the notified features.

The site is in close proximity to Birklands & Bilhaugh and Birklands West & Ollerton Corner Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. They therefore advise that this SSSI does not represent a constraint in determining this application.

I confirm that having regard to the Habitat Directive, the proposal can proceed without having a significant effect on a European site.

Sherwood Special Protection Area (SPA)

Nottinghamshire Wildlife Trust have drawn attention to the site's location within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

The applicant has undertaken further survey works during the life of the application to address the original concerns of Nottinghamshire Wildlife Trust. The revised comments of the Trust are outlined in full in the above consultee section of the report. The comments acknowledge the consideration of both direct and indirect impacts of the development on the potential SPA and states satisfaction with the conclusions subject to the imposition of conditions relating to the early establishment of green space, further consideration of boundary treatments and establishment of trees and shrubs within the site. Opportunities can also be explored to ensure the proposed lighting scheme is adapted to incorporate measures to make the final scheme as sensitively designed as possible in respect of surrounding habitats.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. I consider that the significant level of Public Open Space anticipated within the development will encourage residents to use recreational space adjacent to their homes. This will be supplemented by other recreational space within Ollerton and Boughton through the plan period to reduce the likelihood of increased recreational pressure on the pSPA.

In my opinion the proposals will not result in a direct impact on the pSPA and any impact would be indirect from recreational pressure. I consider that on balance the mitigation measures set out above will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Other Ecology Matters

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.

The ecological surveys submitted as part of the application have identified a small population of common lizard to the north of the site. This is a S41 Species of Principal Importance. No evidence of roosting bats were discovered during the survey works although bat activity was noted on site. However, subject to appropriate methodology outlined by Section 5 of the report I am satisfied that the proposal could proceed without harm to the ecological importance of the site.

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 can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Highways Network

Although the application has been submitted in outline, agreement of the access details are being sought at this stage. The site will be accessed via a new access taken from Ollerton Road at the south of the site. The width of the access would be 5.5m wide with footpaths either side. Further into the site there would space for a new access track on the eastern side to allow continued access to the rear of the properties known as The Villas. 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 within their comments for the need for bus stop re-location along Ollerton Road although this does not advance to a reason to resist the development.

During the life of the application the applicant has submitted a Transport Statement. The Statement concludes that the site is accessible by modes of transport, other than the private car, being located adjacent to the Edwinstowe with associated bus services and numerous facilities accessible by foot. The statement concludes that the development will generate limited peak hour traffic, with a maximum of 26 vehicles predicted during the weekday PM peak hour. Again NCC Highways have raised no objection on the basis of the content of this statement.

It is noted that a number of the consultation responses received relate to the proposed access, particularly how this will affect the private right of way that exists to the rear of The Villas. Matters of private access are not a material consideration and in any case it is noted that provision has been made for an alternative access on the indicative access plan.

It is therefore considered that the proposed access arrangements for the development are acceptable and in accordance with policy DM5 of the Allocations & Development Management DPD.

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 to present the site opportunities and constraints and to explore potential design solutions for the site. 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. Although it is noted that the indicative plan shows just 23 dwellings, it is considered that the density could readily be increased, for example through an increase in smaller units. Indeed it is confirmed that the mix could accommodate 1, 2, 3, 4 and 5 bedroomed houses with associated private amenity space. The applicant has indicated that properties will be up to three storeys with a maximum height parameter of 13.5m. It is stated that the development will utilise a palette of materials which reflects the local vernacular, whilst existing natural boundary treatments will be retained and reinforced.

The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues 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. Whilst some three storey units may be appropriate within the site it will be for the applicant to demonstrate through Reserved Matters submissions (including sections and street scene elevations as required) that this will indeed be the case.

Comments with respect to impact on neighbouring amenity in particular with reference to privacy 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. 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.

Heritage Impacts

Core Strategy 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 Council's Conservation Officer has provided detailed comments on the scheme listed in full in the consultee section above. I concur with these comments insofar as acknowledging that the scale of the development is capable of affecting setting of designated heritage assets despite the intervening distance to the site. Concern has been raised with respect of the stated height parameters proposed and the indication of where taller buildings would be located within the site. A suggestion has been made that the scheme could be amended or conditioned as to restrict the buildings to a maximum of two storeys to alleviate any potential harm to the setting of designated heritage assets. These comments have been passed to the agent during the life of the application for comment. The following response has been received:

I have discussed with my client the suggested condition relating to storey heights and, on balance, we feel this is not something that we can agree to. By allowing the potential for some 2.5 / 3 storey dwellings we feel there is an opportunity to create variety and visual interest in the development (as intimated in the visuals that accompany the application) whereas limiting the development to 2 storeys risks creating a uniform appearance. I think it is worth noting that The Villas are quite tall, and Pendlebury house is 2.5 storeys, as are a number of buildings within the Conservation Area itself. Notwithstanding these comments we would have no issue with an 'informative' on an approval, making it clear that a reserved matters application would have to be judged on its own merits in relation to the impact of taller dwellings, and that anything over 2 storeys should be the exception rather than the rule.

It is my view that the above response is a balanced and considered approach which is deemed reasonable. In raising the potential issues of impact on heritage setting at this stage, the applicant is aware that any reserved matters application will have to carefully consider where the taller buildings are positioned within the site. It is clear at this stage that the LPA are not in full acceptance (and nor would it be appropriate to be at an outline stage) of the indicative layout submitted. Subject to further details which would be submitted at reserved matters stage, I am satisfied that residential development at the density proposed could be achieved on this site in a layout similar to that indicated without causing material harm to the setting of the CA or listed buildings within the vicinity.

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 proposed surface water drainage strategy has been incorporated within the Design and Access Statement, stating that, subject to appropriate testing and detailed design, ground conditions

suggest there might be potential to use infiltration as part of the surface water management proposals. The use of SUDS such as soakaways would be subject to the results of further testing. 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.

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

The applicant has agreed to meet the provision of 30% affordable housing on site. Based upon the maximum number of units as detailed on the Indicative Masterplan, this would deliver 10 affordable units. A condition or legal agreement could secure the delivery of 30% affordable housing on site. The scheme is therefore in accordance with Core Strategy Core Policy 1 and the Affordable Housing Supplementary Planning Document.

Community Facilities

The Council would seek a Community Facility contribution as per the LDF Developer contributions and Planning Obligations Supplementary Planning Document. The SPD sets out a formula which equates to a contribution of £1,181.25 per dwelling plus indexation. A development of 35 dwellings would therefore equate to a contribution of £41,343.75 plus 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. Nottinghamshire County Council has reviewed the proposals and indicate that the proposed development of 35 dwellings would yield an additional 7 primary school places. 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 Nottinghamshire County Council has identified a contribution of £80,185 as necessary based upon the maximum number of units. Contributions for secondary school places would be secured by the Community Infrastructure Levy (CIL).

Open Space

As a development of 35 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), amenity green spaces (14.4m² per dwelling) and natural and semi natural green space. The SPD also sets out the cost per dwelling where a commuted sum (£2,117.55 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.

Highways

The suggested informatives relating to separate legal agreements to be entered into by the applicant with the Highway Authority can be attached to any consent.

CIL

The site is situated within the Ollerton Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

Turning to the S106 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.

Overall Conclusions and Planning Balance

The proposal has been submitted at outline stage for the provision of up to 35 dwellings on a site which, whilst on the edge of Edwinstowe, is largely outside of the defined village envelope. In usual circumstances this additional residential development in the countryside would amount to a resistance of the proposal in principle terms. However, it must be acknowledged that, at the current time, there is uncertainty associated with the Council's ability to demonstrate a five year housing supply on an independently approved housing target. In attaching significant weight to the housing delivery which the proposal offers, particularly noting that 30% of the scheme will be affordable housing and the scheme will otherwise be policy compliant, I am compelled to accept the development in principle. Having carefully considered all other site specific impacts including amenity, ecology and impact on the highways network, I have identified no other material circumstances which would outweigh the benefits of the scheme in terms of its contribution to the Districts housing supply.

RECOMMENDATION

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

01

Applications for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.

The development hereby permitted shall begin not later than 18 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. The scheme should incorporate appropriate provision for new habitat creation, specifically with regard to the common lizard.

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 35 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 35 dwellings.

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

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).

08

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).

09

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).

10

Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority in consultation with the Nottinghamshire Wildlife Trust, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.

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).

11

The development shall be carried out in accordance with the methodology outlined at Section 5 of the Reptile Presence / Absence Survey (CBE Consulting, June 2016) and the recommendations outlined at Section 5 of the Bat Emergence and Dawn Survey for the Presence of Roosting Bats (CBE Consulting, June 2016).

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

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, gradients, surfacing, street lighting, and drainage (hereinafter referred to as reserved matters). All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide and shall be implemented as approved.

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

13

No development shall commence on any part of the application site unless or until a suitable access has been provided at Ollerton Road as shown for indicative purposes on the plan no. 06/1509/1000 Rev. A to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

14

No dwelling forming part of the development hereby approved shall be occupied unless and until bus stop relocation/improvements (inc. shelters, real time displays, raised kerbs etc) have been carried out in accordance with details to be first submitted and agreed in writing by the LPA.

Reason: To promote sustainable travel.

Informatives

01

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.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

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

The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on Tel; 0845 7626848 or at www.coal.gov.uk.

04

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

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 not payable on the development hereby approved as the development type proposed is zero rated in this location.

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).

07

In the submission of a reserved matters application, the applicant is advised to consider the positioning of any dwellings above a two storey height with reference to potential implications on the setting of nearby heritage assets.

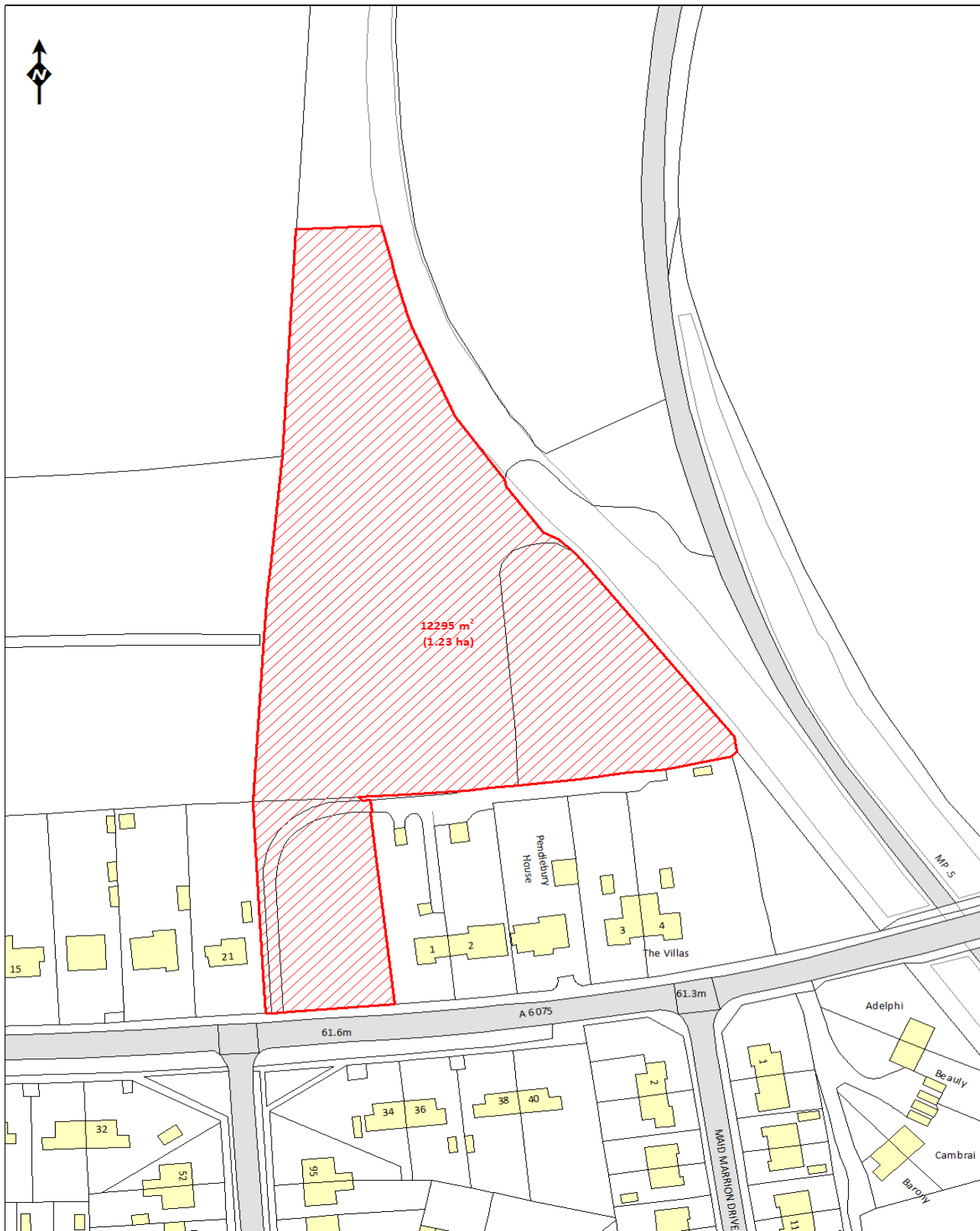
BACKGROUND PAPERS

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



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Application No:	15/02179/FUL	
Proposal:	Erection of four detached dwellings and alterations to existing access and driveway	
Location:	Land to the rear of Franklyn, Lower Kirklington Road, Southwell	
Applicant:	Anne Wendels	
Registered:	18 December 2015	Target Date: 12 February 2016
	Extension of Time Agreed Until 6 July 2016	

This application is being referred to the Planning Committee for determination by the local ward member Cllr Laughton due to concerns over intensification and flooding. The applicant is also a close relation of Cllr Wendels.

The Site

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

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

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

Relevant Planning History

None.

The Proposal

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

Revised plans have been received to realign the boundary between the cattery and Plot 2 and the re-positioning of Plot 2 to provide a greater distance to the rear garden serving Franklyn. The plans also alter the side and rear elevations of Plot 3 to remove the first floor window nearest to the neighbouring dwelling on The Combes and the floor levels for Plot 4 have been lifted slightly to respond to the existing ground levels.

A Topographical Survey, Protected Species Report, Tree Report, Design and Access Statement and a draft Section 106 Agreement (relating to affordable housing – subsequently withdrawn) have been submitted in support of the application.

Departure/Public Advertisement Procedure

23 neighbours have been notified individually by letter. Following receipt of revised plans re-consultation with neighbours and the Parish Council have taken place.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 Settlement Hierarchy
Spatial Policy 2 Spatial Distribution of Growth
Spatial Policy 6 Infrastructure For Growth
Spatial Policy 7 Sustainable Transport
Core Policy 1 Affordable Housing Provision
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10 Climate Change
SoAP1 Role and Setting of Southwell

Allocations and Development Management DPD (Adopted July 2013)

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

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Southwell Neighbourhood Plan

- Policy SD1 – Delivering Sustainable Development
- Policy E1 – Flood Risk Assessments and Mitigation
- Policy E2 – Flood Resilient Design
- Policy E3 – Green Infrastructure and Biodiversity
- Policy DH1 – Sense of Place

- Policy DH2 – Public Realm
- Policy TA4 – Parking Standards
- Policy HE1 – Housing Type and Density

Consultations

Southwell Town Council: (original scheme) object to the planning application. The Committee are very concerned about the impact the development could have on raising levels of surface water runoff in an area which has already felt the impact of recent flooding, and would like to see further details on how this will be effectively managed. The Committee also felt that the planning application was not in accordance with the Neighbourhood Plan with regards to the density of the housing in the area and the housing proportions required in the area.

Southwell Civic Society: object to this application.

No account has been taken of the emerging Southwell Neighbourhood Plan, which provides a wide range of guidance, based on national planning policies applicable to this type of development, including flood risk assessment and biodiversity. Areas of particular concern in the planning application are:-

- The flood risk assessment in the Design and Access Statement appears to be related to Environment Agency maps for rivers and sea. The risk to this site and any knock on effect it will have on other areas in Southwell should be judged against the Environment Agency map for risk of flooding from surface water which shows this is a concern for both plot 4 and downstream from the site;
- The planning application does not demonstrate how it meets the principles of sustainable drainage. The evidence is insufficient to justify that the provisions made in the design for surface and underground water management will be sufficient to ensure that the amount of run off from the developed site will be no more than it was in its “grass” state and no account is taken of the need to cope with climate change;
- The felling of trees increases the run off by approx. 75%. The loss of so many trees is bound to have an effect on the amount of run-off from the site either from water falling directly on it or from ground water "passing through/under". There is no evidence how this is to be mitigated;
- The site is a significant biodiversity resource in terms of size, habitat and its relationship with other adjacent natural fauna. The protected species study in the planning application was undertaken in the winter and is therefore of limited value to produce a definable, objective, base level for biodiversity against which to measure whether any plan for the development of the site will ensure it will not give a net loss to biodiversity. Additionally, the study fails to give a good base on which to build a biodiversity offsetting agreement should this be necessary.
- The tree survey is unclear in that it does not appear to give an assessment of individual trees and seems to suggest that only one tree on site (identified in blue) is worthy of retention;
- We are also concerned that the position of the houses on plots 3 and 4 will mean the loss of boundary screening which the residents of Springfield Road currently enjoy. Repositioning the houses can rectify this and would allow the trees to be retained. The angling of the houses also reduces the privacy of the existing gardens and should be reconsidered.

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

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

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

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

Anglian Water: no comments to make.

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

Waste Management: requires additional details relating to refuse collection.

Trent Valley Internal Drainage Board: the application site is located outside of the Board's drainage district and therefore the only influence the Board have is in respect of the increase in surface water flows into the Board's drainage district. Accordingly, the Board advise the surface water run-off rates to receiving water courses must not be increased beyond existing rates. It is noted the applicant intends to use sustainable drainage systems and soakaways along with rainwater harvesting systems and permeable surfaces in order to cater for surface water run-off.

The assessment and approval of these methods of surface water disposal will be undertaken by the Local Planning Authority and Nottinghamshire County Council.

Representations have been received from 8 local residents/interested parties to the original scheme and can be summarised as follows:

- The construction of further properties to the rear of Springfield Road will obviously necessitate the need to tarmac/concrete land and removal of trees as the properties on Springfield Road are on an incline, worried about the possibility of future flood water draining towards neighbouring houses. During the flooding of 2013 Springfield Road flooded and gardens were waterlogged and gardens cannot cope with further construction;
- The flood risk information is misleading as the statement refers only to the river flooding aspect whereas the Environment Agency assessment of surface water flooding shows as high risk on two adjacent sides of the site. It is inevitable run-off will increase and the proposal includes impermeable surfaces. The cause of the high risk run-off is the south-east slope of the land and the presence of a water drainage course passing within a few metres and parallel to the southern edge of the site boundary;
- Land for Plot 3 is very marshy in wet weather;
- The construction of housing at The Coombes has certainly increased the run-off into the gardens of 71-75 Springfield making the land immediately adjacent to the boundaries of Plots 3 & 4 completely waterlogged at times of heavy rain and causing considerable flow of water down the gardens of 73 and 75 to run into an already flooding part of Springfield Road, gardens as far down as 61 have also flooded. The provision of further properties would increase run-off, to the detriment of neighbouring properties. The Trent Valley Drainage Board state there should be no additional surface water run-off rates;
- There is no comment about the water course i.e. Springfield Dyke, which runs to the south-west of the land, approximately 300 metres from the proposal. Neither Severn Trent Water nor Anglian Water take responsibility and it passes through a neighbouring garden, this dyke is in places cluttered with debris and has got worse follow the cutting down on trees;
- The height and proposed siting of Plot 4 would have several windows which directly face the adjacent bungalow and would result in overlooking, Plots 3 & 4 are extremely large and right up to the boundary of the houses on Springfield Road, some 3 metres from the boundary of 75 at the closest point, which would be imposing and overbearing and result in loss of privacy, also concern raised about Plot 2;
- Plot 3 would be close to the boundary with 2 The Coombes and would affect privacy and amenity especially as it is on higher ground;
- Plot 2 would be close to 3 The Coombes and result in an overbearing impact, overshadowing, loss of daylight and overlooking, should be reduced to a two-bedroom bungalow and moved further to the north-west, land on Plot 2 is higher than no.3 The Coombes;
- Boundary lights and security lighting would disrupt neighbouring properties;
- Visually the dwellings should be of brick and not render such as Oak Tree House which is so visible and an eyesore;
- The proposal, especially Plots 3 and 4, would destroy the character of the immediate area to the rear of houses on Springfield Road through considerable loss of privacy;
- Removal of apple trees would affect wildlife, not all trees are covered by the Tree Survey, only 4 trees would be retained, a Norfolk Bramley Apple tree is set for removal but is beyond the site;

- The development of plots 3 and 4 would adversely affect wildlife;
- Questions whether the medical centre can cope with further dwellings;
- The Design and Access Statement incorporates inaccuracies including not referencing 69-77 Springfield Road as adjacent properties, the fall on the site is to the south-east and not the south, land adjacent comprises cultivated gardens;
- The proposed bungalow is a nod in the direction of social housing needs and the site has not been included in the Southwell Neighbourhood Plan, the proposal is contrary to the Neighbourhood Plan;
- Limited consultation has taken place with neighbours prior to submission;
- The drives serving the dwellings seem to be only 3 metres wide with no pathways alongside, this access will serve 8 houses and the cattery and passing places at the very least will be required;
- Noise from use of loose material for the access road;
- The site has gradually been developed resulting in loss of privacy, noise and disturbance which will increase as a result of the development.

Following the receipt of revised plans re-consultation has taken place and **4 further representations** of objection have been received stating the amendments have done little to address concerns and seem to have increased them, the extent of the embankment being proposed to raise the elevations of Plots 3 and 4 mean the eastern gable end of Plot 3 is even higher and thus increasing the overshadowing of the neighbouring property, there would still be overlooking to the garden of 75 Springfield Road, concerned about the proximity of the embankment to the existing boundary which could result in additional run-off, as such objections to Plots 3 and 4 remain but are even stronger to Plot 3. The issue of surface water run-off has not been addressed, a tree for removal is still shown within the application site but is beyond the site. The revised siting of Plot 2 will worsen the impact on light to the adjacent dwelling.

Comments of the Business Manager

Principle of residential development

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

Southwell Town Council have submitted to Newark & Sherwood District Council (on the 2nd November 2015) a Neighbourhood Plan setting out a range of policies and proposals relating to the parish of Southwell.

The Southwell Neighbourhood Plan (SNP) has been through a process of independent examination which has culminated in an Independent examiners report concluding that, subject to the examiner's own recommendations, the plan meets the basic conditions and can proceed to referendum. Following their meeting on 20th April 2016, Southwell Town Council have requested that the plan be put to referendum in accordance with the examiner's recommendations at the earliest opportunity. This was also supported by this Authority at the Council Meeting on 17th May 2016, with an agreement that electoral services commence a referendum as soon as practically possible after August 2016. It is clear that both the LPA and Town Council are supportive of the

content of the plan. It cannot carry full weight until the referendum is concluded and plan adopted. It is however a significant material planning consideration for the purposes of negotiating planning applications.

Housing Mix/Need and Affordable Housing

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

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

Notwithstanding the above, there has been a recent change to local planning policy circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The impacts and our approach are set out below. It is fair to say that the 5 year land supply position has changed throughout this application process.

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

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

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

Core Policy 1 relates to affordable housing and states provision is required where the number of dwellings exceeds 5 units of the site area exceeds 0.2 hectares. However, the Department for Communities and Local Government (DCLG) have referenced a Written Ministerial Statement as policy and updated the Planning Practice Guidance in relation to raising the threshold for affordable housing provision to 10 or more and on sites larger than 0.5 hectares. This therefore supersedes Core Policy 1. As the site area is 0.42 hectares, affordable housing provision is no longer required and the applicants draft Section 106 Agreement (which suggested it would provide either one dwelling on site or pay a commuted sum towards provision elsewhere) has been withdrawn.

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

Impact on Visual Amenity and Character of the Area

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

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

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

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

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

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

Impact on Residential Amenity

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

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

Plot 2 has been amended to re-align the boundary with the cattery and to re-position the proposed dwelling to provide greater distance from the front of Plot 2 to the rear of Franklyn, an existing bungalow. These revisions would provide a distance of approximately 10 metres between the front elevation of Plot 2 and the boundary with Franklyn and approximately 24 metres

between the existing rear elevation of Franklyn and the proposed front elevation of Plot 2. Although bedrooms are proposed in the front elevation it is considered these distances would ensure a satisfactory relationship.

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

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

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

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

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

Highway Safety

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

Drainage/Flooding

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

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

It is noted that the Town Council, Ward Member and local residents have raised concerns regarding flood risk and drainage. The site lies within Flood Zone 1 (lowest risk of flooding) according to the EA Flood Maps. Furthermore the site is not identified as being within an area at specific risk of surface water flooding. The Lead Flood Risk Authority have raised no objections. It is noted that the LLFRA have not requested any conditions and Officers have specifically asked if a condition should be imposed regarding the submission of a scheme for surface water disposal/sustainable drainage prior to commencement of development. A response is awaited and this matter will be reported to Members as a late item. However on the basis of the scheme submitted and the consultation responses received I have to conclude that the proposal is acceptable in relation to flood risk/drainage matters.

Trees

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

Ecology

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

In support of the application, an Ecological Appraisal has been submitted by EMEC which concludes that there would be no significant adverse impacts on ecology subject to a number of recommendations and mitigation/compensation being controlled through condition. Nottinghamshire Wildlife Trust raise no objections subject to the mitigation (such as bird, bat and hedgehog boxes being installed) being secured. These elements are included as conditions and

informatives where appropriate. Subject to these I am satisfied that the proposal accords with the Development Plan in this regard.

Planning Balance and Conclusion

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

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

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

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

Weighing these matters in the balance is a difficult judgement to strike, especially given that the SYLS position has changed as recently as June 2016. However it is my view that whilst the mix of houses is less than ideal in terms of local housing need, this can be outweighed by the commitment that the Council has taken in respect of boosting housing land supply until such time as the OAN has been endorsed and that this scheme would contribute also to the wider needs of the district. In addition the character of the area also leads me to conclude that the scheme is appropriate when viewed in a wider context. In this particular instance I consider that these matters tip the balance towards an approval, subject to a more robust timescale (18 months) for implementation, secured by condition 1.

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

RECOMMENDATION:

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

Conditions

01

The development hereby permitted shall not begin later than 18 months 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 references

- 1:1250 Location Plan
- MH587/11F (Proposed Site Plan inc plot 3 and 4 garage)
- MH587/12A
- MH587/13B
- MH587/14A
- MH/587/15A
- MH/58/16B

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

Reason: So as to define this permission.

03

No development shall be commenced until details of the external materials to be used in the construction of the dwellings and garages hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interests of visual amenity.

04

No development shall be commenced until details of the boundary treatments to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details 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 with plan MH587/11 Rev. F and no other part of the development shall be commenced until the access has been completed in accordance with that plan.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. MH587/11 Rev. F are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

07

No part of the development hereby permitted shall be brought into use until the access improvement works are constructed and are available for use in accordance with the Highway Authority's specification as shown for indicative purposes only on plan no. MH587/11 Rev. F.

Reason: In the interests of highway safety.

08

No development shall be commenced until details of the drainage, to include sustainable surface water drainage, to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and shall thereafter be so retained.

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

09

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

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

010

Prior to first occupation of any dwelling hereby approved, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. 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 and shall be retained for the lifetime of the development.

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

011

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

Reason: In the interests of ecology.

012

No development shall commence until details of the refuse provision, to include the size, position and layout, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and shall thereafter be so retained.

Reason: To ensure adequate refuse provision.

013

No development shall be commenced 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,

Reason: In the interests of visual amenity and biodiversity.

014

All hard and soft landscape works shall be carried out in accordance with an approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with any approved phasing programme agreed in writing with the Local Planning Authority as part of condition 13.

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

015

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

- a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;

- no development (including the erection of site huts) shall take place within the crown spread of any tree;
- no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- no services shall be routed under the crown spread of any tree
- no burning of materials shall take place within 10 metres of the crownsread of any tree.

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

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

016

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

Reason: In the interests of residential and visual amenity.

017

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in the interest of residential amenity.

018

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) and in order to safeguard the amenity of neighbours.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil02

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.

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

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

BACKGROUND PAPERS

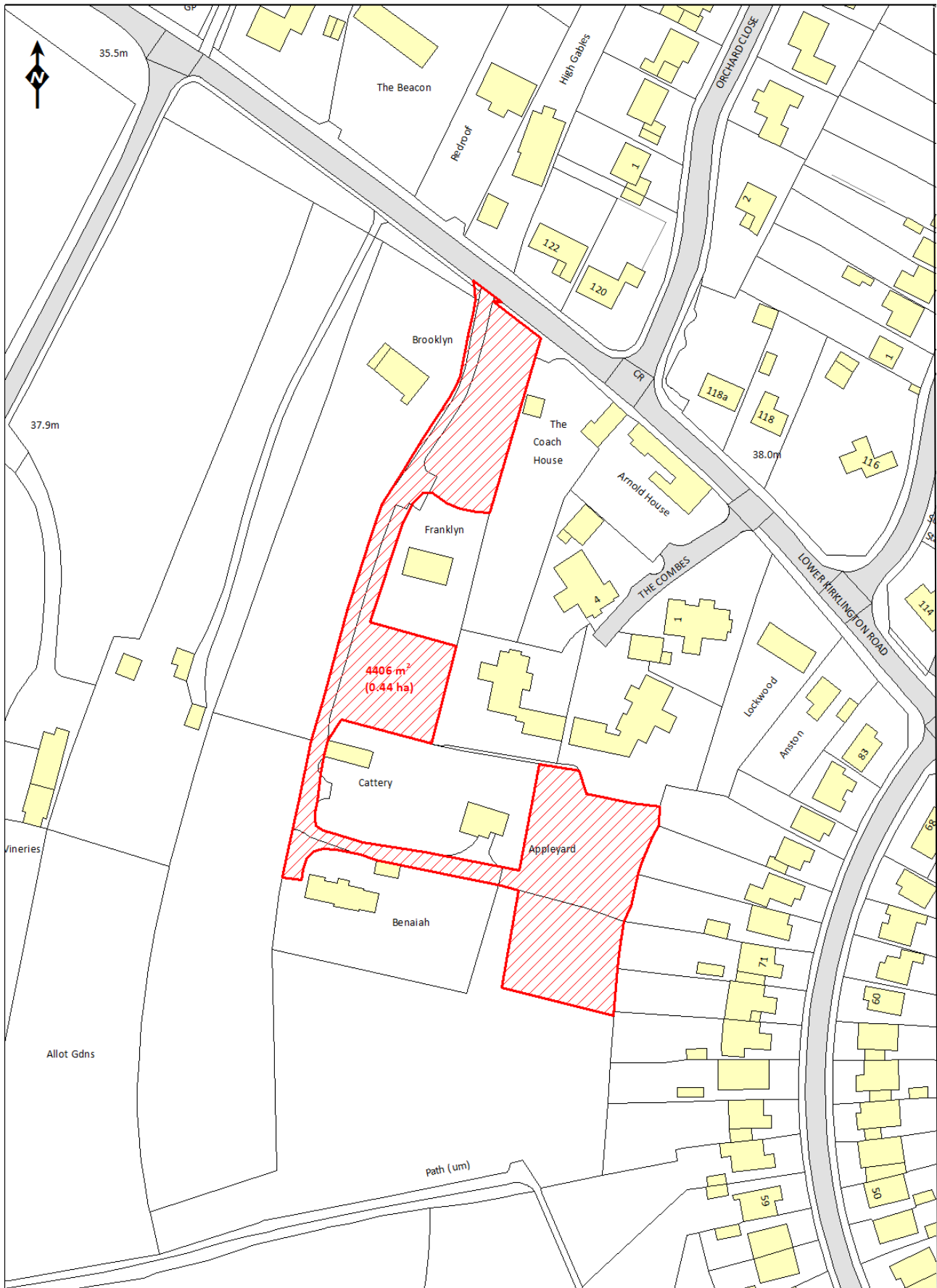
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/02179/FUL



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Application No:	16/00782/FUL	
Proposal:	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings (re-submission of 15/02253/FUL)	
Location:	The Plough, Main Street, Coddington, NG24 2PN	
Applicant:	Mr & Mrs D. Burke	
Registered:	23/05/2016	Target Date: 13/07/2016

This application is presented to the Planning Committee as the scheme seeks to address previous Member concerns. It is the view of the Business Manager, Growth and Regeneration, that the matter warrants determination by the Planning Committee.

The Site

The site comprises two distinct parcels of land on opposite sides of Beckingham Road located within the Coddington Conservation Area.

The land to the south of the road contains the public house ‘The Plough’ which fronts onto Main Street. The public house is currently vacant. The building comprises a two-storey painted brick building with a pantiled roof with a parapetted gable to its southern end and a hipped form at its northern end. An attached, elongated two-storey rear return, with a slated roof is set to the rear, and this faces towards Beckingham Road. The public house is located at ground floor, and on the first floor are two self-contained apartments and an office.

To the rear of the main building is a narrow parcel of land defined by a row of conifers (on adjacent land) set behind a fence which then opens out onto a wider area of overgrown grass land enclosed by a hedgerow to the north with a mixture of close boarded fencing, hedgerow and brick wall on all other sides. This area of grass is defined as a Main Open Area with the Allocations and Development Management Development Plan Document (DPD). All Saints Church is Grade II* listed and located to the south of the site. Residential properties and their respective garden areas border the south, east and west of the site.

To the north side of Beckingham Road is the public house car park laid with bound hard standing (albeit not formerly marked with white lines) that serves the pub and an area of open space (grassed) located between the car park and two storey dwellings at Hall Farm. The west side of the car park contains approximately six Newark and Sherwood District Council recycling banks which are understood to be located there on the good will of the landowner. A number of trees/hedgerow define the boundary between the existing car park and grassed area and are afforded protection by virtue of their position within the Conservation Area. A tree protected by a Tree Preservation Order is located within the rear garden area of 3 Hall Farm, immediately adjacent to the site.

Relevant Planning History

15/02253/FUL – Full planning permission was sought for the alternation of public house to form three first floor apartments, relocation of car park and erection of three dwellings. The Officer recommendation was for refusal based on highway safety grounds. When presented to the Planning Committee, Members accepted this and added an additional reason relating to loss of amenity. The application was refused on 4th May 2016 for the following reasons:

01

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing field access which affords restricted visibility for drivers emerging from the access. As a result, the proposed development would have an adverse impact on highway safety, contrary to Section 4 of the NPPF, Spatial Policies 3 and 7 of the Core Strategy (Adopted 2011) and Policy DM5 of the Newark and Sherwood Development Management and Allocations DPD (Adopted 2013).

02

In the opinion of the Local Planning Authority the scheme would have an adverse impact upon the amenity of nearby residential properties in terms of creating an unacceptable level of noise and general disturbance from the relocated car park and in terms of loss of amenity from the proposed new build dwellings on properties on Main Street. The proposal is therefore contrary to Core Policy 9: Sustainable Design of the adopted Newark and Sherwood Core Strategy DPD, 2011 and Policy DM5: Design from the Allocations & Development Management DPD in addition to the NPPF, a material planning consideration.

APP/B3030/W/16/3151592 - An appeal has been lodged (but not yet registered by the Planning Inspectorate). The applicant has request that the appeal be dealt with by written representations.

The Proposal

The proposal seeks full planning permission for:

- Alterations to the public house building to form three apartments and an office at first floor level (in lieu of two existing apartments). The ground floor public house use would remain;
- Three new dwellings are proposed on part of the existing pub car park; one 4-bed detached with attached double garage (measuring 13.5 metres by 8.7 metres and 9.4 metres to the ridge) and two semi-detached units 1 x 4-bed and 1x 3-bed (together measuring 12.6 metres by 8.7 metres and 8.7 metres to the ridge). These dwellings are laid out differently to the previous scheme with dwellings sited further west. Vehicle access would utilise the existing pub car park access points;
- Reconfiguration of public house car parking including expanding the parking area to the north. New hard standing would be laid to the north of the existing car park on an area of land which is currently overgrown. Car parking for 16 vehicles (cars would be parked parallel to the road) would be provided. Four of these car parking spaces would serve the proposed apartments within the public house building whilst the remaining 12 spaces proposed are to serve the public house on the opposite side of the road.

A combined Design and Access, Planning and Heritage Statement (3 versions) and Viability Appraisal have been submitted with the planning application.

Public Advertisement Procedure

16 neighbours have been notified individually by letter. The application has been advertised in the local press and a site notice has been displayed at 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 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- 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 14 – Historic Environment

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

- Policy NA/MOA Newark Area – Main Open Areas
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protecting and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2012
- Planning Practice Guidance (PPG) 2014
- Spatial Policy 3 Guidance Note (September 2013)
- DCA Housing Needs Survey (2014)
- Draft Conservation Area Appraisal for Coddington 2002

Consultations

Coddington Parish Council – Object as follows:

“The application is considered in three parts:

1. The Public House

The renovation of the public house is welcomed, including the three first floor residential units.

2. The Paddock

CPC welcomes the removal of the proposal to construct a car park on the paddock. However, should permission be granted for this application, CPC requests that the following conditions be applied in relation to the paddock:

- a) A two metre high wall, constructed in reclaimed bricks or an equally appropriate brick, be erected along the southern boundary of the paddock to protect existing residents from the loss of privacy should the area be used by the public house patrons.
- b) Screen landscaping should be provided along the western edge of the paddock to secure privacy for the adjacent dwellings to the west, should the paddock be used by the public house patrons.

3. Proposed housing on the northern side of the C208

CPC remains opposed to the proposal to erect three dwellings on the northern side of the C208 on the following grounds:

- a) The proposed housing is contrary to the Core Strategy SP3. The District Council has consistently rejected proposed housing development in Coddington on the basis of the lack of local need. The applicants quote the District Council's own housing survey as identifying a need. However this argument has been rejected by NSDC on previous occasions.

The applicants claim that the housing is required to assist in the financing of the public house renovation. This is illustrated in the tables contained in the Development Appraisal/Viability document. A net profit of £87,413 is identified from the housing, reducing the pay-back period to an acceptable 11.1 years. However the total cost of the renovation still contains a figure of £56,000 for the construction of a car park on the paddock, which is no longer proposed.

Furthermore, a local resident has made a firm offer in writing (copy provided to the District Council) to purchase the paddock from the applicants for £52,000. Therefore, the applicants potentially have some £108,000 available without having to construct the housing. This figure is in excess of the profit achieved from the proposed housing and reduces the payback period to 10.6 years. This removes the financial justification for that housing as an exception to policy SP3.

- b) The proposed housing is now located further to the west of the existing car park. CPC considers that this represents an even more unacceptable intrusion into the open countryside, contrary to statutory policy, and would result in ribbon development totally at odds with the character of the village.

- c) CPC is well aware of the pressure placed on the District Council by the Government's requirement for it to demonstrate a 5 year supply of deliverable housing sites. However as the applicants note at para14, NPPG does not advocate growth at the expense of other important planning issues. It is the contention that this element of the application does flout planning issues: the protection of the open countryside and the setting of the village, the conservation area and the statutory planning policies of the District Council.

- d) Furthermore, NSDC has within the last year, granted permission for 3 dwellings, demonstrating that it is not rejecting growth within the village. This permission was granted on the basis of its potential contribution to the architectural/street landscape quality of the area.

The important difference between that application and the present proposal is that the former site lay well within the built up area of the village and enhanced the Conservation area. The same cannot be claimed for the proposed housing on the northern side of the C208. It is also important to note that three residential units, to which CPC raises no objection, are proposed within the public house renovation, again adding to the village's housing stock. Moreover, there is also an extant planning permission for 8+ dwellings on land behind Post Office Row/Brownlow's Hill which is about to be implemented.

It is therefore submitted that as an 'other village', Coddington is already making a significant contribution to housing provision without these 3 additional dwellings.

e) If, despite these objections, the District Council decides to grant permission for this application, CPC requests that the following conditions be applied to the new housing development:

- (i) That no new houses are erected until the public house has been renovated and is operational.
- (ii) That substantial landscaping be provided along the western and northern boundaries of the housing development.

Conclusion

It has been demonstrated that the financial justification for the three dwellings on the north side of the C208 no longer exists. Furthermore, permission has been granted for 3 dwellings in Coddington and 3 residential units would be provided in the public house renovation. These 6 dwellings, along with those contained within the extant permission represent a very substantial contribution to the District's housing provision, particularly in a village the size of Coddington.

It is therefore submitted that this application is in conflict with statutory planning policy, notably policy SP3 and the countryside conservation policies. On this basis, the application should be rejected. If however the District Council is minded to approve the application, it is requested that the conditions suggested be applied, along with any others NSDC considers appropriate."

Highways Authority – Comment as follows:

"This proposal is for alterations to the Plough PH to retain the public house on the ground floor and provide 3 apartments above. The existing car park opposite is to be altered to erect three dwellings with a car parking area provided for the public house on land to the east of the proposed dwellings. The two existing access points are to be utilised for the proposed dwellings and the car park.

There is insufficient manoeuvring space for vehicles parked in the bays for Plot 1. A 6m clearance is required behind each bay. Two parking spaces are provided for Plot 2, where three is considered to be appropriate for this size dwelling. A parking space for Plot 3 is shown within the car parking area for the public house, along with 3 parking spaces for the 3 apartments. Possibly 2-3 spaces could be utilised for staff parking for the public house, resulting in 9 spaces remaining for customers. The information submitted indicates that 11 spaces have been previously available, therefore, this is not a significant reduction.

Considering the above, there are no highway objections to this proposal in principle, subject to the layout being amended to take into account the above issues, i.e. the manoeuvring area for Plot 1 and an additional parking space for Plot 2."

Nottinghamshire Wildlife Trust – Comment as follows:

“We note that no ecological information has been submitted and have the following comments.

Works to the public house could impact on bats if they are using the building. However, from the submitted plans it appears that works to the roof and associated structures may not be required. Provided this is the case, impact on bats is considered unlikely. We would be grateful if you could remind the applicant of their legal obligation regarding bats. Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering ‘reckless’ damage or disturbance to a bat roost.

From a review of available streetview imagery, the area where the new dwellings are proposed appears to contain a number of trees with areas of rough grassland behind and the new carpark area appears to consist of rough grassland. If the development would require removal of the trees or other vegetation, this should be undertaken outside of the bird breeding season (i.e. avoiding March to August inclusive). Replacement planting should consist of native, locally appropriate species.

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

NSDC Conservation Officer – No objections, comments as follows:

Preliminary

The Old Plough and associated land is situated within Coddington Conservation Area (CA). The Old Plough is a historic building that is prominent within the street. As such, the building contributes positively to the significance of the CA.

The important landmark Church of All Saints, which is Grade II* listed, is located to the southwest. Impact on the setting and significance of this parish landmark is an important consideration.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, including their setting. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

The Council's draft CA Appraisal for Coddington provides a useful assessment of the character and appearance of the CA. The land to the west of the Plough is identified as an important open space due to the views it offers of the church.

Assessment of proposals

This application is a revision of an earlier planning application refused permission (ref 15/02253/FUL) which sought to relocate the parking area to a paddock area adjacent to the public house (on the south side of Beckingham Road). The submitted proposal seeks to address the reasons for refusal.

The proposal seeks to maintain the use of the pub whilst converting parts of the building into apartments. It is argued that this will help make the operation of the public house more viable. The proposal also seeks to alter the car park area and develop adjacent land into three dwellings.

The maintenance of the paddock area ensures that there is now no harm to the land identified in the LDF as visual amenity to the landmark church. This is welcomed. The reuse of the pub is also positive, and the apartment element is consistent with the existing internal arrangements, with little external alteration.

The car park amendment will cause no harm to the CA. The roadway is modern, and the car park maintains the existing hard standing character of this part of the site.

The residential development is thoughtfully designed. The scale, form and appearance of the development references historic vernacular buildings within the CA, and generally has a positive relationship to the street.

Overall, the scheme causes no harm to the CA or setting of the landmark listed church. The scheme is therefore consistent with the objective of preservation required under sections 66 and 72 of the Act. The proposal is also considered to comply with DM9 of the LDF and section 12 of the NPPF.

If approved, full details of all facing materials, detailing (eaves, bays, verges, headers etc), joinery (timber to be retained), boundary treatments and other accretions to be agreed. PD should also be restricted.

NSDC Environmental Health Officer – “I refer to the above application and note the new layout of the car park. The location of the car park will bring vehicles into close proximity to residential premises, particularly the back gardens. I also note the raised level of the car park. Given the hours of use of the public house there is considerable scope for complaints about noise and disturbance from vehicles and patrons using the car park.”

NSDC Housing Officer – Comments made as previous scheme remain relevant: The District Council undertakes parish housing needs surveys throughout the district to identify housing need for affordable homes and to provide information regarding local people’s preferences/demand for market housing. There is no current parish housing needs survey for Coddington. The Council has engaged with the Parish Council regarding commissioning a survey, however the Parish Council have felt at this time they do not require a survey but will give further consideration at a later date.

The DCA Housing Needs Survey (2014) provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. The village of Coddington is part of the Newark and Rural South sub-area. For this area, there is a small preference for 1 bedroom property (79 homes) in the market sector, however the majority of preference is for 2 and 3 bedroom homes (722 combined).

In the absence of a survey it is difficult to estimate the preference for market housing at a local level and I would recommend that a survey be undertaken to provide evidence of local people in need of both affordable and market housing.

NSDC Environmental Health (Contaminated Land) – No observations.

NSDC Access and Equalities Officer – a building regulations application is required.

NSDC Waste, Litter and Recycling – Previous comments remain relevant which state:

Comments received 11.02.2016:

I have spoken with the applicant’s representative and visited the site. The public house car park has traditionally housed a set of recycling banks that is well used and supports the needs of the local area well. I can confirm that there is no legally binding written agreement about the siting of the banks and there is no legal obligation on any land owner to site such infrastructure. As a local authority and a waste and litter collection authority we rely heavily on the good will of landowners

to allow us to site such equipment that serves the local population. It would appear from my conversations that the applicant is nervous that the siting of recycling banks may adversely affect the planning application and as such is seriously considering asking for them to be removed altogether, which is a shame. However I can see no issues with waste collection from any of the new properties or the public house that is remaining in situ.

Comments received 31.12.2015:

In order for me to support this application from a waste management perspective I need further information on the new waste storage area mentioned in the main application form and further information on container sizes and storage.

NSDC Independent Viability Advice – This is an identical scheme (in terms of the level and amount of development proposed to the recently refused scheme) so the previous viability assessment remains valid which stated:

The applicant has sought to justify the development of three new build houses within the curtilage of the existing public house by submitting a viability appraisal which demonstrates that the profit subsidy is required from new build development to make up for the deficit incurred as a result of the refurbishment costs associated with refurbishing and retaining the public house at ground floor level and altering the first floor into three apartments.

An independent viability assessment has been commissioned to determine whether the applicant's submission is justifiable and, if it is, the minimum level of new build development which would be required to make the refurbishment of the existing buildings economically viable. Separate viability appraisals of the residential and commercial elements of the scheme have been undertaken to determine the overall viability position.

The main premise of the independent viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

In this case two viability appraisals have been undertaken. The first appraisal assesses the viability of converting the existing public house into three dwellings. The second appraisal assesses the viability of developing the three detached houses proposed in the grounds.

Assumptions Comments:

The viability methodology adopted by NSDC firstly calculates a benchmark land value allowance for the purpose of the viability appraisal. This is based on a 50% uplift in the value with alternative planning permission being added to the deemed existing use value. For the residential element of the scheme this generated a land value allowance of £106,118. The Public House development generated a negligible residual land value so a nominal allowance of £50,000 has been made.

The assumptions are based on a mixture of information supplied by the applicant and the standard allowances adopted by NSDC. The independent appraiser has advised that the applicants' sales values per sqm for the residential units seemed low and has adopted higher sales values. The applicant's allowance for new build residential construction was adopted but higher rates for the public house residential and commercial refurbishment reflecting BCIS rates have

been adopted. The applicant's allowance of £56,000 for the setting out of the new car park was agreed.

Viability Results & Conclusions:

The public house refurbishment appraisal concludes that the conversion would create a negative deficit of -£40,000 (having allowed for a reasonable return for land and the developers profit). The refurbishment of the first floor of the public house (with a zero allowance for land value and developer profit) demonstrated negative viability of -£26,000.

The overall negative viability of the scheme with no 'enabling' new build housing was assessed at therefore approximately -£66,000 even with no profit allowance on the residential element.

The re-appraisal of the residential element including the three new build houses demonstrated a developer profit of £193,000 but overall negative viability of -£26,000 largely as a result of the CIL charge.

It is therefore considered that in order to obtain a reasonable return on retaining and refurbishing the public house the 'enabling' development of three houses is justified on viability grounds."

A total of 7 neighbours/local residents have commented on the scheme.

6 objections summarised as follows:

- Previous objections in relation to loss of privacy and light remain valid and should be considered.
- Concern at the location of the proposed car park which would be considerably closer to the boundary of adjacent properties than the existing car park which will increase the level of noise nuisance arising from the slamming of car doors, car engines running, and the voices of the patrons of the public house late at night.
- Also consider that the proposed car park is inadequately sized for the public house and it is likely that there will be abuse of the designated parking areas for the proposed dwellings/apartments by the patrons of the public house;
- Intrusion into the countryside from houses;
- Danger of increased traffic and junction of Main Street with C208;
- Agree with comments of the Parish Council
- The Plough is such an eyesore in its present state but it appears so obvious that these proposals are still only a softener to try to get the village on side and then once it fails a change of use would soon see it as more housing in some shape or form;
- Object to the 3 new dwellings on conservation grounds;
- These dwellings are not currently required in Coddington.
- Infilling land for houses could ruin character of the area;
- Houses are not in keeping with others in the area and will not fit this particular part of the Conservation Area;
- The need for flats should be examined as the rental income is supposed to offset any loss the public house might make;
- Irresponsible to add parking spaces where tenants, staff and customers would have to cross a busy road as it would not be safe.
- Concerns that the Design and Access Statement is confusing and inaccurate (refers to western paddock car park and 112 parking spaces)

1 Letter of support with comments as follows:

- Typo on page 25 which states "in addition to the 112 parking spaces". This must be corrected.
- The application states, Residential Development Valuation, Table 2c, car parking, a figure of £56,000. This is identical to the previous scheme although the amended scheme is much smaller. If this amended, and a valuation of the surplus land within the western paddock is included, it removes any financial justification to build the houses to support the development of the Public house within the applicants time scales for a return on his investment. As such it is reasonable to think that the building of the houses is being supported by the intention to develop the pub, rather than the converse. I suggest therefor that a condition is applied to any consent, that the development of the public house is completed prior to commencing building of any houses.

Comments of the Business Manager

Introduction

This application is a revised scheme to the previously refused scheme under planning reference 15/02253/FUL. This application is now the subject of an appeal which the applicant has asked to be determined by written representations. This application seeks to overcome the previous reasons for refusal and the applicant is essentially twin tracking both proposals.

Principle of Development

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

The application site is located within the village of Coddington which is defined as an 'other village' in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Therefore development within Coddington should be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. Policy SP3 states that new development will be considered against five criteria including Location, Scale, Need, Impact and Character which are discussed below.

Notwithstanding the above, there has been a recent change to local planning circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The impacts and our approach are set out below.

5 Year Housing Land Supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the

Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This

is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Location

In this case the host village has a primary school, another public house, a village hall, a community centre and a shop plus access to bus services to the town. I therefore consider that Coddington is sustainable in the context of SP3 and the NPPF.

In relation to 'location', SP3 also provides that new development should be within the main built up area of the village. In this case, built development envelopes the site on all sides except to the west of the parcel of land to the north of the road. Approximately half of this parcel of land also forms paddock land albeit this land is sandwiched between houses located along Hall Farm and the car park which forms the remaining half of the site. The application site (albeit the new dwellings themselves would be sited c10m further west than the previous scheme) does not extend any further east towards the open countryside than the existing car park or built development to the north. Given these characteristics, I do not consider that the site is within the open countryside, neither is it away from the main built up area of the village. As such, I consider the site can be considered as being located within the main built-up area of the village as required by SP3.

Impact

In relation to 'impact', Coddington contains some community facilities such as a primary school, community hall, a second public house and access to public transport. There are regular bus routes to Newark which provide access to local services further afield. As such, the occupants of the proposed dwellings would not necessarily have to rely on the use a private car for day to day living due to the local bus services available. The highway impacts of the proposal are further considered in the 'Impact on Highway Safety' section below.

Scale

In relation to 'scale', Coddington had 715 dwellings at the time of the 2011 Census. The proposed development therefore represents less than a 1% increase in the overall housing stock in Coddington which is considered to be small in scale and appropriate to the location.

Character

The criteria in relation to 'Character' is considered in detail in the '*Impact on Visual Amenity including the impacts on heritage assets*' section below.

Need

The submitted Design and Access statement states that '*the National Planning Practice Guidance advocates that all villages are capable of accommodating some growth, and this alone provides clear policy support for these proposals. The NPPG does not reference local needs housing, and we consider that policies which restrict village development to local needs housing (such as SP3) are at odds with the more permissive regime set out with the NPPF. Given that the Core Strategy pre-dates the NPPF, the national planning guidance must prevail in this instance and the presumption in favour of development engaged*'. The NPPG states that '*assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood*

plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence’. I therefore still consider it relevant to assess the proposed development against the local need criteria set out in SP3 and do not consider this to represent a blanket policy to restrict housing development in Coddington.

Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. There is no current parish housing needs survey for Coddington. The onus is on the Applicant to demonstrate a local need.

The DCA Housing Needs Survey (2014) commissioned by the Council provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. The village of Coddington is part of the Newark and Rural South sub-area. For this wider sub-area, there is a small preference for 1 bedroom properties (79 homes) in the market sector, however the majority of preference is for 2 and 3 bedroom homes (722 combined). However in the absence of a parish housing needs survey it is difficult to estimate the preference for market housing at a local level, i.e. within Coddington itself. Given that the proposed new build dwellings comprise one 3-bed dwelling and two 4-bed dwellings, whilst this may partially meet the need identified for 3-bed dwellings, due to the lack of detailed local evidence, I am not convinced that the proposed new build dwellings would meet an identified local need and does not therefore fully comply with the criteria set out in Policy SP3.

In relation to the conversion of the upper floors of the existing public house building, I attach weight to the retention of the building as a non-designated heritage asset. As such, if a residential use secures a viable and sustainable future for the building then this would outweigh the need to demonstrate an identified proven local need in this instance. In addition, SP3 also states that within built-up areas of villages, consideration will also be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm building or the removal of a business where the operation gives rise to amenity issues. Whilst not a farmyard/farm building, the public house building is a business which in its current vacant state has the potential to give rise to (visual) amenity issues. The principle of the conversion of the upper floors of the public house building to create an additional dwelling is considered to be acceptable in principle.

In order to accord with SP3, new housing must meet an identified proven local need. However it should be noted that the need criteria should be given far less weight given the issues with the ability to attach full weight to an OAN 5 year land supply position, as outline earlier in this report.

In any event I consider that the ability to secure works to the pub from the cross subsidy of new build could address the issue of need even in the event that this carried full weight. For completeness the need/viability issue is considered below (which remains the same assessment as the previous scheme). This matter is weighed in the balance at the end of this report.

Viability/Retention of the public house

It is the Applicant’s intention that the proposal would bring the public house, which has been vacant for over two years, back into use. The facilities within the public house would be improved

through refurbishment and enhanced outdoor facilities including more conveniently located car parking would also be provided. This would be compatible with the aims of Spatial Policy 8 which seeks to protect against the loss of existing community facilities which includes public houses.

As a result of the advice that the proposed new dwellings would not meet an identified local need, the applicant has sought to justify the development of three new build houses within the curtilage of the existing public house by submitting a viability appraisal which demonstrates that the profit subsidy is required from new build development to make up for the deficit incurred as a result of the refurbishment costs associated with refurbishing the public house. The results of the Council's independent viability assessment of this appraisal are set out in the 'Consultations' section above.

The public house refurbishment assessment concludes that the conversion would create a negative deficit of -£66,000. The appraisal of the three new build detached houses demonstrated a developer's profit of £193,000 but an overall negative viability of -£26,000. This is calculated having established all values of the development and by deducting all reasonable costs including CIL, a reasonable return to the landowner (£106,000) and a standard profit allowance (20%) to the developer.

The independent viability assessment therefore concludes that in order to obtain a reasonable return on retaining and refurbishing the public house the 'enabling' development of three houses is justified on viability grounds. *[NB since undertaking this appraisal, it is noted that CIL is approximately £6,000 more than calculated in the appraisal however this does not affect the overall conclusion as an even greater shortfall would be incurred].*

It is noted that it is claimed that a local resident has allegedly made an offer to buy land immediately to the west of the paddock which it is argued would provide monies for the renovation of the Plough and would thus remove the financially based justification claimed by the applicants for the erection of three dwellings on the north side of the C208. The Parish Council suggested that in doing so, conflict with the Development Plan in terms of Policy SP3 (lack of any proven local need) and the need to override that Policy on the basis of securing the future of a community asset, as referred to in the officer's report, would be removed.

The LPA's independent viability expert has advised *'my view is that just because a landowner may own separate assets it doesn't mean there should be any assumption that these 'should' be used to subsidise a non-viable development. The landowner is perfectly entitled to sell and make a profit from adjoining land if it is not essential to the delivery of the adjoining development scheme and in this context the red line is important. The land value allowance in the appraisal doesn't take account of the cost of any adjoining land so it shouldn't take account of any potential value either'.*

In summary the evidence provided in the viability appraisal confirms that if the three new dwellings are not constructed, the refurbishment and conversion of the pub building (a non-designated heritage asset) would not be viable.

Impact on Visual Amenity including impacts on heritage assets

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy and DM9 of the DPD require continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving the heritage significance of a listed building including that derived from its setting and

to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. The important landmark Church of All Saints, which is Grade II* listed, is located to the southwest. Impact on the setting and significance of this parish landmark is an important consideration.

As a building of local interest, the public house building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The Conservation Officer raises no objection to the proposal (their full comments are set out in the Consultations section above). The retention and renovation of the public house building is welcomed with the proposed replacement of any existing UPVC windows with appropriate timber windows would be an improvement in conservation terms.

The area to the west of the public house is designated as a Main Open Area (MOA) by Policy NA/MOA of the DPD. This area plays an important part in defining Coddington's form and structure. The policy states that in MOAs, planning permission will not normally be granted for built development. This application proposes to retain the paddock area (on the previous scheme it proposed parking) that comprises the MOA and there is now no harm caused to the setting of the listed church.

Officers are satisfied that from a heritage impact perspective the realignment of the car park on the north side of the highway would cause no harm to the Conservation Area given the roadway is modern and the car park maintains the existing hard standing character of this part of the site. Our Conservation Officer remains satisfied that the new build dwellings (identical to the previous scheme) are well designed with the scale, form and appearance of the development referencing historic vernacular buildings within the CA, and generally has a positive relationship to the street. I concur with this assessment

Overall, the scheme causes no harm to the CA or setting of the landmark listed church. The scheme is therefore consistent with the objective of preservation required under sections 66 and 72 of the Act. The proposal is also considered to comply with DM9 of the LDF and section 12 of the NPPF.

Impact on Residential Amenity

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

The rear of 39, 41 and 43 Main Street back onto the site of the proposed new build dwellings. The side elevation of Plot 3 would face towards the rear of the dwellings on Main Street. A separation gap of just over 26.5 metres is proposed between the side elevation of Plot 3 and No. 41 (it was

just over 12m on the previous application) which is considered acceptable. A first floor window serving an en-suite shower room would be located in the side elevation of Plot 3. However given the distance from the neighbour I do not consider that this would cause any loss of privacy or an overbearing impact.

The rear of 1, 3 and 5 Hall Farm also back onto the site of the proposed new build dwellings. Four first floor bedrooms are proposed within the rear of the proposed dwellings which would face towards these dwellings. I note the differences in grounds levels, a matter previously raised by neighbours. Land levels are indicated on the Proposed Site Plan. However, the rear of the proposed dwellings would be located approximately 9 metres away from the nearest rear garden area with the rear wall of the existing dwellings located over 25 metres away. This separation gap is considered sufficient so as not to create any material adverse overbearing or loss of privacy impacts even when taking into account the difference in land levels. It is also noted that the rear of these dwellings are already overlooked to a certain degree by existing dwellings. The proposed garden sizes for the new dwellings are considered acceptable.

No.s 39, 41 and 43 Main Street and 1 and 2 Hall Farm are the dwellings most closely located to the proposed parking area. No. 39 Main Street already abuts the existing hard-standing of the car parking and its boundary comprises a low brick wall with fencing behind and the side wall of an existing brick outbuilding. However the other properties abut what is currently an open, overgrown area. It is noted that these dwellings sit on lower ground and the application sits somewhat higher. Given the level differences, what are actually c1.8m high boundary fences from the side of dwellings, appear as only low fences from the application site. I note the presence of some semi-mature trees along the boundary which appear to be indicated on the plans as being retained.

However the gardens of those properties along Main Street more modest garden sizes. In particular the garden of no. 41 Main Street is c9m in length and potentially no.43 that is located c10m from the site. The proposal would introduce new car parking on an existing open area within 1m of these boundaries. I consider that this could generate significant noise and general disturbance associated with patrons visiting the public house (such as cars door slamming and headlights shining) which given the nature of a public house use could be late at night.

I would be less concerned about the impacts upon properties to the north on Hall Farm given there is greater separation between the proposed car park and the dwellings.

I have considered whether the potential adverse impacts could be mitigated. There is sufficient space to erect a higher fence or wall on the application site to mitigate against car headlights and against noise/general disturbance to an extent but certainly for no. 41 Main Street this type of boundary treatment would appear much higher from their perspective and in my view this would appear overly dominant and potentially oppressive. I therefore do not consider that a fence or wall would be appropriate mitigation. Likewise a hedge could be planted in an attempt to mitigate impacts but this would take time to grow and in any event would not fully mitigate the noise and general disturbance due to the relatively short distances between the land uses involved.

My concerns regarding impacts arising from the car park are shared by our Environmental Health Officer.

No alterations to the existing window and door positions are proposed as part of the pub renovation works. As such, it is not considered that the occupiers of any neighbouring dwellings

would be affected by this element. The concerns previously raised by our Environmental Health Officer in relation to the compatibility of the proposed upper floor residential units and public house use are noted. However, there are already two existing dwellings within the public house building with no restrictions on occupancy and it is not considered that the introduction of a third would be materially alter the existing relationship. Future occupiers would be aware of the public house use below and for this reason it is not considered that a refusal on these grounds would be justified in this instance.

However in my view the impact of the proposed new car parking area to serve the public house would by virtue of its close proximity to existing dwellings on Main Street have an unacceptable impact by reason of general disturbance and noise that cannot be appropriately mitigated resulting in existing residents being unduly affected by the proposal contrary to Spatial Policy 9 and Policy DM5 of the DPD. This harm needs to be balanced against the proposed benefits.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. In accordance with the aims of CP12, Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

No ecological information has been submitted with the application however Nottinghamshire Wildlife Trust raise no objection subject to the Applicant being aware of their legal obligations regarding bats.

A number of trees around the rear of the existing pub car park would be removed as part of the proposed development. The Agent has confirmed that *'both Cherry trees are in poor condition with large limbs broken, drowned in ivy, and are not aesthetically pleasing at all. As for the Pine trees, both again over run with ivy, one having a heavy back lean with a lot of top weight and in poor condition. The other Pine is all weighted towards the highway with large broken limbs hanging within the canopy. All trees have also been affected by root compaction with having the pub car park in such close vicinity'*. I agree that these trees are not considered to be of high amenity value and would have no objection to their removal subject to replacement tree planting.

Overall, it is not considered that the proposed development would result in the loss of natural features of importance or have an adverse impact upon ecology in accordance with the aims of Core Policy 12 and Policy DM5.

Highways and parking

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.

Members will recall that the previous refusal related to the visibility splays (the applicant's inability to maintain these in perpetuity) serving what was proposed to be a relocated car park on the same side of the road as the pub. This car park is no longer proposed as part of this revised application and therefore this reason for refusal falls away with it.

The Highways Authority has raised no objections to the scheme in principle but state that the scheme would require amending in order to make the scheme acceptable. This is to ensure that sufficient manoeuvring space is provided for Plot 1 and that a further space is provided for Plot 2. They suggest that the reduction of car parking spaces for patrons of the public house to 9 (from 11 previously available) is not significant. I am satisfied that if Members were minded to approve the scheme the required amendments to render the scheme acceptable could be achieved without significant impact on the scheme and could be either resolved prior to issuing a decision or through imposing a condition. However given the recommendation, I have not sought an amended plan as to do so would put the applicant to unnecessary expense. I am not inclined to recommend the scheme for refusal on this basis given that with some minor adjustments it could comply with SP7 and DM5.

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 pro-actively 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 application form states that surface water would be disposed of via a soakaway. Overall, the development accords with Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing on sites of 0.2 Ha or more. However on May 11th 2016, the Court of Appeal overturned the High Court decision from July last year which held that the Government's national planning policy exempting small developments from affordable housing contributions, and providing for the vacant building credit, was unlawful. The relevant policy provided that developments of ten homes or fewer, or 1,000 m² or less, would be exempt from the requirement to contribute to affordable housing. The Government has reinstated the policy to the planning practice guidance as a result of this decision.

In this case, the overall site area exceeds this site area however, the area of the new build dwellings falls below this threshold. Given this, the recent challenge and the viability issues associated with the proposed development, an affordable housing contribution has not been requested in this instance. This is considered appropriate.

Other Matters

Design and Access Statement

Comments have been received from local residents and the Parish Council alike that the Design and Access Statement contains errors and is confusing. This application requires such a statement given that it is within a designated (Conservation) area and is for dwellings. The applicant has been advised on two occasions that the D&A Statement contains errors and a third version is now public facing. However in any event it should be noted that provided such a statement complies with the basic requirements set out in the NPPF in that it covers certain topic areas, there are no other

quality controls applied. Statements are intended to aide decision making. It is the plans submitted upon which decisions rise and fall.

Planning Balance and Conclusions

Residential development in Coddington is acceptable subject to assessment against the criteria in SP3. In this regard the proposal meets 4 of the 5 criteria but in my view does not wholly comply with the criteria relating to housing need, in that the applicant has not properly demonstrated a local housing need for the new build dwellings.

I am satisfied that the applicant has shown that without the 3 new dwellings the refurbishment/conversion of the Plough pub building would be unlikely to happen (due it is being unviable). The lack of local need in this instance is outweighed by the fact that the redevelopment of the site would offer an opportunity to secure environmental enhancements of a vacant non-designated heritage asset to the benefit of the character and appearance of the Conservation Area and the community in accordance with the requirements of SP3 and SP8. This is a similar approach taken in the consideration of a planning application to convert and provide new build dwellings in the car park of former Coach and Horses Public House in Thurgarton which was approved in October 2014 (14/01262/FUL).

Furthermore, I consider that the *need* for housing carries a far reduced weight given the position with regards 5 year land supply, in that it until such time as the Objectively Assessment Need has been tested by the Plan Review Process the Council is taking a pragmatic approach by relaxing the 'need' criterion of SP3 where all other matters are satisfied in order to boost housing supply in the interim. The addition of 4 new dwellings would make a small but non-the-less positive impact in terms of boosting housing land supply.

It is concluded that the proposed development would not have any adverse impact upon the character and appearance of the Conservation Area, flood risk or adversely affect ecology or any important trees. Unlike the previous refused scheme, it is also concluded that subject to some minor revisions (which have not been sought) the scheme could meet policy requirements and would not have an insurmountable impact on highway safety that would warrant refusal.

However the repositioning of the car park for the public house closer to properties of Hall Far and Main Street is in my view a matter of considerable concern, one that is shared by residents and our Environmental Health Officer alike. In summing up the positives and negatives of this scheme I am mindful that the Development Plan must be regarded as being out of date given the current inability to demonstrate a 5 year land supply. In this regard paragraph 14 of the NPPF states that where the plan is out of date planning permission should be granted unless any adverse impacts of doing so 'would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole'.

It is my view that the harm caused by repositioning the car parking closer to residents is significantly harmful and warrants refusal on that basis when weighed in the balance.

RECOMMENDATION

That full planning permission is refused for the following reason:

In the opinion of the Local Planning Authority the proposal to introduce the public house car park closer (than existing) to existing residential properties would likely give rise to significant noise and general disturbance issues associated with patrons of the public houses, its staff and residents of the apartments above the public house utilising the carpark at all times of the day including during anti-social hours, to the detriment of residential amenity. This harm is by virtue of its close relationship to dwellings and distance to the boundaries of residential properties. It is not considered that this could be adequately mitigated and the impact would be exacerbated by the difference in land levels. The proposal is therefore contrary to Policy DM5: Design of the Allocations and Development Plan DPD adopted 2013 and Core Policy 9: Sustainable Design of the adopted Newark and Sherwood Core Strategy, adopted 2011 as well as the NPPF. In the opinion of the LPA there are no material planning considerations which outweigh this harm or indicate that a decision should be made to the contrary.

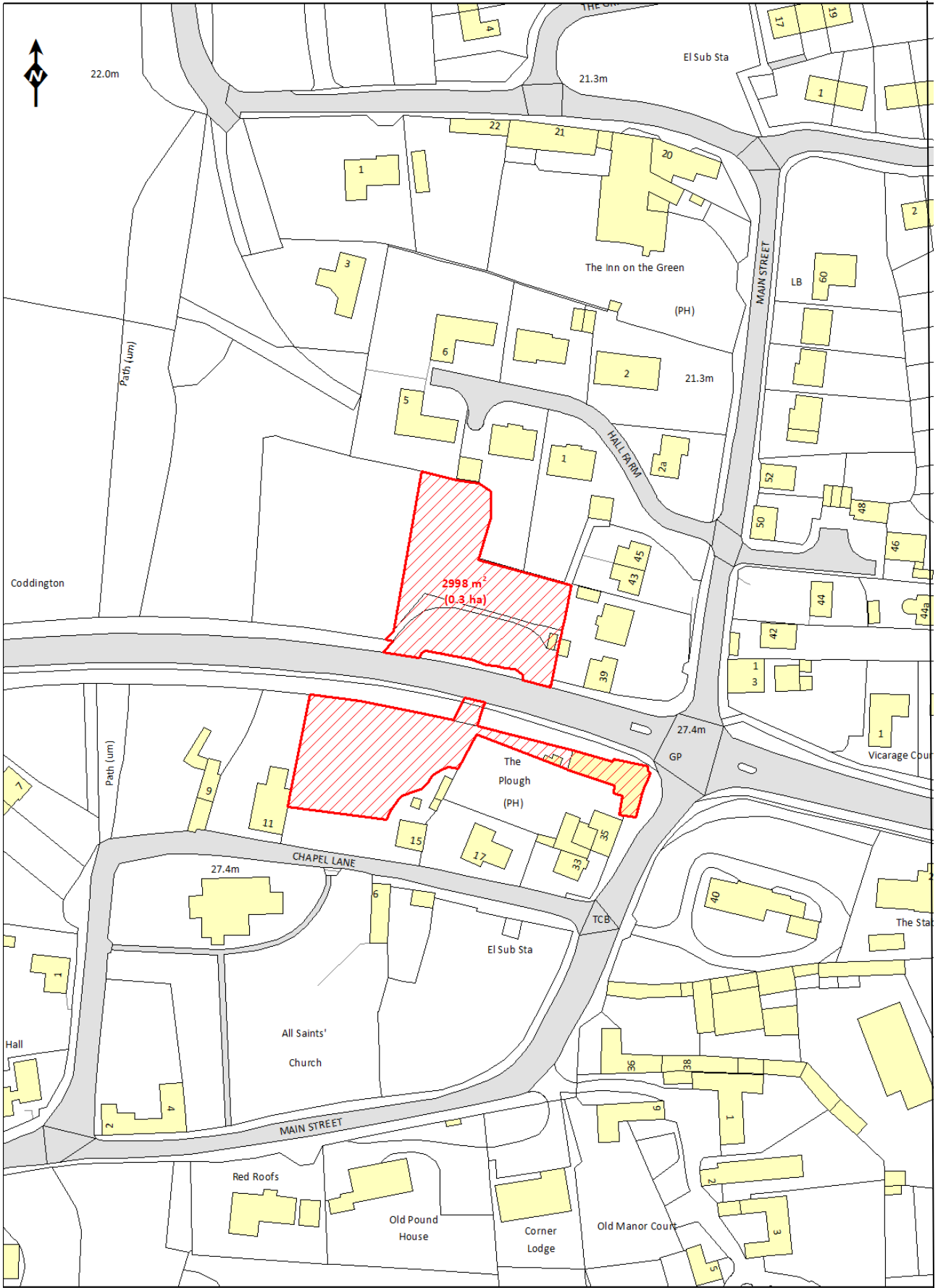
Background Papers

Application case file.

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

K Cole
Deputy Chief Executive

Committee Plan - 16/00782/FUL



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Application No:	16/00001/FUL	
Proposal:	New house and garage	
Location:	The Old Forge, Staythorpe Road, Averham, Nottinghamshire	
Applicant:	Estate Of J G England (Deceased)	
Registered:	5.01.2016	Target Date: 01.03.2016
Requested extension of time until 07.07.2016		

This application is being referred to the Planning Committee for determination due to the parish council objecting to the proposal whereas the officer recommendation is to approve the proposal.

The Site

The site is located in the village of Averham within the designated Conservation Area. The application site is approximately 0.09 hectare and is rectangular in shape. The site currently forms part of the L shaped residential curtilage to the rear of The Old Forge which fronts Pinfold Lane. Due to this shape and position the application site runs behind the rear gardens of Hatherdown and The Cottage which are located to the north west of The Old Forge on Pinfold Lane.

The site is bounded on the south east by Staythorpe Road, the north east by The Old Forge, the north west by a small paddock and the south west by a large Chalet bungalow on Staythorpe Road.

Relevant Planning History

None

The Proposal

Planning permission is sought for the erection of a new dwelling and attached single garage. The dwelling will be a modestly sized 3 bedroom two storey dwelling with attached garage. The dwelling will be gable ended to the highway have a simple linear form.

The proposal has been amended during the life of the application as discussed further below.

Departure/Public Advertisement Procedure

Occupiers of eleven neighbouring properties have been individually notified by letter and a site notice posted close 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 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 14 Historic Environment

Allocations & Development Management DPD

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Guidance Note to SP3 Supplementary Planning Document

Consultations

Averham, Staythorpe and Kelham Parish Council:

Initial comments:

The Parish Council are objecting to the proposed planning application for the following:

Principle of development

Spatial Policy 3 of the adopted Core Strategy now provides the benchmark against which the principle of development in the rural areas of the District is to be assessed. Averham Village is classified as a SP3.

Spatial Policy 3 set out a number of criteria against which new development will be assessed, and specifically states that new housing will be permitted:

Where it meets an identified, proven local plan.

This application has not dealt with this requirement. The application has failed to demonstrate that the proposed new dwelling meets any identified proven local need. Spatial Policy 3 does not make provision for the needs of individuals as stated in the district councils local development framework guidelines 6.1.

As such, the application is non compliant with the development plan and contrary to Spatial Policy 3 of the Core Strategy, and therefore the Parish Council object to the proposed application.

Character and appearance

Policy C1 of the Local Plan is still extant in relation to development in Conservation Areas. It states:

“Planning permission will not be granted for development which would harm the character or appearance of a Conservation Area. Development should be designed to preserve or enhance the character or appearance of Conservation Areas - in terms of scale, form and massing, and the use of traditional materials.”

Whilst a number of different types and styles of dwelling can be observed on the west side of Staythorpe Road, a common characteristic is that of all dwellings having generous plots.

The proposed development would involve the subdivision of one of these plots and the erection of a substantial dwelling. This would result in a cramped form of development alien to this part of the Conservation Area, failing to preserve or enhance its character or appearance.

The proposal does not respect the character or appearance of the Conservation Area. As such, it does not accord with Policy C1 of the Local Plan.

Entrance onto Staythorpe Road

In the past the Parish Council have had issues with this area, and previous applications along this road have been refused by highway. It is opposite a new development, and with the increase in traffic from the Robin Hood Theatre does create at times a traffic problem.

NEED

We currently have variety properties for sale within the Village. The Parish Council does not support yet another large house development. Where clearly there is not a NEED.

The Parish Council have received objection by local residents for this planning application. The Parish Council submit the above observations and strongly object to the proposed planning

application within Averham Village.”

Following the revised layout and design of the dwelling the parish commented as follows:

As per our previous observations of objection. The Parish Council make the following observations the Averham Village as SP3 (Hamlet) status we do not consider that this application meets N&SDC policy SPD1-3 of need we currently have different types of dwellings for sale within the Village.

Nottinghamshire County Highways Dept.

Initial comment on first layout:

This proposal is for a new dwelling and garage at the rear of the Old Forge with a new access being constructed onto Staythorpe Road. The layout as shown on drawing no. 1734.A.1 appears to be very restrictive in terms of a vehicle manoeuvring from the site. The site would benefit from adequate turning facilities to enable a vehicle to enter and exit in a forward gear. Could the layout be amended to address this issue before formal conditions are imposed.

Following the first revised block plan:

Further plan received 3/03/16

The revised block plan now shows the proposed dwelling directly abutting the rear of the footway. There are no visibility splays shown on the plan. These should be demonstrated from a 2.4m setback from the edge of carriageway. Also could the parking arrangements be clarified on an amended plan as it is unclear from the plan submitted.

Following the final revised block plan:

Revised block plan 1734.A.2 The revised plan shows a new vehicular access is proposed, with a width of 3.4m. The application form indicates that 2 parking spaces are to be provided, however, these have not been demonstrated on the block plan.

As such, there are no highway objections to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority’s specification to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking area shall not be used for any purpose other than the parking of vehicles. Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

3. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. Reason: In the interests of pedestrian safety.

4. No part of the development hereby permitted shall be brought into use until the drive is surfaced in a hard bound material (not loose gravel) for a minimum of 2m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development. Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

Note to applicant

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: (0300) 500 8080 to arrange for these works to be carried out.

Trent Valley Internal Drainage board

The site is within the Board's district. There are no Board maintained watercourses in close proximity to the site. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse / the edge of any Board maintained culvert. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. If you should require any further information please do not hesitate to contact the Board.

Newark and Sherwood DC Conservation Team

Comments on the initial scheme:

The land adjacent to the Old Forge is located within Averham Conservation Area (CA).

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Such matters are of paramount concern in the planning process. In this context, case-law has established that 'preservation' means to cause no harm.

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

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Significance of the CA

The CA boundary includes much of the historic core of the village, being focussed on Pinfold Lane and Church Lane. The Church of St Michael, which is Grade I listed, and the remnants of the medieval manor site (a Scheduled Monument) are important features to the east of the CA. Historic maps from the late 19th century reveal a dense arrangement of buildings directly onto the road at the junction of Church Lane/Pinfold Lane with the Staythorpe Road. To both east and west, historic buildings were less regular, but nonetheless predominantly situated onto the road. These buildings largely appear to have been modest rural vernacular buildings with simple form and detailing. There does not appear to have been much in the way of polite architecture within the village, although the occasional 19th century estate type building with decorative brickwork adds variety and interest to the historic vernacular. The remaining buildings are modern and generally make a neutral contribution to the CA.

The Old Forge has been much altered. The plot of land to the south does not appear to have any intrinsic special interest, but it does otherwise contribute to the historic settlement pattern of the village.

Assessment of proposal

Conservation has no objection in principle to a single dwelling on this plot. The land has no intrinsic special interest, and in the context of modern development nearby, it is accepted that a suitably designed cottage could make a positive contribution to the street.

Conservation recognises that the proposed dwelling is suitably scaled, and is otherwise a pleasant cottage design.

Nevertheless, Conservation objects to the layout and appearance of the proposed cottage:

- The proposed dwelling is set back from the road with a detached double garage in front. Such an arrangement does not reflect the positive buildings within the CA;
- The asymmetric frontage of the building with mismatched sized dormers is also incongruous with the positive historic buildings of the CA.

In its current form, Conservation finds the proposed development harmful to the character and appearance of the CA, which is contrary to the objective of preservation required under section 72 of the Act.

If the scheme was amended to take account of the above comments, Conservation would reconsider its stance. A three bay cottage directly onto the road with symmetrical detailing for example, or gable to the road with garaging set towards the rear, might address our concerns. Alternatively, given the gateway location into the village, a Victorian influenced lodge type building might also be considered; siting close to the road would be less important in such a case, but the garage would still need to be sited away from the primary frontage. I would be more than happy to advise on any revised plans if needed.

Comments following the submission of the revised scheme:

Many thanks for consulting us on the amended plans for the above scheme.

I can confirm that the revised layout and design addresses the concerns raised by Conservation, and we now therefore have no objection to the scheme. The general design approach is in keeping with the vernacular traditions of the CA and will cause no harm to its character and appearance. As such the scheme accords with the objective of preservation required under section 72 of the Act.

If approved, full details of all aspects of the design will need to be agreed, including facing materials, windows/doors (timber, to be retained), masonry construction, eaves/verges, sills/headers, porch, chimneys (to be retained), RWGs/other accretions, landscaping and boundary treatment/gates.

Comments following the submission of the final design:

Further to our discussion, I can confirm that Conservation has no objection to the revised plans. I have noted concerns raised about impact on the Conservation Area, including design and siting. However, please be reassured that blank gables are a feature of traditional vernacular buildings. To ensure that the design is positive, however, control of the brick bonding, verges and eaves would all help to integrate the design into the historic environment in this case. The siting of the

building, furthermore, responds to previous comments from Conservation, and it is felt that the linear form of the cottage, gable to the road, best sustains the historic building character of the CA.

Twenty one comments of objection have been received from neighbouring / interested parties which are summarised as follows:

- The proposal does not meet the requirements of policy SP3 in relation to need
- The proposed dwelling would create an uncharacteristically small plot for the proposed and host dwelling resulting in harm to the conservation area
- The proposed position of the dwelling will interrupt the building line and street scene
- Similar apps in the village have been previously refused and dismissed at appeal
- The application does not address a proven local need
- The house will create overlooking and a loss of light
- The subdivision of the plot would result in a cramped form of development alien to this part of the Conservation Area, failing to preserve or enhance its character or appearance.
- The design of the dwelling is not acceptable as fenestration is only present on one elevation
- The dwelling is overbearing being so close to the highway detracting from the street scene and conservation area
- Amenity would be impacted due to the proximity to the Old Forge
- Unconvinced there is turning space and adequate visibility for cars

Comments of the Business Manager

Principle of development

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

and character. Before assessing these criteria it is also pertinent to set out the councils housing supply position.

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) which requires housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council is of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this (providing a single dwelling) it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that single units are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements. The assessment of the proposal against the criteria of SP3 is as follows.

Location of the development

Averham is a small settlement estimated to have a population of around 300 people based on census 2011 data with properties predominantly accessed from Staythorpe Road, Pinfold Lane and Church Lane. The application site currently forms part of the L shaped residential curtilage to the rear of The Old Forge which fronts Pinfold Lane. Due to this shape and position the application site runs behind the rear gardens of Hatherdown and The Cottage which are located to the north west of The Old Forge on Pinfold Lane. The site is bounded on the south east by Staythorpe Road, the north east by The Old Forge, the north west by a small paddock and the south west by a large Chalet bungalow on Staythorpe Road. It is therefore considered that the site is within the main built up area of the village.

Nevertheless the location criterion of SP3 also requires consideration of local services and access to more sustainable settlements such as the Newark Urban Area. With regard to the services within the village there is a primary school, local theatre and a church. In terms of access to more sustainable settlements there is a local bus service running approx. every hour which provides access to Newark (approx. 3miles to the west), Southwell and Mansfield which have a wider range of services and employment opportunities. The proposal site is located on this main bus route with the bus stops for either directional route being within one minute's walk along lit footpaths.

Further to the above assessment it is also important to consider another proposal site within the built up area of Averham. Little Hollies located on The Close, Averham has been the subject of three recent planning applications for a new dwelling. All three applications were refused by the council and all three decisions were appealed with the inspector dismissing the appeals in all cases. The reason for the inspector dismissing the appeals was based on the need element of SP3. The change in this circumstance is detailed above but the most relevant aspect of these appeals in considering this application is the Inspector's assessment of the sustainability of the Village of Averham. The authority refused the first application based on a number of factors including that in

the authority's assessment, Averham was an unsustainable location. The inspector appointed to the first appeal disagreed with this assessment and in their opinion, Averham was sustainable due to it having some local services and access to wider services by public transport. This assessment was accepted by the local authority and Planning Inspector in assessing the two subsequent applications. The decision made by the Inspectorate on three occasions is considered a material consideration in determining this application in the same village for another new dwelling.

In taking all of the above points into consideration I find that Averham is a sustainable location where a new dwelling can be supported on a locational basis under SP3 and is in line with paragraph 55 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community.

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 of Character

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. The sites location within the Averham conservation is also important to consider and the council conservation team have been consulted in this regard. Following an initial objection to the proposed scheme revisions have been submitted by the applicant. The revised scheme adjusted the orientation and position of the proposed dwelling within the site amongst other design amendments. The conservation team concluded that the revised scheme is acceptable providing the following comment:

"I can confirm that the revised layout and design addresses the concerns raised by Conservation, and we now therefore have no objection to the scheme. The general design approach is in keeping with the vernacular traditions of the CA and will cause no harm to its character and appearance. As such, the scheme accords with the objective of preservation required under section 72 of the Act."

I note the comments received during consultation regarding the impact that this proposal will have on the conservation area but I concur with the views of the councils conservation team. On this basis I have identified no detrimental impact to the character of the area which would justify the refusal of the application.

Impact on Amenity

An assessment of amenity impact relates to both the existing neighbouring occupiers and the occupiers of the proposed dwelling in terms of the amenity provision. Dealing firstly with the latter, the site plan submitted demonstrates an area of amenity space which is considered commensurate with the size of the proposed dwelling. Existing boundary treatment (in the form of C2m hedge) to the south side boundary would afford the new dwelling with sufficient privacy from this direction and the proposed new boundary fence to the north side boundary will do the same.

Moving then to assess impacts on existing neighbouring dwellings, it is my view that the neighbour most likely to be impacted by the proposed development is the single storey property to the south known as The Bungalow.

There are windows and doors on the south elevation of the proposed dwelling which would be orientated towards The Bungalow but the main north side gable of this neighbouring dwelling is blank. The Bungalow has been extended to the rear along what would become the shared side boundary but this extension is single storey. Given this and the boundary treatment already in place I do not consider there will be any impact on privacy created. Any views that are created from the newly created dwelling and this neighbour would be towards windows to the front of the dwelling but at an acute angle. Due to the position of the proposed dwelling to the north side of the site there would be approx. 17m between the front elevation of the new dwelling and The Bungalow and although two storey, the cottage design of the proposed dwelling means that it is modest in scale and I am therefore satisfied that there will be no overbearing impact. The proposed dwelling would also be due north of the bungalow reducing concern in respect of a loss of light.

Further to the above the host dwelling and properties across Staythorpe Road are a considerable distance away so no impact on amenity is considered to be created. Overall I am satisfied that the application does not conflict with the amenity criteria under Policy DM5.

Impact on Highways

Spatial Policy 7 of the Core Strategy encourages development proposals to provide safe, convenient and attractive accesses for all and provide appropriate and effective parking provision for new development. This is mirrored by Policy DM5 which confirms that development resulting in the loss of parking provision will require justification.

I concur with the comments received during consultation from NCC Highways following the submission of a revised scheme. The proposed conditions are suitably worded and will ensure safe access to and from the site for the occupiers and other highway users alike. On this basis the proposal conforms with SP7 and Policy DM5 in respect to highways and access.

Impact on Trees

There are three small tree located on the eastern boundary of the proposal site that are likely to be removed from the site if planning permission is granted to allow access to the site. Having visited the site it is considered that these trees are relatively small and their loss would not be so detrimental to the character of the area to considered refusal of the proposal on these grounds. Further information has been sought from the applicant regarding the existing and proposed trees on site.

Conclusion and Overall Planning Balance

The proposal seeks full planning permission for an additional dwelling in a rural village. It represents a sustainable pattern of development on the basis that Averham has some local services and sustainable access to a wider range of services and employment in nearby sustainable locations such as Newark. In reaching this judgement, significant weight has been attached to appeal decisions at another site within the village. It is noted that the proposal offers the opportunity to contribute towards the housing supply of the District at a time of uncertainty in respect to the delivery of a five year supply, and given the assessment of sustainability this is supported. There are not considered to be any other material considerations which would outweigh this benefit and therefore the proposal is recommended for approval subject to the conditions listed below.

RECOMMENDATION

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

01

The development hereby permitted shall not begin later than one year 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 except in complete accordance with the following approved plans:

Site Location Plan

Drawing number 1734.A.2

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

Reason: So as to define this permission

03

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

Roofing tiles

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

04

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

- External windows including roof windows, doors and their immediate surroundings, including details of glazing, glazing bars and details of their finish i.e. stain/paint
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Soil and vent pipes

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

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.

proposed finished and existing ground levels;

means of enclosure;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved 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.

08

No development shall be commenced until a brick work sample panel showing brick work 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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

09

Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the District Planning Authority.

Reason: The site is prominently located within the Averham Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights (other than those approved as part of this development) or solar panels shall be placed on roofs of the buildings hereby permitted, without the prior approval of the District Planning Authority.

Reason: The site is prominently located within the Averham Conservation Area. The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the Conservation Area.

11

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

12

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking area shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

13

Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of pedestrian safety.

Notes to Applicant

01

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel: (0300) 500 8080 to arrange for these works to be carried out.

02

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

03

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential

annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

BACKGROUND PAPERS

Application case file.

For further information, please contact Mr 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

Application No:	16/00509/OUT		
Proposal:	Proposed single dwelling up to one-and-a-half storeys high		
Location:	Goverton Hill, Goverton, Bleasby, Nottinghamshire, NG14 7FN		
Applicant:	Mr And Mrs Wilkins		
Registered:	29.03.2016	Target Date:	24.05.2016
Extension of Time agreed Until: 08.07.2016			

The Site

The site is located within the hamlet of Goverton. Spatial Policy 1 of the Core Strategy does not define Goverton as a Service Centre or Principal Village meaning that it falls within the category of “Other Villages” in the Newark and Sherwood Core Strategy.

The land forms part of the residential curtilage of Goverton Hill, a relatively large, traditional, detached residential dwelling. The site sits towards the front of the garden curtilage where an existing tennis court is located. The majority of the site itself has been levelled to make way for the tennis court. However, the larger site slopes upwards from the highway to the south east of the site towards the existing dwelling to the north west of the site. The site is higher than the adjacent highway, Bleasby Road, to the front of the site and is separated from the highway by a grass verge and hedgerow.

The existing curtilage to Goverton Hill is well landscaped, including some small to medium ornamental trees surrounding the site itself.

The host dwelling is accessed from a driveway to the west of the site off Bleasby Road. This driveway is owned by the applicants but there is a right of way for neighbours. There is also an access to the east of the site which is owned by a neighbour over which the applicants have a right of way.

There are residential properties to the rear and both sides of the site with open fields on the opposite side of Bleasby Road. Neighbouring dwellings are a mix of traditional and more modern designs.

Relevant Planning History

None relevant.

The Proposal

Outline planning permission is sought for a “proposed single dwelling up to one-and-a-half storeys high.” All matters are reserved for subsequent Reserved Matters approval, should this outline

planning application be granted.

An indicative layout plan has been submitted. This shows the site to be accessed from the western driveway with the dwelling itself set back within the plot, roughly in line with the neighbouring property, 'Applecote'. The indicative plans show the majority of the existing landscaping to remain. These plans are, however, purely indicative.

The applicants state that they intend to downsize and live in the proposed dwelling with one of their sons to purchase the existing dwelling, Goverton Hill. However, this cannot be controlled through the planning process.

Departure/Public Advertisement Procedure

Occupiers of 5 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 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM3 – Developer Contributions and Planning Obligations
Policy DM5 – Design
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Bleasby Parish Council – Object on the following grounds;-

The area is liable to flooding.

The proposed property would be visible from the road. A chalet bungalow would not be in keeping with the surrounding area

There may be ground contamination

The proposed floor area seems out of proportion compared to the existing dwelling.

Highway Authority;- No objection subject to a condition regarding further highway details / reserved matters approval.

Environmental Health;- Provide advice regarding potential radon.

Internal Drainage Board - There are no Board maintained watercourses in close proximity to the site. Advise that surface water run-off rates to receiving watercourses must not be increased as a result of the development.

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

Comments of the Business Manager

Principle of development at this site

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

Notwithstanding the above, there has been a recent change to local planning policy circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The impacts and our approach is set out below.

5 Year Housing Land Supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this [said in the context of small number of dwellings] it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

The following is an assessment of the proposal against the criteria of SP3.

Location

SP3 states that new development should be within the main built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.

I consider the site to be located within the main built-up area of Goverton. It is set within the small cluster of houses which make up the hamlet, with residential properties to the rear and on both sides.

The hamlet of Goverton itself has no local services and no public access links. However, this site is close to a number of facilities within the adjacent village of Bleasby. Moreover, there is a pavement with street lighting connecting the two villages, meaning that walking to the facilities is a realistic possibility. The site is approx. 435 metres from the village tea shop and restaurant which

also sells convenience items such as stamps, bread and milk. It is approx. 645 metres to the train station with trains running to Newark, Nottingham and Lincoln. It is approx. 750 metres to the local primary school. There is also a pub and a church within Bleasby, although these are located at the opposite end of the village to Goverton.

In my view this is in keeping with paragraph 55 of the NPPF which states that;-

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.”

In light of the above, the proposal I consider it can be considered as meeting the locational criterion of SP3 as well as paragraph 55 of the NPPF.

Scale

In terms of scale, SP3 states that new development should be appropriate to the proposed location and small scale in nature.

Goverton it's a small settlement of 37 dwellings. Over the development plan period (from 2006 to date) there has been no housing completions or commitments (in the form of permissions being granted). This application is for a single dwelling only, which is considered to be small scale development given it equates to a 2.7% an increase of housing stock. This is considered appropriate for the overall settlement size of Goverton.

Impact

The impact criterion of SP3 states that;-

“New development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network.”

Policy DM5 states that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and specific location of the development. DM5 also 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.”*

With regards to the impact on highway safety, access and layout (including the layout of parking spaces, turning circles etc) these are matters reserved for subsequent approval, should this outline planning application be granted. The indicative layout does appear to show there to be sufficient space for vehicle parking and turning. The Highway Authority has raised no objection in principle to the proposal subject to a condition requiring details to be agreed prior to commencement of development.

The impact of the proposal upon the amenity of the occupiers of neighbouring properties also requires careful assessment. Layout, appearance (which will include the location of windows) and scale are all reserved for subsequent approval, should this outline planning application be granted permission.

The closest neighbouring property is Applecote. The indicative plan shows the proposed dwelling to be located in line with Applecote. It is the side elevation of Applecote that faces the application site. All windows along the side elevation of Applecote appear to be secondary windows only. Having looked at the planning application which granted planning permission for Applecote in 1994, the ground floor side windows appear to be 2 no. small lounge windows (with the main window to this room being located along the front elevation) and a W.C. window. First floor windows are rooflights only. The indicative plan shows the proposed dwelling to be located approx. 10 metres away from these secondary windows at the nearest point. Given the secondary status of these windows this is considered to be a sufficient distance to meet the needs of privacy. All other neighbouring properties are located further away and, again, separation distances are considered to be adequate.

Whilst the submitted plan is indicative only, it does show that the site is capable of accommodating a single dwelling without causing significant massing / overshadowing or overbearing impacts onto the occupiers of neighbouring properties. I am also satisfied that separation distances are sufficient that the dwelling could be designed so as to not cause overlooking issues onto the occupiers of neighbouring properties.

The indicative layout plan also shows that the site is large enough to accommodate a single dwelling with sufficient private amenity space serving the new dwelling.

With regards to impact on local infrastructure, the Parish Council has stated that this area is liable to flooding. However, the site is not located within a flood zone nor identified as having any critical drainage issues. The site does not meet the threshold for requiring a flood risk assessment.

For the reasons stated above, the proposal is considered to comply with the impact criterion of SP3 as well as the access, parking and amenity criteria of DM5.

Character

In accordance with SP3, new development should not have a detrimental impact on the character of the location or its landscape setting. CP3 states that the District Council will expect good quality housing design. CP9 also states that the District Council will expect new development proposals to demonstrate a high standard of sustainable design. CP13 seeks to protect the District's landscape character. DM5 states that; *“the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.”*

Neighbouring properties are a mix of ages, styles and sizes. It is considered that a dwelling up to one-and-a-half storeys high would be in keeping with the nearest neighbouring dwelling, Applecote, which is a two-storey dwelling but incorporating half dormers to the front with a single storey rear off-shoot with rooms in the roof. The indicative footprint and layout of the proposed dwelling appears similar to Applecote.

The indicative layout shows the proposed dwelling to be located approximately 32m from the existing dwelling at the site Goverton Hill, which is a traditional property. I consider the proposal will have limited impact on the visual setting of Goverton Hill due to such separation distances and also the fact that the proposed dwelling is located on lower land and there is substantial screening between the existing and proposed property.

Although, the site is on higher land than the Bleasby Road, the nearest public highway, the indicative plans show the proposed dwelling to be set back some 25 metres. There is an existing hedge partially screening some of the site and sufficient space between the highway and the proposed siting for further landscaping.

The indicative plans show the proposal to not impact on the existing trees at the site, indeed the majority of the trees within the residential curtilage are located outside of the red line shown on the site location plan. Details of landscaping, including tree retention will be dealt with at the reserved matters stage, should outline planning permission be granted.

I do not consider it would be out of character to have new residential development on this plot of land, subject to reserved matters approval for appearance, layout, scale and landscaping. For the reasons stated above, the proposal is considered to comply with the character criterion of SP3 as well as policies CP3, CP9, CP13 and DM5.

Need

SP3 provides that new housing will be supported where it helps to meet identified proven local need. No local need has been advanced as part of this application. The application in its current form does not demonstrate a proven local need. However this matter can be weighed in the balance along with other planning considerations.

Other Matters

The Environmental Health Officer has advised that the development lies within a Radon Affected Area and has suggested a note to applicant be attached to any grant of permission.

Planning Balance and Conclusion

The application has been carefully assessed against Spatial Policy 3 Rural Areas of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying 5 criteria namely, location, scale, need, impact and character.

With regards to location, the hamlet of Goverton itself has no local services and no public access links. However, this site is close to a number of facilities within the adjacent village of Bleasby, which is linked by an existing pavement and street lighting. As such, I consider it is reasonable to conclude, taking into account the advice set out in the NPPF that the site is located in a relatively sustainable location.

This application is for a single dwelling only, which is considered to be small scale development and appropriate for the overall settlement of Goverton.

Turning to impact, although access is a reserved matter, the Highway Authority has raised no objection in principle to the proposal subject to a condition. Although layout, appearance and scale are all reserved matters, it is considered that the site is capable of accommodating a single dwelling without causing adverse impacts upon the occupiers of neighbouring properties. The site is large enough to accommodate a single dwelling with sufficient private amenity space serving the new dwelling. The site is not located within a flood zone nor identified as having any critical drainage issues.

Furthermore I do not consider it would be out of character to have new residential development on this plot of land, subject to reserved matters approval for appearance, layout, scale and landscaping.

No proven local need has been demonstrated as part of this application. However I consider that the *need* for housing carries a far reduced weight given the position with regards 5 year land supply, in that it until such time as the Objectively Assessment Need has been tested by the Plan Review Process the Council is taking a pragmatic approach by relaxing the 'need' criterion of SP3 where all other matters are satisfied in order to boost housing supply in the interim. The addition of 1 new dwelling would make a minor but non-the-less positive impact in terms of boosting housing land supply and is sustainable in all other respects. Given this reasoning, it is considered appropriate to allow a shorter than usual period to submit reserved matters (9 months) with the development having to commence on site not later than 9 months from a reserved matters approval.

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

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than 9 months from the date of this permission.

The development hereby permitted shall begin not later than 9 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, scale, layout and access (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any 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

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

Site location plan

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.

04

No development shall be commenced until full details of the parking and turning facilities, access width, gradients, surfacing, visibility splays and drainage (hereinafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. All details submitted to the Local Planning Authority for approval shall comply with the County Council's current highway design guide and shall be implemented as approved.

Reason: In the interests of highway safety.

05

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation).

Informatives

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 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.

03

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

04

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

BACKGROUND PAPERS

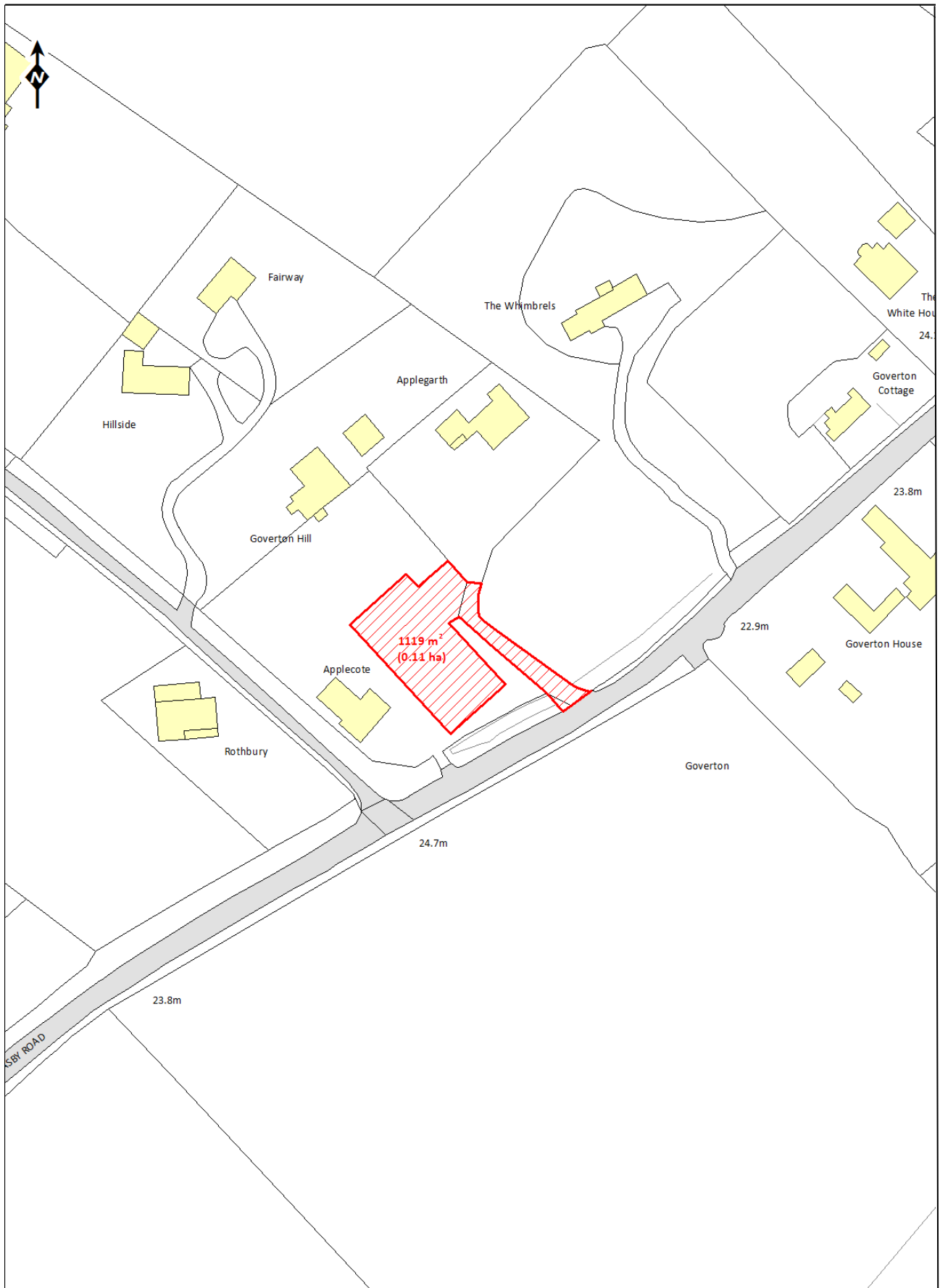
Application case file.

For further information, please contact Claire Turton on ext 5893.

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 - 16/00509/OUT



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Application No:	16/00566/FUL		
Proposal:	Change of use from domestic use to commercial use health spa (retrospective)		
Location:	The Old Farm House, High Street, Harby, NG23 7EB		
Applicant:	Old Farm Spa - Mrs Katie Statham		
Registered:	06 May 2016	Target Date: 01 July 2016	
	Extension of Time Agreed Until: 08 July 2016		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as applications which have been submitted by District Councillors, Senior Officers or Officers who may otherwise have a direct involvement in the determination of the application or where Councillors or Officers have a direct interest in the application, will be determined by Planning Committee. This application is also being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Harby Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The site lies within the main built up area of Harby, on the High Street. The site comprises of a large detached two storey dwelling and has similar large neighbouring properties to the south and north, with the Village Hall situated opposite. The boundary treatment of the site consists of a 2 metre high brick wall with gated access from High Street which provides access to the rear of the property, via a gravel driveway, leading to an off street parking area and an existing detached single storey garage building to which this application relates.

Relevant Planning History

15/00277/ENF – The Council has served an enforcement notice in relation to the existing breach of planning control; ‘without planning permission, the material change of use of garage building and residential land to the east of the main dwelling house for the operation of a business known as The Old Farm Spa’.

The notice was dated 18th March and required the following:

‘Cease the use of the land buildings for visitors, treatments and appointments in connection with The Old Farm Spa business.’

13900214 – Erection of garage, workshop, tractor shed and store

1381350 – One dwelling

The Proposal

The proposal is for the retrospective conversion of an existing single storey garage building to form a reception area, two treatment rooms, toilet, shower and changing room in relation to The Old Farm Spa business currently operating from the site, providing treatments for between 2 to 12 customers per day, including groups of up to 8 people at a time. It also includes the use of a jacuzzi spa, sauna and summer house within the garden area, to the rear of the building. The total area for the change of use is 62 square metres.

Public Advertisement Procedure

Occupiers of eight neighbouring properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Harby Parish Council - Object – In principle the Parish Council supports a business of this nature, in-order to support home working within the village. However, the footprint of the business should be restricted to avoid further expansion and loss of amenity to adjacent residents. The

business area should be restricted to the converted garage building and specifically exclude the rear garden and house. The business operated from those facilities should be strictly limited to those appropriate to a residential location in order to ensure the nature of the business and their customers is appropriate for its location.

NCC Highways Authority – Consideration has been given to the:

1. Small scale of development
2. Proposed operation of the business (hours of opening, usage figures, etc.)
3. Provision of off-street parking
4. Likely risks to users of the public highway

In view of the above it is considered that neither highway safety nor capacity will be detrimentally affected. Therefore no objections.

NCC Environmental Health – No comments to make.

Access and Equalities Officer – It is recommended that the developer be advised to give consideration to inclusive access to, into and around the proposal along with the provision of accessible features and facilities to ensure that the proposal is equally convenient to access and use throughout. It is further recommended that the developer be mindful of the provisions of the Equality Act.

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

Three comments supporting the application;

- Living in close proximity to the spa I have not found the business to have a negative impact on my day to day living. There has been very limited noise or disturbance from the customers and having visited the spa on several occasions I view it as a positive asset to the village.
- The business supports the growth and development of businesses within our community. This facility is a pleasure to visit and equally is a welcome addition to the village.
- Our village here at Harby is a very small village and needs small quality businesses like Old Farm Spa to ensure that our village remains sustainable. Old Farm Spa is a small, well run business who we see as a great asset to the village of Harby.

One comment objecting to the application;

- The use will result in noise, disturbance and nuisance to the detriment of residential amenity. When customers are using the Hot tub/Jacuzzi the voices can be heard over 70m away. The wall and trellis do not reduce the noise disturbance in any way. Loss of privacy, inappropriate

development detrimental to the open, rural and undeveloped character of the area. Concern also raised about setting a precedent for commercial businesses in Harby.

Comments of the Business Manager

Principle of Development

The key issues to consider are the acceptability of a commercial business in a predominantly residential location and the impact on residential amenity.

It is clear from legislation and case law that a change of use of part of a dwelling may not always constitute a material change of use requiring planning permission. It is equally clear that whether a change of use is material is dependent upon a number of factors, including level of use, details of a particular proposal and impacts on character and amenity. In this case it is considered that the business has reached a level of use that is no longer incidental to the use of the site for residential purposes and is therefore the subject of a planning application.

The development proposed relates to the change of use of a residential garage building to a spa facility and treatment rooms with associated outdoor areas including Jacuzzi, sauna and summer house. The proposal is assessed against Spatial Policy 3 (Rural Areas) on the basis that Harby is not defined as a Principal Village or Service Centre by the settlement hierarchy.

The site falls within the main built up area of Harby which is made up of predominantly residential properties. Within Spatial Policy 3 development proposals are assessed against the 5 criteria set out and discussed below and any proposal must meet these criteria unless there are significant material considerations that would warrant approval against policy.

Location – under SP3 development should be located within the main built up areas of villages, which have local services and access to surrounding service centres or principal villages. The site is located within the main built up area of Harby which has a school, village hall and public house. There is a public bus service between Newark-Collingham-Harby-Saxilby that operates Monday to Saturday and good road links to Collingham and Newark as well as Saxilby and Lincoln.

Scale – development should be appropriate to the proposed location and small scale in nature. The existing building is 62msq single storey brick built with a pitched roof. It contains two treatment rooms, a lounge/reception area and toilet and changing facilities, as well as an outdoor area comprising of a Jacuzzi, seating area, sauna and summer house. The garage is an existing building and the elements of the business that involve use of the outdoor areas are not considered inappropriate in scale in a residential area. It is considered that the development is not of a detrimental scale in relation to the surrounding location and that the business is of a small scale.

Need – SP3 states that employment and tourism or new or replacement facilities to support the local community are acceptable where it requires a rural/village location. The applicant has not provided a justification for why the business requires a rural location, however, as part of the

planning process three comments have been made supporting the business and its contribution to the village of Harby. The business provides a range of health and wellbeing treatments in addition to the spa facilities. In meeting this criterion, I am minded to take a pragmatic view in that clearly part of the attraction of the business will be the rural nature of the sites surroundings. It is considered unlikely that there would be an alternative suitable location within the denser built locations higher up the settlement hierarchy and moreover it would be disproportionate to the scale of the development to insist that the applicant investigated this further.

Impact – new development should not generate excessive car-borne traffic from out of the area nor have a detrimental impact on the amenity of local people. The applicant has stated that currently a maximum of 12 customers per day could be accommodated at the Old Farm Spa business, but that it is unusual for the business to run at this capacity. Nottinghamshire County Council Highways Authority have raised no objections, stating that neither highway safety nor capacity will be detrimentally affected. In addition, Spatial Policy 7 (Sustainable Transport) states that proposals should ensure that any vehicular traffic generated does not create new or exacerbate existing on street parking problems. The proposal includes off-street parking for up to 8 vehicles and it is therefore considered to be in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Character – new development should not have a detrimental impact on the character of the location or its landscape setting. Given that the building is already in place it is considered that the proposal does not detrimentally impact the character of the area.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that the development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted.

The development is in a predominantly residential area with a neighbouring residential property 11 metres to the north of the site separated by a 2m high wall. The applicant has erected screening and evergreen planting to the Jacuzzi in order to mitigate any noise and visual impact on the neighbouring property. The Environmental Health Officer was consulted on the proposal and has raised no comments. Through negotiation during the life of the application, the applicant has proposed to replace the trellis with a solid brick wall, to eaves height, in order to completely screen the Jacuzzi from neighbouring properties and to provide better noise mitigation. Details of this additional screening can be secured by an appropriately worded condition. Given that the nature of the business is predominantly individuals or small groups of people visiting the premises to relax, and taking into account the applicants offer to improve the screening, it is considered unlikely that the proposed change of use would have significant harmful impacts upon the nearby residents.

Additionally, the proposal includes one member of staff providing treatment on an appointment basis with opening hours of 10:00 – 18:00 Monday, Tuesday, Friday and Saturdays and hours of 12:00 – 20:00 Wednesdays and Thursdays, with no commercial use of the Jacuzzi after 19:00. I am therefore satisfied that in terms of noise and disturbance, the relatively limited number of customers visiting the premises, I do not consider that the amenities of neighbouring properties would be harmed. In order to protect residential amenity it is proposed to limit the operating hours of the business to the above specified times, and subject to this condition, it is considered that the proposal complies with policy DM5.

Conclusion

The change of use to a commercial spa, with associated outdoor Jacuzzi, sauna, seating area and summer house, is unlikely to have an adverse impact upon the character of the area or on the amenity of neighbours in accordance with local and national planning policy and is therefore considered to be, on balance, acceptable.

RECOMMENDATION

- (a) That the enforcement notice served 18/03/2016 is withdrawn; and**
- (b) That full planning permission is approved subject to the following conditions**

Conditions

01

The development hereby permitted shall be carried out in complete accordance with the following approved plan:

- STAT/001 Location Plan

unless otherwise agreed in writing by the local planning authority.

Reason: So as to define this permission.

02

The premises shall be used for The Old Farm Spa and for no other purpose (save for domestic residential use in association with the host dwelling), including any other use falling within class D1 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential and visual amenity.

03

Notwithstanding the details of screening demonstrated on the Block Plan reference STAT/003, within one month of the date of the decision hereby approved, additional details of a replacement

boundary wall screening along the line of the existing Trellis screen shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be erected on site within three months of the date of this decision and shall be retained for the lifetime of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

04

The premises shall not be open to members of the public outside of the following:

10:00 to 18:00 Monday, Tuesday, Friday and Saturday

12:00 to 20:00 Wednesday and Thursdays

And not at all on Sundays, Public or Bank Holidays.

Reason: In the interests of residential amenity and in line with the applicants submission.

05

A full booking register of the commercial activities within the site shall be recorded and kept to be available for inspection at the request of the Local Planning Authority. The register should detail the date and times of all appointments and visitors and should be retained for a period of not less than 10 years.

Reason: To control the level of business activity within the site in line with the intentions of the applicant, in the interests of residential amenity and sustainability.

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 as there is not net addition in floor space as a result of the development.

02

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

BACKGROUND PAPERS

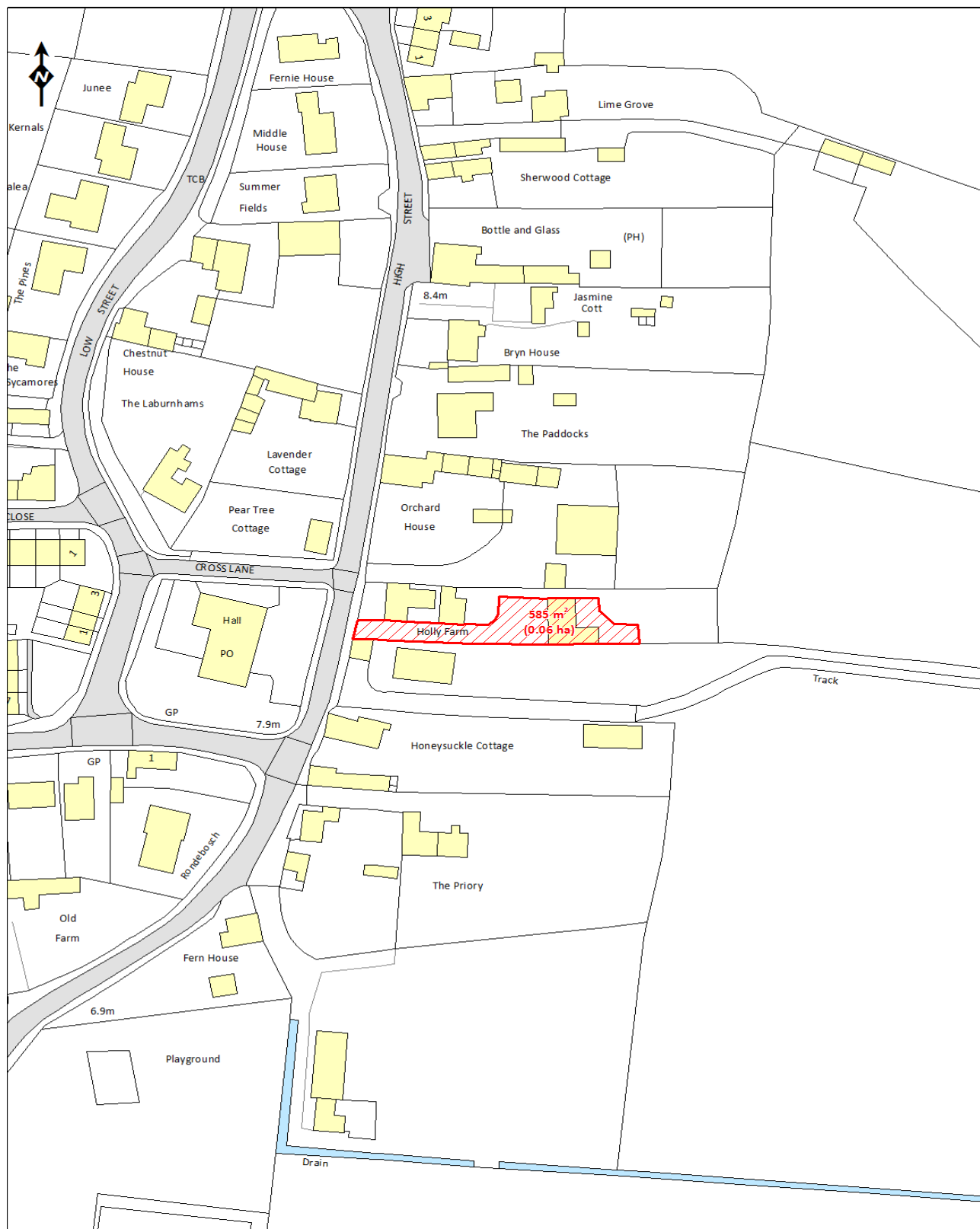
Application case file.

For further information, please contact Abbie Marwood on ext 5541.

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 - 16/00566/FUL



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Application No:	16/00542/FUL		
Proposal:	Erection of second bungalow		
Location:	Normanville, Stanley Terrace, Newark on Trent, NG24 2JA		
Applicant:	Mr & Mrs Anthony Turton		
Registered:	08 April 2016	Target Date:	03 June 2016
	Extension of Time Agreed Until: 12 July 2016		

This application is being referred to the Planning Committee for determination due to the officer recommendation being contrary to that of the decision of the Town Council.

The Site

The site comprises of an area of overgrown land with areas of storage which is located within the main defined built up urban area of Newark. The site does not currently contain any buildings or dwellings but is currently used for storing logs and building equipment.

The site is mainly bounded by a 1.8m high (approx.) timber fence to the east and western boundaries and Herras (metal wire) security fencing to the main entrance off Stanley Terrace.

The site is accessed by vehicles from Magdalene View then vehicles travel along an unadopted and unmade access road around Stanley Terrace properties to a gated access running along the west of no.1 and 1A Stanley Terrace. There is also an access to the south of the Stanley terrace properties.

Relevant Planning History

15/02212/FUL - Erection of replacement bungalow similar in size to the original dwelling – Approved 26.01.2016

The Proposal

Full planning permission is sought for a single storey detached 2 bedroomed dwelling.

The accommodation comprises of a kitchen/diner, living room, 2 bedrooms (one ensuite) and a bathroom.

The proposal has been amended as follows:

- House has been reduced in size from 13.6m in length and 7.6m in width (103.4m² in floorspace) to 10m in length and 7.6m in width (76m² in floorspace);
- The dwelling has be re-orientated 90 degrees to fit the width of the plot;
- Dedicated parking has been provided to the north of the site for plot 1 and 2;
- A footpath link has been provided to the east of the plot to provide access to plot 1.

Departure/Public Advertisement Procedure

Occupiers of sixteen properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Core Policy 9 – Sustainable Design

NSDC Publication Allocations and Development Management DPD (July 2013) (ADMDDP)

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

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Comments on the original submission

Newark Town Council - Members decided to DEFER this application to allow discussions with the applicant to be completed. Concern was expressed regarding vehicular access to the site.

Access & Equality Officer - Observations

Nottinghamshire County Council Highways – This application has negligible impact on the public highway and therefore no objections are raised. However, vehicle access to the proposed parking/turning area is very poor; over existing grassed areas and a poorly maintained shared private driveway. The Planning Authority may wish to consider whether or not it is appropriate to seek suitable improvements to the access.

Comments on the amended plans

Newark Town Council - It was AGREED to OBJECT to this amended application on the grounds that it was over intensified development of the site and the detrimental impact on the amenity of neighbouring properties.

Representations have been received from seven local residents on the plans which can be summarised as follows:

- There should be one dwelling on the site as per the original instructions and the constraints adhered to with that one and not have a second one built;
- They have already torn out hedges and trees to the detriment of the area with no thought for the wildlife's lost habitat;
- The access is dangerous and not suitable for traffic for one dwelling let alone two;
- The entrance should be down the side of No.1 Stanley Terrace;
- The access is a private unadopted narrow piece of grass land that gives right of way to occupants of only Stanley Terrace. This proposed bungalow is not part of the terrace and has no right of way over this land;
- The access is of low lying nature and a high surface water table causing water to collect and lay there. Hard surfacing would possibly exacerbate this;
- The original bungalow was burnt down and always had its access along the side and rear of No.1 Stanley Terrace;
- Inappropriate access to people with wheelchairs;
- Over development of the site;
- Development causes conflict between cars and people and children who access this area from the rear of their homes.

Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) the impact of the development upon the living amenities of neighbouring occupiers and 2) the access and 3) character of the resulting area.

Principle of development

The site is located within the defined built up urban area of Newark as defined within the Allocations and Development Management DPD (ADMDPD). Newark is defined within the Core

Strategy DPD (CS) as a Sub-Regional Centre where its main function is to be a focus for housing and employment growth in Newark and Sherwood as defined within Spatial Policy 1 and 2.

Paragraph 49 of the NPPF states *“housing applications should be considered in the context of the presumption in favour of sustainable development.”* The application site is adequately located within a defined built up area as it sits comfortably within the existing residential area which is well serviced by a regular bus route in to the Newark Town Centre which is a sustainable settlement. I therefore consider the proposal for residential, in principle, with regard to the location within Newark, to be acceptable.

The site previously contained a large bungalow known as ‘Normanville’ until it burnt down, the site therefore constitutes brownfield land. The local planning authority has granted planning permission (15/02212/FUL) for a detached 2 bedroomed bungalow to the rear (south) of the site (plot 1) with a floorspace of approximately 103m² with parking to the north of the site and access via the north of the properties on Stanley Terrace.

Neighbour Amenity

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

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

The application has been amended to reduce the footprint of the dwelling from 103m² to 76m², and improve the orientation and siting within the site. The proposed dwelling is single storey with no accommodation within the roofspace and has an amenity space to the rear of the property (south) which is 6m to the southern boundary. Whilst the approved bungalow at plot 1 has not been constructed, it is still a consideration with regards to amenity.

Whilst there have been a number of objections to the application from residents and interested parties, there have not been any comments raised relating to overlooking, overbearing or overshadowing impacts. The main impact from the dwelling would be upon the occupiers of plot 1 rather than upon the occupiers of properties on Stanley Terrace or Sawyers Close of Magdalene View. Although it is accepted that there would still be a degree of impact, this is not considered so significant or harmful to warrant a refusal of planning permission.

From the rear of the proposed dwelling (plot 2) to the dwelling at plot 1 is approximately 9m. The rear elevation of plot 2 contains bedroom 2 (with no window facing plot 1) and a lounge/diner (with patio doors) which would face a kitchen (with no window facing plot 2) and bedroom 1 (with one window facing plot 2) of plot 1.

The proposal constitutes piecemeal development as opposed to a comprehensive scheme to developing a site, and as a result the distance between the plots is not ordinarily that which the local planning authority would have requested. Nonetheless it is considered that in this particular instance, due to the orientation of the plots, their scale at only single storey and the internal configuration I do not consider that on balance the proposed additional dwelling would have such a significant detrimental impact on the amenity of neighbouring occupiers or to the potential amenity of plot 1.

Whilst local residents have not raised any issues of amenity caused by overlooking, overbearing or overshadowing, they do however raise issues of disturbance caused by the access to the site and during construction. Access to the site shall be discussed accordingly later in the report however construction and the associated impact of that is a short term disruption and outside of the management and regulation of the Local Planning Authority.

I therefore consider that on balance the amenity of neighbouring occupiers would not be significantly harmed due to the construction of an additional dwelling and the proposal accords with Policy DM5 of the ADMDPD.

Highway/Access

Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Core Policy 9 requires proposals to be accessible to all. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and location of the development.

Stanley Terrace is an unadopted private access road serving nine terraced properties. The access is adopted where it joins to Magdalene View. Vehicles, on entering Stanley Terrace, manoeuvre northwards around the properties along an uneven and unsurfaced driveway to their garages and parking spaces, and to where their main amenity/garden areas are located. Residents have raised concern with regard to the use of the private driveway to access the application site for plot 1 and 2. Nottinghamshire County Council Highways have not raised any objections to the addition of one more dwelling to the access with regard to highway safety. As the access/driveways are privately owned/maintained the repair/use of the access would be a private matter between the applicant and the other land owners/users and not for the District Council to intervene or comment on.

The proposed application is not sought to utilise the main route around the north of the properties but instead to use the access to the south of Stanley Terrace properties. This area is currently used on an ad-hoc basis by the residents for storage of bins although some use their rear courtyards. This grassy access is narrow at the eastern edge at approximately 3.5m wide but then tapers outwards to the west to approximately 4.5m. Nottinghamshire County Council has not raised any objections to the proposal but has recommended that the LPA may wish to consider improvements to the access which is noted.

Residents have raised concerns and objections to the access due to the safety of children playing within the area and the suitability of it for use for an additional dwelling. Residents have stated that the former bungalow (which burnt down) used the access to the side of No.1 Stanley Terrace. Whilst the access to the site is not ideally what the LPA would have sought for new development, it does not need to meet agreed Highway standards as it is not an adopted highway. That saying that if Members resolved to approve the application, improvements would be made to the access route which is likely to be of benefit to the users of Stanley Terrace. Nonetheless the use of the access for vehicular traffic would be on a sporadic basis and to serve the application site formally known as Normanville, only. Occupiers of Stanley Terrace have adequate amenity space to the north of their properties and there is a small courtyard to the south. I do not consider the use of this site to cause a conflict with users of Stanley Terrace and the vehicles can manoeuvre within the site adequately and return to the highway safely.

I therefore consider the proposal would not cause a detrimental impact upon highway safety and the proposal accords with Spatial Policy 7 of the CS and policy DM5 of the ADMDPD.

Other considerations

Flooding

The site is located within flood zone 1 as defined by the available Environment Agency data. This means the site is at lowest risk from flooding. Residents have however brought to the Council's attention that the site does flood due to a relatively low water table, and that further hardstanding could exacerbate the current situation. Taking this in to consideration, whilst this information is useful in the decision making process I do not consider it a significant reason for refusal of the application as appropriate planning conditions could be imposed to ensure an acceptable development should Members resolve to approve the application. As the site is located within flood zone 1 the LPA has no requirement to request a flood risk assessment nor would they have to pass the sequential or exceptions test to assess the suitability of the location of the development as set out in the NPPF. Should Members resolve to approve the application, I consider it necessary to remove certain permitted development rights to ensure no further hardstanding is constructed other than that to be approved by landscaping and the access. This would ensure the management of the site is with the LPA. I therefore consider the proposal would be adequately managed through planning conditions and the proposal would not exacerbate the risk of flooding to the surrounding area. The proposal is therefore acceptable for those reasons.

Ecology

Paragraph 116 of the NPPF outlines that in determining applications LPA should conserve and enhance biodiversity. Permission should be refused for proposals which result in significant harm which cannot be adequately be mitigated for and opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities

to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures) provided, where they cannot be avoided.

Whilst the site is currently brownfield land it is overgrown and contains a significant amount of green areas. This is mainly due to it having been left to be overgrown and has not been managed. Away from the site to the west is an area of hedgerows and trees which adjoin the east coast mainline. The application site is not one which has been identified as a significant site for ecology and indeed Nottinghamshire Wildlife Trust or Natural England have not sought it significant to comment on the application on ecological merits. Whilst the Council is sensitive to the need to protect the wildlife and their habitats, this site is not so sensitive or indeed significant enough to warrant a refusal on that basis. Should Members resolve to approve the application, a landscaping condition has been imposed to improve the biodiversity of the site. I do not consider the proposal to have a significant detrimental impact upon the long term viability of wildlife within the locality.

The proposal is therefore considered to accord with Policy CP12 and DM7.

Design

Paragraph 64 of the NPPF states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*. The design of the proposed dwelling is not outstanding or innovative and does not incorporate measures for sustainable design. However this dwelling, coupled with the dwelling at plot 1 is considered to remove an area of former brownfield land which is currently an unattractive parcel of land next to residential properties. It would seek to provide a useable space and ensure the land is functional again. I consider that the use of the land for residential is acceptable and improves the quality of the area.

The basic design of the dwelling is such that although it does not promote outstanding innovation it does improve the appearance of the current application site and the proposal would not compete with the distinctiveness of the surrounding area. The proposal is considered to adhere to the principles of Core Policy 9 of the Core Strategy and Policy DM5 of the ADMDPD.

Conclusion

Each material planning consideration has been discussed in detail above and I conclude that the proposal accords with Spatial Policy 1, 2 and 7 and Core Policy 9 of the Core Strategy, Policy DM1, 3, 5, and 12 of the ADMDPD and the NPPF and PPG. I therefore recommend that the application be approved planning permission subject to conditions.

RECOMMENDATION

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

Conditions

01

The development hereby permitted shall not begin later than 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 site location plan and approved amended proposed plans (unnumbered) received 03 May 2016, unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission

03

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

For clarity those materials are:

Bricks: Forterra 65mm Kirton Old English Rose Rustic

Tiles: MarleyEternit Modern Interlocking Tile, Smooth Grey

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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.

means of enclosure;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials (including access)

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) and in order to safeguard the amenity of neighbours

Notes to Applicant

01

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).

02

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

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

BACKGROUND PAPERS

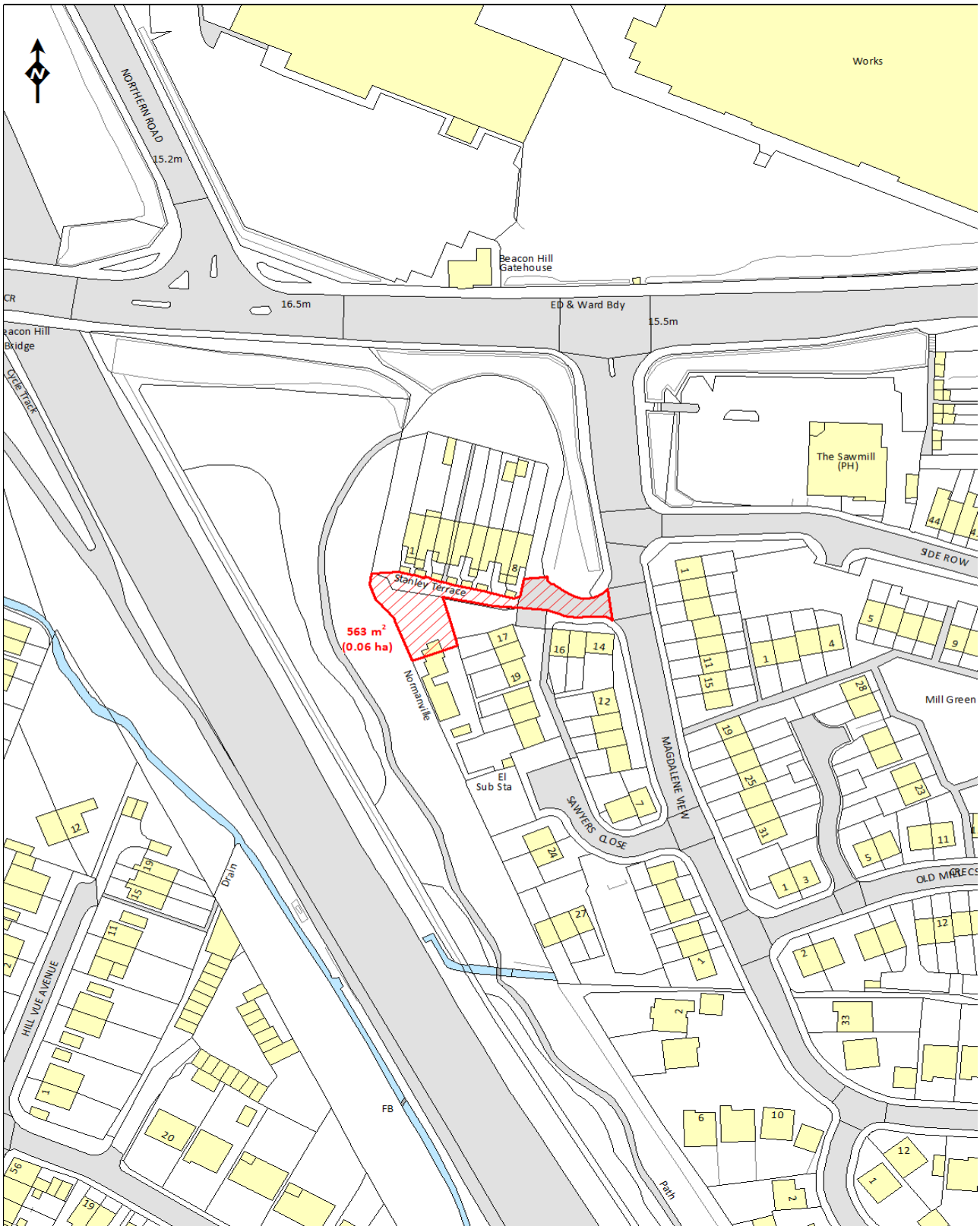
Application case file.

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 - 16/00542/FUL



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Application No:	16/00155/FUL	
Proposal:	Erection of 3(No.) Three Bedroom Houses	
Location:	8 Willow Drive North Muskham Nottinghamshire NG23 6EX	
Applicant:	Mr D A Brown	
Registered:	14th March 2016	Target Date: 9th May 2016
	Extension of Time Agreed in principle	

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Saddington) due to impact on amenity and street-scene.

The Site

This application relates to 0.847 hectares of land located at the head of a cul-de-sac within the built up area North Muskham village. The site comprises a vacant plot which was part of small comprehensive residential developments of 8 dwellings granted planning consent in 2004 and is the final plot to be developed. Permission was previously granted for a two storey detached property.

Two storey dwellings exist to the north, south and west of the site and to the east the land is adjoined by a paddock area.

The immediately adjoining neighbour to the south (no. 6 Willow Drive) is a two storey detached dwelling. This property has principle room windows to its rear elevation and no windows to the gable facing the site. 1.8m high close boarded fence forms the boundary with the application site. There is a detached outbuilding sited within the rear garden of this property.

To the north, the adjoining properties on Willow Drive are large two storey detached dwellings with open plan frontages whilst to the west on the opposite side of Willow Drive there is a terrace of 3 two storey dwellings. The front boundary of the site comprises a 1m high brick wall.

The site lies in Flood Zone 2 as indicated on the Environment Agency's Flood Risk Maps, at medium risk of flooding.

Relevant Planning History

Outline planning permission was granted in July 1999 for the erection of 5 dwellings – 99/51345/OUT. This permission was not implemented.

Conditional planning permission was granted in February 2005 for the erection of 8 dwellings – 04/02777/FUL. Conditions attached to this permission were subsequently discharged. 7 of the 8

dwelling approved have been constructed and this permission therefore remains extant.

The Proposal

Full planning permission is now sought for the erection of a terrace of 3 no. two storey dwellings set back from the front boundary with the highway by some 6m. The dwellings would have a cumulative footprint of 8m depth and 14m width and would have a maximum height of 9m. Six off street parking spaces are proposed to the front of the properties. A dormer window is proposed to the rear roof slope of each dwelling. The dwellings would have a minimum rear garden depth of c12.6m.

Close boarded fencing c1.8m high is proposed to the rear and side boundary with no. 10 Willow Drive.

Proposed materials are red brick and clay pantiles with timber fenestration.

A Flood Risk Assessment has been submitted with the application.

Departure/Public Advertisement Procedure

Occupiers of thirteen 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 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Midlands Rural Housing Needs Survey of March 2015

Consultations

North Muskhams Parish Council - After deliberation, Councillor Hutchings proposed, seconded by Councillor Saxton and carried UNANIMOUSLY that the application be not supported in its current form due to the following reasons:

- the impact on adjoining properties
- the critical mass impact because of the minimal 1m gap between the proposed development and the adjoining property
- the obvious impact the proposal would have on car parking in the area

It was suggested that consideration be given to reconsider the number of units and that the applicant should also look to moving the building line forward to minimise the overbearing impact on the adjoining property. It was suggested that consideration should also be given to alternative parking arrangements which could be incorporated to the rear of the proposed units.

Members also questioned the viability and indeed the need of the fronting wall constructed post previous planning permission as this is out of fit and uniformity with the rest of the open frontages to the cul de sac.

Further, there is a concern that the site is in disrepair and constitutes a hazard if left in its current condition. The planning authority is urged to consider taking action to make it secure.

The Parish Council has asked its local representative, Councillor Mrs Saddington, to call this proposal in as it is considered it needs to be deliberated by the full Planning Committee following a site visit, which is suggested to be essential to understand the issues concerned, and not determined under delegated powers.

NCC Highways Authority – This proposal appears to marry in with previous intentions for the site with adequate access and parking being provided.

NSDC Strategic Housing - In terms of housing need there is demand for up to ten market properties.

Environment Agency – The site falls within Flood Zone 2. Standing advice therefore applies

Trent Valley Internal Drainage Board - There are no Board maintained watercourses in close proximity to the site.

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

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

- The proposal would impact on highway safety;
- The proposal would exacerbate existing on street parking issues;
- Over intensive development of large properties on Willow Drive

- It is suggested building 2 family houses with garaging and parking spaces set forward to be in line with the existing properties;
- The original permission was for a single dwelling not three properties;
- The new large houses on Willow Drive are out of character with others in the area and this would exacerbate the situation;
- The retention of the existing wall to the front of the houses is not sensible. It would be better if this were removed to allow direct access to the site;
- The proposed dwelling would be three storeys high and will have an overbearing and overlooking impact;
- The proposed dwellings would be a minimal distance from the adjoining property and would result in overshadowing and overbearing impact on the neighbouring property;
- The layout would be out of character with the area;
- The properties should be re sited in line with the building line of the adjoining dwelling;
- Loss of privacy;
- No objection is raised to the principle of the development of the site - it is with the level and detail of the proposal.

Comments of the Business Manager

Principle of Residential Development

There are a number of factors that require consideration in this scheme. Firstly I am mindful that planning permission has previously been approved in 2004 for a new detached dwelling on this site as part of a wider residential development and that this permission remains extant. This constitutes a realistic fallback position and therefore is a material planning consideration.

However, the current application relates to a materially different development on this plot in terms of the number of dwellings and layout details and as such has to be assessed against the current national and local development plans.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable 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.

North Muskham is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character.

Notwithstanding the above, there has been a recent change to local planning policy circumstance on the basis of a recent appeal decision for residential development for 48 dwellings in Farnsfield. The impacts and our approach is set out below.

5 Year Housing Land Supply

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the

Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this [said in the context of small number of dwellings] it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other

impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Location

In this case the host village has a primary school, a public house, a village hall plus access to bus services to the town. I therefore consider that North Muskham is sustainable in the context of SP3 and the NPPF. SP3 3 also states that new development should be within the main built-up areas of villages. The application site lies towards the western edge of the village but within the main built up area. As such I consider the proposal meets the first criteria of SP3.

Scale

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature.

This criterion relates to both the amount of development and its physical characteristics. I am satisfied that a further 2 additional dwellings (over and above those which had been previously approved in 2004) within the parish would not be considered as a significant scale in a village the size of North Muskham given that the proposal represents an increase of circa 2.6% to the number of households (Census, plus completions as of 31/03/2015).

The physical characteristics (including scale) of the proposal are discussed in detail within the Impact on Character section below.

Need

SP3 states that new housing will be supported where it helps to meet a proven identified local need.

A Housing Needs Survey for North Muskham was undertaken and published by Midlands Rural Housing in March 2015. This concluded a preference for 10 market houses in the village of 1 x 2 Bed house, 2 x 3 Bed houses, 5 x 2 Bed bungalow and 2 x 3 bedroom bungalows.

This application is for 3 x 3 bedroom houses. The extant scheme has permission for a large detached family homes. Therefore arguably this revised scheme contributes better to the housing needs of the village than the extant permission.

Impact on Character

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. Criterion 4 of Policy SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting.

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 requires the rich local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The comments received regarding the proposal being out of character in terms of scale and layout are acknowledged. However, the application site falls within an established built up residential area of the village. The older properties on Willow Drive are two storey detached dwellings set back from the highway. The more recent dwellings comprising the newer residential development at the head of the cul-de-sac are larger in scale, some with dormers to the roof slopes and are generally set back from the highway. Directly opposite the application site is a terrace of three two storey dwellings with a small two storey projection to the front similar in scale and design to the larger detached properties to the north numbers 17 and 12 Willow Drive and not dissimilar in scale and design to that proposed.

I am therefore of the opinion that the scale and design of the proposed dwellings would reflect those of the existing adjoining properties within the newer part of development on Willow Drive and would have no greater impact on the character of the area than these existing dwellings.

Taking these factors into account I am satisfied that 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 the aims of criterion 4 of Spatial Policy 3, Core Policy 9 and Policy DM5.

Impacts

Amenity

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

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Criterion 4 of Spatial Policy 3 states that new development should not have a detrimental impact on the amenity of local people nor upon the local infrastructure. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime, anti-social behaviour.

The previous extant planning permission proposed a two storey detached dwelling on this plot sited in a similar position and of a similar footprint to the development currently proposed. I am of the view that consideration has to be given that as a fall-back position, this dwelling could be constructed as approved in 2004 without the need for any further permissions at any time without further reference to the Local Planning Authority.

I note the comments with regards to impact on amenity in terms of separation distances between buildings and overbearing and overshadowing impact. However, being mindful of the siting and scale of the previously approved dwelling on this plot and taking account of the orientation of the plots, I do not consider that, on balance, the impact of the current proposal on neighbouring amenity would be significantly greater than when the previous proposal was considered and permission granted.

Indeed there are no windows proposed to the side gables of the proposed dwellings which would safeguard neighbouring properties from any undue overlooking impact. It is not considered necessary to attach a condition preventing the insertion of a first floor window to the side gables of the development as this in itself would not constitute 'permitted development' and would require permission in its own right. I am therefore satisfied that the proposal would not result in any undue or direct overlooking impact.

Each of the proposed dwellings has been afforded private amenity space within their rear gardens which I consider to be commensurate with their context.

Taking the above into account it is considered that the proposal would accord with the requirements of Policies SP3 and DM5.

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 whilst SP3 seeks to ensure that the impact on local infrastructure including the highways network is acceptable.

I acknowledge the comments received from local residents/interested parties with regards to the proposed accesses, highway safety and on street parking. However, the Highway Authority considers that the proposal accords with previous intentions for the site with adequate access and the appropriate number of off street parking spaces being provided.

The comments received with regard to the removal of the existing 1m high brick wall erected to the front of the site are noted. This wall was approved and has been erected as part of the comprehensive residential development of the 8 properties. The highway authority has raised no concerns with its retention.

I therefore consider that the proposed development would not result in any significant parking or traffic problems or highway safety issues to justify refusal on these grounds and would therefore accord with the requirements of policy DM5.

Flooding and Drainage

The application site is located within the Environment Agency's Flood Zones 2 and 3. Core Policy 10 states that development proposals will be located in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within the Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones.

I note that the Environment Agency have advised that Standing Advice is applied to the proposal. The applicant has submitted a FRA. Although no sequentially preferable sites are specifically identified I am mindful that the application has an extant permission for a new dwelling on this plot, which carries significant weight. Whilst the scheme has not robustly demonstrated that it has passed the Sequential Test as advocated in the NPPF, this is outweighed by the fact that one dwelling already has extant permission and is a strong material consideration. In my view it would

be somewhat irrational to argue that the other two dwellings fail the test when in reality the development proposed would be similar in footprint terms. The number of people occupying the dwellings may increase but not to a degree that this would alter the outcome.

Moreover the Flood Risk Assessment confirms that the built form of the current proposal would have a smaller plan area than that previously approved and that this would not reduce the available capacity of the flood plain.

The FRA also confirms that the finished floor levels of the properties would be 600mm above the predicted flood level and that the Environment Agency provides flood warnings which would alert the occupants to any overtopping of the River Trent. I consider the proposal passes the Exception Test as set out in the NPPF, meaning that the development is safe in flooding terms.

Taking these matters into account, on balance, I consider the proposal would broadly accord with the aims of the NPPF and Core Policy 10 and DM5 and would minimise flood risk.

Site Condition

The comments received with regards to the current state of the site are noted. This matter has previously been investigated by the District Councils Enforcement Officer and it was found that the condition of the land was not such that it would be expedient to take action in that instance. Having visited the site I would concur with the Enforcement Officers comments.

Alternative layout

I also note the comments received with regards to alternative proposals and layout. The District council has to assess the proposal before it and in accordance with current national and local planning policies.

Planning Balance and Conclusion

The principle of residential development on this site is acceptable both in policy terms and by virtue of the fact that there is an extant permission for one dwelling on the site already. It is considered that the uplift of two further dwellings on this site would have no significant demonstrable impacts such as from highway, flooding or upon amenity.

I have concluded that the proposal meets all 5 criteria of SP3, including meeting a proven local need.

This application site has been vacant now for a number of years and has been the subject of complaints due to its untidy/unkept state. This application represents an opportunity to secure a viable long term use of the site that would improve the state of the plot. Furthermore representing an uplift of 2 dwellings (over the dwelling already committed to) it would contribute in a small but positive way to boosting the districts housing land supply.

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

RECOMMENDATION

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

01

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

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

02

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

- Proposed Site Plan Scheme II - drawing no. 1/37/2015
- Plans and Elevations and Plans - drawing no. 3/37/2015

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission. Reason: So as to define this permission

03

No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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.
- measures to enhance the biodiversity benefit to the site (e.g, hedgerow enhancement)

Reason: In the interests of visual amenity and biodiversity.

05

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

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.

07

The Development shall be carried out in full accordance with the flood mitigation measures contained within the Flood Management Proposal section of the Flood Risk Assessment produced by Clive Davies dated 17th May 2016.

Reason: To prevent flooding elsewhere by ensuring that no loss of floodplain storage occurs as a result of this development.

08

Before the dwelling hereby approved is first occupied potential residents shall first;

- (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by the Environment Agency);
- (b) within 14 days provide the local planning authority with confirmation from the Environment Agency that they have done so.
- (c) Submit to the LPA an evacuation scheme which details under what circumstances, triggers (including the Flood Warning Service), and locations occupiers will be evacuated to in the event of a Flood.

Residents shall maintain their registration with the Flood Warning Service (or any replacement service) at all times and should the dwelling be sold or occupied by new tenants registration with the Flood Warning Service will be made a condition of the sale/tenancy. Residents shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of any written request from the local planning authority for such confirmation.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

09

Prior to the occupation of any dwelling the proposed boundary treatments as shown on the approved layout plans (drawing no. 1/37/2015) shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

10

Prior to the occupation of any dwelling the proposed hard surfacing as shown on the approved layout plans (drawing no. 1/37/2015) shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse..

Or Schedule 2, Part 2:

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

Class B: Means of access

Class C: The painting of the exterior of any building

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Notes

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 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

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)

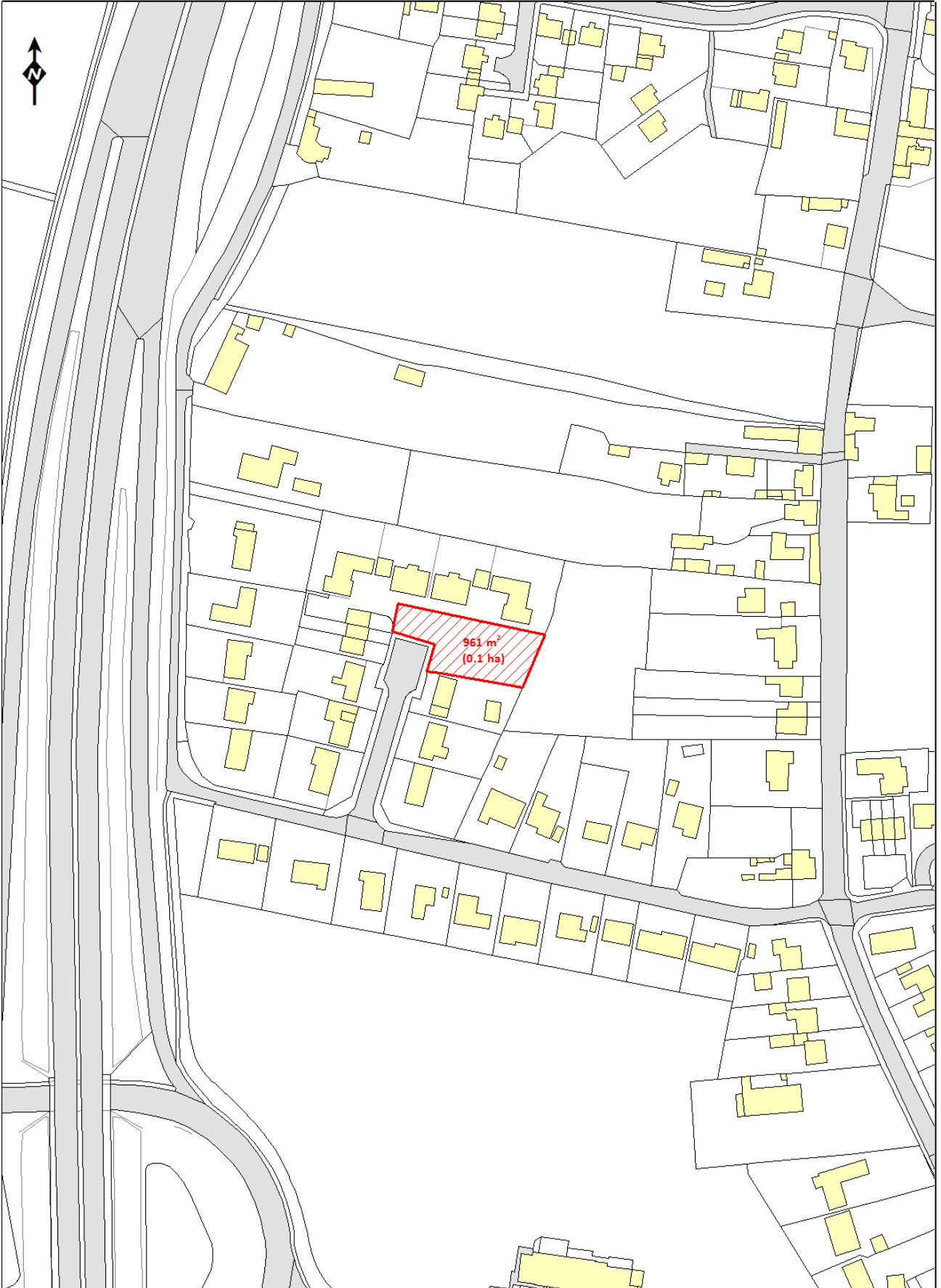
BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext 5840

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/00571/FUL		
Proposal:	Conversion of an existing blockwork rendered and tile outbuilding to form dwelling, including small rear extension		
Location:	Harlow Fields , Station Road, Edingley		
Applicant:	Mr Dave Islip		
Registered:	11.04.2016	Target Date:	06.06.2016

This application is being referred to the Planning Committee for determination under the scheme of delegation due to the parish council objecting to the proposal whereas the officer recommendation is to approve the proposal.

The Site

The Application Site forms part of a residential curtilage of an existing property known as Harlow Fields House. The host dwelling (Harlow Field House) comprises a detached two-storey dwelling house situated within a large plot at the junction of Station Road and Holme Lane. The existing dwelling is positioned centrally within it’s residential curtilage with the stable building (the subject of this application) sited to the west. Land to the rear of the residential curtilage is under ownership of the applicant.

The site is well surrounded by trees and hedging, with open fields to the rear (also under ownership of the applicant) and no neighbouring dwellings within the immediate vicinity.

Relevant Site History

None

The Proposal

The proposal seeks planning permission for the creation of an additional residential unit through the conversion of the existing single storey redundant stable building. The proposal also includes an extension on the south elevation of the building, the infilling of the short overhang on the north elevation and the insertion of windows, doors and two conservation style patent glazed windows in the roof slope. The red line site location plan incorporates another existing detached outbuilding which the agent has confirmed would be utilised as an ancillary storage building to the proposed dwelling.

The proposed external materials include horizontal timber cladding on all elevations in place of the existing white render and retention of the existing roof tiles.

Public Advertisement Procedure

There are no neighbouring properties so no neighbour consultation letters have been issued. However a site notice has been posted close to the site.

Planning Policy Framework

The Development Plan

NSDC Core Strategy DPD (Adopted March 2011)

- SP1 - Settlement Hierarchy
- SP2 - Spatial Distribution of Growth
- SP3 - Rural Areas
- SP7 - Sustainable Transport
- CP9 - Sustainable design
- CP12 - Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (Adopted July 2013)

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 - Development in the Open Countryside
- DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework Adopted (NPPF) March 2012*
- Planning Practice Guidance April 2014*
- Conversion of Traditional Rural Buildings SPD adopted November 2014*

Consultations

Edingley Parish Council -

With reference to the above application for the Conversion of an existing blockwork rendered and tile outbuilding to form dwelling, including small rear extension at Harlow Fields, Station Road, Edingley, Nottinghamshire, NG22 8BY; a planning meeting of the Edingley Parish Council, open to the public, was held on Wednesday 27th April 2016 at The Old Schoolroom, Edingley where it was unanimously agreed that this application can go ahead.

N&SDC Conservation team -

Further to our discussions concerning the outbuilding at Harlow Fields, I can confirm that the building has no architectural or historic interest. The building is essentially modern, having been erected in the 20th century, and its form and appearance is functional but not intrinsically special. The structure does not conform to the definition of heritage asset as defined under Annex 2 of the NPPF, nor does it have any unique or special architectural interest as a 20th century building.

Nottinghamshire County Council Highways -

This proposal is for the construction of a new dwelling within the curtilage of 'Harlow Fields'. The application site is located where no footways nor street lighting are in place, and will further encourage travel to/from the site by private car only.

However, there are a number of dwellings to the west of the site with similar concerns. As such, for one dwelling, it may be considered unreasonable for the Highway Authority to recommend refusal of this application.

It is noted that drg. no. SK(08)03 Rev. A shows the access is to be surfaced using block paving. This is not permitted within the public highway and a tarmacadam surfacing should be used.

Therefore, it is recommended that the following conditions be imposed for any permission granted:

1. No part of the development hereby permitted shall be brought into use until the vehicular verge crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access drive is surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning area shall not be used for any purpose other than the parking/turning of vehicles. Reason: In the interests of highway safety.

Notes to applicant

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

N&SDC Environmental Health Contaminated Land

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

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

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.

No letters of representation have been received from neighbouring or interested parties.

Comments of the Business Manager

Principle of Development

The adopted housing target for the Council is within the Core Strategy (CS), adopted 2011. Housing figures within this strategy were derived from the East Midlands Regional Plan Strategy, providing for a requirement of 740 dwellings per annum (dpa). Since the adoption of the CS the Regional Strategy has been revoked. In addition, national planning policy guidance in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) which requires housing requirements now to be derived to meet the full objectively assessed need (OAN).

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

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

The Council's position is that full weight cannot be attached to the identified OAN of 454 dpa until such time as a housing figure is endorsed by an independent Plan Inspector. For the purposes of decision making, the Council are of the opinion that it can demonstrate a 5 year supply on the published OAN of 454 dwellings per hectare. On this basis the Council attaches weight to its current Development Plan policies. For applications such as this it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that single units are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals for single dwellings outside of the built up area assessing each case on its own merits against national and local policy.

The site is located within the open countryside outside of the built up area of Edingley and as such falls to be considered under paragraph 55 of the NPPF and policy SP3 of the Core Strategy and policy DM8 of the NSDC Allocations and Development Management DPD. Paragraph 55 of the NPPF states that Local planning authorities should avoid new isolated homes in the countryside. This follows the golden thread of the NPPF which is the presumption in favour of sustainable development. Creating a new dwelling in the open countryside outside of the built up area would result in an increase in car based traffic in accessing the dwelling and surrounding services. The NPPF does raise special circumstances where the creation of new dwellings in the countryside may be acceptable such as the reuse of a redundant or disused building where the development will enhance the immediate setting. In applying this element of the NPPF the authority feel that a common sense approach to development management should be taken and in this case, an assessment of local policy fleshes out this national policy with a requirement to retain buildings of architectural or historic merit only.

Assessing the proposal against policy SP3 it is clear that the site is outside of the built up area of Edingley and therefore cannot be assessed against the five suitability criteria of this policy. As such the proposal needs to comply with policy DM8 which in accordance with the requirements of SP3, states development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to a number of types of development which includes the conversion of existing buildings.

Conversion of a building to residential use as proposed will only be granted planning permission where it can be demonstrated that the architectural or historic merit of the building warrants their preservation and they can be converted without significant rebuilding alteration or extension. It is clear from my site visit and the submitted structural survey that the building is capable of being converted without the need for significant rebuilding given the integrity of the existing structure. The proposed alterations include new windows and doors as well as new external materials. I consider these changes to be acceptable given their limited impact on the existing building and due to the fact that the building is heavily screened from the public realm. The proposed extensions to the building do however raise concerns. It is noted that some 25m² of floorspace will be added to the front of the existing building and this will be under the existing roof overhang. In addition a 21m² addition to the rear of the building will result in an overall increase in footprint and ground floor space of approx. 44%. It is considered that this increase is significant. Moreover, this significant increase has not been justified in the context of the other large outbuilding which has been included within the red line site location plan. The agent has confirmed that, if approved, this outbuilding would serve as an ancillary outbuilding to the converted dwelling. It is therefore considered that the proposal requires significant extension which is contrary to policy DM8.

As noted above policy DM8 also requires applications for conversion to demonstrate that the architectural or historic merit of the building warrants reservation. I note the content of the submitted design and access statement regarding this matter. It is clear that the building is not historic due to the construction materials and methods and the building does not appear on historic mapping. Furthermore I do not consider the building to be of architectural merit. This view is supported by the councils conservation team as detailed by the consultee comments listed in full above. It is a simple modern building constructed of concrete blocks with a painted rough cast or pebble dash rendered finish and tiled roof. With this in mind I would dispute the relevance of the Councils SPD on the 'Conversion of Traditional Rural Buildings' given that the stance of this document is pitched at farm buildings predating circa 1940s construction. With no historic or architectural merit and the significant extension to the building proposed I consider there to be direct policy objection to the principle of the proposed conversion.

Impact on Visual Amenity

The NPPF states that good design is a key aspect of sustainable development and Policy DM5 of the DPD states that the local distinctiveness of the Districts landscape and built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design which is of an appropriate form and scale to its context.

It is considered that the existing building has a neutral impact on the character of the area due to its modern construction and form. The building is not readily visible to the public realm due to ample boundary treatment on all sides including to the north boundary abutting Station Lane. The proposed vehicular access will open up views of the front of the building but this is not considered to create an adverse visual affect given that these views will be glancing and of a building that although altered, already exists.

For the above reasons I consider that the proposal satisfies Policy CP9 of the Core Strategy and Policy DM5 of the DPD.

Notwithstanding the above, I am mindful that the NPPF makes specific reference to the conversion of buildings being potentially acceptable subject to an enhancement to the building's immediate setting. Whilst the formalisation to a residential dwelling may offer some benefit to the building itself, I do not consider that this would advance to an enhancement of the overall setting of building. This is notably due to the necessity for the creation of a separate vehicle access which would introduce a visually harsh engineered element to the setting of the site. The scheme would also necessitate the removal of a small section of hedgerow and two apple trees. Whilst not significant in landscape character terms, the removal of vegetation in a countryside location is considered to weigh negatively in the overall balance.

Neighbour amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Given the location of the site outside of the built up area the closest neighbouring property (bar the host dwelling Harlow Field House) is over 200m away. The host dwelling is some 30m away with an existing outbuilding positioned in-between (to be included within the proposed dwelling residential curtilage). Given the single storey nature of the proposed dwelling it is considered that there will be no adverse impact on neighbouring amenity as a result of this proposal and in this regard, the proposal meets the criteria of policy DM5.

Access

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 plan submitted seeks to create a new access from station Road and off street parking for two vehicles as well as turning space. Consultation with Nottinghamshire County Highways has resulted on no objection to the proposal subject to conditions and this view is agreed with.

Impact on Ecology

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.

The application has been accompanied by a Bat Survey undertaken by EMEC Ecology dated December 2015. The existing use of the stable block, predominantly for storage is noted. The survey included both the stable block proposed for conversion as well as the trees and hedgerows within the site. The stable block was considered generally unsuitable for roosting bats and no mature trees within the survey area were considered suitable for roosting bats. No further survey works were recommended. On this basis of the conclusions drawn by the Survey I am content that the proposal would not adversely affect the ecological potential of the site.

Overall Conclusion and Planning Balance

The proposal seeks full planning permission for the creation an additional residential dwelling through the conversion of an existing stable block. Whilst both local and national planning policy does allow provision for the creation of dwellings through converting existing buildings, both include caveats which must be met. Notably at a local level it must be demonstrated that the building warrants preservation on the basis of its architectural or historical merit and can be converted without significant extension. This does not apply to the current application and I have found no other material circumstances, including the current position with respect to the LPA housing supply, which would outweigh this policy objection.

RECOMMENDATION

That full planning permission is refused for the following reason:

In the opinion of the District Council the proposed conversion of the existing redundant stable building to a dwelling is unacceptable in principle as it would create a new isolated dwelling in the countryside which would represent unsustainable development. The building is of no historic or architectural merit which would warrant its preservation and the level of extension proposed is considered significant in the context of the existing building. This is contrary to the NPPF and policy SP3 - Rural Areas of the NSDC Core Strategy DPD and policy DM8 of the NSDC Allocations and Development Management DPD.

Notes to Applicant

01

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

02

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

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

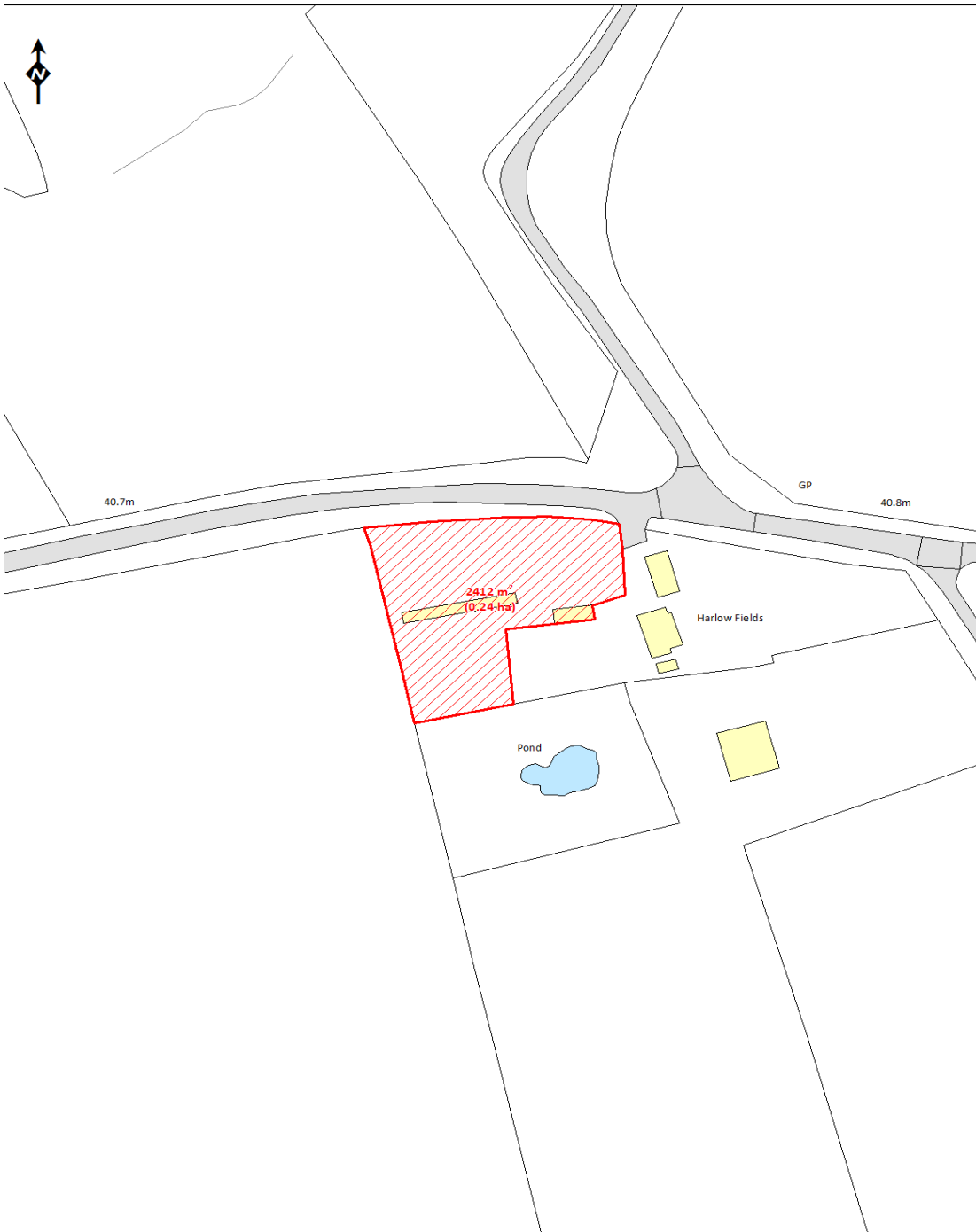
BACKGROUND PAPERS

Application case file.

For further information, please contact Mr 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



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Application No:	16/00589/FUL	
Proposal:	Replacement of industrial units with a new detached three bedroom, single storey house with attached garage. Resubmission of application no 15/01395/FUL	
Location:	Brinkley Hall Farm, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP	
Applicant:	Mr & Mrs Andrew Selby	
Registered:	22 April 2016	Target Date: 17 June 2016
		Extended until: 6 July 2016

This application is presented to the Planning Committee as the scheme seeks to address previous Member and Officer concerns. It is the view of the Business Manager, Growth and Regeneration, that the matter warrants determination by the Planning Committee.

The Site

The application site is situated in the open countryside at the edge of linear development along Fiskerton Road in Brinkley which has a sporadic form and no built up area. The site consists of an open yard area (partially hard surfaced) with two small block built buildings located to the periphery of the site. Access is gained from an adjacent farm access off Fiskerton Road.

Relevant Planning History

15/01395/FUL - Replacement of industrial units with a new detached four bedroom, two storey house with attached double garage. Refused as recommended by Planning Committee for the following reason:

The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 which strictly controls and limits the types of development in the countryside. In the opinion of the District Council the proposed new dwelling would be an inappropriate form of development in the open countryside and the design of the proposal is not of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal. There are no other material considerations in this instance that would constitute the special circumstances required to outweigh the presumption against inappropriate development in the open countryside. The proposal is therefore contrary to Policy DM8 of the Allocations and Development Management DPD (2013) and the sustainability objectives of the NPPF.

09/01148/FUL – Change of use to joinery workshop (Retrospective) – Approved 23.04.2010

93/51560/FUL – Erect an aerial tower and radio equipment cabin – Refused 12.08.1993

The Proposal

Planning permission is sought for the demolition of industrial units and the erection of a new detached three bedroom, single storey house with attached garage. The submitted design and access statement provides the following information regarding the design and construction methods to be utilised in the scheme:

“The central focus of the design of the dwelling is to create a house that has exemplary sustainability at its heart. Local, natural materials and construction with low embodied energy are coupled with energy efficient systems in the building’s form, fenestration and orientation as well as technology and services.”

“The proposal utilises straw bale walls clad in breathable lime render to form both structure and high levels of insulation from local natural materials. The distinctive curved pitched roof will be insulated with sheep’s wool and clad in cedar shingles reflecting the colours and textures of the backdrop of existing trees.”

“The large openings to the south of the building will allow natural daylight to emanate throughout the building reducing the occupants’ use of artificial lighting. In addition, the windows will enable passive solar heating as warmth from the sun heats the thermal mass of the floor throughout the day to be released into the home in the evening. In addition to the high levels of insulation this will reduce the space heating demand and overall energy use.”

The approximate footprint and floor space of the proposed dwelling would be 280m². The dwelling would provide 3 bedrooms, a bathroom, kitchen, lounge and a double garage.

Departure/Public Advertisement Procedure

Occupiers of seven 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 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Southwell Town Council – “Southwell Town Council Planning Committee unanimously agreed at their May 2016 committee to support the application.”

NCC Highways Authority – No comments received at the time of writing this report.

Nottinghamshire Ramblers Association – “We have no objection to this development.”

Environmental Health Contaminated Land – “This application is for construction of a residential dwelling on a former industrial site. There is the potential for contamination to be present as a result of this former industrial use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.”

Conservation Officer – Comments contained within the appraisal section in this report.

Trent valley Internal Drainage Board – “I refer to the above planning application and wish to inform you that 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. If you should require any further information please do not hesitate to contact the Board.”

Four representations have been received from local residents/interested parties. Two object to the proposal and one supports the proposal. The representations can be summarised as follows:

Objecting:

- Views from surrounding properties will be impacted upon impacting house values
- The lane access to the proposed dwelling is dangerous and already heavily trafficked causing noise disturbance and damage to the lane, further development will compound this
- A new dwelling will impact on local water & power services
- A new dwelling will destroy the community
- The eco home design will not be in keeping with the area and the noise and light pollution created will have an impact on neighbouring dwellings
- The new property will be higher than the existing buildings and the ground level is higher than surrounding land impacting on neighbouring privacy

In support:

- The development will reuse an existing brownfield site

- Support for the eco credential of the proposed building

A comment has been received which neither supports nor objections to the application but appears to take issue (parts of this letter are illegible) with the use of the business name MCR Joinery as part of the application site description.

Comments of the Business Manager – Development

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable 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.

The proposal site is located outside of the centres and villages as defined by policy Spatial Policies 1 & 2 of the Core Strategy and therefore falls to be considered against the sustainability criteria of Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting.

The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: *'the exceptional quality or innovative nature of the design of the dwelling.'*

It goes on to say that such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.'*

This is reflected in local policy DM8 which contains the criteria for considering development in the open countryside and focuses on strictly controlling development to certain types. With reference to new dwellings, the policy stance is that: *'planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'*

The proposed single storey dwelling is proposed to utilise a number of eco-friendly construction methods and technology to make the resultant property more sustainable than the average house. This includes the use of rain water harvesting, a Mechanical Ventilation Heat Recovery (MVHR) and additional glazing to the south elevation to allow for the maximum solar gain reducing the demand for creating energy.

Beyond the technology used for reducing energy consumption the dwelling has been designed to reflect its setting. This is considered to have been achieved due to the single storey nature of the building which will remain mostly hidden from view due to the heavily screened boundaries, particularly to the north, south and east boundaries. The proposed building materials are also to

be sourced locally and will be of a natural palette (including lime render and timber roof shingles) which will relate well to the setting of the site within the countryside.

Further consideration of the design credentials of the proposal is included in the comments of the conservation officer included below which also assesses the impact the proposal will have on the nearby listed buildings.

In forming a view on the acceptability of the principle of the development under paragraph 55 and policy DM8 it is considered that a balanced view of the all of the relevant considerations needs to be reached. This is provided in the conclusion at the end of the report.

Impact on Heritage Assets and visual amenity

Due to the proximity of a number of listed buildings the council's conservation team have been consulted and their comments are as follows:

Heritage assets affected

Brinkley Hall Farmhouse and associated barns to the southeast are Grade II listed. The proposed dwelling will affect the setting of the listed farmstead.

Legal and policy considerations

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

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development within the setting of heritage assets (paragraph 137). Paragraph 132 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

In addition, the NPPF makes it clear that planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 64).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is often more extensive than the curtilage of a heritage asset. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, LPAs may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance. Overall, the key issues to consider in proposals for additions to heritage assets, including new development within their setting, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

In addition to the above, it is noted that paragraph 55 of the NPPF is a consideration in this case whereby LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as the exceptional quality or innovative nature of the design of the dwelling. Such a design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas, as well as reflecting the highest standards in architecture and significantly enhancing its immediate setting (as well as being sensitive to the defining characteristics of the local area).

Significance of heritage asset(s)

The listed farmhouse and barns date to the late 18th century (both listed in 1992). The farmhouse was re-fenestrated in the late-19th century and then the late 20th century. The house is 3 storeys in brick, formerly colourwashed, with pantile roof. Detailing includes a first floor band, cogged eaves, coped gables, 2 gable stacks, and segmental headers.

The main barn to the rear of the farmhouse is dated c1780, with early 19th century alterations. Brick with pantile roof. Coped gables. 4 bays. North east front has an altered off-centre opening with a pair of segment-headed doors flanked by single buttresses. The barns, now converted, were included for their group value with the house.

Assessment of proposal

The proposal site is located in proximity to the listed buildings, although the site is enclosed by trees and has a degree of annexation from the farmstead grouping.

The proposed new dwelling is of a contemporary design with innovative energy efficiency features and natural materials. The scale of the development appears to have been significantly reduced from the previous scheme, and in this context, the proposal will have a more limited impact on the setting of the listed building and surrounding area. The layout and siting of the new build, furthermore, which incorporates a unique curved plan, is set well back from the listed building and the separation of the plot and enclosure provided by trees and planting ensures that the proposal will not be unduly prominent to the listed buildings or surrounding area in which the listed buildings are experienced. Overall, Conservation finds that the scale, form and appearance of the development is not harmful to the setting of the listed buildings. The use of natural lime in the proposed facing materials is a positive reference to the 18th century buildings nearby and the timber shingles helps integrate the structure into the wider landscape.

Subject to enhancing and managing the trees and planting bounding the site, and to the precise details of the external facing materials of the new house, Conservation has no objection to the proposed dwelling.

In addition to the above comments, it is felt that the innovative and contemporary design could meet the definition of special circumstances within paragraph 55 of the NPPF. This revised application references the prototype 'Flower Pod' eco structure at nearby Brackenhurst, which has won significant recognition for its innovative straw bale construction. The design submitted in this proposal appears to be unique, and responds clearly to the historic and natural qualities of the surrounding area. The curved walls and roof for example are distinct, and the uncluttered cedar shingle roof will reflect the colours of surrounding trees. It is clear from the design brief, furthermore, that the applicant has sought to create a building that meets a high threshold for sustainability with the use of local natural materials and construction with low embodied energy. This ethos is combined with energy efficient systems in the building's form, fenestration and orientation. The main walls will utilise straw bales clad in natural lime render, for example, and the roof will be insulated in sheep's wool. Extensive openings in the shaped southern wall will provide passive solar gain and clever technology is proposed with rain harvesting and heat recovery ventilation, ensuring that the building will optimise energy conservation. Fundamentally, the dwelling is distinctive and unique, and should be regarded as an excellent example of contemporary design that could help raise standards in modern design locally.

I agree with these conclusions that the proposed new dwelling will cause no harm to the setting of the listed buildings I would therefore conclude that the proposal is of a design which would have an acceptable relationship with the Grade II Listed Brinkley Hall Farmhouse and associated barns resulting in no harm to the heritage asset and therefore complying with the aims of Core Policy 14 and Policy DM9. I also concur with the Conservation Officer in that this scheme goes a step further and meets the exception criteria of paragraph 55 of the NPPF and DM8. Clearly as construction and materials plays a crucial role in ensuring this dwelling meets the high bar of quality expected these matters need to be carefully controlled, which I am satisfied can be done through condition. Likewise I also consider it prudent to remove permitted development rights given the special circumstances.

Residential Amenity

The proposed dwelling would be built approx. 45m away from the closest neighbouring residential dwellings. I have identified no detrimental impact to neighbouring amenity in terms of overbearing or loss of privacy. Given the distance from the nearest neighbours I am also satisfied that any noise or light from a new dwelling would be unlikely to be at a level which would have a significant impact on neighbouring amenity. The red line site is considered adequate in terms of providing amenity space. I am satisfied that the proposal therefore complies with Policy DM5 in this regard.

Highway Matters

There is an existing vehicular access to the site. I do not consider that the traffic generation associated with one 3 bedroom dwelling house would have a significant impact which would amount to a detriment to highways safety and whilst they have not yet commented on this specific application I note that Nottingham County Highways raised no objections to the previous refused scheme which was larger in scale. I am satisfied therefore that the proposal raises no vehicular access or parking concerns when considered against Spatial Policy 7 and Policy DM5.

Other Matters

The buildings on site are modest in size and in a good state of repair. I consider that there is very limited potential for bats or other protected species to be utilising the buildings given their modern construction and design.

The potential impact on property values in the area is not a material planning consideration in the determination of this application.

If planning permission were to be forthcoming, the developer would need to arrange connections to the local water and power supply and the statutory undertakers would be responsible for any impact on neighbouring supplies.

The Council's position with regards 5 year supply is noted , in that whilst we now consider that we do have the necessary 5 year supply we are committed to taking a pragmatic approach in boosting land supply in 'other' villages by reducing the weight to be attached to 'local need' provided all other criteria is met. However I do not consider that this matter adds any further weight in favour of the proposal.

Planning balance and Conclusion

The proposal would not have an adverse impact upon heritage assets, visual or residential amenity, highway or ecology matters.

Both the Conservation Officer and I consider that the scheme put forward is both innovative and of contemporary design sufficient to meet the exception criteria for new dwellings in such locations as set out in paragraph 55 of the NPPF and Policy DM8. This is due to the combination of both an innovative design that it responds well to its surrounding and the proposed high level of sustainability incorporated in the construction, water supply and heating of the dwelling. It is therefore considered that the scheme does constitute the special circumstances required to outweigh the locational inappropriateness of the proposal in line with paragraph 55 of the NPPF.

RECOMMENDATION

Full planning permission is approved subject to the following conditions and reasons:

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 except in complete accordance with the following approved plans and submissions; drawing references 01 Rev C (Site Location Plan), 02 Rev C (Block Plan), 03 Rev B (Plans and Elevations) and the Design and Access Statement Revision B (unreferenced but received 12th April 2016) 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 a full schedule of materials (including samples to be provided upon request) to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The schedule of materials shall build upon those materials identified within the Design and Access Statement Rev B which forms part of this permission and shall detail the precise material (in terms of manufacturer where appropriate, finish such as colour, ratios for components of the lime mortar render etc) and the source location of each material and effectiveness of the material i.e the thermal performance of insulation. The dwelling shall be implemented in accordance with the approved material schedule.

Reason: To ensure that the dwelling hereby approved reaches and maintains the exceptional quality and innovative nature of the design of the dwelling.

04

No development shall be commenced until full details of the construction methods and technology to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Full details shall be provided for the technology listed in the submitted Design and Access Statement Revision B and should include the precise source location of the technology and details of its effectiveness (i.e. co2/water use reduction achieved through sustainable technology). Details should be provided for the following elements:

Rainwater harvesting system

Water efficient fittings

Mechanical Ventilation Heat Recovery (MVHR) System

The approved construction technology shall be implemented on site and shall be retained for the lifetime of the development.

Reason: To ensure the development is innovative and exceptional in terms of its materials used in order to meet the exception criteria of paragraph 55 of the NPPF without which planning permission would otherwise not have been granted.

05

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

- External windows including roof windows, doors and their immediate surroundings, including details of glazing, glazing bars and details of their finish i.e. stain/paint
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Soil and vent pipes

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

06

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

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

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

proposed finished and existing ground levels;

means of enclosure/boundary treatments;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

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

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;

- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (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: buildings etc incidental to the enjoyment of a dwellinghouse.

Class F: hard surfaces incidental to the enjoyment of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

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

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

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

Notes to Applicant

01

The applicant is reminded that the granting of approval for this development was considered acceptable in light of the exceptional quality and innovative nature of the design of the proposed dwelling. The construction materials and eco-friendly technology cited in the submitted design and access should be implemented in full via the discharge of the relevant conditions. It is therefore unlikely that the submission of different design elements required by condition 03 & 04 will be considered acceptable.

02

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

03

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

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

04

All bat species are statutorily protected from reckless killing, injuring and disturbance, and damage and obstruction to roost sites by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 (as amended). Note that even if bats are not present, their roosts are protected all year round. The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

You have a legal obligation to stop work if bats are encountered during construction. We request that any roof work should be carried out carefully by hand. Roof tiles (especially where the roofs are underlined) should be lifted vertically from their seats and not allowed to slide and any lead flashing and the soffits should be removed with care to avoid harming bats. Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on 0845 1300228 for further advice.

BACKGROUND PAPERS

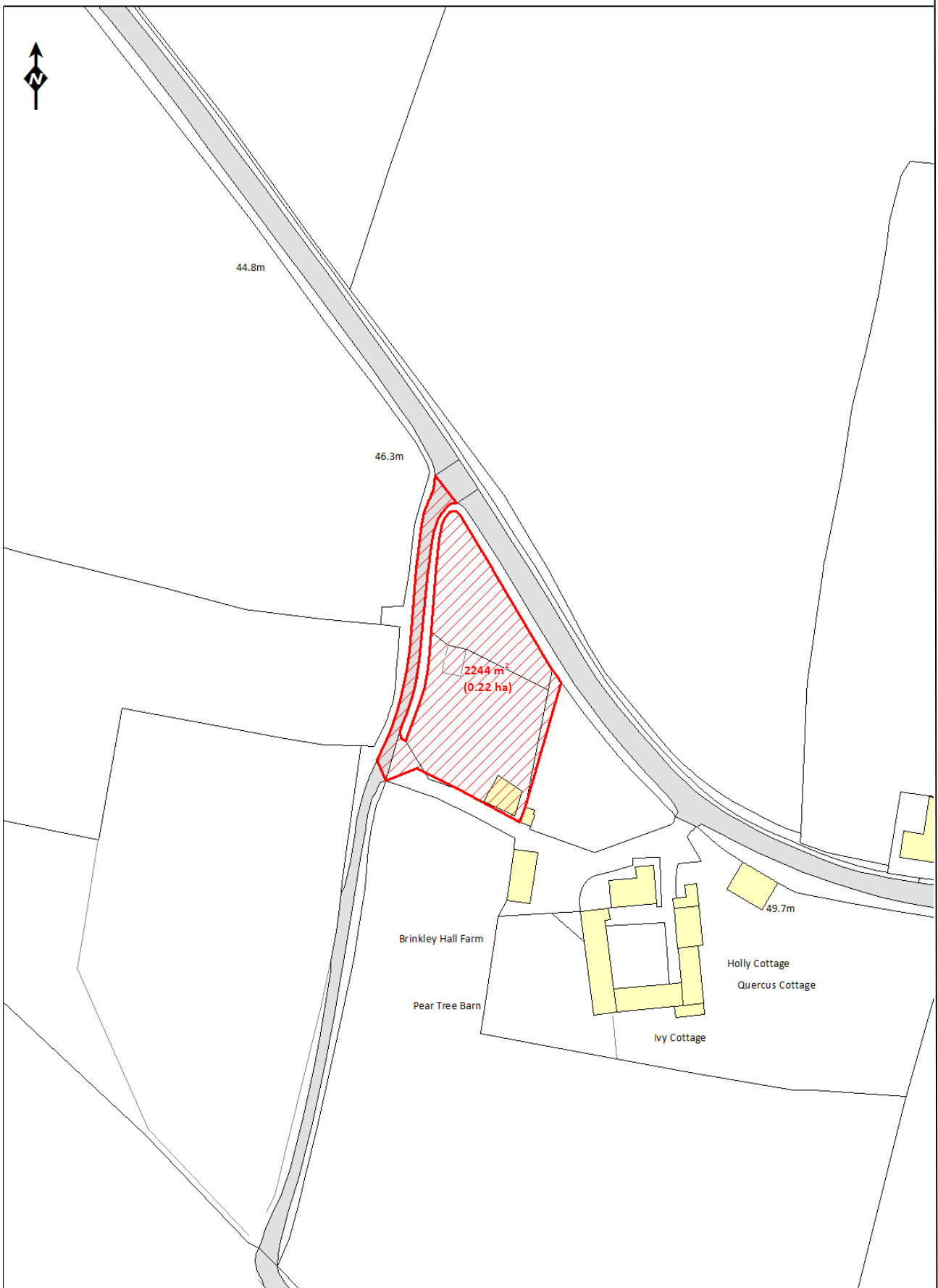
Application case file.

For further information, please contact Sukh Chohan on Ext 5828.

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 16/00589/FUL



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Application No:	16/00625/FUL	
Proposal:	Householder application for proposed two storey and single storey rear extension incorporating existing garage.	
Location:	53 Westbrook Drive Rainworth Nottinghamshire	
Applicant:	Mr & Mrs Clark	
Registered:	20 April 2016	Target Date: 15 June 2016 Extension of Time Agreed: 8 July 2016

This application has been referred to Planning Committee by Cllr Tift due to neighbour concerns regarding overbearing & loss of light, in line with concerns from the parish council.

The Site

The application site is located within the main built up area of Rainworth, within a modern housing estate and comprises a modest brick built, two storey property. A similar two storey property is located to the east. Three bungalows are located to the west of the property; all of which share adjoining boundaries with the application site. A garage forms part of the boundary between the application site and that of the adjacent property number 51. The land on the site slopes away in a southerly direction.

At the time of undertaking the site visit the house appeared empty with a ‘for sale’ sign present on the frontage. The principle private amenity space is situated to the rear of the property in addition to a glazed conservatory. Parking is available on a driveway to the side of the dwelling.

Relevant Planning History

13/00188/FUL - Householder application for proposed two storey rear extension and garage link. Approved April 2013

The Proposal

The application seeks full planning permission for the erection of a part single storey and two storey rear extension in the position of the existing conservatory. The proposal would extend approximately 4.5 metres from the rear wall of the property. A further single storey extension is also proposed to the front of the existing garage to create a link to the main house.

The single storey element of the rear extension is proposed to have a height of 2.5 metres to the

eaves with a mono pitch roof. The two storey extension is proposed to have a height of 4.5 metres to the eaves and 5.9 metres to the ridge. The extensions would comprise a sun room to the ground floor and an additional bedroom with ensuite at first floor. Three roof lights are proposed to the single storey lean to element of the scheme. A window is also proposed at first floor level in the southern elevation to serve the newly created bedroom. French doors are proposed to the ground floor to serve the sun room. The scheme also involves the conversion of the existing garage to ancillary residential accommodation, for which planning permission is not required.

Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Core Policy 9: Sustainable Design

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM6: Householder Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

Rainworth Parish Council – Object over intensified area, overlooking neighbours.

NCC Highways Officer – No objection

Representations have been received from 2 local residents which can be summarised as follows:

- Consider that the proposed extension would ruin existing views & disrupt neighbouring privacy
- The extension through its size & weight will cause damage & subsidence
- The view from the rear of the neighbouring property would be of a monstrosity & the impact on the landscape would be catastrophic
- The extension would result in a loss of value to the neighbouring properties & impact on their saleability

- Find it strange that the owners are attempting to gain permission for an extension having failed before
- The owners of the property have placed it for sale & not lived there for a year

Comments of the Business Manager

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

Site History

The application is for a two storey rear extension and extension to the existing garage. The scheme has previously been considered by the Local Planning Authority and was granted consent under officer delegated powers in April 2013. The permission lapsed in April this year, however given the shortness of time since the lapse of consent and that at a national level the NPPF was in place and at a local level the Core Strategy had been adopted and the DPD was in the process of being adopted, this decision is considered to form a strong material consideration.

Principle of Development

Policy DM6 of the DPD accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

Impact upon Neighbouring Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Consideration has been had to the potential for overbearing, overlooking and loss of light in particular with reference to properties situated to the south west (No's 1, 2 & 3 Allendale Road). The site shares a fairly close relationship with the neighbouring properties to the west located on Allendale Road and I note the concerns raised by both the Parish council and two neighbouring properties regarding concerns of loss of privacy through overlooking.

Three roof lights are proposed to the single storey element of the rear extension facing towards the properties on Allendale Road, however given the roof light's height in relation to internal floor height, I do not consider the insertion of these openings will result in any loss of amenity by way of overlooking. Windows are already in situ at first floor level to the rear of the property and therefore the insertion of a replacement window to the rear gable would not create any additional overlooking to that already achieved with the existing built form.

Two additional windows are proposed to the eastern elevation of the scheme, with one being inserted into the existing dwelling to change a bathroom to a bedroom and a new one to serve a bathroom. The new one in the bedroom would face the blank gable of the property to the west

and as such it is not considered necessary to specify that this be obscure glazed. Given the other window would serve a bathroom and the potential for oblique views of the garden area to the south east it is recommended that this window be conditioned to be obscure glazed to avoid the potential for overlooking.

With regards overbearing & loss of light; the first floor element of the extension has been designed to be set in from the west to reduce the potential for overbearing and loss of light. The degree of separation from the proposed first floor element would be approximately 12m from the conservatory of No. 2 Allendale and 16m from the rear elevation of No's 1 & 3. Furthermore given the location of the proposed extension to the east of the neighbouring properties on Allendale Road it is considered that should a loss of light occur it would not be significant and would be limited to some morning light during winter months.

The application site is located on a modern and relatively high density development where separation distances such as is proposed in this application are not out of keeping. Whilst it is accepted that the proposed development will result in the creation of additional built form in proximity of single storey dwellings it is not considered in this instance that the proposal would result in such a significant loss of amenity through overbearing or loss of light to warrant refusal of the application. I am also mindful of the consent which recently expired which forms a significant consideration and in the officer's report it was concluded that the perceived impact on amenity would be acceptable.

The proposed single storey link to the garage is not considered to cause any loss of amenity to the neighbouring property to the east (No.51) due to the scale of the extension being in keeping with the existing roofline of the garage and being modest at 3m. A sufficient boundary treatment of a 1.8 metre close board fence has been erected between the two properties.

The extension is of a reasonable size in relation to the existing dwelling and there remains an acceptable amount of private amenity space to serve the existing occupiers. In conclusion it is not considered that the proposed development would result in an unacceptable loss of amenity for neighbouring dwellings and the proposal therefore accords with policies DM5 & DM6 of the DPD.

Impact on Character of Area

The proposed extension would project 4.5m beyond the rear elevation of the dwelling and replace a uPVC conservatory which is currently in situ. The extension has been designed with an eaves height lower than that of the main dwelling which with consideration of the adopted SPD on Householder Extensions ensures that the development appears as a subservient addition. The existing dwelling is modern in character and is considered to offer little interest to the overall character of the area but is reflective of adjacent properties within the immediate area. Given the location of the extension to the rear, views will be limited from the public realm and will therefore have little impact upon the visual amenity of the wider area. In terms of the appropriateness of scale, design and use of materials I consider that the proposed extension would not detract from the character of the surrounding area and would accord with policies DM5 & DM6.

Impact on Highway Safety

NCC Highways have been consulted as part of the application process and have raised no objection to the proposed development. It is therefore concluded that the proposed development would not result in concerns relating to highway safety.

Other Matters

The comments from neighbouring properties in relation to impact on property values are noted; however unfortunately this is not a material planning consideration. With regards the potential for the extension to result in subsidence of neighbouring properties; this is not something that would form part of the application determination, but would be managed as part of any application to building control.

Conclusion

The recently expired consent for the mirror scheme to that currently being considered forms a strong material consideration in the determination of this application. It is not considered that the proposed development would significantly detract from the character of the surrounding area nor neighbouring amenity and therefore it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION

That full planning permission is granted, 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 references:

- Proposed layout & elevations. Drawing No: SI 12/1067/2 Revision A
- Site Plans SI 12/1067/3 Revision A

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

The bathroom window opening at first floor on the east elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

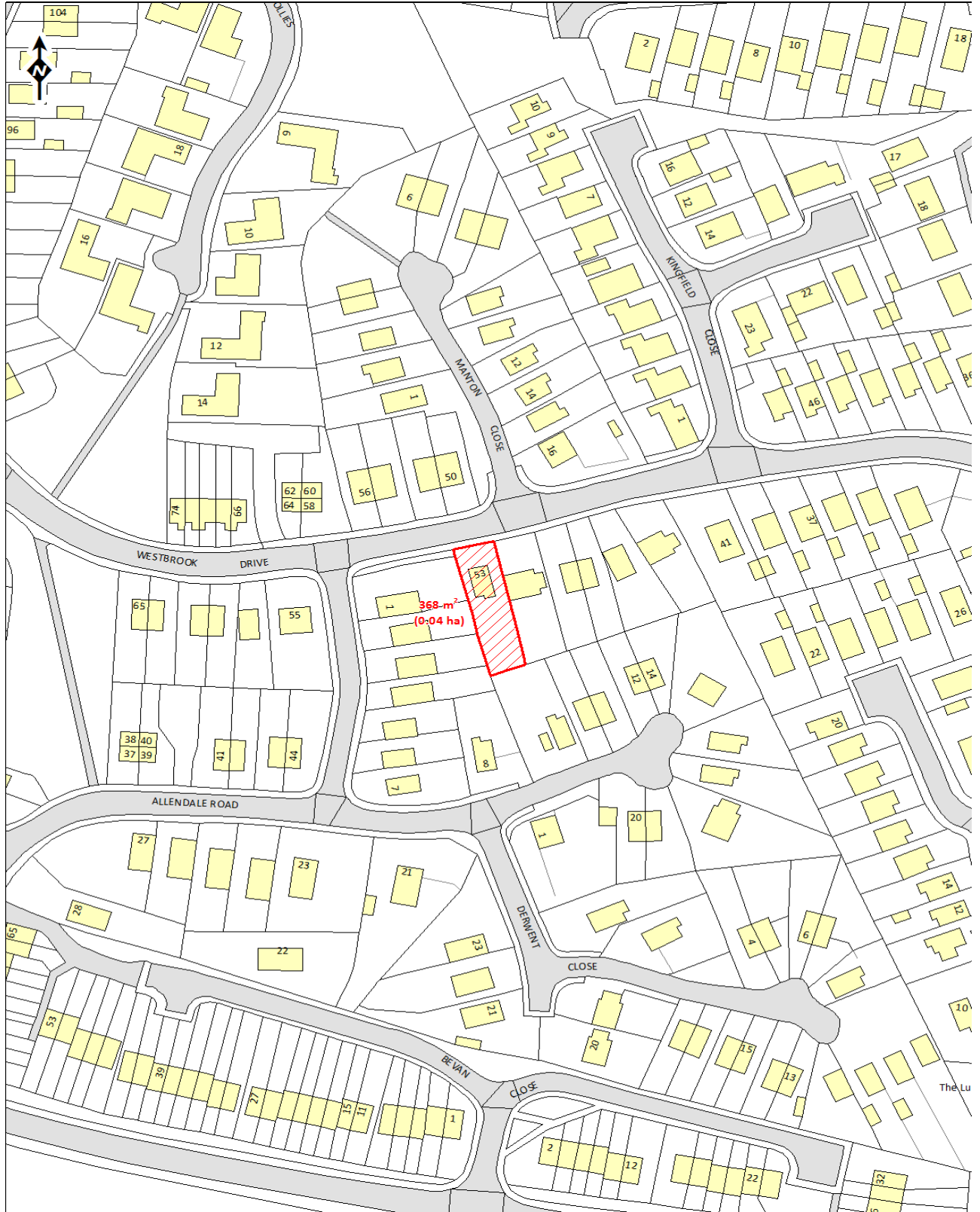
Application case file.

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 - 16/00625/FUL



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Application No:	16/00548/FUL	
Proposal:	Householder application for demolition of existing garage, new side extension with new garage and room over, including new hard standing parking to front	
Location:	3 Pings Close, Besthorpe, Newark On Trent, Nottinghamshire, NG23 7HT	
Applicant:	Mr Joe Hillier	
Registered:	14/04/2016	Target Date: 09/06/2016
	Extension of Time Agreed Until 08/07/16	

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Dobson) due to:-

- **Similar to 16/00562/FUL, 33 Trinity Road which was thrown out by the Planning Committee in June this year.**
- **Impact on the amenity of neighbouring occupiers (a lot of single storey neighbouring dwellings) in terms of overpowering and overbearing.**
- **Impact on nearby heritage buildings**

A site visit has also been requested.

The Site

The site lies within the main built-up area of the village of Besthorpe and also within Besthorpe Conservation Area. The site consists of a modern, 2-storey, residential property and associated curtilage. The dwelling is the end property in a row of 3 no. terrace properties. The property is located on Pings Close which is a small cul-de-sac serving 5 no. modern dwellings and is accessed from the A1133. Properties on Pings Close sit behind other residential properties on Pings Close. Neighbouring properties are residential, with more traditional properties located along Church Lane and Low Road to the south and west.

Relevant Planning History

00/00617/FUL - Erection of single detached garage. Planning permission granted August 2000.

FUL/980077 - Erect five houses. Planning permission granted April 1998. This was implemented and now forms Pings Close.

The Proposal

Planning permission is sought for the demolition of the existing detached garage within the side curtilage of the dwelling and the erection of two-storey side extension. New hardstanding for

parking would be provided to the front.

At ground floor level accommodation would comprise of an open car port (including an external store) and an extended kitchen / diner. At first floor level accommodation would consist of 2 additional bedrooms. Internally the existing dwelling would be remodeled so that an existing bedroom would be converted to an ensuite to serve the newly created master bedroom and a storage area. The extension would alter the property from a 2-bedroom dwelling to a 3-bedroom dwelling.

Departure/Public Advertisement Procedure

Occupiers of nine 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)

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design

Policy DM6 – Householder Development

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Householder Development Supplementary Planning Document

Consultations

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Dobson) as set out at the top of this report.

Besthorpe Parish Council – Object. Impact on neighbouring properties and amenity, removal of a village starter home, impact on conservation area.

Conservation Officer – No objection. Their detailed comments are incorporated into the main body of the assessment.

NCC Highways Authority – No objection.

Internal Drainage Board - There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- Loss of light
- Overbearing
- Visual amenity
- House is too big for plot
- Impact on setting of the Conservation Area
- Loss of view
- The submitted plans do not show the true location of neighbouring properties.
- The extension is in close proximity to neighbouring historic properties.
- Access to neighbouring properties for maintenance / fire safety would be almost impossible
- This is one of Besthorpe's few remaining starter homes
- Impact on stability of property from construction
- The revised plans have not made a difference to original concerns.

Comments of the Business Manager

Principle

The site is located within the main built up area of Besthorpe where the principle of extending an existing dwelling is considered to be acceptable, subject to it complying with relevant planning policies.

Visual impact (including design and impact on heritage assets)

Policy DM8 (Householder Development) provides that permission will be granted for householder development provided a number of criteria are met. In terms of the visual impact, the policy states that proposals should respect the character of the surrounding area including its local distinctiveness and the proposal is to respect the design, materials and detailing of the host dwelling. The Council's Householder SPD advises that for side additions "*..consideration be given to the setting the extension back, particularly at first floor, from the front elevation and ensuring a lower ridge height than the host dwelling.*"

Following concerns raised by the Planning Officer, the design of the proposal has been amended. The initial proposal contained a small set-back (approx. 0.34m) and a slightly lowered roofline (approx. 0.2m). However it was considered that this set-back and lowered roofline were not sufficient and, as such, the proposal did not appear subservient to the host dwelling.

Following negotiations, the applicant amended the proposal to incorporate a more substantial set back (approx. 0.86m) and lowered roofline (approx. 0.39m). On balance, this is considered to make the proposal appear more subservient to the host dwelling. Furthermore, the set-back helps to prevent the visual disturbance from 'toothing' in new brickwork.

New window and door openings on the proposed extension are considered to be in keeping with

those on the host dwelling. Due to the site being located in a conservation area, I recommend that a condition should be attached to the grant of any planning permission requiring precise plans of joinery details to be approved by the Local Planning Authority (LPA) prior to commencement. Details of eaves, verges and lintels should also be conditioned as the existing building has been quite nicely detailed in this respect. I also recommend a condition requiring material samples as well as brick bond for the same reason. The applicant has already agreed to such conditions.

Policy DM6 states that proposals should respect the character of the surrounding area including the significance and setting of any heritage assets. This is echoed by Policies DM9 and C14.

The impact of the proposal upon the setting of a number of adjacent historic buildings has also been assessed and is considered acceptable.

I have no objection to the demolition of the detached garage. The garage is a modern building, having been granted planning permission in August 2000, and is not of significant architectural merit.

The Barn is the closest historic building, and is a simple single storey barn conversion, with no obvious or legible relationship to a former farmstead. The building has a vernacular and informal character and setting, and sits within the surrounding village, which also has a pleasing informality, having grown organically over many hundreds of years. This lack of formality means that a brick two storey gable seen close by can be accepted as a fairly natural juxtaposition. It would not be an unusual set up to see historically here, considering how the village has grown up without formal planning over a long period of time. As such, the relationship of the extension to existing historic buildings in this area is a robust relationship capable of modest alteration.

The site is not overly prominent from public view points, especially considering the backland nature of this row of properties, which sits behind a pair of semi-detached dwellings fronting the main highway.

For all of these reasons it is considered that the design of the proposal is acceptable and the proposal is not harmful to the setting of nearby historic buildings or to the conservation area generally. As such, the proposal is considered to comply with policies DM5, the design criterion of policy DM6, DM9, CP9 and CP14.

Amenity (including impact on the amenity of neighbouring occupiers)

DM6 seeks to ensure there is no adverse impact from proposals on the amenities of neighbouring users including loss of privacy, light and overbearing impact. This is echoed by DM5.

Concerns have been raised by neighbouring occupiers regarding the impact of the proposal on their properties.

With regards to overlooking, the only proposed windows are along the front and rear elevation of the proposed extension. The distances between new windows and properties directly to the front and rear are approx. as follows;-

Front window to rear window of no. 1 Pings Close approx. 17.5m

Front window to rear boundary of no. 1 Pings Close approx. 12.5m

Rear window to rear boundary of no. 3 Low Road approx. 5m

Rear window to rear windows of nos. 2 and 3 Low Road approx. 37m

The distances to the rear windows of no. 1 Pings Close and the rear boundary of no. 3 Low Road are a little shorter than usually required to prevent overlooking issues. However, in this case they are approx. in line with existing windows on the host dwelling. As such, there are no significant additional issues of overlooking onto these neighbouring properties.

With regards to overlooking of properties on Church Lane, the proposed new windows are not in a direct line with these properties. Therefore, there would be no direct overlooking issues onto rear windows or rear gardens. Whilst there may be an element of indirect overlooking onto garden areas, this would be at an angle and therefore is not considered significant enough to warrant a refusal. However I consider it would be prudent to attach a condition removing permitted development rights for any new windows to the side (south) elevation so as to prevent direct looking onto nearby neighbouring plots on Church Lane in the future.

With regards to massing / overshadowing and overbearing issues, the distances above are considered sufficient so as to not cause additional issues onto neighbouring properties to the front and rear, especially taking into account the relationship with the existing dwelling.

The property to the south side of the site, The Barn, is a single storey property located right up to the site boundary and only approx. 0.9m from the proposed extension itself. This property does have 1 no. window facing the site but this lights a bathroom only which is not a principal room. As such, I cannot afford this window significant weight.

Turning now to the impact on the amenity space of The Barn, there will be no significant issues of massing / overshadowing as the proposed extension is located to the north of this property.

With regards to overbearing (from an amenity point of view, the visual point of view has already been assessed above), the proposed extension does bring the building closer to the neighbouring amenity space. The existing dwelling is approx. 10 metres away from the neighbouring amenity space whereas the proposed extension would bring the building approx. 5.5 metres away from the neighbouring amenity space. This relationship is considered to be acceptable. Although located further away, the application site is an existing 2-storey development to the rear of The Barn so there is already an impact to a very limited degree. Furthermore, whilst The Barn is single storey only, it is an intervening building that is considered to lessen the impact of the extension on the The Barns amenity space to degree where this is in my view acceptable.

The local ward member (Cllr Dobson) has pointed out that this application is similar to application reference 16/00562/FUL, 33 Trinity Road which was refused contrary to officer recommendation at the June 2016 committee meeting. Reasons for refusal included over-intensive development and overbearing / loss of privacy to neighbouring occupiers. It is true that there are some similarities between this current application and the Trinity Road application. However each application must be considered on its own merits, taking into account specific site circumstances and constraints. The neighbouring properties for the Trinity Road application were actually further away than this current application. However, the neighbouring properties for the Trinity Road application did contain principal windows facing the site. Nonetheless, I still conclude that this proposal will not have a significant detrimental impact on the amenity of neighbouring occupiers for the reasons cited above.

The level of amenity space retained for the host dwelling is considered acceptable and is

significantly larger than other private amenity space on Pings Close.

For the reasons stated above, I consider that the proposal will not have a significant detrimental impact on the amenity of the site occupiers nor on neighbouring occupiers. As such the proposal complies with the amenity criteria of policies DM5 and DM6.

Highway safety

The Highway Authority has raised no objection to the proposal stating that the application will have no impact on the public highway.

As such, the proposal is considered to comply with the highway safety criteria of policies DM5 and DM6.

Alteration to starter homes

The officer report for the original dwelling does state that the development is for starter homes. This was based on their size. However, no legal agreement was submitted to formalise this and to restrict the dwellings from being extended at a later date. I am not aware of any planning policies that restrict extending dwellings for this reason either at national or local level.

As such, the loss of a starter home by extending it from a 2-bedroom dwelling to a 3-bedroom dwelling cannot be given significant weight.

The applicant has explained that they used to live in the middle unit, no. 4 Pings Close, but moved as they wish to start a family yet retain in a property that is affordable to them and remain in the village which they have spent many years now. The applicant is a tradesman and self-employed and requires a car port for his van.

Other issues

The comments of the Internal Drainage Board should be shown on the decision notice as an informative, should planning permission be granted.

Loss of view is not a material planning consideration. Access to neighbouring properties for maintenance is also a private issue. Indeed the applicant is not obliged to grant access over their land for maintenance issues, whether an extension is present or not. As such, I have given these issues little weight.

I cannot see a specific reason as to why the proposed extension would impact on the stability of neighbouring properties during the construction stage. Building works are often carried out in close proximity to neighbouring properties. I believe that the proposal will require a building regulations application which will ensure that the extension, if approved, meets relevant building regulations. Building regulations will also take into account fire safety.

I am satisfied with the quality of the plans submitted and the Planning Case officer has visited the site to view the relationship with the proposal on neighbouring properties. There is no legal requirement for a Design and Access statement to be submitted with this application and the Conservation Officer has been able to fully assess the proposal based on the information submitted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions

Conditions

01

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

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

02

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

Drawing no. JMH0216 A101 Rev C, Plans & Elevations as Proposed

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.

Bricks

Roofing tiles

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced until a brick work sample panel showing brick work, 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. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

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

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

Lintels

Verges and eaves

Reason: In order to preserve or enhance the character and appearance of the conservation area.

06

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

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

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 gross internal area of new build is less 100 square metres

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

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.

BACKGROUND PAPERS

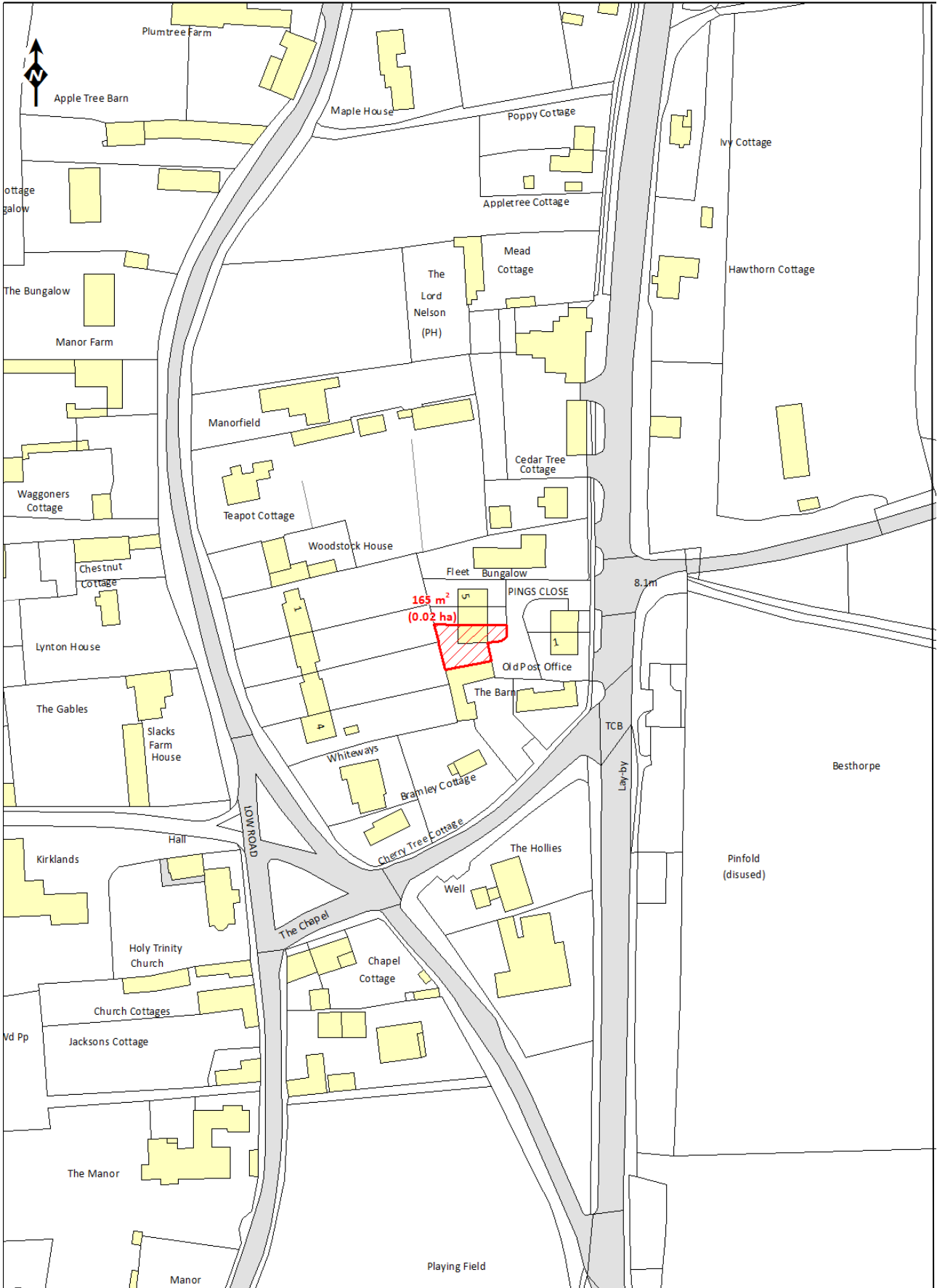
Application case file.

For further information, please contact Claire Turton on ext 5893.

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 - 16/00548/FUL



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APPEALS A

APPEALS LODGED (received between 16 May 2016 and 20 June 2016)

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

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3147328	16/00041/CPRIOR	Former Poultry Farm Rufford Lane Rufford Nottinghamshire	Application for prior approval for change of use of an existing agricultural building to Class C3 (dwellinghouse) including creation of domestic curtilage and vehicle parking area	Written Representation
APP/B3030/W/16/3147621	15/01260/FULM	Former Piano School Mount Lane Newark On Trent Nottinghamshire NG24 1JQ	Conversion into 14 rooms, 5 self contained studios, 3 x 1 bedroom apartments and 1 x 2 bedroom apartment	Written Representation
APP/B3030/W/16/3149621	16/00178/FUL	5 Queen Street Balderton Nottinghamshire NG24 3NR	Retention of Bungalow and Erection of 1(No.) Four Bedroom House and attached double garage. Formation of New Vehicular Access and associated Parking Spaces, Repair and Part Demolition of Queen Street Boundary Wall and Erection of Railings.	Written Representation
APP/B3030/D/16/3151634	16/00142/FUL	Hazel View Fiskerton Road Bleasby Nottinghamshire NG14 7FY	Householder application for proposed garage with workshop & first floor storage/hobby room to replace existing outbuildings.	Fast Track Appeal

APPENDIX B: APPEALS DETERMINED (between 16 May 2016 and 20 June 2016)

App No.	Address	Proposal	Decision	Decision date
15/00724/FUL	The Old Hall Church Lane Lowdham Nottinghamshire NG14 7BQ	Four bedroomed house with garage and associated landscaping	DISMISS	18.05.2016
15/01285/FUL	Land At Quarry Farm Bowbridge Road Newark On Trent Nottinghamshire	Change of use from agricultural land to B8/sui generis formation of a transport depot.	ALLOW	24.05.2016
14/01955/FUL	Land Off Caythorpe Road Lowdham Nottinghamshire	Change of use to operational railway and erection of equipment building	ALLOW	26.05.2016

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Development



Appeal Decision

Site visit made on 22 April 2016

by **Ian McHugh DipTP MRTPI**

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

Decision date: 26 May 2016

Appeal Ref: APP/B3030/W/16/3143096

Land Off Caythorpe Road, Lowdham, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Network Rail (Infrastructure) Ltd against the decision of Newark and Sherwood District Council.
 - The application Ref 14/01955/FUL, dated 30 October 2014, was approved on 16 September 2015 and planning permission was granted subject to conditions.
 - The development permitted is a change of use to operational railway to facilitate installation of equipment building and maintenance access for level crossing upgrade.
 - The condition in dispute is No 7 which states that: 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 8 of that Order in respect of Class A: railway or light railway undertakings.
 - The reason given for the condition is: 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 order to control development within a sensitive area within flood zones 2 and 3, the Green Belt and a historic environment.
-

Decision

1. The appeal is allowed and the planning permission Ref 14/01955/FUL for a change of use to operational railway to facilitate installation of equipment building and maintenance access for level crossing upgrade at land off Caythorpe Road, Lowdham, Nottinghamshire, granted on 16 September 2015 by Newark and Sherwood District Council is varied, by deleting condition 7 and substituting it for the following condition: 7) Notwithstanding the provisions of Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no buildings shall be erected on the site without the prior approval of the local planning authority.

Main Issue

2. The main issue is whether the disputed condition is reasonable and necessary in order to protect against flood risk; to protect the Green Belt; and to preserve the setting of the adjoining listed building.

Reasons

3. The appeal site is a flat parcel of land, which is situated adjacent to the operational railway line and Lowdham station. The site is situated within Flood Zones 2 and 3; is partly within the Green Belt; and is adjacent to a Grade II Listed Building (Lowdham Railway Station). The surrounding area is generally built-up and residential in character.
4. Planning permission was granted by the Council for the change of use of the land and for the erection of an equipment building, as described above. The permission is subject to a number of conditions, including the disputed condition, which removes permitted development rights granted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). The Council considers that the condition is necessary to protect against flood risk; to protect the Green Belt; and to protect the setting of the listed building.
5. The effect of the condition is that the appellant would be required to apply to the Council for any development that it proposes to carry out on the site. The appellant contends that this would be unduly restrictive and has suggested a compromise that would mean varying the condition to preclude the erection of buildings only.
6. Paragraph 017 of the Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should be used only in exceptional circumstances. I also note that with regard to flood risk, the Council states that railway infrastructure is considered to be essential infrastructure. Development of the type proposed is acceptable on the appeal site because there is no other land within close proximity of the site that could be used for operational purposes. Furthermore, I note that the Environment Agency did not seek the removal of permitted development rights in its consultation responses.
7. The submitted evidence shows that only a small part of the site is within the Green Belt. The Council also states (in its officer's report) that the development would be unlikely to have a harmful impact upon the openness of the Green Belt because of the small area of land involved. In addition, the Council also states in the report that whilst there were some concerns regarding the impact of the proposal on the listed station building, any harm could be mitigated by landscaping, which is the subject of conditions 8 and 9 of the permission.
8. In my opinion, the officer's comments on each of the above matters could have led to the conclusion that the disputed condition is not necessary. I also give weight to the appellant's contention that the condition places a "disproportionate burden" on Network Rail, as it would be required to apply for all works on the site, however minor.
9. Nevertheless, Class 2 of Part 8 of the GPDO gives wide ranging permitted development rights to railway undertakings. In my opinion, the Council's concerns are not wholly unreasonable as there are certain forms of permitted development (particularly the erection of new buildings) that could increase the risk of flooding; impact on the openness of the Green Belt; and affect the setting of the listed building. For these reasons, I consider that the Council

should exercise control over the siting, size and appearance of any new buildings that may be proposed in the future.

Conclusion

10. Accordingly, I conclude that a restrictive condition is reasonable and necessary, but only in relation to the erection of new buildings. Therefore, I shall allow the appeal and alter the permission by removing the original condition and replacing it with a modified version.

Ian McHugh

INSPECTOR



Appeal Decision

Site visit made on 22 April 2016

by Ian McHugh Dip TP MRTPI

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

Decision date: 24 May 2016

Appeal Ref: APP/B3030/W/15/3140050

Land at Quarry Farm, Bowbridge Lane, Balderton, Nottinghamshire, NG24 3BZ

- 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 S J Pollard against the decision of Newark and Sherwood District Council.
 - The application Ref 15/01285/FUL, dated 10 July 2015, was refused by notice dated 13 October 2015.
 - The development proposed is a change of use from agricultural land to B8/Sui Generis formation of transport depot.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from agricultural land to B8/Sui Generis – formation of transport depot on land at Quarry Farm, Bowbridge Lane, Balderton, Nottinghamshire, NG24 3BZ, in accordance with the terms of the application Ref 15/01285/FUL, dated 10 July 2015, 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: POL/15/HGV/001;POL/15/HGV/0011; and SJP/15/0 Rev A.
 - 3) The use hereby approved shall only operate from the site during the following times: 07:00-19:00 Mondays to Saturdays (inclusive). The use shall not operate at any time on Sundays or public holidays.
 - 4) Prior to any development commencing on site, a scheme providing details of any external lighting shall be submitted to and approved by the local planning authority. The submitted scheme shall include the position and design of the lighting; luminance levels; direction of beam; and hours of use. Once installed, the scheme shall be retained and operated as approved at all times thereafter.
 - 5) Prior to any development commencing on site, details of the finished floor levels (in relation to existing ground levels) of the approved portacabin, together with the proposed ground levels (in relation to existing ground
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levels) in areas where any hazardous or contaminated materials will be stored, shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details prior to the use commencing and shall be retained as approved at all times thereafter.

Main Issue

3. The main issue is whether the appeal site is a sustainable and appropriate location for the proposed use.

Reasons

4. The appeal site is a rectangular-shaped area of rough grassland, enclosed by fencing, which is situated in an 'urban fringe' area to the south of Newark. The surrounding area is largely open in character i.e. free from built development. However, a waste transfer station adjoins one side of the site and an HGV storage yard is located on the other side. I have been informed that the HGV site does not have planning permission for the use. In addition, an aggregate processing plant lies further to the south.
5. The appeal site is located outside of any defined settlement boundary and, for planning purposes, it is considered to be within the countryside. It is also located within the boundary of the 'Land to the South of Newark' strategic site, which has been allocated in the Council's adopted Core Strategy March 2011 (CS). The CS allocates land for new housing and employment, although the appeal site itself is within an area that is identified as 'green infrastructure'. A new 'Southern Link Road' is currently under construction. This road runs to the north of the appeal site and will link the area to the wider highway network.
6. The proposal is to use the land as a transport depot for the parking of HGV's. A 'portacabin' would be placed on the site and used as an office. In addition, a vehicle washing area is proposed and the site would be enclosed by steel palisade fencing.
7. The Council argues that the proposal would be an unsustainable form of development due to its countryside location. Consequently, the Council states that it would conflict with Policy DM8 of the adopted Allocations and Development Management Development Plan Document July 2013 (ADMDDP) and also with Core Policy 6 of the CS. These policies seek (amongst other things) to control development in the countryside unless it meets certain exceptions; and require development in rural locations to be small-scale in nature, in order to sustain or provide for local employment needs. I acknowledge that the appeal proposal would conflict with the Development Plan, as it does not accord with any of the exceptions listed in Policy DM8 and, in addition, I have any evidence to show that the proposal would provide for local rural employment needs.
8. Although the Development Plan is the starting point for my decision, I am also required to give weight to other material considerations. In that regard, the presence of other commercial uses and the accessibility of the site to the highway network are factors that weigh in favour of the proposal. The Council acknowledges that the appeal proposal would not prejudice any proposals for the strategic site development, and I have no reason to disagree with that

assessment. Furthermore, the proposed use would have little impact on the character or appearance of the area because of the close proximity and nature of the other commercial uses in the locality.

9. In addition, the construction of the new relief road would ensure that much of the traffic generated by the appeal proposal would have good access to the wider highway network, without having to travel through parts of the existing built-up area.
10. In my opinion, the material considerations that I have identified outweigh the conflict with the development plan. The proposal would provide economic and social benefits by helping to secure the future of the appellant's business and, in my view, it would have little impact on the environment. Accordingly, I consider that the appeal site would be an appropriate location for the proposed use and, in addition, the proposal represents a sustainable form of development, as defined in paragraph 7 of the National Planning Policy Framework.

Other Matter

11. The appeal site is situated within Flood Zone 3. I note that the Environment Agency (EA) has no objection to the proposal, subject to a condition regarding the floor levels of any buildings and the ground levels of any areas required for the storage of hazardous materials. I am satisfied with this approach.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance 2014. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
13. The Council has suggested a condition requiring the development to be constructed using materials that were submitted as part of the planning application. However, I note that neither the planning application forms nor the plans refer to any materials other than the steel fencing. In my view, as the site would be largely open in character, apart from a portacabin and steel palisade fencing, the Council's suggested condition is not necessary.
14. In the interests of residential amenity, the Council has suggested a condition that would restrict the hours of operation to between 07:00 -19:00 hours on Mondays to Saturdays, with no working on Sundays or public holidays. Although there are no dwellings within the vicinity of the site at present, I note that the proposals for the strategic site include new residential development to the north of the new link road. The proposed use would have the potential to disturb future residents of these properties and, therefore, I consider that the condition is reasonable and necessary.
15. The Council has also suggested that a scheme for any external lighting should be submitted and approved by the Council prior to any development commencing. It is also suggested that any such illumination should only be lit during the operating hours of the use. I consider such conditions to be reasonable and necessary in order to avoid light pollution. However, I have

combined the Council's suggested conditions into one, to enable the period of illumination to be agreed as part of the submitted scheme.

16. As referred to above, the EA has suggested a condition relating to floor and land levels on the site. In order to protect against flooding, a condition to that effect is necessary.

Conclusion

17. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR