

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, 6 September 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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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, 2 August 2016 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

42. APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Mrs S. E. Saddington.

43. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

Member/Officer

Agenda Item

Councillor D.R. Payne

Agenda Item No. 5 – Little Hollies, The Close, Averham (16/00859/FUL) – Non disclosable pecuniary interest, as the applicant was known to him.

Agenda Item No. 14 – The Plough, Main Street, Coddington (16/00782/FUL) - Non disclosable pecuniary interest, as the applicant was known to him.

44. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

45. MINUTES OF THE MEETING HELD ON 5 JULY 2016

AGREED that the minutes of the meeting held on 5 July 2016 be approved as a correct record and signed by the Chairman.

46. ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Agenda items 14 and 11 were taken after item 5.

Having declared a non-disclosable pecuniary interest in minute No. 47 and 48 Councillor D.R. Payne left the meeting at this point. Councillor G.P. Handley – Vice Chairman took the Chair for the duration of both items.

47. LITTLE HOLLIES, THE CLOSE, AVERHAM (16/00859/FUL)

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 demolition of the garage and creation of a three bedroom house, formation of a new driveway for the existing dwelling, Little Hollies.

Members considered the application and took into account that three previous applications on this site had been refused and dismissed on appeal. The 5 year land supply was also discussed and Members felt that the Authority had evidence that the 5 year land supply had been met on the basis of the Objectively Assessed Need. It was therefore considered that the need criterion of Policy SP3 should attract weight, which together with the fact that applications for housing on this site had been refused three times and dismissed on appeal in the past should warrant refusal.

AGREED (with 11 votes for and 2 votes against) that contrary to Officer recommendation, full planning permission be refused for the reason of no proven need.

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

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

48. THE PLOUGH, MAIN STREET, CODDINGTON (16/00782/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought alterations to the public house, to form three first floor apartments, the relocation of the car park and the erection of three dwellings which was a re-submission of 15/02253/FUL.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Coddington Parish Council and the Planning Case Officer.

Councillor D. Armstrong representing Coddington Parish Council spoke against the application in accordance with the views of the Parish Council, as contained in the report.

Members considered the application and it was commented that there was not a housing need in Coddington as there was already extant permission for 8 bungalows and three further dwellings. There was also no need for a further public house as there was already one in the village. Concern was also raised regarding the existing traffic issues and that these would be exacerbated.

The Planning Officer informed Members that the previous application which was subject to an appeal had only been refused on the grounds of impact on amenity of neighbouring dwellings and highways issues relating to visibility splays on the previous car park layout and not on lack of housing need. The differences between the previous application in terms of proposed car park position and position of new dwellings relative to existing dwellings on Main Street were also clarified.

Members considered the advice of the Planning Officer but concluded that as the Council has a 5 year land supply based on its Objectively Assessed Need (which admittedly had not been tested via Plan Review) that the issue of lack of need should be a significant consideration which should outweigh other material planning considerations, including bringing back into use the public house.

Members also raised concerns regarding impact on neighbouring amenity of properties on Main Street on the basis that the distance between proposed dwellings and their parking spaces and existing dwellings was still insufficient, especially when considered alongside topography. Members finally raised concerns with increased traffic and greater vehicular movements (as a result of a larger car park and additional housing).

AGREED (with 11 votes for and 2 votes against) that contrary to Officer recommendation full planning permission be refused for the following reasons:

- (i) Lack of proven local need which is not outweighed by other material considerations;
- (ii) impact on the highway from additional traffic generated by the development in a busy location close to a cross road junction; and
- (iii) Impact on the amenity of dwellings on Main Street due to layout, proximity, and topography

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

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	Against
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For

J. Lee	For
N. Mison	For
D.R. Payne	Declared an interest and left the meeting
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	Absent
Mrs L.M.J. Tift	Against
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

Councillor D.R. Payne returned to the meeting and resumed Chairman for the remaining items on the agenda.

49. NEWARK BOYS CLUB, GEORGE STREET. NEWARK (16/00314/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the conversion of the application building to form seven one bedroom residential apartments. Apartments 1, 2 and 3 were located on the basement floor, apartments 4, 5, 6 were duplex apartments, with living accommodation on the first floor and bedrooms within the attic floor. Apartment 7 had accommodation over the basement floor and first floor with a double height vaulted ceiling.

Councillor M. Skinner representing Newark 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 whilst some Members commented on the poor design leading to a dingy building other Members commended the design and application in view of bringing an old building back into use. It was also noted that the building was a recorded building of interest. Concerns were however raised regarding parking and highways issues.

AGREED (with 9 votes for, 4 votes against and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

50. 94 LOWER KIRKLINGTON ROAD, SOUTHWELL (16/00634/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought planning permission for the demolition of an existing garage within the curtilage of 94 Lower Kirklington Road followed by the erection of a two-storey, two-bedroom detached dwelling.

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

The Local Ward Member raised concerns regarding the proposal and felt that the building would be overbearing and would lead to lack of light to the neighbouring properties. Existing problems regarding parking in the vicinity had been previously reported.

AGREED (unanimously) that full planning permission be refused for the reasons contained within the report.

51. WESLEY COTTAGE, CHAPEL LANE, OXTON (16/00772/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for a resubmission of a currently extant consent (13/01132/FUL expired October 2016) for the erection of a first floor side extension, single storey side extension in addition to the construction of a detached garage.

Members considered the application and felt that the proposals would be suitable subject to the amendment of condition 1 to specify that the development shall not begin later than two years from the date of this permission bearing in mind the considerations outlined in the report.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report and the amendment of condition 1 to specify that the development shall not begin later than two years from the date of this permission.

52. 53 WESTBROOK DRIVE, RAINWORTH (16/00625/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of a part single storey and two storey rear extension in the position of the existing conservatory. A further single storey extension was also proposed to the front of the existing garage to create a link to the main house.

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

Members considered the application and it was felt that whilst the garden was large enough to accommodate the scheme the house would be over-bearing on the neighbours. The detached house would look like a link house. It was commented that there was room for a development on this site, however this application was not the correct one.

AGREED (with 9 votes for and 5 votes against) that contrary to Officer recommendation full planning permission be refused on the following grounds:

- (i) Over intensification; and
- (ii) Impact on neighbouring properties by reason of the proposal being overbearing

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

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

53. HARLOW FIELDS, STATION ROAD, EDINGLEY (16/00571/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the creation of an additional residential unit through the conversion of the existing blockwork rendered and tile outbuilding to form the dwelling, including a small rear extension.

Members considered the application and whilst some Members felt that the building was clearly in the open countryside and had limited architectural value, other Members considered the location to be good for a new dwelling with plenty of room and would put the building to good use and allow residents of the village to adapt their buildings to meet their changing needs. It was also commented that the removal of the roof, front wall and over-hang would essentially be a new build in the open countryside, which was contrary to planning policy.

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

54. TENTERS COTTAGE, TENTERS LANE, EAKRING (16/00883/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the demolition of the southernmost existing cottage (No. 2 Tenters Cottage) and the erection of a replacement two bedroom cottage, demolition of derelict outbuildings (Nos 1 & 2 Tenters Cottage). The erection of a pair of two bedroom semi-detached cottages, the erection of three bedroom detached dwelling and the creation of a new access to No. 1 Tenters Cottage.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent; Newark and Sherwood District Council Strategic Housing and the Planning Case Officer.

The Planning Officer informed the Committee that Condition 2 had been amended to

reaffirm that phase B should be completed prior to the commencement of phase C.

Members considered the application and concern was raised regarding parking on Church Lane and also whether the phasing scheme was correct. Another Member confirmed that the phasing scheme had been written in order to prevent the semi-detached properties from being built until the renovation of the cottages had been completed. It was noted that the scheme would be an improvement and provide much needed houses.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and the amendments to condition 2.

55. LAND TO THE REAR OF LOWFIELD COTTAGES, BOWBRIDGE LANE, BALDERTON (15/01250/OUTM)

The application was withdrawn from the agenda.

56. 8 WILLOW DRIVE, NORTH MUSKHAM (16/00155/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a terrace of three, two storey three bedroom dwellings.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the neighbour and Planning Case Officer.

Members considered the application was appropriate.

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

57. TRENT VALLEY EQUESTRIAN CENTRE, OCCUPATION LANE, FISKERTON
(14/01428/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought consent for the change of use of the first floor educational classroom and storage rooms to holiday accommodation in connection with the equestrian business.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Trent Valley Drainage Board.

Members commented that the application would be an enhancement to the business. A Member also asked whether Health and Safety would be considered by the applicants in implementing the proposed change of use. Officers confirmed that this was covered by separate legislation, however any internal alterations to implement the change of use may require Building Regulations approval and an informative could be attached to any decision.

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

58. MEADOW LEA, NEWARK ROAD, KILVINGTON (16/00535/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of two storey detached house as per planning permission 10/01728/FUL, originally this was presented as an application for a replacement dwelling, however with the agreement of the applicant the description of the development had been amended.

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

Members considered the application and felt that as there had always been a building in situ and given the previous clear intent to replace it, it would be unreasonable not to allow planning permission subject to a condition to specify that the development shall not begin later than one year from the date of this permission and other reasonable conditions delegated to officers.

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

- (i) a condition to specify that the development shall not begin later than one year from the date of this permission; and
- (ii) reasonable conditions delegated to officers.

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

Councillor	Vote
D. Batey	For
R.V. Blaney	Against
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	Absent
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	For

59. APPEALS LODGED

NOTED that the report be noted.

60. APPEALS DETERMINED

NOTED that the report be noted.

The meeting closed at 6.10pm

Chairman

Application No:	16/01161/FUL
Proposal:	Proposed residential development to comprise redevelopment of former Coach and Horses public house car park to provide 3no. three-bedroom dwellings (retrospective).
Location:	Coach And Horses Public House, Nottingham Road, Thurgarton, Nottinghamshire, NG14 7GY
Applicant:	Mr D. Evans – Fern Village Homes Ltd
Registered:	20 July 2016 Target Date: 14 September 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 Parish Council and by Councilor Roger Jackson.

The Site

The site is located on a prominent corner plot with the former Coach and Horses PH sited to the north-west of the site. The site is located within the village settlement of Thurgarton and within its Conservation Area. It is located on a 0.16 Ha corner plot on the east side of the A612 and the south side of Bleasby Road. Access to the site is from Bleasby Road to the north of the site.

Thurgarton is predominantly a residential settlement with historically two public houses however the Coach and Horses closed in May 2014 and the Council has received a planning application for the conversion of the other public house, the Red Lion, to residential. The Coach and Horses is a prominent building and visible from the two main approaches into the village, from Nottingham in the South and Southwell from the north. In particular, as the road reaches the centre of Thurgarton, it bends sharply where the pantile roof of the Coach and Horses is prominent in the view.

Within the former car park to the rear of the PH, there is a terrace of three new build two storey properties off the eastern boundary facing Bleasby Road and a single storey building along the northern boundary. A 2m high brick wall (approximately) is located along part of the northern boundary. The rear of the buildings forming part of Priory Farm comprises the majority of the southern boundary of the site. Corner Croft is a small complex of bungalows for older people located on the opposite side of Bleasby Road to the north. There is a tree to the east of the application site. Roseberry is located to the east of the site and is site on land slightly lower than the application site.

Relevant Planning History

16/00776/FUL Re-development of Unit B to form a dwelling (revised scheme of planning permission 15/01890/FUL) – Under Consideration

15/01890/FUL Conversion to dwelling and Rear extensions (Revised Scheme of Planning Permission 14/01262/FUL) – Approved 06.04.2016

14/01262/FUL Proposed residential development comprising conversion of former public house (including alterations and removal of modern additions) to form 2no. dwellings and redevelopment of car park to provide 3no. two-bedroom dwellings – Approved 24.10.2014

11/01786/ADV Erection of illuminated and non-illuminated signs – Refused 13.02.2012

05/02349/FUL Erection of pergola in car park area (Retrospective) – Approved 05.02.2007

05/02348/FUL Erection of 1.67m high fence (Retrospective) – Refused 05.02.2007

02/01927/ADV Retention of external lighting – Approved 24.10.2002

FUL/970958 Extension to provide dining, lounge, area and extension to rear and lobby – Approved 01.11.1997

ADV/970475 Illuminated floodlighting and internal lantern – consent 20.08.1997

FUL/970196 Extension to provide dining, lounge, area and extension to rear and lobby – Approved 08.05.1997

890575AD Erect sign – Approved 22.06.1989

The Proposal

Full retrospective planning permission is sought for the conversion of the former PH to form two dwellings (one 4 bed and one 2 bed) and construction of 3 three bedroomed dwellings within the former car park. This created a net increase of four additional dwellings on site as a managers dwelling was already contained within the original pub building. The proposal included alterations and the removal of modern additions to the rear of the public house building.

The row of three dwellings has their principal elevation facing Bleasby Road with rear gardens backing onto Priory Farm. Each dwelling has two parking spaces including a five bay open sided 'cart shed' style garage building abutting the boundary with Bleasby Road and a two bay building located along the south boundary of the site immediately to the rear of the public house building.

The new build dwellings gained planning consent in 2014 (14/01262/FUL) for the construction of 3

two bedroomed dwellings; however during construction an additional bedroom has been installed which was contrary to the original description of development on the 2014 planning application. There are no external elevation alterations proposed which differ from the original 2014 approval and neither the footprint of the buildings have nor the internal floorspace has increased as a result of the internal alterations. Re-configuring a unit internally does not fall within the definition of development. The only reason that the change from 2 bed units to 3 bed units requires a new permission is that the description of development on the previous consent was explicitly for 2 bed units. Members may be aware that a description of development cannot be changed by varying conditions or applying for a Non-Material Amendment application.

Updated viability information has been received with the new application given that the previous approval was predicated on securing the minimum level of new development required to cross-subsidise the pub conversion works.

Departure/Public Advertisement Procedure

Occupiers of eighteen properties have been individually notified by letter, a notice has been displayed at the site and it has been advertised in the local press. Members should note that the press advert does not expire until 8th September 2016.

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

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

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

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

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Thurgarton Housing Needs Survey 2015

Consultations

Thurgarton Parish Council Comments - Application turned down as the proposals were not in accordance with the original plan. Voting was unanimous.

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

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

Nottinghamshire County Council Highways Comments – This proposal relates to the provision of 3 x 3 bed dwellings instead of the previously approved 3 x 2 bed dwellings (ref. 14/01262/FUL). The parking provision is considered acceptable, therefore, there are no highway objections to this application.

NSDC Strategic Housing Comments - I refer to the retrospective application to increase the number of bedrooms in the new build properties at the Coach Horses, Thurgaton. The applicant consulted the Strategic Housing Business Unit regarding the initial application (14/01262/FUL) and it was made clear to the applicant that in order to support the application and meet the housing need in the area that smaller two bedroom properties would be sought. I detail the response to the applicant below:-

Your proposal for a housing development (4 units) of smaller house types (2 bed houses) would need to be assessed against Spatial Policy 3 (SP3) of the Core Strategy (March 2011). One of its requirements is the satisfaction of an identified proven local housing need. The evidence contained within the district wide housing needs study (2007) indicates a need for smaller market house types in the Nottingham Fringe area (covering the village of Thurgaton). However, I consider that in meeting the requirements of SP3, a local need is best identified through a parish housing needs survey. The most recent survey undertaken in Thurgaton was completed in 2006 and would not be considered as recent evidence in planning terms. I therefore recommend that a new affordable and market local parish housing needs survey is commissioned to identify local need.

I therefore object to the applicant's retrospective application to seek a permission for 3 bedroom houses. The application contravenes the planning consent granted, the advice provided by Officers and the applicant's commitment to meeting the housing need in the area.

I now turn to the housing policy applicable to the proposal.

Housing Need

The application site is located within the village of Thurgarton which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

Thurgarton Parish Council recently commissioned a Parish Housing Needs Survey (July 2015) as part of the process for a Neighbourhood Plan. The survey established a picture of housing need in the parish of Thurgarton and identified there was a need for up to two affordable homes (1x 2 bed bungalow for social rent and 1 x 2 bed house for shared ownership). The survey also indicated a preference/demand for up to 6 market homes as follows:

- 1 x 1 or 2 bed bungalow
- 2 x 2/3 bed bungalow
- 1 x 3 bed house
- 1 x 4 bed house

The remaining demand in Thurgarton as detailed in the Parish Housing Needs Survey refers to bungalows. There is a requirement/preference for one, two and three bedroom bungalows for households wishing to downsize to smaller accommodation on one level. Respondents to the survey cited smaller properties, bungalows, retirement housing and affordable homes as the main shortfall in the area. The housing stock in Thurgarton has a very limited amount of these types of accommodation and therefore I consider that significant weight should be attached to an application that met this shortfall and I consider that the initial advice given and planning permission granted should remain the same.

Representations have been received from one local resident which can be summarised as follows:

- Over development of the site;

- Provisions for only one vehicle per property;
- Major problems with extra parking in the local area.

Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) the impact of the local need for housing and 2) the impact on the viability of the site.

Planning history of the site

Prior to discussing the merits of the application it is considered necessary to provide Members with an up to date status of the application and the reasoning behind the approval of the previous 2014 planning application, especially with respect to the principle of development.

At the time of the submission of the 2014 application the public house had already closed, the windows were boarded up and heras fencing was around the entire site. At the time of writing the officer report noted that whilst a need survey did exist for the village, this was considerably out of date. As such Officers gave limited weight to any need argument for promoting 2 bed units. Rather, given the need to retain the pub building, which was a non-designated heritage asset, Officers assessed matters of principle on a relatively straightforward basis the level any new build (irrespective of the number of bedrooms) must generate enough income to refurbish the pub (including normal profit). This is summarised below with extracts of the previous Delegated report.

“An individual parish needs survey was undertaken for Thurgarton in 2006 and identified a need for two bed ‘affordable’ housing units. Within the Nottingham Fringe generally (which this area falls within), the District wide housing needs survey (Final Report 2009) indicates a need for 61 x private stock 2 bedroom dwellings with a surplus of 3 and 4 bedroom private stock dwellings.

The proposed development would contribute to this identified need for two bedroom private stock dwellings need however I am concerned that this information is out of date and the Housing Officer has recommended that a new affordable and market parish housing needs survey be undertaken to provide an up to date housing needs/demand evidence base for Thurgarton.

Thurgarton is not considered to be a sustainable location for new housing and whilst the proposal would contribute to the need for 2-bed private stock dwellings identified in 2009, this evidence is not considered up to date and it not considered that an identified proven local need has been demonstrated in this instance. As a result of this advice, 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 altering the public house into two dwellings.”

Following the decision the site (with permission) was purchased by the current applicant. It later came to the Council’s attention when the new build properties were being marketed the dwellings

were in fact constructed as 3 bedroomed properties and not 2 beds as consented. As detailed above this would not ordinarily have been an issue as the works are internal and are not classed as development, however as the description of development specifically stated 2 bedroomed properties for the new build this contravened their original permission.

The site is obviously now nearly 2 years on from the original consent in 2014 (24.10.2014) and both the market conditions and costs on the development as a whole have altered. Whilst the Council has not altered their stance on the Public House being worthy of retention, an updated Housing Needs Survey for Thurgarton was completed in 2015 (in order that this could feed into a Neighbourhood Plan). This is clearly a new material consideration. The new build properties are now complete and the PH is watertight and the internal layout is being fitted out.

The following sections will now seek to explain the application as submitted.

Principle of development

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. The application site is located within the village of Thurgarton which is defined as an 'other village' in this settlement hierarchy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages.

The principle of the conversion of the pub has already been addressed by consideration of the previous 2014 application. The main factor in consideration of this new application is the principle of altering the new builds from the approved 2 beds to 3 beds, and the resulting implications of this.

The 2014 application, as explained above, attached little weight to the local housing need criteria due to the out of date survey and the fact that the Council had a 5 year land supply position. The position on both counts has moved on since the original decision.

Housing Need

The 2015 survey identified market housing need as follows:

- A. 1 x 1 or 2 bed bungalow
- B. 2 x 2/3 bed bungalow
- C. 1 x 3 bed house
- D. 1 x 4 bed house

As the site will now deliver 3 no. three bedroomed properties to the market the proposal will meet the local need criteria by delivering 1 x 3 bed house (A). The remaining 2 no. proposed units will meet a 3 bed need identified at B however this will not be in the form of a bungalow.

It is clear that one of the units proposed meets a need for a 3 bed house. It is equally clear that for the remaining two units the need is met for the number of bedrooms in a new market dwelling

but in the form of a house not a bungalow. It is clear that there is no more floorspace than was approved previously and it is also clear that the units could be covered from 2 to 3 beds without planning permission. For the avoidance of doubt this is because interval reconfiguration is not development and thus is not caught by even the removal of permitted development rights. In hindsight in terms of Officer evaluation it is also clear that the 2 bed units previously approved were larger in floorspace terms than average 2 bed units and more closely align with 3 bed units. That said the applications were considered on their submitted merits in good faith. It is also clear that what was implemented was not in accordance with the terms of the planning permission granted.

5 Year Housing Land Supply (YHLS)

With respect to 5YHLS (which links to how one determined the weight to attach to the need criterion of Policy SP3) Members are aware of the updated position statement on this issue, as noted at the June Planning Committee. The Council remains of the view that it has a 5YLS position against its OAN. However, the Council equally accepts that full weight cannot be attached to an OAN until such a time as an Independent Inspector endorses it (or an alternative) as the Council's housing target. Members are also aware that if weight is attached to the Farnsfield Public Inquiry decision that the 5 year supply position is diluted further. From an Officer perspective it is difficult to conclude with full confidence that the Council has an appeal robust 5YLS. That said, if the OAN does progress via Plan Review Officers are confident of defending its 5YLS position at appeal.

For the purposes of this particular application it should be noted that housing (whether 2 or 3 bed) will contribute to housing supply. Indeed the 3 units on this site have already been counted within the Council's published 5 year land supply.

From an officer perspective it is difficult to support a refusal of the current scheme, when taken in the round (see planning balance below), solely on housing need. If this is the position and the three bed units were to be retained one still needs to be comfortable (given the SP3 nature of the village in terms of sustainability credentials) that the level of development proposed is commensurate with the level required to cover the costs of the pub retention and refurbishment. On the face of it having 3 bed units to sell rather than 2 bed units would generate more profit, which may be above and beyond the level justified in policy terms. Viability evidence has therefore been provided.

Although sales values have naturally increased from 2 bed prices to 3 bed so too have the refurbishment costs for the public house. This has not been due to a higher specification within the fitting out but due to the unexpected costs such as three separate episodes of asbestos. Unlike the previous appraisal which was based on independent professional experience on this occasion officers have had the benefit of actual costs in the form of invoices and contracts. Overall the applicant has provided evidence that construction costs are £302,237 higher (as in June 2016) than originally estimated in the 2014 viability appraisal.

The sales figures for the site have increased from the estimated 2014 asking prices for the 5 units, of a combined £1,305,000, to an asking price of the 5 units, of a combined £1,738,000. I note that

asking price is often different from price secured. Subsequently the resulting developer profit of the scheme has reduced from 18% in 2014 which was then seen as below the normal acceptable rate of 20%, to now an expected 7% profit. Under normal circumstances one may question whether a development would progress at this margin. However, as works are well advanced it is likely that a marginal profit is beneficial to no cost recover whatsoever. It is my opinion that the units now proposed are still acceptable with respect to the cross-subsidy argument for the original pub building.

Officers have explored with the applicant (irrespective of the professional view that this should not be required) the implications of converting the scheme back to the 3 bed arrangements previously approved. Costs have been estimated at approximately £10,000 per dwelling (£30,000 in total if all three needed to be changed) however this would then have a consequence to the asking price sales values which would then be for 2bed properties. Members will note that the original permission was granted on the basis of the retention and conversion of the PH and this is almost complete. However the developer still has to pay the costs of converting this building and is still reliant, due to the increased costs, on the sale of the new builds to pay for that conversion when the job is completed. I therefore still attach significant weight to the requirement of the new builds to secure the retention of the PH even though the PH is now wind and water tight.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area

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 requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

As a building of local interest, the original 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. The loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm. DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The Conservation Officer raised no objection to the original proposal and as the external appearance of the buildings has not altered I consider the Council's opinion from 2014 has not altered and I will not seek to rehearse this in this report.

Overall, the development has brought in to use a vacant site/non designated heritage asset which detracted from the visual quality of the area and the character and appearance of the Conservation Area. It is considered that the proposed development would enhance the character and appearance of the Conservation Area in the interests of visual amenity and in accordance with

the NPPF, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management Development Plan Document (DPD).

Impact on Residential Amenity

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

Again this application has not included any changes to the elevations where they are likely to give rise to amenity issues. The issue of amenity was dealt with comprehensively by the previous 2014 application and I do not wish to reiterate here as the conclusion would be the same.

Overall, it is not considered that the proposed development would result in any material adverse impact on the amenity of the occupiers of Roseberry by virtue of increased levels of overlooking levels of overlooking, loss of privacy or overbearing impacts.

The only change in amenity would be that Priory Farm buildings to the south of the site has not gained planning consent for redevelopment, however it is not considered that any adverse impact upon the amenity of current or future occupiers of Priory Farm would result.

Each of the proposed dwellings would have an adequate area of private garden space provided and an adequate level of amenity would be provided for future occupiers overall.

Given scale and layout of the proposed development and separation distances, it is not considered that the residential amenity of the occupiers of nearby occupiers or future occupiers of the proposed dwellings would be adversely affected by the proposed development by virtue of any overbearing, overshadowing or loss of privacy impacts in accordance with Policy DM5 of the DPD.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. A Protected Species Survey was submitted with the 2014 application to which Nottinghamshire Wildlife Trust raised no objection to subject to mitigation measures contained within the report. This report was conditioned on the 2014 for the development to be in complete adherence to and I consider no further action is required in this instance. The site was deemed unlikely to be used by protected species and the proposal would not have an adverse impact upon ecology in accordance with the aims of Core Policy 12.

Impact on Trees

In accordance with the aims of Core Policy 12, Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected

and enhanced. The submitted tree survey indicates that the row of trees proposed for removal along Bleasby Road are BS Category C trees and considered to be of low quality and value. As such, I have no objection to the removal of these trees. The survey indicates that the trees located along the boundary with Roseberry are BS Category B trees which are of moderate quality and value, with a remaining life expectancy of at least 20 years. It is proposed to retain these trees which are in accordance with the aims of Core Policy 12 and DM5 of the DPD. I note the concerns expressed with regards to the retention of these trees, however these issues relate predominately to civil matters and cannot be controlled as part of this application.

Overall, it is not considered that the proposed development would result in the loss of natural features of importance in accordance with the aims of Core Policy 12 and Policy DM5. This is subject to a condition requiring tree protections in accordance with the submitted Arboricultural Method Statement.

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. The Highways Officer raised no objection to the proposal subject to a condition relating to driveway surfacing. They considered that sufficient parking had been proposed and it would not result in any detrimental impact on the highway safety along Bleasby road. As such, whilst the concerns of residents were noted on the original and this application, I am unable to justify a refusal on highway safety grounds and the development would accord with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

Flood Risk and Drainage

Policy Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. However, I note that concern has been raised in consultation responses received that the site (and adjacent sites) are at risk of surface water flooding. Despite not being a validation requirement of this application, a Flood Risk Assessment has been submitted with the application which concludes the development would not result in any increased risk of flooding to the site or surrounding area. The current site consists almost entirely of tarmac/existing buildings and it is considered that the small increase in soft landscaping within the site overall may even improve existing site drainage and surface water run-off. In addition, the Lead Flood Risk Authority raise no concerns in relation to the proposal. Overall, the development accords with Policy Core Policy 9 of the Core Strategy and Policy DM10 of the DPD.

Conclusion

There are a number of matters to consider as part of this application, in addition to matters of visual and residential amenity already assessed and technical matters. It is my opinion that based on viability information which show an increase in both sales values and construction costs that the level of new build for which permission is now sought (3 bed accommodation) a case has been robustly demonstrated. It is clear that there is no demonstrable housing need in the village for (amongst others) 1 x 3 bed house (which one of the units provide for) and 2 x 2/3 bed bungalows (this scheme provided the beds but not in a bungalow format). It is clear that the units can be converted without planning permission at a later date using internal works that do not fall within the definition of development. In overall terms I consider that the development proposed is acceptable. 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

No dwelling shall be occupied until the access/parking/turning areas are constructed in full accordance with dwg. No. 5959/PP/40.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users in accordance with the aims of Spatial Policy 7 and Policy DM5 of the DPD.

02

The development hereby permitted shall be undertaken in full accordance with the recommendations set out in Sections 5.6 and 6.1 to 6.7 inclusive for timing of works, methodology habitat provision and procedures for contractors of the Protected Species (Bat) Survey by BJ Collins (July 2014) unless otherwise agreed in writing by the Local Planning Authority.

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

03

The development hereby permitted shall be undertaken in full accordance with the submitted Arboricultural Survey and the recommendations set out in the Arboricultural Method Statement prepared by Forest Farm Tree Services (July 2014) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect natural features in the interests of visual amenity and the character and appearance of the Conservation Area in accordance in accordance with the aims of Core Policy 12, Policy DM5 and DM9 of the DPD.

04

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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 preserve the character and appearance of the Conservation Area in accordance with Policy CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

05

The landscape works shall be completed in full accordance with drawing no. 5959/PP/40A and 5959/PP/45A and shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the character and appearance of the Conservation in accordance with Policy CP14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

06

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with drawing no. 5959/PP/40A and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document

(DPD).

07

Pursuant to the requirement of Condition 06, only two of three units 1, 2 or 3 identified on Drawing Number 5959/PP/57 shall be occupied prior to the completion of Units A and B.

Reason: To ensure the former pub building is brought back into use in the interests of visual amenity and in order to preserve the character and appearance of the Conservation in accordance with Policy CP 14 of the Core Strategy and Policies DM5, DM7 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

08

The development hereby permitted shall not be carried out except in complete accordance with the site location plan and approved proposed plans stated below:

- 5959/PP/57 – Site Layout Plan;
- 5959/PP/1 – Topographical Survey;
- 5959/DE/56 – Proposed New Dwellings;
- 604-5923 – Landscape Strategy;
- 5959/PP/40A – Site Layout Drawing;
- 5959/PP/45A – Boundary Fence & Wall;
- 5959/PP/40 – Site Layout Drawing

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

Notes to Applicant

01

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

02

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

03

The application does not result in any material increase in the floorspace of the dwellings previously approved and therefore there is no change to the Community Infrastructure Levy already paid on the development through permission 14/01262/FUL.

BACKGROUND PAPERS

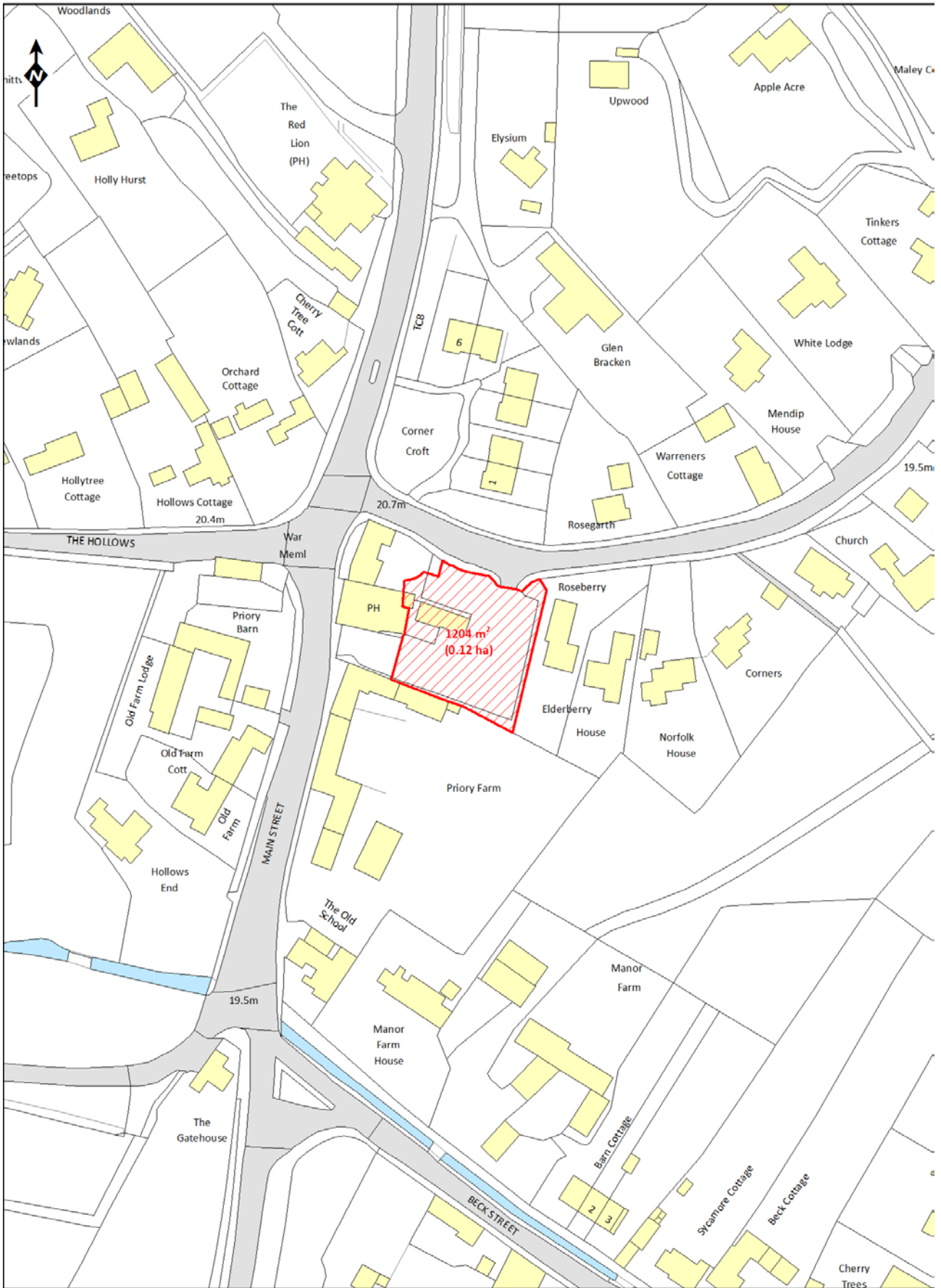
Application case file.

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 - 16/01161/FUL



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Application No:	16/00893/FUL	
Proposal:	Householder application for a proposed attached garage	
Location:	Carr Farm House, 1 Orchard Lane, Caythorpe, Nottinghamshire	
Applicant:	Mr Anthony Barnes	
Registered:	03.06.2016	Target Date: 19.03.2016

This application is being referred to the Planning Committee for determination at the request of the Business Manager of Development given the recent site history, including a refusal of planning permission and previous negotiation to remove substantively what is now proposed.

The Site

The application site lies within the Nottinghamshire Green Belt, sits within Flood Zone 2 of the Environment Agency Flood Maps and is therefore at medium risk from flooding. Planning permission was granted in November 2011 for a replacement dwelling and erection of three bungalows on the larger site (following demolition of previous buildings) all served by a new private access road. The existing application site previously accommodated a dwelling which sat at the back edge of the pavement and the scheme approved in 2011 allowed this dwelling to be replaced with a new dwelling. The previous dwelling on site was part two-storey but predominantly single storey situated at the back edge of the footway

This site is located on the south side of Caythorpe Road and following the 2011 permission, consists of a large detached dwelling which sits centrally within the plot. Carr Farm house is a two storey dwelling with a footprint of approx. 111 square metres and is approx. 734 cubic metres in volume. It is L-shaped with a front projection.

Number 94 to the east is positioned slightly forward of the application building. Number 90 to the west sits behind the application dwelling but benefits from a large detached single storey garage which is positioned to the front of the site close to the highway. To the north are open agricultural fields. The dwelling is served by a private access road from Caythorpe Road that runs adjacent to the western boundary of the proposed dwelling.

Relevant Planning History

16/00501/FUL - Householder application for proposed attached garage (re-submission of 16/00046/FUL) – Withdrawn 27.05.2016

16/00046/FUL – Householder application for proposed attached garage – Refused 08.03.2016

13/01354/FUL - Substitution of House Type To Plot 1 To Include Ground Floor Garage And First Floor En Suite & Dressing Room – Refused 18.02.2014

11/00783/FUL - Replacement dwelling, erection of three bungalows, provision of new access following demolition of dwelling, boarding kennels and cattery buildings and removal of 5 static caravans – Approved 18.11.2011

07/01321/OUT – Re-development of the site for 8 dwellings (including 2 affordable units) – Refused 5.12.07 and appeal dismissed

The Proposal

Planning permission is sought for the erection of an attached double garage. The proposal extends the existing front projection further towards Caythorpe Road. The garage would be approx. 6.8m wide and approx. 5.8m deep. The garage would have a hipped roof with a ridge of 4.6m and eaves at 2.6m. The pitch of the roof would match that of the existing roof. This represents a reduction in both the ridge (by 1m) and the depth of the garage (by 0.2m) when compared to the previously refused application under 16/00046/FUL.

Further to the reduced dimensions of the proposed garage in comparison to the previously refused application the applicant has submitted further information regarding floorspace and volume calculations with reference to the initial application 11/00783/FUL (which resulted in the construction of the host dwelling) and also subsequent applications to add an attached garage (13/01354/FUL and 16/00046/FUL, both refused). The assessment of this information is addressed below.

Departure/Public Advertisement Procedure

Occupiers of eight neighbouring properties have been individually notified by letter and a site notice has been posted adjacent to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9: Sustainable Design
Core Policy 13: Landscape Character
Spatial Policy 4B: Green Belt Development

Allocations & Development Management DPD

Policy DM5: Design
Policy DM6: Householder Development
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 Adopted November 2014

Consultations

Caythorpe Parish Council “All the Councillors unanimously agreed to support the application as long as the household would not be increasing the parking areas which might negatively affect and impact on the visual amenities of the village”

Nottinghamshire County Highways Dept. “The application site is served by a private drive off Caythorpe Road, and this proposal is not expected to impact significantly on the public highway. Therefore, there are no highway objections.”

Three letters of support have been received from neighbouring / interested parties which are summarised as follows:

- The garage will improve the look of the house and the development as a whole
- The garage will complete the property and be better than the large featureless wall looking towards the road
- It was a mistake by the developers not to address the issue of a garage for this house
- Any vehicle left at the front of the house are vulnerable to theft, the garage will allow secure storage of vehicles and garden tools which contribute to maintaining the property and therefore the area as a whole
- The house next door has a larger garage closer to the roadside.
- The garage appears suitable in size, scale and appearance for a large detached family home

with no detriment to the green belt

- The recent development of the houses area major improvement

Comments of the Business Manager

Principle of development

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF does allow for some development such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Householder developments are generally accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the overall shape, size and position of an extension must not dominate the existing house or character of the surrounding area and have no detrimental impact on residential amenity.

I note that the host dwelling is itself a replacement build in the Green Belt (constructed pursuant to planning permission 11/00783/FUL). At the time of assessment of any replacement the LPA sought, as required by national policy, to ensure that the Green Belt was protected. Permitted development rights were also removed.

Impact on the green belt

Previous planning applications for this site and the resultant development on site are considered material considerations in assessing this current application.

The Officer Report to Planning Committee for the 2011 split consideration of the proposals into two matters, the 3 no. new build bungalows (themselves replacing a number outbuildings utilised by the then lawful cattery use) and an assessment of whether the proposed replacement dwelling was acceptable in Green Belt terms.

Officers recommended refusal of the application in overall terms on the basis of the 3 no. new build bungalows proposed given that there had just been a change in the development plan which would steer new development away from small scale new build in this part of the District. Members came to a different view, concluding that the small scale build proposed, coupled with the fact that the applicant was promoting a development via pre-app prior to a change in plan Status, and should mean that the new builds are supported. In terms of the current proposals the applicants design and access statement for this submission refers to the space calculations being incorrect for three of the outbuilding that were demolished to make way for the new build. An argument is presented that this should be used to off-set the garage impacts now proposed. Given that the development to the rear of the site was considered separately from the replacement dwelling in a planning balance, and given that the building have now been removed in any event I do not attach weight to these space calculations in assessing this current application.

In terms of the replacement dwelling element of the proposal the Officer Report on the 2011 scheme noted that the dwelling proposed at that time was materially larger than the existing and required the dwelling to be reduced in size in order to be acceptable. The dwelling was revised to delete a proposed garage/dressing room, en-suite from the scheme. Following this deletion, the officer's report stated "Given the 19% decrease in footprint and 51% increase in volume, from the existing to the proposed, I consider that on balance, the replacement dwelling does not constitute inappropriate development in the Green Belt...". For the avoidance of doubt the proposals currently before Members would re-introduce a garage which was previously negotiated out and agreed.

Members will be aware that the National Planning Policy Framework has now superseded PPG2 in terms of national policy. Para 89 states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;"
- "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;"

Given the planning history on site and the application of both PPG2 (for 11/00783/FUL) and the NPPF (for 13/01354/FUL) it is considered that the size of the existing dwelling approved in 2011 is already at the limits of what would be considered acceptable in policy terms. It is noted that the applicant has made some changes to the proposed extension when compared to the previously proposed garage under 13/01354/FUL including the removal of the 1st floor ensuite and dressing room, removal of the dormer window to the north west elevation and the addition of a hipped roof design. Furthermore the applicant has reduced the dimensions of the proposed garage further when compared to the recently refused application under reference 16/00046/FUL with a reduced ridge height resulting from a reduced roof pitch and the setting back of the front elevation of the garage from the existing side elevation of the host dwelling. It is also noted that this will reduce the volume and floor area of the proposal although only marginally.

Alongside these changes to the proposed garage the applicant has commented on the planning history of the site in the submitted Design and Access Statement that supports this application. This document focuses on the footprint, floorspace and volume calculations previously used in the assessment of 11/00783/FUL which, as noted above, was granted approval following a committee overturn and resulted in the replacement dwelling that now exists. Primarily the applicant states that the footprint of the existing dwelling (which has now been replaced) was 23.7m² larger than that assessed as part of 11/00783/FUL. In turn it is asserted that the volume of the existing dwelling would have been larger than that assessed as part of 11/00783/FUL. Furthermore the applicant states that number of errors also exist with regard to the various outbuilding that existing to the rear of the original dwelling and as such existing footprint and volume on the site as a whole has not been correctly considered under previous assessments. The applicant concludes that due to this error in assessing the original size of the original dwelling, the current proposal for a detached garage is not disproportionate and represents a much smaller increase in footprint, floorspace and volume than previous applications.

The current Design and Access Statement includes the following floorspace, footprint and volume calculations:

	Previously existing	Existing (% inc/dec)	Proposed (% inc/dec)
Footprint	156 sq m	111 sq m (19% dec)	148.2 sq m (5% dec)
Floor space	199.7 sq m	222 sq m (29% inc)	259.2 sq m (30% inc)
Volume	548.5 cu m	734 cu m (51% inc)	856 cu m (56% inc)

The applicant has stated that the footprint of the original building now demolished was not measured correctly when the authority assessed and approved the replacement dwelling under 11/00783/FUL. Upon reviewing the submitted plans associated with 11/00783/FUL the authority accept that this is correct and some 23.7m² of footprint was not included in the initial calculations. However the proposed attached garage would still result in a volume increase of 56% and floorspace increase of 30% over and above the original dwelling that was demolished. Moreover, both the applicant and Authority negotiated a previous scheme in good faith and at the time the figures were not challenged by the then applicant. For the avoidance of doubt the current applicant purchased the site knowing the extent of the consented scheme which did not include the garage now sought.

Current national green belt policy is clear in that extension or alteration of a building need not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

Members will be aware there is no definitive percentage of floor space, footprint, or volume increase at which point a proposal fails to be considered appropriate development within the Green Belt. This remains a matter of judgement. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether householder extensions are disproportionate to the original dwelling.

Taking into account the above policy context and the increase floorspace and most notably the increased volume, it remains the Officer view that the proposals represent a disproportionate addition in this instance when compared to that of the original dwelling that the existing dwelling has replaced. Moreover, the proposals introduce elements previously deleted by agreement and consented by the Planning Committee. There has been no significant change in both national and local planning policy since the previous refusals.

I am therefore of the opinion that the current proposal would constitute inappropriate development that would be harmful to the Green Belt. The NPPF states that inappropriate development should not be approved except in very special circumstances and when considering any planning application, substantial weight should be given to any harm to the Green Belt. Very special circumstance will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

I note the statements contained within the Design and Access Statement with regards to the reduction in floor area and volume, the design of the proposal being proportionate to the main dwelling and the appearance of the dwelling when viewed from Caythorpe Road. However I am of the opinion that these would not demonstrate very special circumstances which would outweigh the matter of inappropriate development by reason of impact upon openness. Multiple appeal and court decisions are clear that the issue of harm by disproportionality carries significant weight in the planning balance, as does the principal of harm to the openness of the Green Belt. The

proposal is therefore considered to be contrary to Spatial Policy 4B of the Core Strategy and Section 9 of the NPPF.

Impact on visual amenity

The NPPF states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to 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.

I note the details contained in the submitted Design and Access Statement and the neighbour comments received regarding the improvement that the proposal would have on the existing dwelling. The design and appearance of the proposed dwelling is considered to be acceptable and its positioning on the site would be appropriate in terms of its visual impact on the street scene. The proposal therefore accords with Core Policy 9 of the Core Strategy DPD and DM5 of the Allocations and Development Management DPD but it not considered that this outweighs the harm to the green belt explained above.

Impact upon 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 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.

I note the details included in the submitted Design and Access Statement and it is considered that given the distances between the proposed garage and neighbouring development, the proposed development would not significantly adversely affect the amenities of neighbours, either in terms of loss of privacy, loss of light or outlook to warrant refusal of planning permission.

The proposal would also provide a good level of amenity for any future occupiers and it is therefore concluded that the development accords with DM5 of the Allocations and Development Management DPD but again, it not considered that this outweighs the harm to the green belt explained above.

Flooding

Two small parts of the site lie within flood zone 2. The applicant has submitted a householder flood risk form and has indicated that measures will be taken to ensure the risk of flooding is minimised in the development. This is considered acceptable given the nature of the proposed development.

Highways Impact

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

I note the comment received from the parish regarding the parking on site. The proposed garage will provide two car parking spaces and no further hardstanding for parking is proposed as part of the application. The planning authority therefore concurs with the comments of the Highway Authority that the proposal is acceptable in highway safety terms, in accordance with Spatial Policy 7 of the Core Strategy DPD and DM5 of the Allocations and Development Management DPD.

Conclusion and planning balance

It is noted that the current proposal consists of a smaller garage than previously applied for, both in terms of recently refused scheme and the elements deleted from the scheme in obtain original officer support (for the replacement dwelling).

However, even taking the applicants own volume calculations on the original now replaced dwelling the Council remains of the opinion that the proposals represent a disproportionate addition in policy terms. There are no Very Special Circumstances that would outweigh such harm. In addition this proposal would re-introduce an element previously negotiated out and agreed by parties in good faith. It is therefore considered that the proposal should be refused.

RECOMMENDATION

That full planning permission is refused.

Reasons for refusal:

In the opinion of the LPA, taking account that the existing dwelling is already at the upper limits of acceptability in terms of its proportionate increase in floor space and volume over and above that of the original dwelling that it has replaced, the proposed development would result in a disproportionate addition and therefore would be considered inappropriate development in the Green Belt, which is harmful by definition. The NPPF indicates that such developments should not be approved except in very special circumstances. No such special circumstances have been identified and this proposal is contrary to the NPPF, a material consideration in addition to Spatial Policy 4B (Green Belt Development) of the adopted Newark and Sherwood Core Strategy.

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

Committee Plan - 16/00893/FUL



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Application No:	16/00819/FULM		
Proposal:	Erection of 9 environmentally sustainable eco homes, publically accessible wildlife area and associated development including landscaping, allotments, sustainable drainage reed bed and pond system, PV panels, cycle storage, electric car recharging facilities		
Location:	Land To The South Of Bilsthorpe Road, Eakring, Nottinghamshire		
Applicant:	Dr Chris and Louise Parsons		
Registered:	26 May 2016	Target Date: 25 Aug 2016	
		Extended until: 7 Sept 2016	

The Site

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

Relevant Planning History

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

The Proposal

Due to the nature of the proposal it is considered appropriate to detail the credentials of the applicants, albeit for the avoidance of doubt a personal permission is not sought in this instance (nor could it reasonably be for the quantum of development proposed). The applicants are Dr Chris and Louise Parsons who, according to the submitted information, own a farm and large agricultural holding in and around Eakring. Mainly involved in arable farming, the family have also diversified various former agricultural buildings to create offices including commitments to renewable energy technologies.

Planning permission is sought for the erection of 9 no. sustainable 'eco dwellings' served by the existing access on Bilsthorpe Road to the agricultural business. The dwellings will be earth sheltered consisting of two clusters of single storey properties. In addition to the earth sheltered design, the dwelling are proposed to include a number of sustainable and eco-friendly construction materials and methods alongside technologies that the applicants states will provide

exceptional energy performance and climate resilience.

The proposed dwellings would have a linear layout set back from the highway boundary with patio areas to their frontages separated from the allotments located to the front of the site by earth bunds.

The first cluster to the eastern end of the line of dwellings will consist of a pair of semi-detached units and a terrace of three (houses 1-5). The second cluster to the west will consist of a two pairs of semi-detached dwellings (houses 6-9). There would be five 2 bedroom houses and four 1 bedroom houses.

Surrounding the dwellings the remainder of the site would be retained as an open meadow wildlife area for the benefit of both the occupiers of the proposed dwellings and members of the public. This area will include the creation of wildlife habitats such as wild flower meadows, belts of tree planting and wildlife ponds and reed beds.

All of the submitted documentation submitted alongside the application can be viewed on the planning pages of the Local Planning Authority's website.

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 – Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014

Consultations

Eakring Parish Council - Eakring Parish Council support this proposal as the concept of small housing units for rent to local people (people from Eakring or with an Eakring connection) is something that the village needs. In reaching this decision they did consider an Email raising points from a resident (Mr and Mrs Mawer) who live opposite the proposed site. This Email is being forwarded to you.

N&SDC Conservation Team – No objection to the proposal, full comment included in appraisal below.

Nottinghamshire County Highways – “The application site is served by an existing access from Bilsthorpe Road. It is assumed that this development is to remain private. There is an existing wall in place which appears to have been constructed within the existing grass verge at the point of access onto Bilsthorpe Road. Formal agreement/permission from the Highway Authority would be required for this type of structure within the highway, therefore, could the applicant provide documentation to confirm this was satisfactorily agreed.

With regard to this development of 4 x 1 bed and 5 x 2 bed dwellings, there are no highway objections subject to the following being imposed:

1. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles and should be retained as approved for the life of the development. Reason: To ensure that adequate off street parking is provided within the site.

2. Prior to the occupation of any dwelling hereby approved, the shared private driveway shall be laid out to a minimum width of 4.8m with turning facilities suitable to accommodate a refuse vehicle in accordance with a plan to be first submitted and approved in writing by the Local Planning Authority. Reason: To ensure adequate turning/manoeuvring area within the site for refuse collection vehicles.

The Environment Agency – “Thank you for consulting the Environment Agency on the above application. This proposal falls within flood zone 1 and the Lead local Flood Authority should be consulted.”

Lead Local Flood risk Authority – No comment received at the time of writing this report

Nottinghamshire Ramblers Association - Although we do not wish to raise an objection to this application our position is totally dependent upon the neighbouring rights of way (Footpaths 2 and 4) remaining open at all times during and after the development.”

N&SDC Environmental Health – “I refer to the above application and confirm that I have no comments to make.”

N&SDC Environmental Health – “No observations.”

N&SDC Waste Management – “The application form states that there have been no plans made or considered for waste therefore I cannot comment on the suitability of any arrangements. I cannot support this application without further details.”

NCC Rights of Way – “This application impacts on Eakring Parish Foot Paths No 2 & 4, which run through the site as shown on the attached working copy of the definitive map. Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way. Any required path closure or diversion application should be made via consultation with this office.”

N&SDC Strategic Housing – “Background - The application site is located within the village of Eakring which is defined as an ‘other village’ (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Housing Need

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The Parish of Eakring were recently surveyed regarding their need for housing by an independent body (agreed by the Council). The survey was conducted on behalf of a private client therefore the results at this moment in time are confidential. The applicant has provided no evidence of local housing need with the application.

I turn to the issue of demonstrating ‘proven local need’ to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Eakring is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Eakring has a good supply of this type of housing and they appear on the open market for sale. Currently there are 5 properties for sale ranging from 5 – 3 bedrooms at values from £345,000 to £650,000.

Summary

The applicant refers to ‘low cost’ housing but I am led to believe that this refers to the running costs of the properties not the sales value. I therefore suggest that the properties would be designated as market housing and in this respect the Council would be seeking a contribution

towards affordable housing provision as the size of the site is over 3 hectares (over 1000 sq mtrs for affordable housing provision).

The proposed scheme is to be located on a site that is outside of the village's boundary/built-up area. In policy terms for affordable housing this would mean that it would only be considered as an 'exception' site. On these sites only schemes that provide 100% affordable housing are usually acceptable. To date I have not received any information that would support this proposal as affordable housing. i.e. owned and managed by a registered provider with first lets for households on the Council's housing register. There are other conditions for exception sites, including the provision of an evidence base for the need for affordable housing usually through a Parish Housing Needs Survey and clauses in the agreement that the properties would be for local people in the first instance. I therefore conclude that the proposed scheme is neither affordable (as detailed in NPPF) or low cost."

15 representations have been received from local residents/interested parties. All comment received support the proposal. The representations can be summarised as follows:

- Support for the innovative design and sustainability credential of the dwellings
- Support the proposed pond and wildlife area which benefits biodiversity especially as accessible to the public
- The development will allow those on lower income and in need of smaller accommodation to reside in the village
- The project will assist in keeping a mixed age group within the village
- The house have been designed well to be sympathetic to the village
- Support the provision of affordable rented accommodation to allow young children of the village to stay within the community
- Support for provision of affordable rented accommodation for people who work in the locality
- National Grid has a significant presence in Eakring as an employer of local people as well as other sources employment which justifies a need for the addition of small affordable housing to live and work locally

1 comment raising concern (but neither objecting nor supporting the scheme) has been received. This comment can be summarised as follows:

- The proposed entrance will cause more vehicles to shine headlights into neighbouring development due to the land levels of the entrance, alternative access should be used further along Bilsthorpe Road.
- Lighting within the development will cause light pollution and ways to control this should be addressed

- The location of the visitor car parking spaces will increase the likelihood of theft in the area due to being able to view neighbouring development day or night

Comments of the Business Manager – Development

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The application site is, as matter of fact and policy, located outside of the village of Eakring. It therefore falls in the first instance to be considered against the sustainability criteria of Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. The policy goes on to direct the decision maker to an open countryside policy in the Allocations and Development Management DPD, being the extant Policy DM8.

I note from the submitted spatial planning statement that the applicant defines the location of the proposed development as being on the western edge of the village and as such the full criteria of Spatial Policy 3 of the authority's Core Strategy DPD applies. The statement goes on to state that this policy is out of date due to a recent appeal decision within the district which concluded that the authority cannot provide evidence of a 5 year housing supply. It is my opinion that SP3 only applies to this development insofar as the open countryside references are concerned. The relevant policy for the purposes of decision making remains DM8 and the NPPF (which DM8 was found to be consistent with in the adoption of the Allocations DPD), specifically paragraph 55. Both DM8 and the NPPF state that local planning authorities should avoid new isolated homes in the countryside unless there are specific circumstances to justify them. I further rehearse this below.

It is helpful nevertheless to address the Council's 5 year housing land supply issues, which Members will be aware is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to June's Committee this year. I will not rehearse in full the position, save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (we are out to consultation until the 23rd September on the Preferred Approach - Strategy Consultation (29th July - 23rd September 2016) the Council is of the opinion that paragraph 14 of the NPPF is not engaged. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, are on the edge of settlements with key services (notably Principal villages and higher within the settlement hierarchy), and are acceptable in every other respect. The scheme proposed here is beyond the main built up area of the village (which of course, is a matter of judgement but is backed, if one looks to history as a guide, by the village envelope which accompanied the 1999 Local Plan.)

The applicant contends that the site is not an isolated location within the countryside and therefore the majority of the special circumstances listed in paragraph 55 are not applicable in this

case. The statement then ascertains that one of the exceptions in paragraph 55 for ‘the exceptional quality or innovative nature of the design of the dwelling’ is applicable to this development due the design of the proposed dwellings.

Paragraph 55 states that such a design should:

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.’*

Core Strategy Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types. With reference to new dwellings, the policy stance is that: *‘planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.’*

The applicants Planning Statement states that the proposed dwellings will meet the innovative design test which is expanded upon in the accompanying Technical Report. The technical report highlights a number of sustainability credentials that the proposed dwellings will incorporate such as passive solar gain, buffer zones, efficient water heating, high insulation, durability and whole house design amongst others features. The report states that the overall architectural merit of the proposal will benefit from developments tested in the most recent Hockerton Housing Project (HHP) developments where the thermal performance of the houses exceed the rigorous requirements of the Passive House program, the still higher standards of the now defunct Code for Sustainable Homes level 6 and the gold level of the Association for Environmental Conscious Building (AECB). Further details of how the various construction methods and technologies would be implemented are detailed below. It is however important to note that the applicants have not detailed a commitment to the proposed scheme meeting the requirements of the passive House assessment or any other accreditation, rather the ability to build upon experiences learnt from the HHP. Nevertheless if Members were minded to support the scheme conditions and/or a S106 Agreement could be utilised to secure standards, perhaps with pre-assessment qualifications being provided prior to any consent being issued.

With reference to the HHP developments, I note that this was consented (albeit now some 20 years ago) on the basis of both community set up and sustainability credentials for build and layout. This development included many of the sustainability credentials proposed in the development now being promoted. The committee report for the HHP stated that if simply a common housing scheme was before Officers that the application should be refused given the location of the site in the open countryside. However under the relevant national, regional and local policies in place at the time (1994) the energy efficiency and sustainability of the proposal was considered to be of an exceptionally high standard that should carry weight in the planning balance and therefore be approved. It is stated that the combination of the high levels of design and sustainable development is unlikely to arise often in the district.

On the community/social set up site the HHP also included (and indeed now incorporates) proposals that resulted in a whole living project which would be run by a trust and the houses rented in perpetuity. The HHP includes a social element which requires occupants of the dwellings

working on site towards a system of self sufficiency through sustainable employment with low impact on the environment. Furthermore it was proposed that the existing organic small holding on site would be expanded to a co-operative and a permaculture orchard would be established. The officer recommendation for approval of the scheme as an exceptional development also recommended a Section 106 agreement with terms that would ensure the way in which the application was presented is the way in which it was carried out and maintained in the future. This legal assurance was proposed to prevent the dwellings being sold for purely speculative purposes in the future and to maintain the sustainability of the scheme in this regard. The associated section 106 agreement for this scheme tied the owners and future occupiers of the dwellings to managing the land and the scheme in accordance with the Ideal Management Objectives of a Land Management Plan. Another tie states that the owners will ensure that the occupants of each of the dwellings shall have a real and substantial connection with the Hockerton Agricultural Co-operative and their families. It is therefore considered that the HHP included a strong social element which further substantiated the sustainability credentials of the scheme adding value to the exceptional nature of the proposal.

For the avoidance of doubt the scheme now under consideration is not a scheme tied to the HHP. It does not include any of the social/community ties or provisions contained within the HHP and at the time of writing no appetite has been shown to agree to the level of ties in perpetuity, via legal agreement, which currently existing at the HHP.

The applicant states that the small dwellings proposed will be small starter homes (not starter homes in policy terms) available for people in the Eakring locality for rent, designed to meet a locally identified needs for young and local people and people downsizing. It is proposed that the dwellings would be managed by Hexgreaves Estates (expanded upon in a supporting letter submitted alongside the application). This letter states that Hexgreaves Estates are currently managing a number of commercial properties and residential properties in Eakring that are owned by the applicants. The letter goes on to states that Hexgreaves estates have first hand knowledge of district heating systems, solar panels and ecological design solutions. The letter concludes the Hexgreaves Estates will manage the proposed development through maintenance, alliances, endorsements and guardianship. Whilst this position is commendable it must be noted that Hexgreaves Estates are not joint applicants and there is no proposal to tie the involvement through a S106. Equally, there will no control promoted on who can occupy the units. There is no local connection or cascade mechanism nor any details as to how this could be administered given that this is not something the Authority would be willing to take on.

A letter from Gascoines Estate agents in Southwell has also been provided by the applicants. This letter states that similar size properties in the surrounding area would have rental prices of £500 per calendar month for a 1 bed property and £600 for a 2 bed property. The submitted information states that it is anticipated that the 1 bed properties proposed will be rented for £400 pcm and the 2 bed properties for £600, the latter being identical to market rental levels. The applicant states that it is the eco credentials of the scheme that makes a material difference on cost, with running costs of the dwelling expected to be low when compared to an average dwelling. There is no information provided to explain how the properties will be rented in perpetuity (or indeed be prevented from being sold outright) and no commitment to this has been provided as part of the application.

This application aims to use similar design features and technologies to the HHP but states that they will be enhanced due to lessons learnt from this and other subsequent housing developments across the county. It is therefore ascertained that the proposal in hand will be innovative in design

in the current policy arena. At the time of the HHP it appears that the sustainability envelope/threshold was being pushed and exceeded in terms of innovation. Whilst this scheme could (I refer to comments above where currently no target accreditation is promoted or agreed to be secured) learn lessons from and improve upon the HHP, there remains a debate as to whether this is innovative or of exceptional design. The 'required' standards for building via Building Regulations have increased over the passage of time such that the threshold to clearly exceed is now a high bar.

I have set out below the specifics of energy performance the homes are expected to achieve on the basis of what has been submitted.

Thermal mass - to store heat in the summer months to keep the home cool in summer and warm in winter

Passive solar gain - to reduce the need for space heating and artificial lighting

Super-insulation and buffer zones - to provide a reduced temperature gradient between the inside and outside of homes.

Due to the variety of technologies and construction methods proposed in the submitted technical report a summary of the proposals is included below highlighting the proposed advancements beyond the existing methods installed in the existing HHP.

Roof insulation [R values] levels being doubled, wall insulation levels being improved by 35% and the U value of glazing elements has being improved by 25%.

Ventilation and cooling - HHP had prototypes for whole house Mechanical Ventilation Heat Recovery (MVHR) units. The original MVHR units were powered by dual 30 W dc motors. These were replaced by trail 7 W dc units and still performed well and reliably. Due to other design improvements proposed for the current proposal (including cross ventilation from the back to the front of the houses, not so in HHP) these smaller MVHR units will be used.

Sunspaces – These provide passive solar gain and buffer zones protecting the dwellings from lowest winter cold and the highest summer heat. Previously constructed of wood at the HHP the current proposal will include sunspaces constructed of other materials as well as solid insulated roofs rather than glazed roofs (as at the HHP)

Water heating – The HHP began water heating with air source heat pumps. This has now been replaced with immersions heaters in tanks as this has been found to be cheaper and more efficient. Along with other improvements (such as reducing peak load by the use of timers) immersion heaters will be used in the current proposal.

Mobility access – At the time of the HHP regulations were minimal. The current proposal will have level access and straightforward movement corridors throughout. The proposed scheme will meet the requirements for lifetime homes.

End of life recycling – Due to the design of the proposed houses and the material used in construction they can be easily separated and dismantled for recycling at the end of the dwellings life.

Renewable energy generation - The renewable energy generation has been improved in the Eakring Eco House development proposal compared to the systems used in previous eco projects. A wind turbine provided renewable energy for the HHP initially with a second being added later. The next installation was a photovoltaic (PV) array some trailed at HHP were on the north slope of the houses. This design will be improved and applied to the current proposal. The system at the HHP has been improved further with innovative controls of the HW system.

Earth Covered Roofs - The earth covered roofs have been improved in the Eakring Eco House development proposal compared to the construction used in previous eco projects. The roofs of the HHP houses are angled at 10 degrees at a 400mm depth. The current proposal will follow other examples where a 5 degree pitch will be utilised with a 100-150mm depth of better quality soil.

Rain water drainage management - The rain water drainage management has been improved in the Eakring Eco House development proposal compared to the systems used in previous eco projects. This depth of soil on the roofs, although thinner still provides significant retention of rain water runoff. This runoff is directed to wildlife pond habitat providing an additional buffer to water flows. The effluent treatment system has been developed to include a bog area with willow planting to soak up most of the output from the reedbed and secondary stage pond.

Transport – Electric car provision was not common place in the past so facilities will be provided for households in for this scheme to easily install electric car charging points if they desire as different sockets are required for different cars. The layout and design of the scheme will allow cars to be charged next to the door of the house. In addition, the design also enables each dwellings' renewable energy system to potentially supply the energy needs of the car directly. In the future this may also facilitate the use of the car batteries to store energy from the household PV system for use in the house.

Housing layout and landscape – The layout of the development has been improved compared to previous developments. The houses are still earth sheltered as in the HHP and other eco schemes but they have been split into smaller blocks of two or three with an angled gap between them improving privacy and visual breaks. Community space is also created between the houses with a proposed storage area. The residents will also be adjacent to a large area of permitted access land newly created to the rear and side of the houses. With the possibility of community allotments should they be desired.

The relationship between the houses and the landscape is tightly intertwined. The earth roofs, planting proposed, reedbed and ponds will all add significantly to the biodiversity of the area. The amenity land area will add to the social sustainability of the development.

The technical report provided by the applicants concludes that innovation is offered in two respects:

- The proposal continues the innovative process, started with Hockerton Housing Project, to further develop a strong evidence base and challenge those doubting the feasibility of intersessional heat storage to deliver exceptionally good energy performance and;
- Multiple incremental improvements to individual aspects of the design offer a step change in the social, economic and financial sustainability of the system as a whole.

In overall terms it is clear that many elements will be provided that will build upon the HHP. I remain to be convinced that this is truly innovative but I would accept that it would clearly be beneficial in sustainability credentials, if works were offered to be tied (by legal agreement) and there was a further offer as to explicitly which nationally accredited measures/codes would be secured.

Beyond the technology used for reducing energy consumption the dwelling has been designed to reflect and enhance its setting. This is considered to have been addressed through the single storey nature of the dwellings which will remain mostly hidden from view due to earth covered nature of the buildings themselves and the landscaping of the surrounding site particularly to the front of the dwellings which include earth mounds that will both hide the dwellings from views from Bilsthorpe Road and also contribute to the ecology and landscaping aspects of the scheme. It is important to note however that the earth covering of the dwelling and bund to the north of the site will be engineered. This is opposed to the dwellings being integrated into an already existing landscape feature. The submitted Topography constraints Plan clearly demonstrates that the area of land where the proposed dwellings are to be sited is higher than the northern part of the site and Bilsthorpe Road which runs alongside the northern boundary of the site. This confirms that the proposed earth covering and bunds (that have been proposed to provide shielding) will be engineered which will alter the existing site.

In addressing the architectural merit of the scheme it is important to note that both paragraph 55 and DM8 seek for developments of this nature to reflect the highest standards in architecture. The submitted information is concentrated on the sustainability credentials of the scheme and the various eco-friendly building methods and technologies. The design of the dwellings themselves are considered to have been informed by this drive and are thus functional in their appearance.

With regard to the scheme addressing the criteria for being sensitive to the defining character of the local area it is considered that this is assessed adequately by the council's conservation team under the relevant heading below.

In forming a view on the acceptability of the principle of the development under paragraph 55 and policy DM8 it is considered that a balanced view of all of the relevant considerations needs to be reached. This is provided in the conclusion at the end of the report.

Impact on Heritage Assets and landscape character

Due to the proximity of the site to the Eakring Conservation Area the council's conservation team have been consulted and their comments are as follows:

"The proposal site does not include any designated heritage assets, although the north-east edge includes part of the Eakring Conservation Area (CA) boundary. Conservation provided detailed advice at pre-application stage, a copy of which is attached (ref PREAPP/00051/16).

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development affecting the setting of designated heritage assets, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development affecting the setting of designated heritage assets (paragraph 137). The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. It would not normally be good practice for new development to dominate the setting of heritage assets in either scale, material or as a result of its siting.

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

Significance of Eakring CA

Eakring Conservation Area (CA) was first designated in 1974, and was extended in 1988 so as to include the entire built up area of the village as well as landscape setting to the south. The Council adopted a CA Appraisal for the village in 2001, and this document includes a useful summary of the character and appearance of the CA. Eakring is essentially a medieval settlement within open countryside. The landmark 15th century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of toft and croft plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. In this context, the rural hinterlands of the village are an important element of the CA's setting.

The proposal site is prominent on approach to the CA. Apple Cottage to the northeast is a Local Interest building which contributes positively to the CA.

Assessment of proposal

The proposal seeks permission to erect 9 'environmentally sustainable eco homes', a publically accessible wildlife area with associated development (including landscaping, allotments, sustainable drainage reed bed and pond system, PV panels, cycle storage and electric car recharging facilities).

The proposal is considered to accord with our pre-application advice.

It is felt that the proposal will have an impact on the setting of the CA, and the change from agricultural land to a mix of residential development, allotments, wildlife area and other

development will have a degree of effect on the approach to the CA. However, the proposal is likely to integrate positively into the natural environment in this case. The earth walling to the residential component, for example, ensures that the development is not unduly prominent within the landscape, further helped by the two northern bunds proposed. Whilst modern technology, including the proposed solar PVs and electric car charging facilities, could result in an intrusive element to the landscape, it is accepted that these elements will not be unduly visible in this case.

The conservation and enhancement of green infrastructure on the site is beneficial to the setting of the CA, and it is recognised that development has been sited away from the front aspect of Apple Cottage.

Overall, we have no substantive material objection to the proposal and find that it causes no harm to the setting and significance of the Eakring CA.

In accordance with s.72 of the Act, the proposal is not considered to cause any harm to the significance of the CA. The proposal is also considered to comply with heritage advice contained within section 12 of the NPPF and DM9 of the Council's LDF DPD. If approved, suitable conditions will need to address all aspects of the facing materials, joinery, renewable energy structures, landscaping, surfacing and boundary treatments. Appropriate restrictions to PD should also be considered."

Residential Amenity

The proposed dwellings would be built approx. 80m away from the closest neighbouring residential dwelling on the northern side of Bilsthorpe Road to the north east. I have identified no detrimental impact to neighbouring amenity in terms of overbearing or loss of privacy. Given the distance from the nearest neighbours I am also satisfied that any noise or light from a new dwellings would be unlikely to be at a level which would have a significant impact on neighbouring amenity. The red line site includes a large area of amenity space to be available to residents as well as member of the public which is considered adequate.

I note the comments received during consultation which raised concerns with regard to lighting on the site. The application includes no details of proposed development wide lighting within the site and due to the nature of the comment received it is assumed that street lighting is of concern. If the proposal is found to be acceptable and planning permission is granted, it is considered that a suitably worded condition will allow sufficient control of any lighting scheme that may be proposed.

Concerns have also been raised with regard to the use of the existing access to the adjacent farm due to the level of the access creating a light pollution issue from vehicle headlights. It is accepted that the proposal would introduce new movements to the site in an area of open countryside where an existing resident is not currently subject to residential vehicle movement to the same degree as now proposed. However, given the distances involved it is not considered reasonable to resist planning permission simply on the ground that vehicles with headlights on will have an ability to enter the site.

A final concern raised with regard to amenity relates the location of the visitor car parking spaces which will increase the likelihood of theft in the area due to being able to view neighbouring development day or night from the proposed spaces. It is not considered that the visitor parking proposed will significantly increase the opportunity to view neighbouring dwellings beyond the

opportunity provided by parking on Bilsthorpe Road itself which is closer to neighbouring dwellings in any case.

Overall I am satisfied that the proposal complies with Policy DM5 with regard to amenity.

Highway Matters

There is an existing vehicular access to the site. I do not consider that the traffic generation associated with 9 dwelling houses would have a significant impact which would amount to a detrimental impact to highways safety. I note the comment received from Nottingham County Highways who have raised no objections to the proposal subject to the imposition of two conditions. However one issue has been raised regarding the creation of a retaining wall that has previously been constructed in the existing grass verge. The agent for the application has informed me that the highways department have been contacted regarding this matter and I do not feel that this impacts on this proposal given that the highways have raised no objection to the scheme. I am satisfied therefore that the proposal raises no vehicular access or parking concerns when considered against Spatial Policy 7 and Policy DM5.

Flooding

Due to the residential nature of the proposal the scheme is defined as 'more vulnerable' in the NPPF. Due to the sites location within flood zone 1, the NPPF vulnerability classification regards the proposal as appropriate. In line with the Environment Agency's advice received through consultation the Lead Local Flood Risk Authority have been consulted regarding the scheme. Unfortunately no response has been received at the time of writing. It is unlikely that there will be insurmountable surface flooding issue with a proposal of this nature, on a site of this nature. In any event one would normally require drainage details prior to the commencement of development. I see no reason to differ in this case and a condition could be secured accordingly should Members be minded to approve the application.

Rights of way

The comments received from the Nottingham County Rights Of Way officer confirm that this application impacts on Eakring Parish Foot Paths No 2 & 4, which run through the site as shown on the working copy of the definitive map. The Nottingham County Rights Of Way office have raised no objection to the proposal but they do require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. It is therefore considered that a suitably worded condition to require this would suffice.

Ecology

It is noted that the applicant has submitted a preliminary ecological survey in support of the application. The report concludes that there are no concerns regarding protected species and that the proposal will enhance the ecological value of the site. It is clear that the applicant is committed to providing a rich landscape that can used by both occupiers of the proposed dwellings and members of the public that will also enhance the ecological value of the site and as such it is considered that the proposal accords with Core Policy 12. This could be secured by condition in the event that planning permission is granted.

Other Matters

Affordable Housing

It is noted that the NSDC Strategic Housing Officer has commented that the dwellings proposed are neither affordable or low cost. CP1 of the Core Strategy states that for qualifying development proposals, in areas outside of Newark Urban Area, housing schemes comprising of 5 or more dwellings or sites of 0.2 hectares or above irrespective of the number of dwellings should contribute with 30% on-site affordable housing. However the NPPG provides that following a Court of Appeal decision in May 2016 which gives legal effect to the Written Ministerial Statement of 28th November 2014, that contributions should not be sought for developments of 10 or less and which have a maximum combined floor space of no more than 1000 square metres, which this scheme would not. Given this recent government statement/position, I consider that this outweighs the now outdated content of CP1 and no contribution to affordable housing should be sought.

Waste

The comments from NSDC Waste are noted. However this is a matter that could be conditioned if Members were minded to approve.

Planning balance and Conclusion

I have rehearsed above the fact that this site lies within the open countryside. The policy position is clear with respect to new dwellings in the open countryside in terms of both local Allocations DPD Policy DM8 and national guidance in the form of the NPPF. I note that this scheme takes a lead from the Hockerton Housing Project (HHP), a scheme which this Authority has previously supported (including its later expansion) and a scheme which I understand is both successful and integrated in terms of the community. Indeed, the HHP has drawn up some of the scheme now before us. The HHP was considered to be truly innovative and exceptional for its time (and arguable since its implementation) when consented in 1994. The issue before the Planning Authority now is whether this current scheme is equally as exceptional or innovative against a backdrop of many years of increased emphasis on achieving sustainability credentials as a matter of course (Building Regulations themselves have been 'ramped' up over the years and it is no longer exceptional for planning schemes, including affordable housing to promote measures such as Building for Life Standards).

In this particular case, whilst wider benefits are clearly provided I remain to be convinced that they are of such quality and innovation to offer support in a context where development would be otherwise resisted. Whilst measures to improve upon the HHP are referred to, mechanisms to control this (including measures pre, during, and post construction) or firm commitments as to which accreditations will be secured are lacking. I accept that if measures are promoted/agreed they could be secured by condition if an appropriate level of work could be secured. As detailed above the community/social elements of the HHP are not promoted in this instance, in terms of tying the type of occupiers, how properties are disposed of, and buying into a wider sense of community. Overall I must conclude in this case that the very high bar set to allow dwellings (emphasis on multiple) has not been met in this instance. Refusal is therefore recommended.

RECOMMENDATION

Full planning permission is refused for the following reason:

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The proposed development would result in additional dwellings within the open countryside outside of the main built up area of Eakring. The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 of the Allocations and Development Management DDP which strictly controls and limits the types of development in the countryside. This policy is wholly consistent (as tested in adopting the DPD) with the National Planning Policy Framework (NPPF). The proposed new dwellings would be an inappropriate form of development in the open countryside and the design and innovation of the proposal, whilst having clear merits, is not on this occasion of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal. It is therefore considered that in this particular instance the adverse impacts of new dwellings in an unsustainable open countryside location would, on balance, outweigh the benefits of the provision of dwellings in an overall planning balance. The proposal is therefore contrary to the sustainability objectives of the NPPF and Policy DM8 of the Allocations and Development Management DPD (2013).

BACKGROUND PAPERS

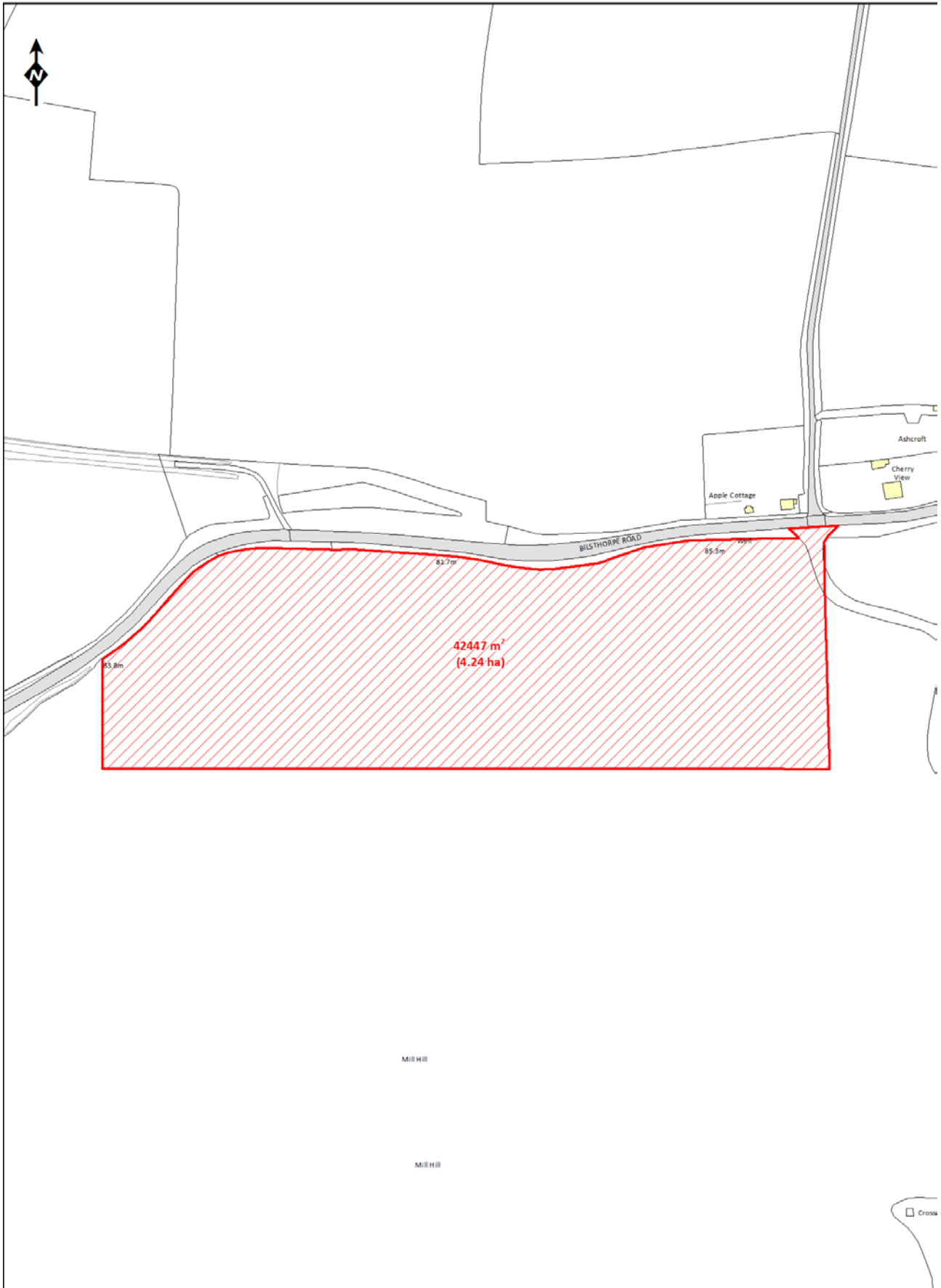
Application case file.

For further information, please contact Sukh Chohan on Ext 5828.

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

K.H. Cole
Deputy Chief Executive

Committee Plan - 16/00819/FULM



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Application No:	16/00992/FUL	
Proposal:	Change of use of premises from B1 to A1 (retail) to include a butchery and tea room	
Location:	Newark And Sherwood Play Support Group, Edward Avenue, Newark On Trent, Nottinghamshire, NG24 4UZ	
Applicant:	Farndon Farmshop Ltd - Mrs Stephanie Worthington	
Registered:	23 June 2016	Target Date: 18 August 2016
	Extension of time until: 7 September 2016	

The Site

The site is a level and rectangular shaped plot on the eastern side of Edward Avenue in Newark. It sits within the built up part of Newark and is within the Newark Conservation Area. A single storey gable fronted building is positioned alongside the north western boundary and is set back approximately 7m from the site's frontage to Edward Avenue. The property is part pre-cast block cladding and part block work cladding under a pitched concrete tiled roof. It has a gross internal area of approximately 200m².

The property is authorised for office and workshop use and it is understood it was last occupied by Newark And Sherwood Play Support Group albeit for office and storage facilities rather than events and activities.

The remainder of the site is surfaced hard standing (partly concrete and partly tarmac) which provides car parking spaces. In addition to the close boarded fencing along the site's side and rear boundaries, a number of trees lie to the south side and west front boundary which have been recently cut back heavily to dead wood with stunted trunks. As a result, the site frontage is open to Edward Avenue where views are afforded across the site towards the properties at Victoria Terrace beyond the rear boundary.

Edward Avenue is a cul-de-sac and properties along here are predominantly residential. A Victorian terrace of 12 properties sits immediately opposite the site and residents rely on on-street parking for their vehicles. Towards the head of the cul-de-sac is a relatively modern residential development with properties having some curtilage car parking.

Relevant Planning History

11/01755/FUL - Proposed new detached building (in association with the existing play support group) in the car park – Approved by Planning 14.03.2012

From reviewing the committee report for this application it is clear that this application granted approval the erection of a single storey portable building sited at the southern corner of the site for a temporary period of two years. The building would have provided approx 54m² of floorspace to be used by the Support Group to run a youth club specifically for children (under 18s) on the Autistic spectrum. Whilst the proposal would have resulted in children's activities on the site, given the limited scale and number this was considered to be ancillary to the site's primary use.

The application explained that the new building will be occupied by a maximum of 10 children and 3 staff at any one time. The youth club sessions would run twice a week one – in the evening and one on a Saturday – and the applicant confirmed that the building would not be used between the hours of 9pm and 9am and not on bank holidays or Sundays.

The overall officer assessment of this application was finely balanced given that, ordinarily, a building of the form proposed would be recommended for refusal on the grounds of its negative impact on the conservation area. In this particular instance though, the merits of the application in the form of its intended use and the reliance on limited funding weighed marginally in favour of its support. The balance in favour of the application was not, however, sufficient to warrant permission for the new building to allow it permanently. Permission was therefore conditioned for a temporary period of two years. Further conditions restricted the existing building on the site to be only be occupied by Newark and Sherwood Play Support Group to be used for the storage of their equipment with associated ancillary office use until such time that the new building is removed from the site. The conditions also restricted the use of the new building to be a youth club and associated community activities and no other use from Class D1 (non-residential institutions). A condition was also imposed to control the opening hours of the building from 8am to 9pm Monday- Friday 9am to 5pm Saturdays and not at all on Sundays, Public or Bank Holidays. These restrictive conditions were imposed to protect neighbouring amenity and to ensure off street parking remained to be provided.

01901060 – Extension to existing premises to form workshop and offices - Refused 21.01.1991

01910893 - Extension to premises to form workshop and offices - Refused 19.03.1992

The Proposal

Planning permission is sought for the change of use of the premises from a mixed use office/engineering workshop to an A1 retail use (including a butchery) with ancillary tea-room facilities. The tea room and shop would operate 8am to 5pm Monday to Saturday with a limited menu of hot and cold drinks, cakes, sandwiches, paninis and pies and sausage rolls heated in a small commercial oven. There will be no deep fat fryers or griddles and therefore no requirement

for extraction equipment. The application also includes 13 on-site car parking spaces.

Other than the widening of an existing fire door on the southern side to create a double entrance door, no external alterations to the existing building are proposed.

The application includes the removal of road frontage Leylandii trees to open up the site and a tree survey has been submitted in support which states that all the existing trees are 'C' category specimens. As such the submitted Supporting Statement states the trees are not necessarily worthy of retention as they have limited lifespan and limited amenity value.

The agent argues that the application site is in a sustainable location, in close proximity to the town centre yet within a residential catchment area that will provide the main custom.

When the application was first submitted there was a shipping container within the curtilage of the site, however, this has since been removed.

A Supporting Statement and Tree Survey have been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of fifty nine neighbouring properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 6 – Infrastructure for Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 8 – Retail Hierarchy
- Core Policy 9 – Sustainable Design
- Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5 – Design
- Policy DM9 – Protecting and Enhancing the Historic Environment
- Policy DM11 – Retail and Town Centre Uses

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council - No Objection.

NCC, Highway Authority - “The application site is located within a residential area and the proposal is for a change of use to A1 retail – butchery and tea room. There are to be 13 parking spaces provided, with 4 full time staff expected. It is difficult to assess whether this level of parking provision will be sufficient in this area. Edward Avenue is a ‘residents parking permit only’ area, therefore, should all parking on site be occupied, any visitors to the site are not expected to park on street. Taking the above into account, whilst it would be preferable if further parking was available within the site, it would be considered unreasonable to raise objection in this location. Recommendation – No highway objections.”

NSDC Environmental Health -“... I refer to the above application and would only comment that in the event of the application being approved a food Registration form would need to be submitted 28 days prior to opening”

NSDC Conservation team – Support proposal subject to condition, comment included in the Business Manager’s comments below.

Representations

Fourteen letters of objection have been received from neighbouring/interested parties which are summarised as follows:

- Edward Avenue is a narrow road where there is insufficient parking space for residents, and no room for two vehicles to pass. There is no room for increased traffic (especially delivery vehicles) parking which will happen when the car park is full and emergency services will not be able to access residents;
- The residents’ car parking scheme will be unenforceable with visitors to the site parking on the road and more people will use driveways to turn, the houses directly opposite the site will be most impacted upon due to vehicles turning in and out of the site;
- Victoria Street which serves Edward Avenue is very busy at certain times of the day and year and accessing and existing the Avenue is time consuming at present. This

development will exaggerate this issue;

- The residents have not been informed of the farmshop's proposed opening hours, opposed to 7 day opening and any late night opening;
- Concerns regarding the works on site without planning permission and the applicant's poor attitude to planning regulations;
- The development will impact the quality of life of residents due to disturbances caused by deliveries and long opening hours;
- Smells from the butchery are unpleasant in a residential area, it is a farm shop and should therefore be on a farm in the countryside;
- Edward Avenue has no footfall and is also within the Millgate Conservation Area, this proposal is not appropriate in this location;
- There are already tea rooms/cafes in Newark and a butchers close by;
- The proposed use is detrimental to what is essentially a residential area in terms of hygiene concerns (smell, the attraction of rodents and other vermin) and an inappropriate use of the building;
- There are elderly people living along Edward Avenue and the activity on site cause disturbance to sleep and raise traffic safety issues;
- Object to the butchery being so close to the residences on Victoria Avenue which will attract flies and other vermin;
- The new adverts on site are an eyesore;
- The windows in the proposed tearoom create a privacy issue as they will overlook a neighbouring rear garden; and
- Concerns raised regarding cooking smells.

Three comments neither supporting nor objecting to the scheme have been submitted which are summarised as follows raising concerns:

- Concerned about the re-siting of a shipping container within the site close to neighbouring properties causing overshadowing;
- Concerns that a roof will be added to the container making its impact greater;
- Concerns raised regarding what form the meat will be in when delivered and the proximity of the butchers to the houses on Victoria Terrace;
- Trees have been removed without planning permission and no tree survey submitted; and
- No objection to the proposed use but concerned about the removal of the trees on site during nesting season.

Comments of the Business Manager

Principle of development

The application seeks full planning permission for the change of use of the premises from a mixed use office / workshop to an A1 retail use with ancillary facilities. Newark is identified within the adopted Core Strategy as a sub-regional centre in the settlement hierarchy defined by Spatial Policy 1 and the application proposes a use which complies with the overall aims of Spatial Policies 2 and Core Policy 8. Although not in Newark Town Centre itself, the site is well located close to the town centre which will allow sustainable connectivity despite being outside of the main retail area of the town. The floorspace of the proposal is approx. 189m² which is well below the 2500m² stipulated in Policy DM11 which discourages out of centre locations for retail provision over this threshold. It is therefore considered that given the small scale nature of the use and its location, it is likely to represent a local retail facility that would serve the local need of the immediate area and that is unlikely to have any impact on the vitality and viability of Newark Town Centre. As such the principle of development is considered acceptable, subject to the consideration of site specific considerations which are set out below.

Impact on the visual amenity and the character of the conservation area

The NPPF states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to 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.

Due to the site's location within the Newark Conservation Area the Council's Conservation Team have been consulted about the proposal. Their comments are as follows:

"The application site is a modern single storey structure in an area of hard standing, within Newark Conservation Area. Edward Avenue remained undeveloped and was used as orchards and allotments until the early C20. I do not have the map evidence to show whether the east side was ever developed, but it is now occupied by modern houses, the rear gardens of properties on Victorian Street and this application site. The west side is typified by a strong block of terraced

properties sitting close to the pavement edge, the pavement edge itself being enclosed by the boundary wall of small front gardens.

The building, hard standing and front boundary of the application site are not attractive and it is an area which could be improved in the Conservation Area. The site has modern fencing and gate enclosures along Edward Avenue which are not attractive. It did until recently benefit from quite thick green screening along part of the front and sides of the plot, in the form of tall leylandii trees. The boundary trees, while not important specimens in their own right, helped partially screen a negative site from wider view.

While I have no objection to the principle of change of use here, I am concerned about the proposed boundary treatment, which shows the removal of trees to open up the site. I would not regard this to be an improvement of the site, as is quoted in their Design and Access Statement, as the site does not contribute positively to the character and appearance of the area and is better being partially screened at present.

I do not necessarily think the greenery is essential here but it does provide a low impact means of screening the site, and I would not want to see, for example, its replacement close boarded fences. I think any re-use of the site here needs to at least maintain the level of boundary screening and ideally take an opportunity to improve the front boundary treatment. The front boundary would look better as a red brick wall, which would help give a sense of enclosure to this part of the road, and the use of red brick would be more appropriate to the overall local character than the existing fencing and gate. I would be happy if the boundary treatment could be revised or specifically conditioned to protect the level of screening.”

I note the comments received through consultation regarding the impact that this proposal will have on the conservation area but it must be noted that there are no significant changes proposed to the exterior of the building with the only change being one door changing from a single to double door on the south elevation. In addition, as suggest by the conservation officer I agree that a suitably worded condition to secure appropriate boundary treatment to the west boundary which abuts Edward Avenue will improve the site’s appearance and maintain the character of the Conservation Area by screening the site from views along Edward Avenue which was previously provided by the trees on site which have now been heavily cut back before or during the consideration of this application. This issue is explained further in the tree section below.

Overall it is therefore considered that the impact of the change of use on the conservation area is limited and by bringing a vacant site into use it would prevent the building falling into a state of disrepair. Given that the removal of the trees along the site frontage forms part of this application and would have a harmful impact on the character and appearance of the Conservation Area, I propose to insist on enhanced boundary treatment to the front of the site secured by way of condition.

Subject to this, the proposal is therefore considered to comply with Core Policy 9, Core Policy 14, DM5 and DM9.

Impact upon 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 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.

I note the comment received during consultation which raises concerns with the two existing ground floor windows that are likely to serve the tea room area. There are two residential properties that back onto the north west elevation of the building with a separation distance of approx. 11m between facing elevations. There is also an existing boundary fence approx. 1.8m high between the two windows and the rear elevation of the two dwellings concerned. Furthermore the windows will remain as existing as no changes are proposed to this elevation. Given this context it is considered that the privacy impact of these windows will not change beyond the existing situation as although the building has been vacant, the previous use of this part of the building was an office. It is noted that the proposed tea room use may increase the number of people that use this part of the building beyond say two or three office workers but is considered that an increase in people using this part of the building will not result in significant impacts on residential privacy to warrant refusal of permission on these grounds.

Overall it is considered that the building proposed to change use already exists and only minor alterations to the fenestration are proposed (to the south east elevation), the built form of the site will not change. It is also noted that a number of trees have been heavily cut back which will expose the building and site to views from the adjacent residential streets. However, given the single storey nature of the building and open character of the remainder of the site it is not considered that the existing situation concerning privacy, overbearing impacts and loss of light will alter and as such, there will be no negative impact on amenity in these terms.

I note the comments received through consultation regarding the impact that this proposal will have on neighbouring amenity due the proposed use on site which particularly reference the impact that the proposed use will have on the adjacent public highway and parking. This impact is considered later in this report under the appropriate heading. Other comments raising objections to the proposal on amenity grounds are split into three main issues, one being the impact of the butchery regarding smells and vermin, the second issue being the repositioning of an existing shipping container within the site and the third being the noise and disturbance from comings and goings of customers and deliveries.

The shipping container has not been shown on either the existing or proposed plans for the site and during the application process it has been confirmed by an e-mail from the agent that this shipping container has been removed from the site.

The issue of odour and vermin associated with the butchery and waste has been considered by the Council's Environmental Health Team who has not objected to the proposal. They raise one issue regarding the requirement for a food registration form to be submitted prior to the opening of the premises. This highlights the fact that food health and safety matters associated with commercial premises are strictly controlled and enforced by other legislation. If the premises is to open and a food registration form is submitted as advised Environmental Health legislation will ensure the correct operation of the use in terms of waste and food safety aspects. It is not an uncommon situation to have butchers shops in close proximity to residential accommodation in urban environments without detriment in terms of odours and vermin. With regard to concerns about cooking odour, it is noted that only an oven will be present within the building to heat pies and sausage rolls and on this basis no ventilation system has been proposed. Environmental Health have not raised any issue with this element of the scheme and it is considered that this level of cooking would not give rise to a detrimental level of odour.

The proposed opening hours of the shop and associated tea room are 8am until 5pm Monday to Saturday. Given the residential location of the site it is considered that these hours of operation are at the limits of acceptability due to the potential noise impacts created by activity on site. No details have been provided by the applicant about deliveries to the site with regard to the time and number of deliveries. The submitted block plan states that deliveries will be Luton sized vans only. It is considered that the deliveries to site should be controlled by way of condition to prevent vehicle movements at unsociable hours so as not to cause a disturbance to nearby residents. As such deliveries will be conditioned to be made within the proposed opening hours of the premises only.

In taking into careful consideration all the above material considerations, I conclude that, subject to conditions, the proposed development would not significantly adversely affect the amenities of neighbours, to warrant refusal of planning permission and the development accords with DM5 of the Allocations and Development Management DPD.

Highway Safety

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

I note the comment received through consultation regarding the highways impact of the proposal and specifically the expectation that customers will park on the road when the car park is full. The delivery of goods by larger vehicles is also a concern of consultees. Given the relatively small scale nature of the proposed use (max of 200 sq m floorspace) it is considered that the use would represent a local facility that would be largely self-regulating in terms of customers, many of whom would visit the site on foot. Whilst it is acknowledged that all products sold at the site will need to be delivered, again, the limited size of the facility would self-regulate the number of deliveries to the premises and such deliveries are highly unlikely to take place from vehicles parking in Edward Avenue. The site will provided 13 car parking spaces (including 2 spaces for the disabled) and Edward Avenue is controlled by a residents only parking scheme. In light of this context, it is considered that an appropriate level of on-site parking would be provided and given the options for sustainable transport provided by the location of the site, I concur with the comments of the Highway Authority that the proposal is acceptable in highway safety terms, in accordance with Spatial Policy 7 of the Core Strategy DPD and DM5 of the Allocations and Development Management DPD.

Trees

Following a site visit it is noted that a number of exiting leylandii trees have been heavily cut back to dead wood without any prior notification, as required for trees within Conservation Areas. This issue has also been referred to in a number of consultee comments objecting to the scheme. In light of this a planning enforcement case has been set up which will be investigated in full should this application result in a refusal of permission. The submitted tree survey carried out by the applicant concludes that all of the trees on site have been allowed to overgrow and therefore may not suitable for retention. It is now not possible to insist that the trees remain as important amenity features in the area as the trees have already been drastically cut back to dead wood and therefore are unlikely to recover. However, given the species of the tree I do not consider them to be ideal specimens but they did provide some screening and softening to the appearance of the

site. However the Council's Conservation Officer has raised issue with the loss of the trees to the west boundary of the site which fronts Edward Avenue stating:

"I am concerned about the proposed boundary treatment, which shows the removal of trees to open up the site. I would not regard this to be an improvement of the site, as is quoted in their Design and Access Statement, as the site does not contribute positively to the character and appearance of the area and is better being partially screened at present.

I do not necessarily think the greenery is essential here but it does provide a low impact means of screening the site, and I would not want to see, for example, its replacement with close boarded timber fences. I think any re-use of the site here needs to at least maintain the level of boundary screening and ideally take an opportunity to improve the front boundary treatment. The front boundary would look better as a red brick wall, which would help give a sense of enclosure to this part of the road, and the use of red brick would be more appropriate to the overall local character than the existing fencing and gate. I would be happy if the boundary treatment could be revised or specifically conditioned to protect the level of screening."

The submitted supporting statement states that "Some of the road frontage Leylandii trees may be removed in order to 'open up' the site frontage and improve the general appearance of the street scene. A BS5837 Tree Survey is submitted in support of this application (as the site is within the Conservation Area) which states that all of the Leylandii trees on the site are 'C' Category specimens and are not necessarily worthy of retention as they have a limited lifespan and limited amenity value to the wider area."

It is therefore considered that works to all of the trees on site forms part of this planning application as no Tree Works In a Conservation Area application has been submitted to the local planning authority and permission is required due to the conservation area location. On the basis that the trees to the west boundary provided some amenity value as detailed by the Conservation Officer is deemed acceptable to impose a condition to require the submission of a landscaping plan including all means of enclosure and boundary treatment to provide a sense of enclosure and screen the site from views from Edward Avenue.

Other matters

Advertisements

One consultation comment has been received regarding advertisements that have been displayed on site. This application does not include any advert proposal and in any case any adverts displayed would require advertisement consent under a separate application to the authority for consent. To make this clear if granted approval an informative will detail that this application does not permit any advertisements on site.

Submitted plans

The application has been submitted with no supporting elevational plans. The supporting statement makes it clear that "*Other than the widening of an existing fire door on the southern side of the premises in order to create a double entrance door for secondary customer access (to comply with DDA requirements), there will be no external alterations to the premises.*" This is accepted but confirmation of the change to the door and that the elevations will remain as

existing still needs to be shown on existing and proposed elevational plans to be conditioned as approved plans to define the permission, if approved. In light of this the agent for the application has been contacted requesting that elevations are provided prior to planning committee. The agent has only provided the existing and proposed plans for the south elevation of the building stating that this is the only elevation to the building that will change as a result of the application, through the provision of a double entrance door into the existing opening to the centre of the building. The details of the door are also shown.

The existing use

It appears that the existing use of the site is as an office/workshop. These uses are considered to be classified as B1 uses in the Use Class Order. The most recent user of the site was Newark And Sherwood Play Support Group for office and storage facilities rather than events and activities. An approved application to provide a temporary building on site (as detailed above) confirms this occupation although it is not known if the temporary building was ever implemented and erected on the site. I raise this issue as a material consideration in assessing this application because it is currently possible for a wide range of uses to operate from this site as long as the use fell within B1. This would include offices, research and development uses and industrial uses that are deemed acceptable in a residential area. The original use of the site pre-dates effective planning control as detailed in our records for refused planning applications 01910893 & 01910893. On this basis it could be argued that a B1 use could operate from the site with no conditions to control operating hours. Furthermore the temporary permission outlined above did contain a number of restrictive conditions to control the use of the site and opening hours in the interests of neighbouring amenity. In this respect it is considered that this officer recommendation reflects similar restrictions to hours of operation and deliveries to and from the site under this application, compared to that previously approved. Overall, it is important to weigh in the planning balance, the existing established and open use of the site as well as the content of previously assessed planning applications.

Conclusion

In conclusion it is considered that, on balance, the proposed change of use is acceptable in principle and provides a relatively small scale facility to the local area. The proposed shop and butchers with ancillary tea room has not raised any objection from the Council's Environmental Health Team, the Highway Authority or the Council's Conservation Team subject to a condition for improved details to the frontage of the site. Whilst it is acknowledged that the use is likely to increase the comings and goings from the site, it is considered that the limited size of the facility would be self-regulating and a condition to control the opening hours and delivery of goods to the site will protect the amenity of neighbouring dwellings to a satisfactory degree. The re-use of the building, which although in itself is not a positive feature in the Conservation Area, would be a benefit to the economy of the area when considered against the possibility of a vacant site that could quickly deteriorate and its frontage with Edward Avenue can be improved through new planting and boundary treatments which are conditioned.

RECOMMENDATION

That full planning permission is approved subject to the conditions shown below:

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:-

Location Plan

CDD/16/069/02

CDD/16/069/01

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 use hereby approved shall not be commenced until full details of 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. The scheme shall relate to the Edward Avenue frontage in particular and include details of a means of enclosure.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of Policies DM5 and DM9 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die,

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with the aims of Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

The use hereby permitted shall not take place outside the following hours, this includes the premises not being open to members of the public, any activity by the operators of the premises as well as deliveries and vehicle movements to and from the site directly related to the approved use:-

08:00 to 17:00 Monday - Saturday

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

Reason: In the interests of residential amenity.

Notes to the Applicant

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

The applicant should note that this permission is for the development proposed only and any advertisement displayed on site that required express consent should be applied for under an Advertisement Consent Application.

BACKGROUND PAPERS

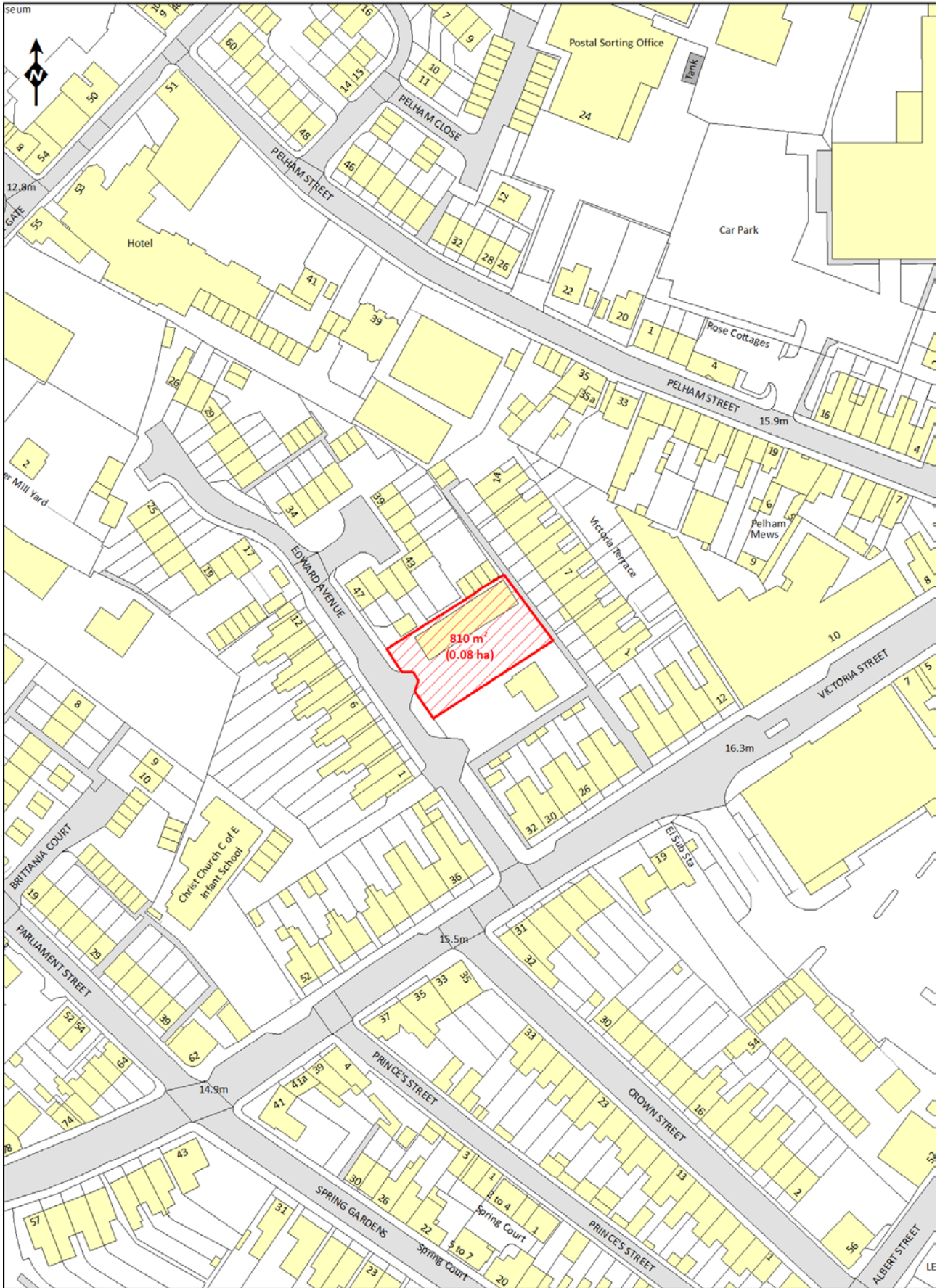
Application case file.

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

Committee Plan - 16/00992/FUL



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Application No:	15/02256/FUL
Proposal:	Construction of three new detached dwellings
Location:	Land at Beacon Hill Road, Newark on Trent
Applicant:	Ablehomes Ltd – Mr David Shaw
Registered:	06 July 2016 Target Date: 31 August 2016
	Extension of Time Agreed Until: 13 September 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 brownfield land with dense shrubbery and an undulating landscape. The site formed part of the old gypsum extraction works which once operated on Beacon Hill Road. The site is located within the main defined built up urban area of Newark as defined within the Allocations and Development Management DPD. The site is also defined within the ADMDPD as a ‘site of interest in Nature Conservation’ (SINC) with respect to moths as well as protected species including grass snake and badgers potentially on the site.

The site is served by Beacon Hill Road located along the northern boundary and there are residential properties along the west, east and southern boundaries.

The site is located within the Beacon Hill area which has a wide range in age of property and design. Beacon Hill Road itself has a steep incline from west to east however the site in contrast has a relatively flat gradient (within the red and blue line site plan) however with a steep declining slope to the eastern end of the site as depicted on drawing no.02 Rev E.

Relevant Planning History

PREAPP/00008/14 - Construction of 9 x 4 bedroom detached properties – negative response due to the impact on nature conservation and difficulty in justifying the need for housing given the allocation of other more appropriate sites within the Newark Urban Area 18.02.2014

The Proposal

Full planning permission is sought for the erection of 2 x four bedroomed properties and 1 x five bedroomed property.

The proposal also includes a new access road, wildlife corridor, amenity space, wildlife tunnel and enhanced pond.

Amended plans

The proposal has been amended from the original submission in December 2015. The original proposal was for 4 dwellings, however following significant concerns from Nottinghamshire Wildlife Trust additional ecological surveys have been produced and subsequently the numbers of properties have been reduced from 4 to 3. Subsequently the red line site plan has been amended and thus the 'clock' on the application has been restarted as a consequence.

Amended plans have also been received (02 Rev D) to show enhanced native tree planting along the western boundary and a substantial species rich hedgerow. An amended site plan has been received to show the existing levels across the site (02 Rev E).

The northern boundary has been amended to remove the previously proposed close boarded timber fence for a post and rail fence and hedgerow at the request of the LPA, and this is shown on drawing no.02 Rev F. This site plan also shows the proposed dwellings in context to the surrounding properties off Beacon Hill Road especially no.142. The elevations for Plot 3 have also been amended to correct the first floor Juliette Balcony to show inward opening doors and the associated balcony detailing (06 Rev D). As a result of the changes to the landscaping, as stated above, the Biodiversity Management Plan has been updated to reflect these changes (revision 1).

Departure/Public Advertisement Procedure

Occupiers of eleven 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 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

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 DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Comments on the original submission

Newark Town Council - At Newark Town Council's Planning & Regeneration Committee meeting held on 30th December, 2015, Objection was raised to this application as it is a designated site of interest for Nature Conservation.

Access & Equality Officer - Observations

Nottinghamshire County Council Highways – This section of Beacon Hill Road is 40mph, and as such visibility splays of 2.4m x 120m are required from the proposed access. These have not been demonstrated on the site plan, however, it is considered that they can be achieved by the cutting back/removal of vegetation/shrubbery within the existing grass verge.

The development is to be served by a 5m wide private drive into the site, as shown on dwg. no. 02A. The gradient of the site should not be greater than 1:20 for the first 5m of the access.

There is currently no footway along the site frontage and it is strongly recommended that this be provided to encourage pedestrian activity.

Therefore, there are no highway objections to this proposal subject to the following conditions:

1. No development hereby permitted shall be brought into use until or unless the new access into the site and new footway along the site frontage have been provided, with details to be first submitted to and approved in writing by 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 is constructed with a gradient not exceeding 1:20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 120m are provided in accordance with details to be first submitted and

approved in writing by the Local Planning Authority. 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.

Notes to applicant

In order to carry out the works for the proposed access and vegetation/shrubbery removal required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans (0115) 804 0015 for details.

Waste, Litter and Recycling Comments - In general I am satisfied with the plans for waste management, including the siting of the bin collection point. It may be advisable (if possible) to enlarge the bin collection area to an 8 bin capacity. My reasoning for this is that the properties look to have reasonable sized gardens and the residents may well look to join the garden waste scheme. If at some point in the future the garden waste collection day is the same as another waste stream it would be difficult to accommodate (potentially) 8 bins in the proposed store. I would suggest it would be easier to increase the size from the start rather than revisit once built. I would still support the application without the alterations suggested above however I think it would be an opportunity missed to “future proof” the development for potential residents.

Natural England Comments – Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

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.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

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

Nottinghamshire Wildlife Trust Comments (13.01.2016) - Due to the proposed development site being on Beacon Hill Local Wildlife Site (ref 2/643, formerly referred to as SINCs) we are have the following concerns.

Missing Information and Net-Loss of Habitats

The Design and Access Statement refers to a Preliminary Ecological Appraisal which includes a Phase 1 Survey and descriptions of the onsite habitats. At present this information is not available and we strongly request to see these documents so as to be able to provide you with detailed comments.

From the information currently available to us we are deeply concerned about the proposed development for the following reasons:

- From the Insect Scoping Survey (Wardell Armstong, September 2015), the habitats onsite are described as, “*young and semi-mature broadleaved woodland, tall ruderal and scrub, some spoil piles.*” These habitats could potentially be UK BAP habitats (Priority habitats under Section 41 of the Natural Environment and Rural Communities Act 2006) such as Lowland Mixed Deciduous Woodlands. Whether these are classed as priority habitats or not, the mixture of broadleaf woodland and scrub is likely to provide ecological value for bird and invertebrate species, as well as having the potential to support protected species.
- The current plans (Drawing 812.113.2) shows a majority of the site within the redline boundary proposed to be lost to housing, an amenity area and associated roads, with the plans showing all ecological mitigation to be onsite. This means there would be a net-loss in habitat area if the proposed is approved. It appears from the Design and Access Statement that the areas of habitat which will be lost will not be replaced (apart from translocation of Travellor’s Joy, see section on moths below), and the maintained areas will not be enhanced to compensate for any loss. Further to this, the linear structure of the proposed wildlife corridor will have increase “edge effects” (meaning it would be unsuitable for species susceptible to disturbance and less niches available within the onsite habitats).

We will be able to provide further comments on habitats and protected species once the Ecological Appraisal is available to us.

Further Information Required

Habitats

The current proposal (Drawing no. 812.1113.2) only shows the proposed area of the “wildlife corridor”, including the retained pond and an area of species rich grassland. It is also stated in the Design and Access Statement that green roofs will be planted on the garages. There does not appear to be any information available at present of what habitats will be retained/created/enhanced in the wildlife corridor, if/what species will be planted onsite/on the

green roofs and how these areas will be managed. We would not consider planting in gardens of ecological value, as the retention and management of these areas are under the future residents' control, and not that of the applicant's.

Moths

It is recommended in Section 7 of the Invertebrate Scoping Report for translocation of food source plants (Travellor's Joy) for Haworth's Pug and Small Emerald into the wildlife corridor, if avoidance of development in the areas where the plants are identified is unavoidable. The current design shows the development footprint to be entirely within the area where these plants were found (Figure 2, Section 5.1.1., Insect Scoping Survey, the access road appears to be in the location where Travellor's Joy was found). Note that the NPPF and BS42020:2013 advise avoidance (of destruction to habitats) prior to mitigation. If translocation of plants (Travellor's Joy) is to be undertaken, this will require a Method Statement which should include the recommendations within Section 7 of the Invertebrate Survey Report, as well as assessment and preparation of receptor sites, timing of works and any long-term management required. This information is required in order to allow the LPA to determine if this will be a viable mitigation method and the likelihood of success, and to allow this mitigation method to be suitably secured if the application is approved.

The insect scoping report also identified the following records within a data search (as part of the PEA, again, the full detail of this is unavailable to us, including where the Ecologist obtained their data from). These records included six species of moth which have only been recorded in three sites in Nottinghamshire. These included:

- Cream Wave
- Sycamore
- Marbled Coronet
- Small Emerald
- Haworth's Pug
- Fern

However, we are also aware of the following records of scarce moth species in Nottinghamshire which have been recorded in Nottinghamshire at Beacon Hill Nature Reserve and Beacon Hill Road, but were not searched for during the Invertebrate Scoping Survey. From the information available within the Invertebrate Scoping Survey, the food sources of these species were also found onsite, and we would therefore consider there to be a likely potential for these species to be present onsite:

- Pinion-spotted Pug (Nationally Notable/Nottinghamshire Conservation Grade 1*, Only found in 210km squares in Nottinghamshire in modern times, one of which is Beacon Hill Road) Food plants apple and hawthorn.
- Marbled Brown (Nationally Local, Nottinghamshire Conservation Grade 2, Only found in 410km squares in Nottinghamshire in modern times) Food plant oak.
- Large Ranunculus (Nationally Local, Nottinghamshire Conservation Grade 2, *only found in Nottinghamshire at Beacon Hill Road and one other site in Newark*) polyphagous on many plant species.

- Lunar Spotted Pinion (Nationally Local, Nottinghamshire Conservation Grade 2, *only found in Nottinghamshire at Beacon Hill Road and one other site at Carlton*).
- Small Waved Umber (Nationally Common/Nottinghamshire Conservation Grade 3).

We would expect to see within the PEA Nottinghamshire Biological and Geological Record Centre and the county moth recorder (Sheila Wright) to have been contacted for records. If this has not happened, then the ecological assessment of the site will not be fully informed. As the above species have not been searched for, then we are of the opinion that adequate survey work has not been undertaken. Further to this, it is stated in the Invertebrate Scoping Survey that Small Emerald was not found, due to the time of the year the survey was undertaken (September), when Small Emerald Larvae will have been very small (having hatched in August). Because of this, we question if one search for larvae in September is adequate, and are of the opinion that additional surveys will need to be conducted in order to identify the absence/presence of this species and other nationally/county scarce Lepidoptera species. You should also be aware that these surveys are only a very brief snapshot, as ideally in order to fully determine the presence or absence of a moth species, surveys should be conducted over several years. This is because flight times vary from year to year, and in any one season, and it is therefore very easy to miss the presence of a moth. It could be at the egg stage when the survey is done, or dormant due to a spell of unsuitable weather, for example.

Of the six species searched for, one was confirmed to be present on site, with high habitat suitability for the Haworth's Pug (present onsite) and moderate suitability for the Small Emerald. Haworth's Pug has only been recorded in Nottinghamshire on Beacon Hill Road/Beacon Hill Nature Reserve. We are therefore deeply concerned that there is a large risk factor involved with the mitigation and translocation of this species, as, should it fail, this could have a significant impact on the local colony of Haworth's Pug moth and potentially result in the extinction of this species within Nottinghamshire.

As such, this site is of county importance and we would not wish to see the loss of this area to development.

Planning Policies

As this is a full application, we would expect to see a detailed level of information regarding the proposed ecological mitigation to be submitted prior to determining the application in the form of Landscape Planting Proposals and a Biodiversity Management Plan. As a requirement within para 109 and 118 of the NPPF, developments should result in minimal biodiversity impacts, so as to contribute to the Government's commitment to halt the overall decline of wildlife. This information is needed in order for the LPA to assess if this requirement will be met when determining the application. The NPPF also encourages ecological enhancements, and for resilient ecological networks to be included.

As such, it is also not possible at present to determine if the proposed will meet the requirements of Core Policy 12 of the Newark and Sherwood Core Strategy, which includes protection and conservation of the District's ecological assets:

“The District will...Expect proposals to take into account the need for continued protection of the District’s ecological, biological and geological assets...Seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the District;” With the information available, we do not consider it to be possible to determine if the proposed will successfully conserve ecological assets currently found onsite.

Importance of the Site to Wildlife

County Importance

A recent report¹ identified that 717 LWSs have been lost/partially lost or damaged between 2009 – 2013. Development was identified as a major contributing factor to this loss in LWSs. LWSs are identified and selected locally for their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a local context and every effort should be made to protect them.

This requirement is recognised in Section 5.63 of Newark and Sherwood’s Core Strategy which states:

“As well as encouraging new locations for biodiversity and improving the District’s Green Infrastructure, the District Council is required to protect existing important nature conservation and geological conservation sites.” Local Wildlife Sites are listed as one of these nature conservation sites. In order to meet these objectives within the core strategy, there should be a presumption against development on LWSs in order to allow protection and conservation of priority habitats and rare species.

Ecological Connectivity

As you will know, NWT manages the area of land to the north of Beacon Hill Road (Beacon Hill Nature Reserve). Following completion of a recent development to the east of the Nature Reserve, in addition to potential loss of habitat as a result of the proposed, we are concerned of the reserve becoming further isolated to the surrounding landscape (and therefore impacting the District’s green infrastructure).

To conclude, we strongly object to the proposed application, due to the importance of the site for moths (particularly Haworth’s Pug) in Nottinghamshire and due to the current lack of ecological information and proposed mitigation measures submitted.

Nottinghamshire Wildlife Trust Comments (26.01.2016) – In addition to our initial response (which is still relevant), we wish to provide the following comments now that we have had the opportunity to review the additional information.

Habitats

Beacon Hill Local Wildlife Site is stated to be secondary woodland, scrub and calcareous grassland. The area within the proposed development boundary was recorded in the PEA to be secondary woodland, scrub, ruderal vegetation, a small area of semi – improved grassland and a pond. The

pond was considered to be a UKBAP habitat. Within the current plans (Drawing no: 812.1113.2/02/Rev A), this pond will be retained.

Great Crested Newts

The PSS survey identified the pond to be of very low potential for GCN, and with no other ponds recorded within 500m radius of the Site, it was considered unlikely for GCN to be onsite.

We welcome the proposed retention of the pond and would wish to see this enhanced so as to increase its biodiversity value. The PEA considered it likely that toads (a priority species under the NERC 2006 Act, therefore a material consideration in the planning process) could be using the onsite habitats. Enhancement works would therefore benefit this species.

Should the application be granted planning permission, precautionary measures for amphibians will need to be undertaken during construction works. Should any amphibians be found, then these will need to be moved to a safe area of suitable habitat. Site workers must also be aware on how to proceed should great crested newt(s) (or unidentified newts) be found during works. Works would need to stop immediately and an Ecologist consulted. Amphibian ladders could also be installed in proposed road drains to allow a means of escape to any toad or other amphibian species should they become trapped within.

Bats

Within the PSS the onsite trees were not considered to have the potential to support roosting bats. Transect surveys were not considered necessary as the wildlife corridor will retain connectivity and foraging habitat.

If the application receives planning permission, sensitive lighting will be necessary. Lighting will need to be of low intensity, of a low column height and directed away from the wildlife corridor. We would expect a Sensitive Lighting Plan to be submitted, either prior to granting the application, or secured by condition.

In order to enhance the site for biodiversity, it is recommended within the PSS to include bat boxes/bricks in the development design.

Reptiles

Both the PEA and PSS have recommended reptile surveys on the Site within the development boundary, due to the presence of suitable habitats such as rubble piles, semi-improved grassland and mosaic habitats. These surveys must be completed and submitted prior to determining the application in order to comply with 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.'

Comments relating to protected species have been removed due to confidentially reasons.

The completion of these surveys would also allow the additional surveys to be completed prior to determining the application.

Moths

Please refer to our previous comments regarding moths. It appears from the information available in the PEA that the NBGRC was consulted, but not the county moth recorder. It also appears that moths which have been recorded previously onsite (those which identified the Site to be a LWS) were searched for. However, other scarce moths which have been recorded at Beacon Hill Road and the LWS to the north of the Site (NWT's Beacon Hill Nature Reserve, also referred to as Beacon Hill Gypsum Workings LWS) were not searched for during the invertebrate scoping survey (refer to our previous response for moth species and food sources). These additional species may not have been identified on the Site in the past due to a lack of recording rather than absence and therefore our queries regarding survey effort and the proposed mitigation remain.

The PSS Section 6.2.1 suggests Travellor's Joy (the food source of Haworth Pug moth which was identified to be on site) will be retained, although when comparing the development layout plan (Drawing no: 812.1113.2/02/Rev A) with Figure 2 of the Invertebrate Scoping Survey (Wardell Armstrong, September 2015), it is unclear if this is the case. It appears that the access road is proposed in the area where this plant species was found and/or immediately adjacent this area. The Invertebrate Scoping Survey recommends retaining the area of Travellor's Joy, or translocation of the plant(s) if retention is not possible (the applicant should seek to retain this ecological feature, and substantial evidence provided of why it cannot be retained if translocation is considered to be the only suitable mitigation technique). Please refer to our previous response regarding risk factors (to Haworth Pug populations).

Section 6.2.1 of the PSS Survey also recommends a detailed Landscape Design and a Habitat Management Plan. These documents were also requested in our previous response. Again, we would expect to see this information submitted prior to determining the application, as the proposed mitigation is unclear (such as if the Travellor's Joy will be retained/translocated, what habitats and habitat structures will be retained/enhanced/created) and if this will be achievable and the likelihood of success. The need for these documents is explained further in our previous response, as we do not believe it is possible for the LPA to make a fully informed decision without them.

The National Planning Policy Framework states, "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Breeding Birds

The site was considered to have opportunities for nesting birds (with previous evidence of nesting birds identified). Should the application be permitted, where removal of vegetation is required, in order to avoid impacts to nesting birds this should be undertaken outside of the bird-breeding season – i.e. avoiding 1st March and 31st August inclusive. If this is not possible, a competent ecologist should undertake a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provide written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest onsite. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). This needs to be secured within a working method and/or a condition.

In order to retain bird nesting opportunities onsite, the PSS recommends including bird boxes in the development design.

To conclude, due to a requirement for further survey work, a lack of information on proposed mitigation and the county importance of the site for moths, our objection remains.

Environmental Health (Contamination) Comments - The applicants description of the site is as a former Gypsum Extraction Works, clearly there is the potential for the site to have been contaminated from this former 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.

Furthermore, the site lies within 250 metres of a closed landfill site that is known to be gassing. Given the potential for the application site to be affected by the migration of hazardous landfill gases, an investigation must be completed to establish if there is evidence of the migration of ground gases from the closed landfill site. Depending on the findings of this investigation, the submission of a remediation scheme may be required. The investigation, remediation scheme and its implementation and any subsequent long term monitoring are all subject to approval by the Local Planning Authority.

Comments on the restarted application

Newark Town Council - Members discussed this application at length and it was decided to OBJECT on the same grounds as previously, it was a designated site of interest for Nature Conservation. In addition, the new revised site layout resulted in a worse proposal than the original application as it is significantly overlooking neighbouring properties.

Access & Equality Officer - Observations

Natural England Comments – Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

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.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

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

Nottinghamshire Wildlife Trust Comments - Thank you for consulting Nottinghamshire Wildlife Trust on the additional information submitted in support of the above application. On several occasions, we have detailed our concerns regarding the proposed development of this site due to its designation as a Local Wildlife Site with respect to moths, as well as protected species including grass snake and badgers potentially on site. As you will be aware from our previous comments, a recent report identified that 717 LWSs nationally have been reported as lost/partially lost or damaged between 2009 and 2013 (Secret Spaces, The Wildlife Trusts 2014) and development was identified as a major contributing factor to this loss. Therefore, we are committed to carefully scrutinising applications with potential negative impact on LWS and, in accordance with national and local planning policies, expect to see that measures for avoidance, mitigation and/or compensation are included and appropriate for the proposal.

We are pleased to see that additional ecological survey work regarding badgers and reptiles has now been undertaken (EMEC Ecology, June 2016) prior to determination of the application, in accordance with government guidance on this matter. The 'sett' on site has been shown to be in use currently by fox rather than badger, however recommendations are given for an update survey prior to commencement which we support. We are pleased that this area would be

retained, with a wildlife tunnel hopefully providing safe access to the wildlife corridor to the east of the site. A small population of grass snake was recorded on site and we are supportive of the proposals for protective measures during site clearance as well as habitat enhancement for this species.

In addition, an Ecological Mitigation Strategy (EMS) and a Ten Year Biodiversity Management Plan (BMP) (both EMEC Ecology, June 2016) have been produced which were previously recommended by NWT. Both of these documents include further clarification regarding moth species and location/impact on food plants which is welcomed. There are a number of recommendations pertaining to moths as well as other species within these documents which should help to avoid, mitigate and/or compensate for identified impacts provided they are followed in precise detail during site clearance, construction and occupation of the site. To this end, it would be vital to secure adherence to these documents if permission were to be granted. It is noted in the BMP that its implementation will be the responsibility of the developer, Ablehomes Ltd and we wish to see confirmation that this agreement is secured for the construction period as well as the initial ten year management period covered by the report. You may consider it appropriate to use a suitably worded planning condition or alternatively a planning obligation for this purpose.

Finally, it does not appear that a detailed Landscape Plan for the site has been produced giving exact details of proposed species mixes and quantities as well as showing areas of retained habitat. We have previously raised this point and would expect as a minimum that production of this document would be secured through use of a planning condition, requiring inclusion of all of the specifications given in both the EMS and the BMP.

Subject to the above points, we are now able to remove our objection to this application.

Environmental Health (Contamination) Comments - The applicants description of the site is as a former Gypsum Extraction Works, clearly there is the potential for the site to have been contaminated from this former 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.

Furthermore, the site lies within 250 metres of a closed landfill site that is known to be gassing. Given the potential for the application site to be affected by the migration of hazardous landfill gases, an investigation must be completed to establish if there is evidence of the migration of ground gases from the closed landfill site. Depending on the findings of this investigation, the submission of a remediation scheme may be required. The investigation, remediation scheme and its implementation and any subsequent long term monitoring are all subject to approval by the Local Planning Authority.

Nottinghamshire County Council Comments - Revised site plan drg. 02F

The revised layout is now for the construction of three dwellings instead of four. This section of Beacon Hill Road is 40mph, and as such visibility splays of 2.4m x 120m are required from the proposed access. These have not been demonstrated on the site plan, however, it is considered

that they can be achieved by the cutting back/removal of vegetation/shrubbery within the existing grass verge.

The development is to be served by a 5m wide private drive into the site, as shown on dwg. no. 02F. The gradient of the site should not be greater than 1:20 for the first 5m of the access.

There is currently no footway along the site frontage and it is strongly recommended that this be provided to encourage pedestrian activity.

Therefore, there are no highway objections to this proposal subject to the following conditions:

1. No development hereby permitted shall be brought into use until or unless the new access into the site and new footway along the site frontage have been provided, with details to be first submitted to and approved in writing by 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 is constructed with a gradient not exceeding 1:20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 120m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. 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.

Notes to applicant

In order to carry out the works for the proposed access and vegetation/shrubbery removal required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans (0115) 804 0015 for details.

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

- Speed limit should be lowered further up Beacon Hill Road to take into account more traffic almost coming to a stop to turn into and out of Oak View and the proposed site;
- Traffic is already busy during peak hours;
- Additional traffic would make matters more dangerous;
- What will happen with the domestic waste as there have been problems with additional properties sharing the same waste system;
- The first floor terraces will directly overlook the gardens of our and our neighbour's property as the application dwellings are on higher ground;
- None of the existing properties in the area have terraces and therefore the new

development is not in keeping.

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

- Loss of this natural wood habitat;
- Reduced number of homes from four to 3 is an improvement but does not retain the wooded amenity space shown on the western edge of the previous plans;
- A reduction in the speed limit to 30mph would be helpful in the respect of ingress/exit from the surrounding accesses;
- Consideration should be given to a proper zebra crossing outside the local shop;
- Could the following conditions be applied if the application is approved:-
 - a) Retention of some tree cover on the western boundary of the site facing our property (142)
 - b) No working before 8:00am
 - c) No working on Sundays
 - d) No use of the un-named road feeding 142A, 142, 138 A/B/C and 140 for building traffic, etc.
- Overlooking of the adjoining properties leading to a loss of amenity and privacy;
- Site plans do not show the plots in relation to the surrounding properties namely 142/142A/144;
- Balconies will overlook the properties.

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 impact on the biodiversity of the site and the SINC designation and 3) impact on highway safety.

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 (ADMDDP). 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 the Newark Urban Area, to be acceptable.

The site is currently an overgrown brownfield land with dense shrubbery and an undulating landscape. The site formed part of the old gypsum extraction works which once operated on Beacon Hill Road. The National Planning Policy Framework (NPPF) states within its core planning principles that planning should encourage the effective use of land by reusing land that has been previously developed (para 17). In addition the NPPF sets out the Government's view of what sustainable development in England means in practice for the planning system. Largely this would involve the planning system performing a number of roles mainly an economic, social and environmental one. Each planning application dealt with by the local planning authority (LPA) should contribute to the Government's intention of sustainable development and policies in Local Plans should follow the approach of the presumption in favour of sustainable development, so that it is clear that development which is sustainable can be approved without delay (para 15, NPPF). Sustainable development should be seen as a golden thread running through both planning and decision-taking and I consider due to the location of the development, the contribution to growth through housing and the impact upon the environment, the proposal would contribute to achieving sustainable development.

The site is located within the Newark Urban Area where new development has already been assessed to be acceptable in sustainability terms. The 3 units as proposed would contribute to the Council's housing figures and contribute to the continued growth of the District within an acceptable established urban settlement. I therefore consider the principle of residential development to be acceptable however other material considerations are explained in the sections below.

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 Council's ADMDPD 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 number of dwellings from four to three due to ecology issues which will be explained in the following section of this report. Due to the amendment in the number of properties the siting of plot 1 has been located further within the site from 24m to 38m (approximately) from the edge of Beacon Hill Road with an additional amenity space in between. The main property affected by the proposal would be 142 Beacon Hill Road although this is not exclusive as there would be a degree of impact on other properties within the vicinity. Plots 1 and 2 are located approximately 23.5m from the shared western boundary of the site. The original submission indicated an 'amenity corridor' along the western fringe which has not been shown on the revised submission, nonetheless the western boundary has been enhanced through the planting of a native hedgerow and native hedgerow trees which

has been incorporated in to the submitted Habitat Management Plan for the site. Whilst it is expected that it will take a number of years for the trees and hedging to become established, the distance of the proposed properties (plot 1 and 2) of 23.5m coupled with the landscaping is not considered to cause severe detrimental impacts upon neighbour amenity from overlooking, overbearing or loss of light. There are balconies proposed on the rear elevations of all three plots which would enable residents to step out on to. However the juxtaposition of the balconies and the landscaping would not allow for a significant or severe degradation in amenity for the surrounding or proposed residents within the locality.

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 given the distance and the intervening boundary treatment.

Whilst local residents have raised issues of amenity caused by overlooking, overbearing or overshadowing, they also raise issues of disturbance and highway safety caused by the access to the site and during construction. Access to the site and highway safety shall be discussed accordingly later in the report, however construction and the associated impact of that is a short term disruption and not considered in itself to a reason to resist development.

I therefore consider that on balance the amenity of neighbouring occupiers, whilst I have taken all their comments on board and given them due consideration, their amenity would not be significantly harmed due to the construction of the dwellings, and the proposal accords with Policy DM5 of the ADMDPD.

Ecology

Paragraph 118 of the NPPF outlines that in determining applications the LPA should conserve and enhance biodiversity. Permission should be refused which result in significant harm to biodiversity, which cannot be adequately avoided (through locating on an alternative site with less harmful impacts), be adequately mitigated for or as a last resort compensated for.

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. 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.

The site is designated as a Site of Interest in Nature Conservation (SINC) as part of the Beacon Hill Local Wildlife Site (2/643) and is of local importance. Nottinghamshire Wildlife Trust (NWT) initially raised significant concerns to the application based on the degree of local ecological value the site contains and the lack of significant supporting information provided by the applicant to adequately allay their concerns over the development. The site has been evidenced to provide a habitat for a wide range of wildlife including Great Crested Newts, Bats, Reptiles, Moths, Breeding Birds and other protected species. It is the responsibility of the developer to ensure the site and

the species identified within it are not unduly harmed by the development and in accordance with policy DM7 of the ADMDPD, they must demonstrate that the need for the development outweighs the need to safeguard the nature conservation value of the site.

A NWT report has identified that 717 Local Wildlife Sites with respect to moths and other protected species have been reported as lost/partially lost or damaged between 2009 and 2013 (Secret Spaces, 2014) and development of those sites was identified as a major contributing factor to this loss. Therefore it is crucial that developments are in the most suitable locations and are in accordance with the Development Plan, NPPF and PPG and include measures for avoidance, mitigation and/or compensations within the proposal.

The initial concerns of the NWT have been taken on board by the agent and subsequent surveys and recommendations have been carried out to which NWT are now satisfied with. The agent has submitted an additional Ecological Mitigation Strategy (EMS) and a Ten Year Biodiversity Management Plan (BMP) which provide further clarification regarding moth species and location/impact on food plants which is welcomed by NWT. NWT have stated that the recommendations pertaining to moths as well as other species should help to avoid, mitigate and/or compensate for identified impacts to wildlife provided they are followed in precise detail during site clearance, construction and occupation of the site. Their main concern relates to the land to the east of the site and not that which would subsequently be sold off to owner/occupiers of the dwellings. The land to the east is the main mitigation wildlife habitat site, coupled with the land to the north and south, where the biodiversity enhancements will mainly take place to mitigate the subsequent impact to the site. NWT has suggested securing adherence of these documents (EMS and BMP) either by legal agreement or planning condition. Having sought legal advice on this matter they state either option is acceptable as they can run with the land referred to and can both be adequately/reasonably enforced against. To this end I consider, should Members resolve to approve the application, a suitably worded condition would be appropriate to secure adherence to the documents.

With regards to the long term management of the site, Members will note that the BMP only states a plan of the site for 5years. EMEC who produced the BMP have stated *“The implementation of the Biodiversity Management Plan will be the responsibility of the developer, Ablehomes Ltd. Whilst this plan has been written with a long timeframe in mind (10 years), due to the ever-changing nature of ecology, it will be necessary for the management plan to be reviewed, updated and amended if necessary, after five years. The review will consider the results of the monitoring surveys undertaken and observations made during the previous five-year period.”* (para 1.4)

The management of the site will be undertaken by a separate management company who will maintain and implement the BMP as written. This will be managed through a standing annual management charge to the sale of the dwellings. A suitably worded condition would ensure the BMP is carried out regardless of the subsequent process implemented by the developer.

I consider that due to the additional surveys and subsequent improvements to the site to provide for the loss of a parcel of the site, the impact upon the ecology identified on the site can be adequately avoided, mitigated and/or compensated within the application site and thus this will safeguard the nature conservation value of the site.

With regards to policy DM7 and the need to demonstrate the need for the development against the nature conservation value of the site, I consider that as NWT have not raised any objections and have specifically stated the biodiversity can be adequately avoided/mitigated or compensated for, then I consider there would be no harm to the resulting value of the site. Therefore there would be no subsequent net harm caused by the developing of the site and as such I consider it is not necessary to demonstrate a need for the development.

I do not consider the proposal to have a significant detrimental impact upon the long term viability of wildlife within the locality and the proposal is therefore considered to accord with Policy CP12 and DM7 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.

Beacon Hill Road is a 40mph speed limit directly outside the application site and the proposal includes a new vehicular access on to this highway network. Residents have raised concerns and objections to the application based, in part, on highway safety and specifically another access on to Beacon Hill Road and subsequently adding to the congestion at peak times. One resident has asked if Nottinghamshire County Council would consider reducing the speed limit of the road to 30mph. Having spoken to NCC colleagues this would have to be applied for and a due process followed but consideration of a reduction in the speed limit would not be considered for 3 additional dwellings. Therefore should members of the public wish to have the speed limit reduced they are advised to contact NCC colleagues directly.

With regards to the application NCC colleagues have not raised any objection to the proposal on the basis of highway safety subject to the imposition of certain conditions. In addition they wish to see the pedestrian access to the site improved through the extension of the public footpath which currently ceases outside no.144 Beacon Hill Road. The land for the footpath is within highway land and can adequately be provided by planning condition should Members resolve to approve the application. I consider the provision of the footpath would ensure the safe pedestrian access to the site and would encourage increased pedestrian access in to town thus improving sustainability of the site. I therefore consider the condition for the footpath is reasonable as well as the other conditions suggested by highways which relate to the provision of the visibility splays and construction of the access.

I therefore consider that the site layout as proposed would not have any detrimental impact upon highway safety subject to the imposition of planning conditions which have been explained above. I therefore consider that whilst the proposal includes an additional access on to Beacon Hill Road, which causes concerns for local residents, it will be designed in such a way that would ensure the access is safe to use.

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. 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. The site slopes from east to west with the western side of the site containing a significant proportion of permeable surfacing. Whilst the site contains hardstanding a significant portion of the site has been left to permeable surfacing, natural wildlife areas and green roofs to plot 2. A natural pond has also formed on the site which, as part of the biodiversity enhancements, is being restored to provide a haven for wildlife, this would also act as a vessel for surface water runoff from part of the eastern side of the site. The proposal is not considered to exacerbate the risk of flooding to the surrounding area and the proposal is therefore acceptable for those reasons.

Design

Paragraph 56 of the NPPF states the *“Government attaches great importance to the design of the built environment.”* 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 dwellings are not so overwhelmingly outstanding or innovative however they are understated and contemporary and the use of materials helps to ensure they relate to their surroundings.

The site is set back from the roadside by approximately 38m and stands on its own and therefore would have limited impact from the surrounding public realm. Notwithstanding this it would have a limited impact from the properties to the west of the site. I consider the design as put forward however is acceptable and as Beacon Hill Road already benefits from a variety in designs and periods of dwellings I consider this would contribute to that wide mix in housing design.

The design along Beacon Hill Road has been amended as the original scheme included a close boarded timber fence along the entire frontage which would appear deadening. Having raised this as a concern the agent has amended this frontage to a post and rail fence with a hedge which further enhances its biodiversity credentials and creates a softer appearance to the development.

Within the site are timber fences however along the access these have been softened with strategic planting. I consider the amended scheme ensures an acceptable transition for the site and makes good use of the available space without compromising the nature conservation value.

The overall design of the properties is such that the proposal would not compete with the distinctiveness of the surrounding area and would add to the variety of property mix within the surrounding area. The proposal is considered to adhere to the principles of Core Policy 9 of the Core Strategy, Policy DM5 of the ADMDPD, the NPPF and PPG.

Housing Mix

Core Policy 3 states *“the District Council will seek to secure an appropriate mix of housing types to reflect local housing need”*. No details of housing need has been submitted to the LPA to justify the housing mix, however the site proposes 2 x four bedroomed properties and 1 x five bedroomed property. Whilst this is a mix on the site of larger family housing it does not take in to account a wider range in housing mix and scale. Nonetheless the Council has allocated strategic sites which would be better served to provide the mix required by the LPA and due to the sensitive nature of the site with regards to the wildlife impact, I consider only a small proportion of the site could be developed, to which has been put forward within the application. I therefore consider to enable a greater mix of properties may conflict with the biodiversity enhancements sought to improve the site. I therefore consider that on balance the proposed mix is acceptable and provides family housing within this defined urban settlement. The proposal therefore accords with Core Policy 3 of the Core Strategy DPD.

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 3, 9, 12 and 13 of the Core Strategy DPD, Policy DM1, 3, 5, 7 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 proposed plans stated below:

- 02 Rev F – Site Plan;
- 03 Rev B – House Type Plot 1;
- 04 Rev B – House Type Plot 2;
- 06 Rev D – House Type Plot 3;
- Ten Year Biodiversity Management Plan June 2016 Revision no.1 (16/8086/ZJ/01);
- Badger and Reptile Surveys June 2016 Revision no.1 (Zj/16/8088/01);
- Ecological Mitigation Strategy June 2016 Revision no.1 (Zj/16/8086/01)
- Design and Access Statement Revision A July 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 details or 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

Roofing tiles

Cladding

Render

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 hard landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the first occupation of any of the dwellings. These details shall include;-

means of enclosure;

hard surfacing materials (including access);

Reason: In the interests of visual amenity and biodiversity.

06

Prior to the first occupation of any dwellings details of any external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity

07

No development hereby permitted shall be brought into use until or unless the new access into the site and new footway along the site frontage have been provided, with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1:20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 120m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. 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.

10

The development shall be carried out in complete adherence to the submitted and approved Ten Year Biodiversity Management Plan dated June 2016 Revision no.1 (ref:16/8086/ZJ/01) and Ecological Mitigation Strategy dated June 2016 Revision no.1 (Zj/16/8086/01) carried out by EMEC Ecology.

All works shall be carried out in accordance with the approved details and timetable, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

11

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.

Notes to Applicant

01

In order to carry out the works for the proposed access and vegetation/shrubbery removal required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans (0115) 804 0015 for details.

02

The site lies within 250 metres of a closed landfill site that is known to be gassing. Given the potential for the application site to be affected by the migration of hazardous landfill gases, an investigation must be completed to establish if there is evidence of the migration of ground gases from the closed landfill site. Depending on the findings of this investigation, the submission of a remediation scheme may be required. The investigation, remediation scheme and its implementation and any subsequent long term monitoring are all subject to approval by the Local Planning Authority and this can be included within Condition 11.

03

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

04

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge

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

05

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 6500 00 or email: waste.management@nsdc.info.

BACKGROUND PAPERS

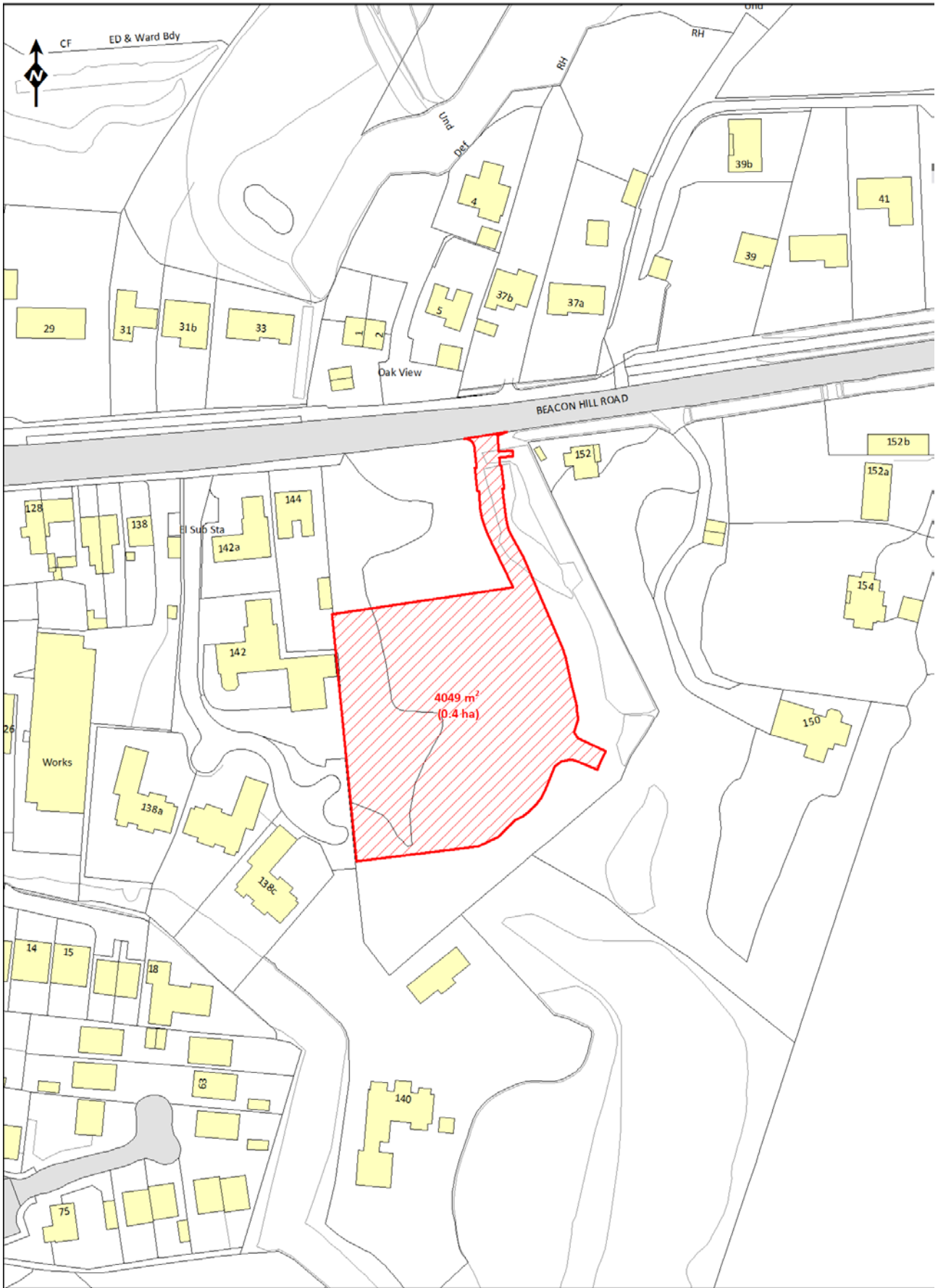
Application case file.

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 - 15/02256/FUL



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Application No:	15/01060/FUL	
Proposal:	Conversion of store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion.	
Location:	Units 1 And 2, Forest Corner, Edwinstowe, Nottinghamshire, NG21 9RN	
Applicant:	Newark & Sherwood District Council - Asset Management	
Registered:	10 July 2015	Target Date: 4 September 2015
Extension of Time Agreed Until: 9 September 2016		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the applicant is Newark and Sherwood District Council.

The Site

The site consists of a single storey brick building which was originally built as a public toilet block but was last used as storage in association with the adjacent cricket club. The building is 60 sq m in footprint and has been vacant since June 2014. There is a car park adjacent to the building which is used by the applicant.

The site is located within the Open Countryside with the Principal Village Envelope Boundary running along the opposite side of the road, Forest Corner. The site is located just outside of the Village Envelope of Edwinstowe, a Principal Village as defined by the Newark and Sherwood Core Strategy (CS). The Conservation Area boundary also runs along the opposite side of the road. Edwinstowe District Centre is located approx. 267 metres south of the site.

The site is adjacent to the Sherwood Forest Local Wildlife Site 1/91 (previously called a SINC). 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 & Bilhaugh Site of Special Scientific Interest (SSSI). The site is also in the area recognised as a potential Special Protection Area for Woodlark and Nightjar.

There is a bridle path running close to the building and crossing a small part of the adjacent car park.

There is a mix of neighbouring land uses. To the opposite side of Forest Corner, within the Village Envelope, lies a craft centre which is also owned by Newark and Sherwood District Council. This consists of a number of individual craft workshops with ancillary sales. There is also a Youth Hostel further along the road and a Care Home opposite the site located within the grounds of Edwinstowe Hall, a currently vacant Grade II listed building which is set back from the road.

On the same side of the road, outside of the Village Envelope, is Edwinstowe Cricket Club and

ground. There is a car park serving Sherwood Forest woodlands to the rear.

Relevant Planning History

04/02937/FULR3 Planning permission was granted in 2005 for a change of use of the building from public conveniences to storage.

The Proposal

This application seeks full planning permission for the conversion of the store building to a Craft Centre Annexe for an additional craft workshop with associated sales. This would be an annexe to the existing craft centre on the opposite side of the road. The existing craft centre on the opposite side of the road consists of individual units of craft workshops with a retail element where the goods made on site are sold to visiting members of the public.

The applicant has confirmed that the retail floor area will be ancillary to the workshop floor area and will be no more than 40% of the total floor area. A disabled toilet facility is also proposed within the building.

Internal and external works are also proposed as part of this application. The majority of the external brickwork is to be timber clad and new doors and windows are proposed to three of the elevations with dormer addition to the front roofslope.

A justification Statement and Protected Species Report have been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice has been published in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 3: Rural Areas
- Spatial Policy 6: Infrastructure for Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 6: Shaping our Employment Profile
- Core Policy 7: Tourism Development
- Core Policy 8: Retail Hierarchy
- Core Policy 9: Sustainable Design
- Core Policy 11: Rural Accessibility
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 13: Landscape Character
- Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM3 – Developer Contributions and Planning Obligations

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 DM11 – Retail and Town Centre Uses

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Edwinstowe Parish Council - Support

NCC, Highway Authority - No objection

Nottinghamshire Wildlife Trust - Initial comments requested further bat surveys. No objection now that further bat activity surveys have now been carried out. An EPS licence would be required but mitigation for the bat roost would be possible.

Natural England -

Birklands and Bilhaugh Special Area of Conservation (SAC) – no objection, Habitats Regulations Assessment required – the proposal is unlikely to have a significant effect on any European site.

Local sites (biodiversity and geodiversity), local landscape character, local or national biodiversity priority habitats and species – The Local Planning Authority must have sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species – Use standing advice.

Biodiversity enhancements – The authority should consider securing measures to enhance the biodiversity of the site from the applicant (e.g. roosting opportunities for bats or the installation of bird nest boxes).

Nottinghamshire Ramblers - No objection

NSDC, Conservation – No objection

Representations have been received from 1 local resident/interested party which can be summarised as follows:

The former toilet block is considered a 'detraction' from the Conservation Area's character; this application should improve its appearance and restore a vacant building back into active use.

Comments of the Business Manager

Principle

Although directly opposite the Village Envelope of Edwinstowe, the site does lie outside of this

Envelope and therefore is located within the Open Countryside. Although the proposed primary use of the building would be a workshop with ancillary retail sales, planning guidance suggests that this falls under Use Class A1 (retail) as it involves retail sale of goods to visiting members of the public. As such, this proposal should be assessed as a retail use in the Countryside.

Core Policy 8 sets out the retail hierarchy for the District. This aims to steer new retail development towards town centres or district centres with some convenience retail in local centres.

Policy DM11 restricts retail development in rural areas to:-

“New or enhanced retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11 will be supported.”

Policy DM8 relates to development in the Open Countryside and states that in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development and alternative uses should present a case for the most beneficial use in accordance with the aims of the Spatial Strategy. The policy goes on to state that small scale employment development will only be supported where it can be demonstrated that there is a need and contributes to providing rural employment to meet local needs and proportionate expansion of existing businesses will be supported that contribute to local employment. In terms of visitor based tourist development, facilities for the expansion of existing attractions that are based on site specific natural environment characteristics will also be supported.

This proposal is very small scale – 60 sq m of floorspace - which is considered to be proportionate to its countryside location, albeit adjacent to the main built up area of Edwinstowe. The small scale nature of the use and building would be self-regulating and will not result in retail floor space that would compete and detrimentally affect the vitality and viability of the village centre. The use represents the proportionate expansion of an existing business (the Sherwood Forest Area and Craft Centre) that will contribute to local employment and represents the expansion of existing visitor based tourism development that should also be supported.

However, this proposal is not for an open retail use, but as an annexe to the existing craft centre, located approx. 44 metres away from the site. The applicant has submitted supporting information to demonstrate a need for an expansion to the adjacent craft centre. This includes that since January 2016, NSDC has had 23 emails and up to 60 telephone enquiries regarding interest in the existing craft centre. At the time of writing, two units within the existing craft centre were vacant but both were expected to be occupied by mid-August. I have also been informed that there has been prospective interest for the proposed annexe.

As an annexe to the existing craft centre, I consider that this use does need to be close to the existing craft centre and therefore for this reason, I do not consider there to be any more sequentially preferable sites located within the existing retail centre in the High Street. The proposal would also bring back into use a vacant building adjacent to the conservation area. Furthermore, I do not consider that this proposal will take visitors away from Edwinstowe District Centre as it is a specialist expansion of an existing craft/tourist use in this area.

With regards to the impact of the proposal on the open character of the Countryside, I consider

this to be extremely minimal. The building and associated car parking facilities are already there and do not require extending to facilitate the use. Whilst strictly, in the Open Countryside, the site is adjacent to the built development within the Village Envelope on the opposite side of the road. There is further built development on the same side of the road as the site, outside of the Village Envelope, including buildings connected with the adjacent cricket club and car parking for the adjacent Sherwood Forest.

For the reasons stated above, on balance, I do consider that this specific proposal for a Craft Centre Annexe for an additional craft workshop with associated sales is acceptable. It is for an extension of the existing craft centre just 44 metres away from the site. The existing craft centre will be operating at full capacity by mid-August and I am not aware of any suitable buildings or sites on the opposite side of the road (within the Village Envelope) that could be utilised instead. The buildings within Edwinstowe District Centre (of which some are vacant) are considered to be too far away from the existing craft centre to be used as an annexe. As such, I consider that this specific proposal does comply with guidance contained in Chapter 2 (Ensuring the vitality of town centres) of the NPPF as well as the broad principles of Core Policy 8 and Policy DM11, along with Policy DM8.

Design / Heritage Issues

The site is located adjacent to the boundary of Edwinstowe Conservation Area and also opposite Edwinstowe Hall, a Grade II listed building.

The existing building, which is 1950s, has no special architectural or historic interest. Due to its location next to Edwinstowe Hall, and prominence within the public realm, consideration must be given to the design and appearance of the structure.

The external alterations include cladding the brick work with horizontal planked larch, insertion of a central glazed gable feature into the north elevation and new timber joinery throughout.

On balance, I consider that the proposal will cause no harm to the setting of the listed building or conservation area. The overall neutrality of the building is maintained, ensuring that the setting of the listed building is preserved in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If planning permission is granted, conditions should be attached regarding specific details such as samples of the larch cladding, including its finish and further details on the design of the windows and doors.

Ecology

Habitat 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

Natural England has commented that the application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site.

Natural England has advised that;-

- The proposal is not necessary for the management of the European site
- 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

Natural England has not provided any detailed advice with regards to what issues the LPA should have regard to for this specific proposal. However, taking a pragmatic view, the proposal is small scale in nature and relates to an existing building. As the proposed use of the building is an annexe to an existing nearby use, I consider that additional footfall and traffic in the area will be minimal.

As such, I do not consider that the proposal is likely to have any significant effects on the Birklands and Bilhaugh Special Area of Conservation (SAC).

Site of Special Scientific Interest (SSSI)

This application is in close proximity to Birklands & 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 site has been notified. Natural England has therefore advised the authority that this SSSI does not represent a constraint in determining this application.

Protected Species

Birds

NWT has advised that;- *“With respect to birds, timing works to avoid the breeding season would be sufficient to avoid disturbance to nesting birds. We recommend a suitably worded condition.”*

Potential Special Protection Area (pSPA)

The Rufford Energy Recovery Facility Public Inquiry the Secretary of State considered that the Sherwood Forest area should be, as a precaution, considered as a potential Special Protection Area (pSPA) for nightjar and woodlark. This has been taken into account as part of the applicant’s Ecology Survey. NWT has stated that;- *“We are also pleased to note that the possibility of the area being designated as an SPA due to populations of nightjar and woodlark has been taken into account and concur with the conclusion that impact on these species would be unlikely.”*

Bats

A Protected Species Report was submitted with the original application. This survey identified evidence of previous and current use of the building by protected species. The report noted that evidence of bat activity was discovered. As such NWT advised that a European Protected Species (EPS) licence would be required. An EPS licence is covered by separate legislation outside of the planning system. However, prior to granting planning permission, the LPA need to be satisfied that

an EPS licence would be likely to be granted. As such further survey work was requested.

NWT raised no objection to the amended surveys stating that;- *“We are satisfied that two bat activity surveys have now been carried out which enables a more thorough assessment of the status of the roost, in line with best practice guidance. The letter from EMEC Ecology confirms that ... mitigation for the roost would be possible.”*

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

In this case, the conversion of the vacant building adjacent to the Conservation Area is in the public interest and would bring some social and economic benefits and prevent the building falling into a state of disrepair. There is no satisfactory alternative, without the conversion the building it would be left vacant and its fabric would deteriorate to the detriment of the visual amenities of the area. It is considered possible that a favourable conservation status of species will be maintained though a condition ensuring a bat box to be provided.

Having assessed the impacts of the proposal upon nature conservation and protected species, it is considered that subject to conditions securing bat and bird boxes and works being undertaken outside the bird breeding season, the proposed development is unlikely to have any adverse impact upon the favourable conservation status of bats or birds.

An informative should be added to the grant of any planning permission stating that no work can take place on the building before the above-mentioned EPS licence has been received from Natural England.

Overall, for the reasons stated above, the proposal is considered to comply with CP12 of the Core Strategy and DM7 of the ADMDPD.

Amenity

The majority of surrounding land uses are commercial, although there is a care home directly opposite the site. Due to the minimal nature of this proposal and it's compatibility with nearby uses, I do not consider that the amenity of the occupiers of neighbouring properties will be significantly affected in terms of noise and disturbance or loss of privacy.

As such the proposal complies with DM5 of the ADMDPD.

Highway Safety

The Highway Authority has raised no objection to the proposal stating that;-

“There is a car park available adjacent the application site, and this proposal is not expected to impact significantly on the public highway.”

Furthermore, there is a car park associated with the existing craft centre and visitors are likely to walk between the two.

There is a bridle path running diagonally to the rear of the building and also across the corner of the adjacent car park. The British Horse Society has been consulted on the application but has not commented. However, I do not consider that the bridle path will be affected by the proposal which relates to an existing building.

As such the proposal complies with DM5 of the ADMDPD and SP7 of the Core Strategy.

Other Issues

The scheme is likely to bring commercial and social benefits to the local area.

Conclusion and Planning Balance

Technically speaking, the proposal represents a retail use in a countryside location. I do consider that this specific proposal for a Craft Centre Annexe for an additional craft workshop with associated sales is acceptable in this location. It is for an extension of the existing craft centre just 44 metres away from the site. The existing craft centre will be operating at full capacity by mid-August and I am not aware of any suitable buildings or sites on the opposite side of the road (within the Village Envelope) that could be utilised instead. The buildings within Edwinstowe District Centre (of which some are vacant) are considered to be too far away from the existing craft centre to be used as an annexe. As such, I consider that this specific proposal does comply with guidance contained in Chapter 2 (Ensuring the vitality of town centres) of the NPPF as well as the broad principles of Core Policy 8 and Policy DM11 together with Policy DM8.

The proposal involves the re-use of a vacant building adjacent to a conservation area. Subject to conditions, I consider that the proposal will cause no harm to the setting of the adjacent listed building or adjacent conservation area. The overall neutrality of the building is maintained, ensuring that the setting of the listed building is preserved in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

I do not consider that the proposal is likely to have any significant effects on the nearby SAC, SSSI or pSPA. Subject to conditions securing bat and bird boxes and works outside bird breeding season, the proposed development is unlikely to have any adverse impact upon the favourable conservation status of bats or birds. As such, the proposal complies with CP12 of the Core Strategy and DM7 of the ADMDPD.

Due to the minimal nature of this proposal and its compatibility with nearby uses, I do not consider that the amenity of the occupiers of neighbouring properties will be significantly affected. As such the proposal complies with DM5 of the ADMDPD.

There are no highway objections to the proposal and it is unlikely to impact negatively on the nearby bridleway. As such the proposal complies with DM5 of the ADMDPD and SP7 of the Core Strategy.

The scheme is likely to bring commercial and social benefits to the local area.

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;-

Amended site location plan, received 29/07/2016

Block plan, received 30/06/2016

Drawing no. G33/02 Proposed Elevations and Plans

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

Reason: To define this permission, for the avoidance of doubt.

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.

Timber Cladding and its external finish

Reason: In the interests of visual amenity and in order to preserve the setting of the adjacent conservation area.

04

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

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

Treatment of window and door heads and cills

Reason: In the interests of visual amenity and in order to preserve the setting of the adjacent conservation area.

05

The use hereby approved shall not be brought into use until details of both a bat box and bird box have been submitted to and approved in writing by the local planning authority. The boxes shall then be installed, prior to the use commencing, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

06

No works to buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

Notes to Applicant

01

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

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

02

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

03

An EPS licence will be required from Natural England prior to any works commencing.

BACKGROUND PAPERS

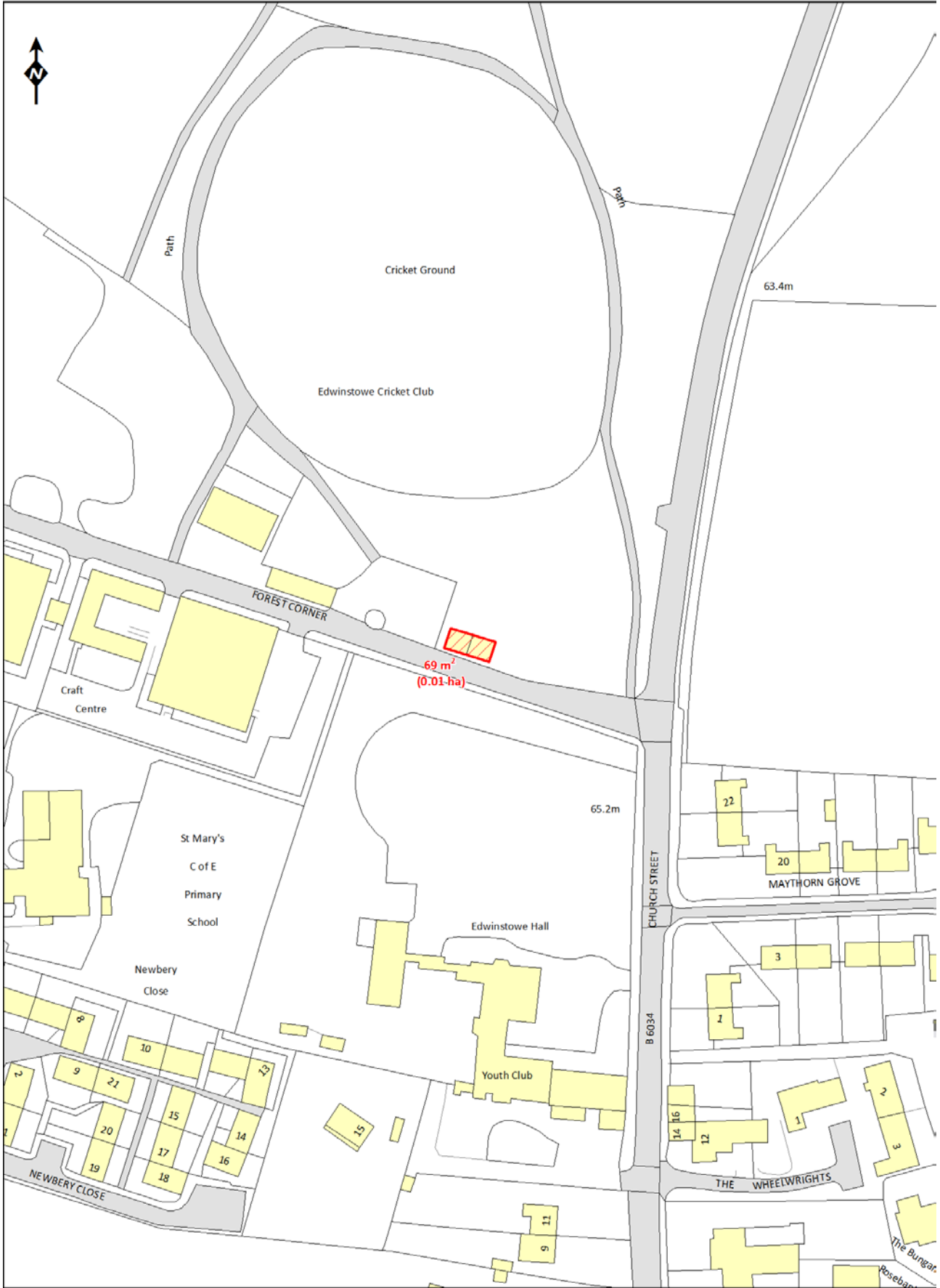
Application case file.

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 - 15/01060/FUL



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Application No:	16/01038/FUL	
Proposal:	Change of use of existing barn to form dwelling including single storey extension, altered access from Post Office Lane (Resubmission of 16/00052/FUL)	
Location:	1 Post Office Lane, South Scarle	
Applicant:	Mrs Constance Noble	
Registered:	8 July 2016	Target Date: 2 September 2016

This application has been referred to Planning Committee by Cllr Dobson due to the splitting up the amenity space of the existing cottage and concerns with respect to residential amenity.

The Site

The application site relates to a currently vacant two storey detached L-shaped dwelling located at the junction of Post Office Lane and Main Street and its associated residential curtilage which extends along Post Office Lane, sited within the village of South Scarle and within the Conservation Area.

The site comprises the host dwelling together with a detached outbuilding, barn and an orchard. It is bounded by hedging and mature trees to the Post Office Lane boundary and the side and rear boundaries. Part of the northern boundary is formed by an adjoining neighbouring barn.

The immediately surrounding area generally comprises two storey dwellings and barn conversions.

Relevant Planning History

16/00052/FUL - Conversion and extension of barn to form 1 No. house and erection of 1 No. house with access from Post Office Lane. Refused April 2016

PREAPP/00152/15 - Proposed barn conversion and new house.

The Proposal

The proposal seeks planning permission for the conversion and extension of an existing detached barn on the site to form an independent dwelling.

The proposed extension to the existing barn would have maximum dimensions of 6m in depth and 8m in width with a ridge height which is set just below that of the existing barn. The extension and conversion would create a 2 bedroom dwelling and associated curtilage. A curtilage would be retained for the host dwelling.

Departure/Public Advertisement Procedure

Occupiers of fourteen 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
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 - Biodiversity and Green Infrastructure
Core Policy 14 - Historic Environment

Allocations & Development Management DPD

Policy 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 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Section 72 of the Planning Act 1990

Consultations

South Scarle Parish Council – Objects to the proposal

NCC Highways Authority – Objects to the proposal and comments at follows;

‘This proposal was subject to a pre-application enquiry and a previous formal application 16/00052/FUL. At both times the issue was raised of poor access visibility on to Main Street. Drivers have to place the front of their vehicles into the running carriageway in order to see a safe distance up and down Main Street. Despite a proposal to realign the kerb within Post Office Lane and alter a fence, this does not satisfactorily improve the visibility splays to a safe distance in either direction.

The latest drawing L(03)05 fails to address the reason for a highway-related objection.

The previous application was refused with the following reason:

In the opinion of the District Council as Local Planning Authority and the County Council as Highway Authority, the proposed development would result in an increased risk of a vehicle collision owing to the severely restricted visibility for drivers emerging from the Post Office Lane onto Main Street. The proposal would therefore have a material impact on highway safety, contrary to the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

I recommend refusal of this application on the same grounds of highway safety insofar as the additional traffic generated by the development will result in an increased risk of a vehicle collision owing to the severely restricted visibility for drivers emerging from the access.'

NSDC Conservation Section – The summary of the comments from the Conservation section is as follows;

'Overall, Conservation considers that the scheme will have no adverse impact on the character and appearance of the CA, and cause no harm to the setting of any listed buildings within the vicinity. As such, the proposal meets the objectives of preservation as set out under sections 66 and 72 of the Act. The scheme also accords with historic environment policies within the LDF and section 12 of the NPPF.'

NSDC Equalities and Access Officer - It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

NSDC Environmental Health - The above application includes the conversion of a barn to residential use and there lies the potential for this to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site.

The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

NSDC Strategic Housing – 'The proposed application does not meet the threshold for the applicant to provide affordable housing on site; however, I turn to the issue of addressing need for market housing in this location.

The application site is located within the village of South Scarle which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character. Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3.

Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. South Scarle is a relatively high value area where people may be unable to secure housing that is affordable, particularly smaller homes. For market housing, reference is made to a preference or demand; where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in South Scarle has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 properties on the open market for sale (3 and 4 bedrooms) and a planning consent for a further six properties ranging from 2 – 4 bedrooms in size (No affordable housing). Therefore, in the absence of the start on site of the planning consent an application for smaller homes may attach some weight. There is no current Parish Housing Needs Survey in South Scarle to identify a local demand for market housing or need for affordable housing. The DCA Housing Market and Needs Assessment (2014 – Sub Area Report states that the Collingham subarea (of which South Scarle is a part of) requires 83 two bedroom homes and 66 three bedroom homes to meet the demand for market housing in this area. However this does cover a much wider area including the service centre village of Collingham and is not therefore reflective of local demand.

Nottinghamshire Wildlife Trust – Do not raise an objection to the proposed development but requires further information. Their comments are summarised as follows; 'Recommends that a single emergence survey be undertaken prior to the determination of the application and recommends a condition to any grant of permission relating to the protection of nesting birds. Also encourages biodiversity enhancements on or around the development site.

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.

Representations have been received from 13 local residents which can be summarised as follows:

- Traffic issues and highway safety concerns, including increase in traffic, visitors, deliveries
- South Scarle is not a sustainable location for new development
- The proposal does not meet the criteria of "affordable housing"
- The conversion of the old barn is attached to a listed property and the proposal will have an impact on privacy of this property, obscure views and create overlooking.
- Objects to the removal of the Bramley apple tree at the site.
- Concern over noise to the proposed barn conversion from the use of equipment within a neighbouring workshop, which shares a party wall.
- The previous application was refused and this proposal will still have the same overall impact.
- Impact on neighbouring properties
- Overlooking impact from the first floor window.
- Concerns over the proposal increasing the drainage of surface water and flooding issues in the locality.
- Support the proposal as it is a sympathetic conversion saving a barn in the village
- Small villages need some development to help them flourish

- Concerns over the impact on the local wildlife.
- Impact on heritage assets
- The new-build is out of scale to the barn and would be contrary to guidance in 'Conversion of Traditional Rural Buildings'.
- Lead to urbanisation and over intensive development which would cause significant harm to the character and appearance of this part of the Conservation Area

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

This application is for the change of use of an existing barn with an extension to form a dwelling. An application on this site has previously been considered by the Local Planning Authority for the conversion and extension of the barn and the erection of 1 No. house in the rear garden. This application was refused in April 2016 on the following grounds;

1. The site is located within South Scarle which contains a limited range of services and is not considered to be a sustainable location for new dwellings. Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new dwellings need to meet an identified proven local need. The Applicant has failed to demonstrate that the proposal would meet an identified proven local need in South Scarle and there is no further information available to the Council that there is an identified proven local need for development of the nature proposed. It is therefore considered that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to the aims of the NPPF, PPG and Spatial Policy 3 of the Newark and Sherwood Core Strategy.
2. In the opinion of the District Council as Local Planning Authority and the County Council as Highway Authority, the proposed development would result in an increased risk of a vehicle collision owing to the severely restricted visibility for drivers emerging from the Post Office Lane onto Main Street. The proposal would therefore have a material impact on highway safety, contrary to the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.
3. In the opinion of the District Council, the proposed development would have a material impact on the future amenity of the occupiers of the proposed barn conversion and the amenity of the existing properties to the north of the site by virtue of material overlooking impact from the first floor side and rear windows of the proposed new dwelling. The proposed development is therefore contrary to the guidance contained within Policy DM5 of the Allocations and Development Management DPD.
4. In the opinion of the District Council, the applicant has failed to fully demonstrate that the potential habitat of a protected species would be safeguarded as part of the proposed development. The proposal is therefore contrary to the advice contained within Policy DM5 of the Allocations & Development Management DPD.

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. Other villages, including South Scarle, are to be assessed against Spatial Policy 3 – Rural Areas. This allows limited growth within the smaller rural communities of the District subject to certain criteria.

The first of these criteria relates to location of development requiring new development to be within the main built up areas of villages which have local services and access to other settlements such as the Newark Urban Area. Given the location of the site within the main built up part of the village, I consider that the proposal may satisfy the first element of this criteria although South Scale only has very limited local services.

In terms of the second criterion; scale, in terms of the physical characteristics of the proposal, these are discussed further in relation to the impact on character.

Criterion 3 of SP3 outlines that new housing will only be approved where it helps to meet an identified proven local need. While the Core Strategy does not explicitly define what is meant by a proven local need the additional Guidance Note published in September 2013 provides further interpretation of Spatial Policy 3.

This note concludes that the need necessary to satisfy this policy must be related to the individual settlement with the intention to serve the public interest rather than that of individuals. The policy is not intended to cater for individuals desire to live in particular locations or in particular types of accommodation and places the onus on the applicant to demonstrate such need and justification for the development.

I am mindful of the comments made by the Strategic housing team which highlight that there is currently no Parish Housing Needs Survey in South Scarle to identify a demand for market housing or need for affordable housing, and also refer to the extant permission for 6 dwellings within the main built up area of South Scarle. I also note the conclusion for the last refusal which stated,

“Therefore in the absence of any documentation from the applicant which clearly demonstrates a proven local need for the proposed development, I conclude that Criterion 3 of Policy SP3 has not been met.”

Since the last refusal the Council’s position on its 5 year land supply has been evolving. Members will be aware of the update note presented to June’s Committee in which Officers rehearsed that there is currently a 5 year housing land supply on an OAN. However the OAN cannot yet carry full weight until any Inspectors conclusions are published via a Plan Review process (current progressing). On this basis, whilst the need criterion of SP3 remains (on the basis that there is a 5YLS against an OAN) this element is less robust than previously set out. That I remain unconvinced that need has been appropriately addressed. In the absence also of an acceptable scheme in every other regard I must conclude that the previous reason for refusal remains.

In terms of the fourth criterion within SP3; impact, this requires that new development should not generate excessive car borne traffic from out of the area, on the amenity of local people or on local infrastructure. Given the scale of the proposed development, I am not of the view that the proposal would be likely to result in any significant increase in traffic or local infrastructure including drainage and sewerage systems. However with regards to highway implications, I am mindful of the Highway safety concerns raised by the Highway Authority which are considered

further below. Impact on amenity and the impact on character, the fifth criterion of SP3, are also discussed in detail below.

Impact On Character And Impact On The Historic Environment

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

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

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

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

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

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

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

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

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

I concur with the comments of the Conservation Section and I am satisfied that the proposed development would be appropriate in scale, form and layout and would pay due respect to the existing barn and the local vernacular. I also consider the external finish materials of facing

brickwork and pantiles, together with painted timber windows to be appropriate to the conservation context.

Whilst concern has been expressed over the impact on the adjoining barn which is a listed building, I am satisfied that the extension to the barn is separated from the adjoining boundary and as it is located within the curtilage of the host dwelling would not have a detrimental impact on the setting of the adjoining Listed Building. The District Council's records indicate that while the original section of the neighbouring dwelling 'The Old Stackyard' to be curtilage listed, the associated workshop/garage outbuilding that shares a party wall with the existing barn at the site does not hold listed or curtilage listed status in its own right.

While the loss of the Bramley tree close to the existing barn is regrettable, I am of the opinion that its amenity value in the streetscene is limited by existing screening to the boundaries of the site and a condition attached to any grant of planning permission which requires a landscaping scheme to be submitted prior to commencement to be capable of mitigating the loss of this feature.

Impact on 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.

Given the siting of the proposed barn conversion and extension and their relationship with neighbouring properties to the north, I do not consider that the proposed development would give rise to any amenity issues by virtue of any material overbearing or overshadowing impact. No windows are proposed on the northern gable of the existing barn which abuts the boundary to the north. The proposed extension would project towards the east of the site and would include two ground floor windows facing the northern boundary. These would be at ground floor level and obscured by any boundary treatment and as such would not create any overlooking or impact on privacy.

The previous application was refused, one of the grounds for refusal was that the development would have a material impact on the future amenity of the occupiers of the proposed barn conversion and the amenity of the existing properties to the north of the site by virtue of material overlooking impact from the first floor side and rear windows of the proposed new dwelling. This proposal has removed the detached dwelling from the scheme and as such it is considered that this ground for refusal has been overcome.

Concern has been expressed over the splitting of the amenity space that is currently enjoyed by the occupants of the host property, No 1 Post Office Lane. The proposal would lead to the subdivision of the rear garden area and orchard to the host property to provide a separate access and private amenity space. Whilst the rear garden area to the host property would be significantly reduced I consider that there is sufficient space retained for the host dwelling which would still benefit from a separate access and private amenity space to the rear.

I note the concerns raised over noise and vibration from the adjoining workshop, however as the workshop is ancillary to the neighbouring residential dwelling and not in commercial use, I feel a condition attached to any grant of planning permission which requires further details of noise

cancellation measures along the party wall would be appropriate to overcome this issue. Environmental Health colleagues could then deal with this issue up front.

Highway Matters

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note the concerns received from the Highway Authority in relation to the increased risk of a vehicle collision owing to the severely restricted visibility for drivers emerging from the access onto the main road. Whilst I accept that we are talking about a single unit in terms of traffic generation NCC are clear, even when challenged that the level of visibility is such that further access should be restricted. Given the comments from Highway Authority, I have no grounds to disagree that the proposal would lead to a significant impact on highway safety and would conflict with aims of Spatial Policy 7 and Policy DM5.

Impact on Ecology

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

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

I am mindful of the comments of the Nottinghamshire Wildlife Trust, which, while content with the initial habitat survey also require a single emergence survey to be submitted prior to determination. The applicant has been notified of these comments and requirements and they have stated that they would be prepared to undertake an emergence survey as necessary. However, due to the highway safety issue and committee timetable this has not been submitted. For the avoidance of doubt the LPA would not maintain this objection (either now or at appeal) if adequately addressed by survey information.

I am therefore of the opinion that it has not yet been demonstrated that the proposed development would not adversely impact on the potential habitat of a protected species, contrary to the guidance within Policy DM5.

Other matters raised by neighbouring residents

In regard to the concerns over flooding, while I note the photographic evidence of standing water, as the site is located outside of a high risk flood zone, there is no provision for the applicant to comply with national planning policy guidance on flooding or submit a flood risk assessment. Therefore I am of the opinion that refusal of planning permission on these grounds would not be justified.

As the Party Wall Act is a separate piece of legislation outside of the planning remit, I am of the opinion that compliance with this legislation would not be a material planning consideration in the determination of this application.

Conclusion

The proposed development would be acceptable in terms of its impact on neighbouring properties, conservation perspective and would not result in any adverse impact to the character and appearance to the Conservation Area or setting of nearby listed buildings. However, the proposed development would result in a significant adverse impact on highway safety at the junction with Main Street on the basis of NCC advice. NCC are willing to defend this position at appeal and in the overall balance I must conclude that harm to highway safety is both significant and determinative in this instance. The applicant has also failed to adequately demonstrate that the potential habitat of a protected species would be safeguarded by the proposed development.

RECOMMENDATION

That full planning permission is refused for the following reasons

Reasons for Refusal

01

The site is located within South Scarle which contains a limited range of services and is not considered to be a sustainable location for new dwellings. Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new dwellings need to meet an identified proven local need. The Applicant has failed to demonstrate that the proposal would meet an identified proven local need in South Scarle and there is no further information available to the Council that there is an identified proven local need for development of the nature proposed. It is therefore considered, when taken with the other harm identified in reasons for refusal 1 and 2 that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to the aims of the NPPF, PPG and Spatial Policy 3 of the Newark and Sherwood Core Strategy.

02

In the opinion of the District Council as Local Planning Authority and the County Council as Highway Authority, the proposed development would result in an increased risk of a vehicle collision owing to the severely restricted visibility for drivers emerging from the Post Office Lane onto Main Street. The proposal would therefore have a material impact on highway safety, contrary to the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

03

In the opinion of the District Council, the applicant has failed to fully demonstrate that the potential habitat of a protected species would be safeguarded as part of the proposed development. The proposal is therefore contrary to the advice contained within Policy DM5 of the Allocations & 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(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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.

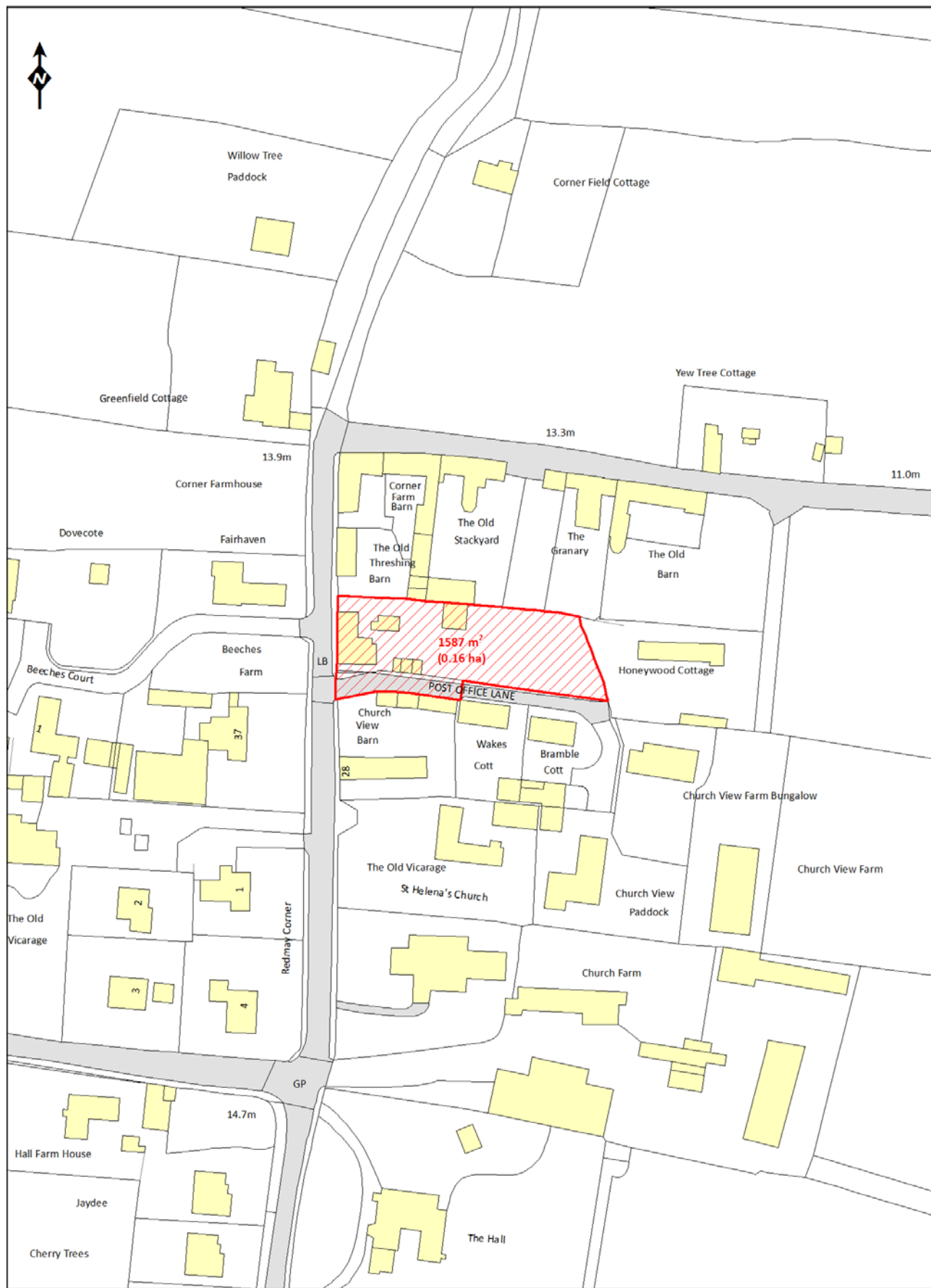
For further information, please contact Jennifer Wallis on ext. 5419.

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

Kirsty Cole

Deputy Chief Executive

Committee Plan - 16/01038/FUL



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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: 7th September 2016

Members will recall that this application was deferred at the July meeting of the Planning Committee in order for the applicant to undertake further work to set out exactly how the innovative design approach could be secured. Members stated that this could include practical measures (such as pre and post completion testing), together with a written description and architects presentation of the scheme. At the time of writing officers are continuing negotiations with a view to proving information at Committee. The architect will also be invited to present to Members after site visits to explain the scheme. In the interests of avoiding further delay this information will follow.

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
Policy DM12 – Presumption in Favour of Sustainable Development

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.

09

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

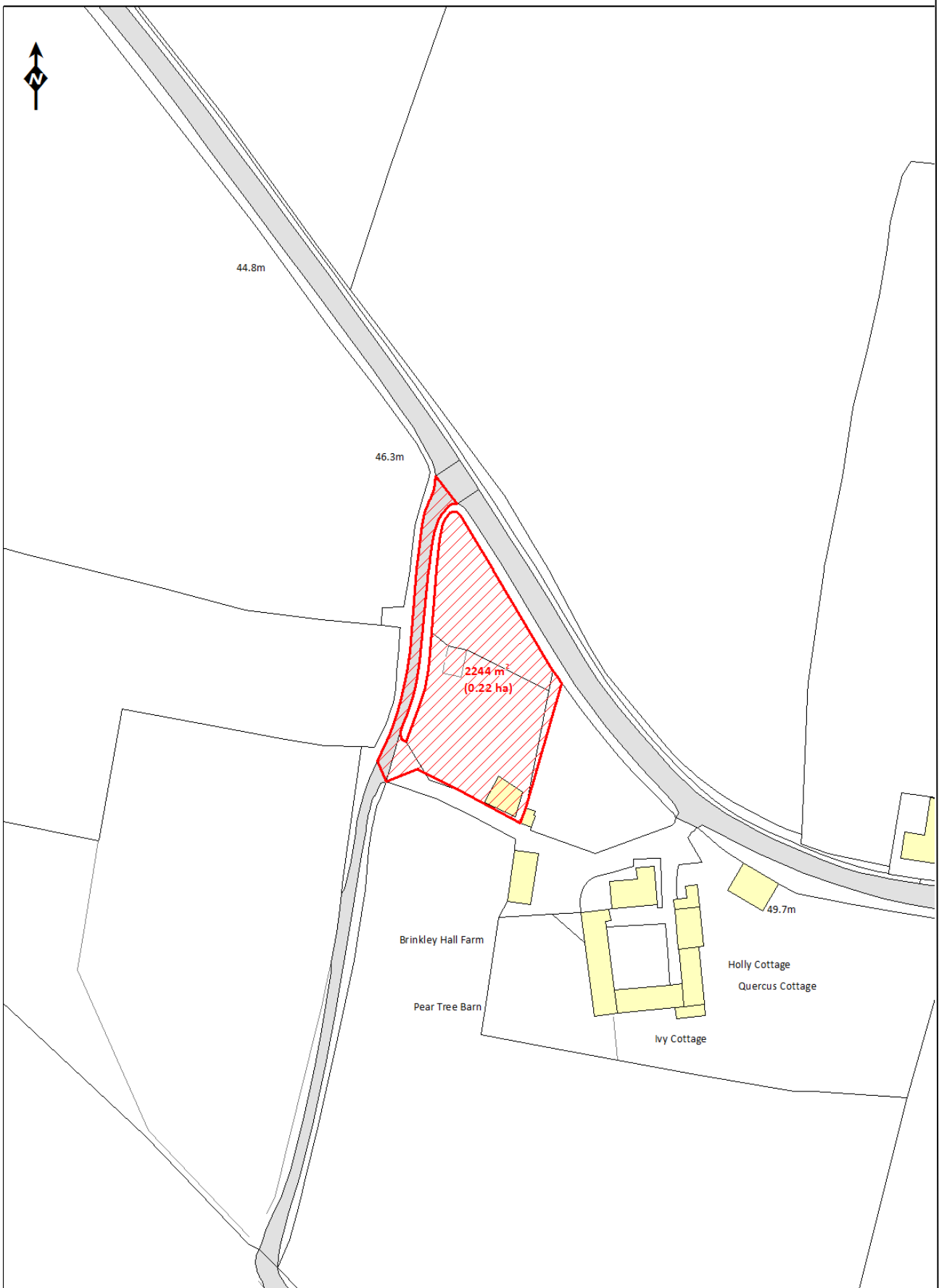
Application case file.

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



Application No:	16/00741/FULM	
Proposal:	Conversion of buildings to 5 self-contained studios, 3 x 1 bed apartments, 1x2 bed apartment and 3 x 4 bed cluster apartments (Resubmission of 15/01260/FULM)	
Location:	Former Piano School Mount Lane Newark on Trent Nottinghamshire	
Applicant:	Mr Simon Grace	
Registered:	10th May 2016	Target Date: 9th August 2016
	Extension of time agreed until 9th September 2016	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation given that Newark Town Council has objected to the application. This view differs to the officer recommendation.

The Site

This application relates to 0.0647 hectares of land comprising the former Piano School, a range of Edwardian single and two storey buildings located within Newark Town Centre and the Conservation Area.

The site is accessed from Mount Lane a narrow lane providing vehicular access from Appleton Gate which serves residential properties on Mount Lane and which has very limited off street parking provision and is also subject to parking restrictions. There is also pedestrian access from The Mount to the north west.

To the north west the site is adjoined by the Former Mount School, a Grade II Listed Building which now forms part of the St Leonard’s Trust sheltered housing scheme. To the south west lies St Mary Magdalene’s Church, a Grade I Listed Building and associated church grounds. To the south and north the site is bounded by two storey dwellings on Mount Street and Jallands Row, a Grade II Listed terrace. To the east there is a commercial yard and commercial/residential properties fronting Appleton Gate.

Relevant Planning History

15/01260/FULM – Planning permission was refused in March 2016 for the conversion of the Piano School Building on the grounds that the proposal would result in an over intensive development, would provide an inadequate standard of private amenity space to the detriment of future occupiers and that the increased volume of activity to and from the site would result in an unacceptable impact on the amenity of the occupiers of neighbouring properties. An appeal was subsequently lodged with the Planning Inspectorate which was allowed on the 2nd August 2016. In summary the Inspector concluded that although high density the proposal would not be an over intensive form of development within the town centre context of the site, it would not be

materially harmful to the amenity of local residents, it would provide an acceptable level of accommodation and living conditions for future occupiers, and it would make a modest contribution to housing supply in a sustainable town centre location ensuring that a non-designated heritage asset is retained in a viable use.

0/00482/FUL 10/00483/LBC – Planning and Listed Building Consent were refused in May 2015 for the conversion of the Piano School into five dwellings, the demolition of single storey piano practice rooms, workshop and external stairs and the erection of one dwelling, on the grounds that the building to be demolished made positive contribution to the conservation area, no justification had been put forward for any demolition and the proposal would unduly impact on the character and appearance of the conservation area and the amenity of the occupiers of neighbouring properties.

09/01231/FUL – an application was received in September 2009 for the conversion of piano school building to 6no. town houses together with demolition of single storey lean to building, workshop and external stairs. This application was subsequently withdrawn.

The Proposal

Full planning permission is sought for the conversion of the existing buildings to form a residential development comprising:-

Block A

- 3 no. 4 one bed (with ensuite) cluster apartments. 10 of the cluster apartments would have a shared lounge/kitchen facility whilst 2 would have their own lounge area but would share the kitchen facility.

Block B

- 5 no. self contained studios;
- 3 no. 1 bed apartments; and
- 1 no. 2 bed apartment.

The development would be served by a central courtyard providing private amenity space and bin and cycle storage areas.

No off street parking provision is proposed.

The current application proposes a reduction in the number of rooms within the HMO (identified as Block A on the submitted drawings) from 14 as previously proposed to 12 which reduces the overall number of units from 23 to 21.

A number of enabling works are proposed in the form of modification to some existing window openings, either to create new door openings, blocking up of some existing openings or reinstatement of some former openings to form new door openings, repointing and structural repairs, repairs and replacement of some existing roofs, replacement rooflights, replacement staircases, repair and redecorate existing windows, repair and replace some existing rafters, replace existing rainwater goods, external landscaping and erection of a porch. These works are detailed within the Heritage Statement deposited with the application.

A Design and Access Statement, Heritage Statement and a Bat Survey prepared by EMEC Ecology also accompanies the planning application.

Additional supporting statements have also been deposited with regards to the Councils current housing land supply position, details of the proposed development management company who would oversee the development and examples of other similar developments within the applicants portfolio, room sizes and national space standards and HMO licenses, confirmation of an occupancy restriction to a maximum of 30 residents and the management of bin collection.

Departure/Public Advertisement Procedure

Occupiers of 44 properties have been individually notified by letter. Site notices have 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)

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 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 14 – Historic Environment
- NAP1 – Newark Urban Area

Allocations and Development Management DPD Adopted July 2013

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5 – Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Technical housing standards – nationally described space standard (March 2015)

Consultations

Newark Town Council – Members raised concerns that the accommodation seemed to be aimed at young people which would be inappropriate given the proximity of St Leonard's Trust complex for older people. The development also appeared to have no private amenity space.

It was AGREED to OBJECT to this application on the following grounds:

- i) the proposal would result in the over intensive development of the site by virtue of the scale and nature of the proposal.
- ii) the layout of the proposal would fail to provide an adequate standard of private amenity space which would be to the detriment of future occupiers of the development.
- iii) the increased volume of activity to and from the site associated with the development would result in an unacceptable impact on the occupiers of nearby residential properties.

Newark Civic Society –No comments received.

Nottinghamshire County Council Policy - This application is for a majority of 1 bed / studio units therefore unless there is an increase in sizes of units the County Council will not be seeking an education contribution for this proposed development.

In terms of libraries I can confirm that contributions 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.

NCC Highway Authority - The proposed development does not provide off street parking, however, this is a town centre location with public car parking available in close proximity. Current traffic regulation orders prevent parking on the narrow access lane that serves the site. As such, there are no highway objections to this proposal.

NSDC Environmental Health Contaminated Land - This proposal includes refurbishment of buildings/structures which are of an age where asbestos may have been used in the construction and/or insulation materials. There are no soil screening values for asbestos; it is considered that there is no safe exposure level for human health. Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in the Environmental Health at Newark and Sherwood District Council on 01636 650000. Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there

have been some changes to what is required for non-licenced asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>.

NSDC Environmental Health –I have looked at the sizes of the flats and whilst these do seem very small, do appear to meet out minimum space standards according to the notation on the plans. It is considered that the proposed residential units in Block A will compromise of 3 separate HMOs, 2 on the ground floor and another above on first and second floors. This latter one is believed to meet the criteria for being licensable by Environmental Health – 3 storey/5 or more people/sharing amenities.

NSDC Planning Policy –Verbally reported that previous comments made in relation to application ref. 15/01260/FULM apply. These are summarised below:-

Planning policies relevant to assessing the detailed proposal were outlined

NPPF In terms of housing, this requires LPA's to maintain deliverable 5 year supply of housing land in sustainable locations. In terms of heritage, requires LPA's to set out a positive strategy for the conservation and enjoyment of the historic environment. Planning Practice Guidance offers advises on decision taking in respect of the historic environment.

NSDC Core Strategy 2011 Addresses NPPF housing requirement by defining a settlement hierarchy in Spatial Policy 1 and allocating proportionate amounts of housing development to it through Spatial Policy 2. Addresses NPPF heritage requirement through the priorities set out in Core Policy 14. Core Policy 3 sets the requirement for affordable housing provision on 10 or dwellings in the Newark Urban Area.

Allocations & Development Management DPD 2013 Allocates housing sites to meet the targets set out in the Core Strategy and establishes the principal of windfall development within settlements such as Newark through Policy DM1. It contains other Development Management Policies that deal with Historic Environment (DM9) and Design (DM5) that will be relevant to assessing the detailed proposal.

ASSESSMENT

The site lies in the Newark Urban Area where Policy DM1 facilitates housing development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with other relevant policies.

As a sub-regional centre the LDF intends Newark to be the main location for new housing. Within this context the provision of residential units is entirely appropriate for this location. The type of accommodation proposed does not require justification to satisfy any policy (although the impacts arising from it may) however as this would certainly result in a greater number of units and therefore more efficient use of land than more conventional self-contained dwellings and offers a range of affordable market accommodation I consider it is to be welcomed.

The other relevant policies to consider this proposal against are DM5 – Design and DM9 - Protecting and Enhancing the Historic Environment. I defer your and the Conservations teams assessment of these matters.

CONCLUSION

If the detail of the proposal satisfies Policies DM5 and DM9 and there no material considerations arise that indicate otherwise, the proposal would be in accordance with the development plan and its approval would result in the delivery of dwellings in a sustainable location and maintenance of the 5 year housing land supply.

NSDC Ecology - The application is supported by a Daytime Bat Survey, dated October 2015 (with surveys carried out on 24th September 2015). In summary, this found no evidence of roosting bats, and no features considered suitable for them. It is specifically stated that a European Protected Species license will not be required for the works. However, a procedure is outlined in Appendix 2 of the report, which should be followed in the unlikely event that bats are encountered during the works. Compliance with this procedure should be secured through a **condition**.

The results of such surveys normally have a limited shelf-life (as the condition of buildings can deteriorate and become more suitable for roosting bats). Whilst the period for which the survey results can be considered valid is not stated in the report, I would recommend that should works not commence within 2 years of the date of the survey (i.e. by 24th September 2017), then an updated survey should be carried out, secured by a condition.

In addition, evidence of previous nesting by birds was found. A standard condition should therefore be used to control works during the bird nesting season, which runs from March to August inclusive.

NSDC Conservation – Detailed advice at pre-application stage (ref PREAPP/00102/15) and subsequently raised no objection to the resulting proposal for conversion (ref 15/01260/FULM). It is recognised that the scheme has been modified following refusal (grounds given in refusal appear to be intensity of development, insufficient amenity and impact on neighbours). The number of units in this submission has been reduced from 14 to 12.

The proposal site is located within the Newark Conservation Area (CA). Newark CA is a designated heritage asset. The CA was designated in 1968, but has been reviewed and amended since (CA amendments designated in 1974, 1979, 1987, 1992 and 1995). The proposal site is close to a number of listed buildings, notably the landmark Church of St Mary Magdalene (Grade I listed) and the former Mount School (Grade II).

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. In addition, section 66 requires the LPA to pay special regard to the desirability of preserving the setting of listed buildings. Such matters are of paramount concern in the planning process. In this context, case-law has established that 'preservation' means to cause no harm.

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 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) and Advice Note 1 (CA management) and Note 2 (changes to heritage assets).

Significance of heritage asset(s)

The existing buildings comprising the former Piano School predominantly make a positive contribution to the character and appearance of Newark CA. The main structures appear to be early 20th century and form a composite group. I can see from historic maps that the yard area was once known as 'Mount Square' (presumably an area of public realm/amenity). The Piano School buildings first appear on the 1912 County Series and can be seen on early 20th century aerial photographs.

The existing buildings predominantly comprise a number of industrial/commercial structures in red brick (generally in English Garden Wall bond) with slate roofs and Edwardian architectural detailing. Internal features include studded metal beams, reminiscent of contemporary period buildings constructed by Nottingham City Engineer Arthur Brown (the grade II listed buildings at Bulcote Model Farm designed by Brown in 1902 are a good example of this type of Edwardian industrial architecture). The characterful sawtooth roof structure facing Mount Lane appears to be part of the original arrangement, and although its roof has a temporary covering, the internal condition appears good and roofs capable of repair. The oval windows to Mount Lane are positive. There is timber joinery throughout, with typical Edwardian characteristics (transom casements with multi-panes). The Edwardian renovations of an 18th century building in tandem with a new warehouse at 13 Appletongate (Grade II listed) nearby suggest that the early 1900s was an important development phase within this part of the CA.

The characterful sawtooth roof structure and upper storey of the main warehouse is highly visible from the churchyard and Mount Lane. The 1826 school room on the northside is Grade II listed. Although the 1829 map shows a large open square (Mount Square) on the proposal site, the land appears to have been enclosed by at least the 1870s as an orchard or garden (see extract of the 1875 County Series for example). Whilst the Piano School is not contemporary with the listed schoolroom, the enclosure brought to the side alley by the sawtooth structure is a positive feature of the CA and setting of the listed building.

Condition of the buildings

Newark CA is on the national Register of Heritage at Risk (maintained by Historic England). This is in part due to a number of historic buildings within the town being in poor condition, including for example the Robin Hood Inn on Lombard Street. However, the high level of empty, redundant historic buildings within the town is also a critical problem. The former Piano School buildings appear to be in good condition, although having now been empty for several years, the deterioration of the buildings could start to contribute to Newark CA's status as a CA at risk. This is a material consideration. Renovating the buildings and finding a new use which is compatible with their fabric will help address Newark's CA at risk status.

Assessment of proposal

Conservation supported the previous scheme. The renovations and adaptations proposed remain sympathetic to conservation objectives, noting the repair strategies outlined, sympathetic treatment of windows and materials, and the otherwise beneficial re-use of redundant buildings. Minor modifications are proposed throughout, but generally these do not result in any material harm to the Piano School complex. The approach proposed to renovation balances practical repair (such as repairs to existing historic windows) with modern standards (use of slimlight double glazing). Use of authentic materials (such as metal rainwater goods and natural slate) helps to improve the appearance of the building complex.

Overall, we remain satisfied that the scheme is well-thought out from a historic building perspective, and that the scheme will sustain the character and appearance of the CA whilst causing no harm to the setting of any listed buildings (notably the landmark Church of St Mary Magdalene). Weight should be given to the proposal for contributing towards the objective of reducing heritage at risk within the CA.

In this context, the proposal is considered to meet the objective of preservation required under sections 66 and 72 of the Act, and otherwise accords with conservation objectives contained within DM9 of the LDF DPD and section 12 of the NPPF.

Nottinghamshire Wildlife Trust – No comments received.

NCC Ecology - The application is supported by a Daytime Bat Survey, dated October 2015 (with surveys carried out on 24th September 2015). In summary, this found no evidence of roosting bats, and no features considered suitable for them. It is specifically stated that a European Protected Species license will not be required for the works. However, a procedure is outlined in Appendix 2 of the report, which should be followed in the unlikely event that bats are encountered during the works. Compliance with this procedure should be secured through a **condition**.

The results of such surveys normally have a limited shelf-life (as the condition of buildings can deteriorate and become more suitable for roosting bats). Whilst the period for which the survey results can be considered valid is not stated in the report, I would recommend that should works not commence within 2 years of the date of the survey (i.e. by 24th September 2017), then an updated survey should be carried out, secured by a **condition**.

In addition, evidence of previous nesting by birds was found. A standard condition should therefore be used to control works during the bird nesting season, which runs from March to August inclusive.

NSDC Parks and Amenities – I note that the mix of properties has changed but given that there does not appear to be any family accommodation included I do not believe that a children's playing space contribution is required.

NSDC Strategic Housing – The Council's Core Policy (CP1) seeks to secure 30% affordable housing provision on all suitable sites. The proposal to develop up to 21 apartments/bedsits for market rent does not normally preclude the applicant from contributing to affordable housing provision in the area and the policy requires that 4 (out of 12 eligible dwellings) should be designated as affordable homes. That said the policy does not normally encourage off-site contributions unless the characteristics of the proposed scheme can demonstrate that it would be unsuitable for on-site affordable housing.

The initial application for this site indicated that up to twelve of the dwellings are classed as a HMO. If the planning officer/committee consider that one single HMO is classed as a dwelling then the application should provide a commuted sum payment as I consider the proposal to be unsuitable for affordable housing provision. If the applicant cannot provide any justification as to why there is no financial contribution to affordable housing in Newark to meet the Council's policy requirements or offer a robust and substantial case for viability then the application should not be supported.

Additional comments have been received with regards to the issue of demonstrating local need the DCA Housing Market and Needs Assessment which provides a robust evidence base of need in the district. The assessment is broken down into sub areas. Newark is one of the sub areas in terms of demand for smaller market units i.e. 1 bedroom, the demand is minimal.

The applicant has submitted correspondence which states that the building benefits from the Governments 'vacant building credit' which was reinstated by the Court of Appeal in May 2016. Strategic Housing has responded as follows:-

It appears that they are exempt following a ruling that overturned Justice Holgate's decision. It seems to sit alongside the 10 units and over for affordable housing. It appears that we cannot seek a contribution to affordable housing,

NSDC Access - As part of the developer's consideration of access to and use of the buildings, with particular reference to access and facilities for all, it is recommended that the developer's attention be drawn to BS8300:2009, BS 9266:2013 – as well as Approved Document M of the Building Regulations which contains further useful information in this regard.

In particular access to, into and around the proposals together with provision of suitable accessible facilities and features should be carefully considered to ensure these are equally convenient to access and use and carefully designed to meet accepted standards. Easy access and manoeuvre for all should be considered throughout the proposals.

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

NSDC Waste Management – As far as the submission 16/00741/FULM is concerned, the removal of two dwellings from the original application makes no difference to the comments from Waste Management. All opinions still the same as that of 15/01260/FUL. Previous comments are summarised below:-

Following discussion with the appellant and agent the only solution is that the developer arranges for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school. Then following collection the same arrangements would need to be done in reverse. I have already drawn up plans to alter collection routes to allow for a smaller vehicle to access that area.

Police Authority – Despite the slight reduction in number of studios, apartments and the inclusion of kitchenettes in some, comments made against planning application 15/01260/FULM are still relevant. By reducing the number of “rooms” from 14 to 12, there will be a slight reduction in numbers of persons living at this location, down by 2-4 persons, but there will still be a high number of persons living in premises with very limited amenity space both indoor and outdoor, with the nearby park being potentially used as amenity space.

Comments from the previous planning application were as follows:-

The area around Mount Lane is fairly quiet in reference to crime and disorder, with only a handful of reported incidents of anti-social behaviour in the past 12 months, these are usually located at the nearby park/garden of rest, these incidents usually involve young people being noisy or drinking alcohol.

The conversion of the former Piano School could increase the number of incidents of crime and disorder in this local area, especially noise/nuisance anti-social behaviour, simply because there will be at least 23 new residents living in a relatively small sized residential space. The proposals include limited internal communal space (for the HMO), and limited external amenity space for all residents, with the likelihood that the adjacent park/garden of rest will become an extension of the amenity space for this proposed development, as all other adjacent areas are residential dwellings or retail outlets.

I would not support this planning application.

Nottinghamshire Fire Authority – No comment received.

Building Control – Previous comments, summarised below, are reiterated regardless of whether it is one dwelling or multiple dwellings.

Following discussions with the applicant and agent it is noted that there are 6no. 240 bins from neighbouring properties that are moved to Appleton Gate on collection day. These properties were built quite a while ago and as such were not subject to the same conditions as those of today, both for planning and waste management. Our current policy for developers is, as stated, 8 metres and I did comment on site that we would be flexible to an extent. However pulling 6 240 bins that are already on site and have been done that way under historical arrangements for many years, is slightly different to adopting the number of bins that are now proposed for this new development. (some are Euro containers).

I have revisited the site this morning and the only possible solution is that the developer arranges for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school. Then following collection the same arrangements would need to be done in reverse. I have already drawn up plans to alter collection routes to allow for a smaller vehicle to access that area.

Unfortunately that is the only solution. It would be untenable that that amount of bins could be pulled down and back to the main road whilst a truck is blocking off Appleton Gate. In addition if I schedule the small vehicle there is only two operatives to fetch bins. This would mean that far too

much time would be spent walking backwards and forwards to the “30 metre” collection point. Obviously all this has been taken into account when the new guidance was developed.

Representations have been received from 25 local residents/interested parties which includes a petition with 11 no. signatories and a copy of a letter forwarded to the local MP. Comments received can be summarised as follows:

- There is no material changes to the previously proposed scheme
- The proposal fails to accord with the NSDC policies, visions and objectives
- There is no need for such a high density development in Newark
- The proposal is overintensive resulting in overdevelopment and overcrowding. It would change the demographics of the area.
- The proposal would overwhelm local facilities and services
- The proposal fails to meet the minimum room sizes as set out in the National Space Standards The density of development exceeds the 50% over the minimum requirements. The rooms and bathroom facilities are too small; there are no storage or laundry facilities; Common living rooms and kitchens are at odds with the ambition for a 44 bed hostel;
- The lack of fire escapes and lack of windows on the south elevation are raised as concerns together with access for emergency vehicles. The comments of the access officer are supported;
- The proposal would have an unacceptable impact on the amenity of occupiers of neighbouring residential properties and local residents given the density of the development, separation distances and overlooking, increased activity and noise nuisance lack of private amenity space and levels of activity. There will be no wardens to oversee the development.
- The proposal would be overbearing
- The proposal would impact on highway and pedestrian safety
- There are no parking facilities proposed for 44 residents or their visitors which would exacerbate existing on street parking issues – there are restrictions or residents only parking on neighbouring roads.
- The proposal would have a significant undue impact on the conservation area, adjoining and nearby heritage assets (Listed Buildings) and tourist destinations which has received substantial investment
- The development will be out of keeping with the character of the area – it is more like a hostel or student accommodation rather than accommodation for young professionals

- The proposal is contrary to the efforts of the police, the council and sheltered housing to combat the increase in anti social behavior – it would attract undesirables
- The Police Authority has expressed concerns with regards to overcrowding and associated anti-social behavior – the proposal would exacerbate existing anti-social behavior issues associated with young people;
- The level of private outdoor amenity space to be provided is not appropriate - The proposed use of St Mary Magdelene Church Grounds and garden of Rest as amenity space is unacceptable.
- Mount Lane and the unadopted lane providing access to the site are not suitable for the increased amount of traffic and pedestrians
- There are no details of measures for storage or collection of bins – Mount Lane should be kept clear to allow access to existing properties
- The previous application confirmed that the number of residents would be restricted to 30. Would the occupancy of the HMOs be restricted;
- It is inappropriate development adjacent to St Leonard’s Trust
- The unadopted roadway which provides access to the development is referred to as Mount Lane but in fact has no road name;
- The previous owner has withdrawn the previous right of access from Appleton Gate which previously provided access for vehicles;
- The level of consultation that has been carried out is queried
- The applicant is engaged in the commercial provision of accommodation for young people who are attracted to city life with entertainment and recreational facilities geared to this age group. Newark does not have such facilities. Late night public transport to larger cities is very limited.
- There are hospital or emergency facilities in Newark

Comments of the Business Manager/ Appraisal

I am mindful that the site has been the subject to a recent appeal decision for an identical use on a greater scale in terms of number of units proposed. As Members will have noted from the August Planning Committee agenda the appeal was allowed, contrary to the Council’s decision for the conversion of the building into 14 rooms, 5 self-contained studios, 3 x 1 bedroom apartments and 1 x 2 bedroom apartment (application ref. 15/01260/FULM). This is clearly a significant recent material planning consideration which attracts significant weight in the determination of this current scheme. The specific considerations of the Inspector with regards to the previous reasons for refusal regarding density and amenity are discussed below.

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is the 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. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of encouraging the effective re-use of previously developed land (provided it is not of high environmental value).

Policy DM12 of the Allocations and Development Management DPD equally sets out a positive approach to considering development proposals. Where appropriate this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be approved where possible and to secure development which improves economic, social and environmental conditions. The policy further details that applications which accord with the District's Development Plan will be approved without delay, unless material considerations indicate otherwise.

The application site is within Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy as the Sub Regional Centre. Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided it is appropriate to the size and location of the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Spatial Policy 2 states that the spatial distribution of the District should focus on supporting the Sub-Regional Centre of Newark Urban Area which will be the main location of, amongst other things, for new housing.

Taking account of the above policies, the principle of this proposal remains acceptable in this location given that the site falls within the Sub Regional Centre of the District, a highly sustainable location served by good transport links and services and facilities. Moreover, the proposal would redevelop a current vacant brownfield site and would bring about the retention of an important building within the conservation area which would be of significant benefit to the character and appearance of the area. Such matters also attracted positive weight in terms of the recent appeal decision.

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

Housing Mix, Type and Housing Density

The National Planning Policy Framework which seeks to ensure sites '*deliver a wide choice of high quality homes....and.... plan for a mix of housing...*'.

Core Policy 3 of the Core Strategy states that housing densities should normally be no lower than an average of 30 dwellings per hectare net and should seek to address the housing need of the District, namely:

- family housing of 3 bedrooms or more;
- smaller houses of 2 bedrooms or less;
- housing for elderly and disabled population.

The mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.

The proposal seeks permission for:-

5 no. self-contained rooms

3 no. 1 bedroom apartments and

1 no. 2 bed apartment

3 no. HMOs comprising 4 bed cluster apartments (each having an ensuite bathroom) with communal lounge and kitchen areas.

Although the number of units currently proposed is lower than the appeal scheme, it is accepted that this is a modest reduction and the density of the development remains high. That said I have no reason to disagree with the comments of the appeal Inspector in this regard who noted the sustainable urban setting of the site, within the town centre, where high density development (indeed higher than that now proposed) would not be out of context. The Inspector further concluded that the proposal would not be considered an over intensive form of development. Being mindful that the current proposal before members seeks permission for the conversion of the building with two less rooms within the HMO block, there are no grounds for resisting the development on the grounds of density or over-intensification on this occasion.

I note the comments of Strategic Housing with regards to the modest level of need for 1 bedroom units and a greater level of need for 2 bedroom units within the District as identified within the Newark and Sherwood 2014 Housing Needs Survey. I also note the comments within the supporting statement submitted by the applicant in response to these comments which states that 'The demand for this type of accommodation is further supported with the recent survey carried out last year by Spareroom.com showing that the average rent paid has increased for HMO rooms by 8.6% over 2014, and that presently, on average, there are 6.46 people competing for every room advertised.'

The nature of the occupancy of accommodation proposed does not require justification to satisfy any policy (although the impacts arising from it may). In any event the proposal would offer a mix and type of accommodation within the private rental market which is considered appropriate in this town centre location, a fact also recently supported on the appeal scheme.

Impact on the Conservation Area and Heritage Assets

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. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets and putting to viable uses consistent with their conservation, the positive contribution that the conservation of the asset would make to sustainable communities and to the character and distinctiveness of the area.

The NPPF adds at paragraph 132 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.

Paragraph 137 of this document states that local planning authorities should look for opportunities for new development in Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the significance of the asset should be treated favourably.

Policy CP14 of the Core Strategy reflects this guidance and requires continued preservation and enhancement of heritage assets.

Core Policy 9 also reflects the NPPF and 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. 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.

I am of the view that the Piano School buildings, although non designated heritage assets in themselves, form a positive and historic group within the conservation area setting of the site due to their unique nature and purpose. The proposal seeks to predominantly retain the external features and integrity of the site which in my opinion would preserve the heritage quality of the buildings and consequently would preserve and enhance the character and appearance of the Conservation Area.

I am mindful that the site has been vacant for a number of years. Although more recent planning applications have sought to bring the site back into a viable use, permission has subsequently been refused as the proposals sought to demolish some of the buildings and to intervene to an unacceptable degree.

Taking account of the current proposal, it is noted that the existing buildings are to be retained and are generally in good repair, forming a positive and historic group within the conservation area setting of the site. Notwithstanding this the saw tooth elements of the buildings fronting the unadopted lane are in fairly poor repair, much of the roofing materials are damaged or missing and the roof is currently protected by polythene sheeting. I am mindful that the proposal would seek to repair and retain this important element.

Given that the proposed works do not involve any demolition, and alterations to the existing buildings are modest in scale and nature retaining the overall form and appearance and the historic integrity of the site, I am satisfied that the proposal would bring back into a viable use these currently vacant buildings and preserve their heritage significance and their contribution to the Conservation Area. Furthermore I am satisfied that the proposal would retain its relationship with and positive impact on the character and integrity of the nearby Listed Buildings and do not consider that the proposed use of the buildings would unduly impact on these historic heritage assets.

It is noted that the Conservation Officer raises no objections to the proposal subject to conditions. The Planning inspector has acknowledged that although not Listed, the Piano School Buildings 'nevertheless make a positive contribution to the character of the Conservation Area due to the unique purpose and nature of the buildings. The proposal seeks to predominantly retain the external features and the architectural integrity of the group of buildings with few external alterations....Furthermore the proposal would secure a viable use for the building which has been vacant for some time and which is falling into disrepair.' Given that scheme seeks to bring the building back into use whilst retaining and preserving the important elements of the asset the proposals are considered positive in conservation terms. This carries significant weight in the planning balance.

Impact on Amenity

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

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime, anti-social behaviour.

Neighbouring Amenity

Dealing firstly with the former, I acknowledge that the site is adjoined by residential properties. Windows to western elevation of Block A will serve ground floor bedrooms and a shared living/kitchen area which overlook the unadopted lane (which continues north east towards Jallands Row) and the secondary windows serving the communal lounge and the entrance door and small secondary ground floor window serving the wardens accommodation of the St Leonards elderly housing complex on the opposite side of the lane. There is a maximum 7m separation between the two buildings at this point. I have given very careful consideration to this modest separation. However, given the tight urban grain of this town centre location, I am mindful that it is not unusual for residential properties to face each other across narrow lanes. There is some planting to the boundary treatments to the curtilage of the St Leonards sheltered housing complex which affords some modest screening. I acknowledge that the proposal would result in a level of overlooking. However, I am mindful that these windows are at ground floor level and am of the view that, on balance, this would not be such an incongruous situation with an urban setting to justify refusal on these grounds, particularly when balanced against the limited ability to use these windows for anything else as part of a residential conversion and the nature of the rooms which the windows on the opposite side of the lane serve.

I note that windows exist to the ground and first floor of the gable elevation of Building A which forms the boundary with the rear garden of 5 Jallands Row which directly face this private garden and the high level windows to the rear elevations of the other properties forming this terrace. I note that it is proposed to block up the lower panes of glass with brickwork to match the existing building, obscure the central areas of glazing and clear glaze the upper sections of these windows. I am satisfied that providing that the glazing within the central section of these windows is of sufficiently strong obscurity to prevent any views of into or out of the rooms which these windows serve, then the privacy and amenity of occupiers of the properties on Jallands Row and any future

occupiers of the Piano School building would not be unduly compromised. I consider it reasonable, should permission be granted, to secure this by condition.

It is also noted that it is proposed to block up the existing windows serving the first floor apartment B/9 (within Block B) on the elevation directly facing the rear gardens of properties on Mount Lane and Appleton Gate to safeguard the amenity of the occupiers of these properties. These are secondary windows, the primary windows serving this apartment facing into the inner courtyard.

Taking the above into account I am satisfied that, on balance, the proposed development would not result in such significant overbearing, overshadowing or overlooking impact to justify refusal on these grounds, in accordance with comments of the appeal Inspector.

I note that the applicant has re-confirmed that the occupancy levels would not exceed a maximum of 30 residents should the proposed development be fully occupied. Again I am mindful that the Planning Inspector comments that this is a town centre location where noise levels are likely to be higher. Similarly levels of activity would be greater within town centre locations and a residential development of the density proposed would not be unusual in such an urban setting. Taking this into account I am of the view that such a level of activity would not be so significantly greater or harmful within the urban centre to justify refusal on these grounds.

I note that the Police Authority did not object to the previous proposal but would not support the current scheme for reasons outlined above in the consultation section of this report. In response I would note that the proposal would bring into residential use a currently vacant building with windows that would overlook the unadopted lane and the internal courtyard. This would provide optimum natural surveillance of these areas and would in my opinion discourage anti-social activity in these areas. I acknowledge the concerns raised with regards to the potential use of the nearby Memorial Park by future residents of the proposed development as outdoor amenity and recreational areas. However, these are not private land but are public areas. I am mindful that there are some regulations in place which prevent ball games or the drinking of alcohol within these areas. The appeal Inspector had no grounds to conclude that the scheme before them was unacceptable with concerns from the Police Authority having been expressed as follows in the Council's Appeal Statement:

- 5.10 "The District Council would not disagree with paragraph 5.32 of the Appellants Statement that the conversion of the site into residential use would provide a level of natural surveillance which may act as a form deterrent for any anti-social behaviour. However, the District Council would draw the Inspectors attention to the comments of the Police Authority, who although not objecting to the development per se, advises that the proposal could increase the number of incidents, particularly in terms of noise disturbance and anti-social behaviour given the potential number of residents occupying relatively small sized residential spaces with limited amenity space."

Having assessed the scheme I am satisfied that, on balance, the proposal could be developed such that there will be no significant or unacceptable detrimental impacts upon the amenity of future occupiers of the proposed development or dwellings adjacent to the application site in accordance with the Policy CP9 and DM5.

Amenity of future occupiers

With regards to the level of amenity for the proposed occupiers, I am mindful that although some of the rooms within the HMO seem to have a modest floor space they do generally meet the relevant space standards set out in the Housing Act 2004 Guidance entitled Amenities and Space in HMO's.

The minimum room size for the HMO rooms (which comprise a bedroom with adequate lounge and dining facilities and cooking facilities not provided in the bedroom) as identified within the above guidance as being between 11 sq. m – 35sqm (the higher figure relating to the two rooms with a mezzanine bedroom). All rooms meet the minimum required standard.

With regards to the self-contained units, the Government has produced a Technical Housing Standards (March 2015). However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA “wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard.” Provision in a local plan can also be predicated on evidence, as the NPPG goes onto describe.

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes
- viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.” (Paragraph: 020 Reference ID: 56-020-20150327)

In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way. The Planning Inspector acknowledges this, commenting that:-

However, consideration must still be given as to whether future occupiers would have an acceptable level of accommodation. Whilst the Council has not adopted the Standards, they are, nevertheless, a useful indicator of the quality of the accommodation proposed. To this end, the Council has undertaken an assessment of the extent to which the self-contained units would fall short of the standards. The one two bedroom apartment, three one bed apartments and one of the five studio apartments would only fall marginally short of the standards. Whilst not quite meeting the standard, on the basis of the plans and my observations on my site visit, I consider that these apartments would have an acceptable level of accommodation with sufficient space and light..... Whilst the apartments would be small, they would nevertheless contribute to the supply of housing

and meet a need for small units. On balance, and in the absence of an adopted Standard, I consider that there would not be material harm to the future occupiers of the proposal.

The layout plans submitted with the application denote accurate floor areas of the proposed units. The performance of the current scheme against the standard is detailed in the table below:

Self Contained units	✓	X	Sq. m Shortfall
3 x 1 bed apartment	2	1	-7 Sq.m (17%)
1 x 2 bed apartment	-	1	-10 sq.m (16%)
5 x studios	-	5	-14 (35%)
			-15 (38%)
			-15 (38%)
			-15 (38%)
			-7 (17%)
Total	2	7	

Whilst falling below the threshold is clearly not ideal I am mindful of the NPPG guidance that any requirement from the LPA should be provided by the LDF, that the rooms are to a large degree dictated by the current built form (in terms of utilising the existing buildings and the openings), and that units of the size proposed will meet a need. Taking careful consideration of this I remain of the view that given the nature of the development and on balance, this would not result in such a modest level of amenity for future occupiers of these rooms or apartment to justify refusal on these grounds. I also weigh this against the heritage benefits of the scheme.

I note that the applicant has confirmed that they have DASH accreditation. This is a scheme for accredited landlords with proven record of good management with their tenants. Whilst this cannot be guaranteed for perpetuity (or if another landlord were to take control) I consider that the DASH scheme and the applicant's track record in Lincolnshire does offer a degree of comfort. All of the HMO rooms have their own bathrooms and 10 rooms share both kitchen and lounge facilities and 2 rooms have a small lounge and bathroom but share kitchen.

I am mindful that relationships and separation distances between some facing windows overlooking the internal courtyard are also modest. However these are existing windows and an existing situation. At ground floor level direct views would be partially obscured by the proposed planting to the central courtyard. At first floor level there is a 6m separation between windows serving Bed A/13 and AptB/5. I am also mindful that the ground floor windows serving Apt B/4 and Apt B /6 directly face the ground floor windows serving Bed A/9 and Bed A/8 and similarly at first floor level windows serving Apt B/5 directly face those serving Bed A13.

A balanced judgement has to be taken as to whether this situation would result in such a significant impact to be detrimental to the amenity of future occupiers the building. In this instance I am mindful of the tight urban grain within town centres particularly in relation to residential developments such as that as proposed. Such modest separation and relationships between units of accommodation is not unusual and would not, in my opinion, be so detrimental to future occupiers of the proposal development to justify refusal. Furthermore I am also mindful that the retention of these windows in these positions is an existing situation. It would allow the conversion of the building without its historic integrity being unduly compromised or lost through alteration or harm. Taking account of this I am of the view that the level of any impact would not cause such harm to the level of amenity for future occupiers to warrant refusal on these grounds.

With regards to comments received in relation to the lack of provision of open space and recreational areas, I note that the provision of an internal courtyard area with a central seating and landscaped area is identical to that proposed on the previous application. In reaching their decision on the previously refused scheme, the Planning inspector concluded that this limited level of outdoor amenity space would be offset by the proximity to public open spaces in the area. Taking this into account and given the nature of the development, I am of the view that the amenity space to serve the residents of the development, although limited, would not result in such an adverse or unacceptable impact on the residential amenity of the occupiers of the development to justify refusal. Account has to be taken that there are also public recreational areas and open spaces within the area, which includes but not exclusively the nearby Memorial Park.

Other amenity matters

With regards to potential light pollution, I am of the opinion that by virtue of the proposed residential use of the site, the level of lighting would not be such to unduly impact on neighbouring amenity. Notwithstanding this I do consider it reasonable that, should Members be minded to grant permission, a condition be attached requiring the submission of precise lighting details.

Highway Issues

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

I acknowledge the comments received with regards to the lack of off street parking provision to serve the development.

The highway authority has not requested provision for off street parking and have consequently raised no objection to the proposal. Taking account of these comments, I am of the view that the

site lies within a highly sustainable location being within the Town Centre close to town centre employment, facilities and services and is well served by public transport. There are car parking facilities in close proximity to the north east of the site. Cycle storage has also been included within the scheme. Moreover the highway authority has raised no objections in terms of highway safety.

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

Impact on Ecology

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

An ecological survey has been deposited with the application which concludes that no evidence of roosting bats was found and no features were considered suitable for roosting bats. As a small amount of very old nesting material was found during the survey, building works may be constrained by the bird breeding season.

NCC ecology are satisfied with these results subject to conditions to secure the precautionary measures outlined in the survey relating to bats and birds.

Overall and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' sets out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

Affordable Housing

Core policy 1 of the Council's Core Strategy (2011), the Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seek to secure the provision of 30% on site affordable housing where the thresholds are met.

I note the comments from Housing Strategy. Should the proposed. HMO units be considered 4 single dwelling units, these together with the 5 no. self contained studios and 3 no. apartments would cumulatively equate to 12 dwellings on the site which would exceed the qualifying threshold of 10 dwellings set out in Core Strategy and the SPDs and would trigger, in this instance

a commuted sum payment. However the applicant has put forward that the building benefits from the 'Vacant Building Credit' which the Government has recently reinstated into The National Planning Policy Guidance following a decision by the Court of Appeal.

This provides an incentive for brownfield development on sites containing vacant buildings providing they have not been abandoned. Where a vacant building is brought back into any lawful use, the developer should be offered a financial credit equivalent to the existing gross floorspace of the vacant building when the local planning authority calculates any affordable housing contribution. Affordable housing contributions may then be required for any increase in floorspace.

Given proposal is to purely convert the existing range of buildings which have been vacant (and not abandoned given that the site has been marketed successfully) for some time to a residential use without any increase in floor area I am satisfied that the 'Vacant Building Credit' can be applied in this instance and therefore the development is exempt from any affordable housing contribution.

Other contributions

I note that the NCC Highway Authority, NCC Education and Libraries, NSDC Parks and Amenities and Community Sports and Arts Development have not requested or have confirmed that no developer contributions would be requested in this instance.

Other Matters

Waste Management

I note the comments received with regards to matters of waste management. The applicant has previously undertaken lengthy discussions and held meetings with the District Council with regards to the types and numbers of bins required and the storage and collection of waste. A solution suggested by NSDC Waste Management which would require the developer to arrange for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school and following collection the same arrangements would need to be done in reverse. Plans have been drafted to alter collection routes to allow for a smaller vehicle to access that area.

The applicant has confirmed that the Management Company overseeing the development will carry out the suggested waste collection arrangements in that the refuse bins will be brought to the top of the access road for collection (Mount Lane) and returned by a member of the Unity Lettings management as previously agreed. The tenants for the self-contained units will be responsible for taking and out and returning their own bins.

Notwithstanding this I consider it reasonable that should permission be granted, a condition be attached requiring the submission and written approval of precise details of the management of bin collection arrangement and bin collection points to secure appropriate measures are implemented to the satisfaction of the District Council.

I am of the view that this would be in line with the comments of NSDC Waste management.

Rights of Access and Mount Lane

The withdrawal of rights of access from Appleton Gate would not be a material planning consideration but would be a private legal matter to be resolved between parties. I note the comment received with regards to the reference to the unadopted lane as being Mount Lane. I am of the view that it is clear from visiting the site that the access to the site is from Mount Lane onto the unadopted lane and that this would not impact upon the full consideration to be given to the proposal before Members.

Consultations

Adjoining neighbours have been notified of the proposal, the application has been advertised within the local press and site notices have been posted close to the site. I am satisfied that the District council has carried out publicity in accordance with the Statutory requirements set out in Article 15 The Town and Country Planning (Development Management Procedure)(England) Order 2015

Use of the buildings

Issues raised with regards to the nature of occupancy of the residential units as a hostel and the appropriateness of common living rooms and kitchens are noted. The proposed use of the building would fall within Use Class C3 (Studios and Apartments) and Use Class C4 (the HMOs comprising the cluster apartments). Any use of the building as a hostel would fall within a separate Use Class (Suis Generis) and would therefore require a separate permission. Such a use does not form any part of the current proposal before members.

Management of the Building

I note the comment raised with regards to there being no wardens to oversee the development. With regards to the management and maintenance of the building the applicant has referenced the previous management company information submitted with application 15/01260/FULM and has made additional comment both of which are summarised below:-

The building will be let and managed by the Unity Group and will be owned for 20 plus years securing long term management and maintenance of the building.

The development will be managed by Unity Lettings located in central Lincoln with a dedicated professional team including 5 staff that are responsible for the management and maintenance of the company's portfolio. The company also employ several full time maintenance officers to ensure all properties are kept to the same high standard in which they enter into the market.

The company currently manages approximately 270+ units catering for families, students and young professionals. It should be made clear that these demographics are not mixed within a unit.

The proposed development is catered to working professionals only, who have to pass a strict referencing procedure before the confirmation of letting is agreed; and it should be made clear that the business has no intention of renting the development to students or any other non-working tenants. Careful monitoring of the dynamics of the property also takes place to ensure appropriate tenants and desirability remains high.

Given the present cost of living, many people are now choosing to live in HMO's. Unity Lettings allows tenants to move into a luxury home offering weekly cleaners, high speed internet and

contemporary decor situated in a respectable area of the town, without having to commit to long tenancies or have the hassle of 'setting up home'

The applicant has also submitted supporting information and images of a similar development granted planning permission relating to a Listed Building within a conservation area in Lincoln, attached as an appendix 1 to this report.

The applicant has previously advised that in the photographs the student flags shown outside the Unity office are due to it being student rental season.

Five Year Land Supply.

I note the comments put forward by the applicants with regards to the District Councils current position in relation to the Five Year Housing Land Supply which concludes that the proposed development would contribute to much needed housing within the District and would assist the Council in meeting any shortfall. It is acknowledged (as the Inspector also noted) that the proposal would make a contribution to housing supply in a highly sustainable town centre location.

Impact on local services and facilities

I note the comments received regarding the overwhelming impact the proposal may have on existing local services and facilities. The site is located within the town centre which is well served by existing retail, public transport, local employment and community services, medical, educational, recreational and leisure facilities which in my opinion could readily cope with the maximum number of residents proposed, should the development be fully occupied. Moreover the proposal would, in my opinion, bring some economic benefit to such business and facilities by virtue of an increase in end users.

Health and Safety of future residents and access for emergency vehicles

Issues raised with regards to access, fire escapes and windows for escape purposes would be a matter for building regulations.

Conclusion and Planning Balance

In conclusion, as the site is located within Newark Urban Area, the principle of residential development on this site is considered to be acceptable.

The application is not considered to result in any adverse impacts on highway safety, residential amenity, ecology, or heritage assets subject to conditions.

The proposal would also help to ensure that a non designated heritage asset which makes an important contribution to the Conservation Area is retained in a viable use without any substantial alteration or extension which would be of significant benefit to the character and appearance of the area.

Taking account of the above considerations, together with the considerations and conclusions of the Planning Inspector in allowing the appeal on the previously refused application (ref. 15/01260/FULM) I do not consider any of the identified impacts to be sufficient to justified and sustain at appeal a reason for refusal. Approval is therefore recommended.

RECOMMENDATION

That full planning permission is approved subject to the following condition(s)

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:-

Drawing Number 1000 Rev O (Revised Floor Plans)

Drawing Number 1050 Rev B (Block Plan)

Drawing Number 2000 Rev F (Revised Proposed Elevations)

Drawing Number 8001 Rev A (North Window Gable Section)

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

Reason: So as to define this permission.

03

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development respects the character and appearance of the conservation area.

04

All new external joinery including windows and doors shall be of a timber construction only. No development shall take place until details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:10 scale have been submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

05

No development shall take place until full details of the siting, appearance and materials to be used in the construction of all roof lights, extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed

in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

06

No development shall take place until a detailed methodology has been submitted to and agreed in writing by the local planning authority. This shall include a full schedule of works which comprehensively addresses repairs to the external masonry, roof timbers and existing joinery.

Reason: To ensure that the development respects the character and appearance of the conservation area.

07

No development shall take place until a programme of historic building recording and full recording report have been submitted to and agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

08

No development shall take place until a detailed waste management plan has been submitted to and approved in writing by the local planning authority. The waste management plan shall include bin collection areas and measures for the putting out and returning of bins to the bin storage areas within the development on waste collection days. Waste management measures shall be carried out in accordance with the approved details and shall be retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

09

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

Reason: In the interests of visual amenity and biodiversity and in the interests of amenity of occupiers of neighbouring properties.

010

No development shall take place until precise details of the level of obscurity together with samples of all obscure glazing to be used on ground floor windows on elevation G-G as shown on drawing no 2000 Rev F which serve the lounge/kitchen area serving rooms A/2 of the development hereby permitted have been submitted to and agreed in writing by the local planning authority. The works shall be carried out using only the agreed obscured glazing materials.

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

011

No part of the development shall be occupied until the landscaped area of the internal courtyard has been carried out in accordance with drawing no 1000 Rev H. The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

012

No rooms comprising the HMO shall be converted to self-contained residential units at any time unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

013

The development hereby permitted shall be carried out in full accordance with the precautionary measures outlined in Appendix 2: Procedure to follow if bats are discovered during works of the Daytime Bat Survey produced by EMEC Ecology and dated October 2015 and deposited on the 5th October 2015.

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

014

The development hereby permitted shall be carried out in full accordance with the recommendations of Section 5.2 of the Daytime Bat Survey produced by EMEC Ecology and dated October 2015 and deposited on the 5th October 2015 in relation to nesting birds.

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

Note to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that the existing building benefits from the Vacant Building credit and there is no net additional increase of floorspace as a result of the development

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

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a license; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>.

04

The applicant should ensure that the facilities provided for the shared accommodation complies with the attached DASH guidance on amenities and space standards. Such provisions should be in consultation with the District Council.

05

Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in the Environmental Health at Newark and Sherwood District Council on 01636 650000.

BACKGROUND PAPERS

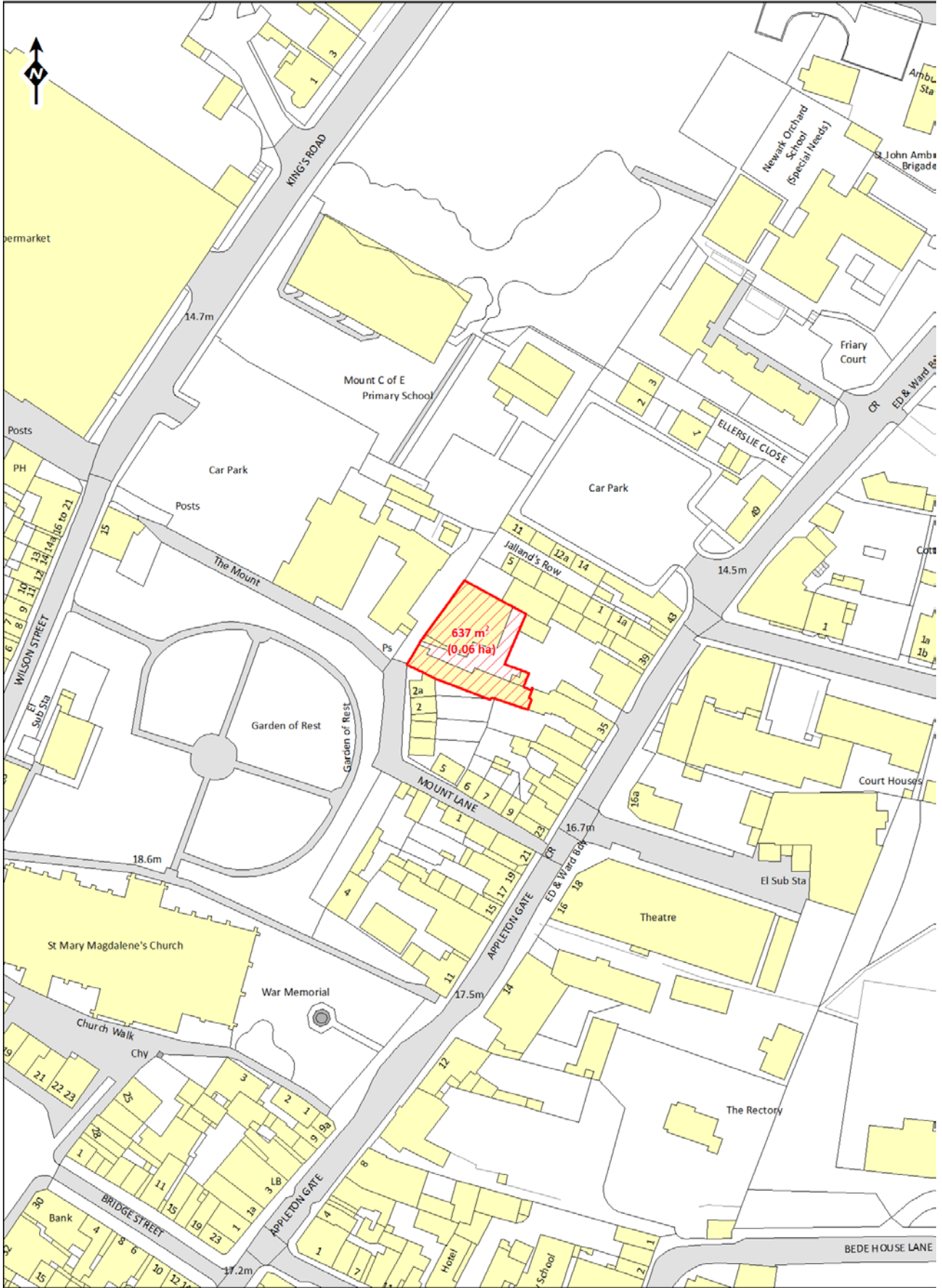
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00741/FULM



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APPEALS A

APPEALS LODGED (received between 11 July 2016 and 15 August 2016)

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

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb

Business Manager - Growth & Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3151094	16/00240/FUL	Land Adjacent 74 Westbrook Drive Rainworth Nottinghamshire	Proposed detached 2 / 3 bed dwelling	Written Representation
APP/B3030/W/16/3151552	16/00526/OUT	Kerkyra Old Great North Road Sutton On Trent NG23 6QL	Erection of one bungalow	Written Representation
APP/B3030/W/16/3151592	15/02253/FUL	The Plough Main Street Coddington Nottinghamshire NG24 2PN	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings	Written Representation
APP/B3030/W/16/3152355	15/00457/FUL	Land At Junction Between Wellow Road And Newark Road Wellow Nottinghamshire NG22 0EH	Proposed traveller site including short term transit pitches and utility block	Hearing
APP/B3030/D/16/3153486	15/02125/FUL	The Old Vicarage Church Lane South Scarle Newark On Trent Nottinghamshire NG23 7JP	Householder application for construction of a garage, lean-to building and all associated external works	Fast Track Appeal
APP/B3030/W/16/3153770	16/00562/FUL	33 Trinity Road Southwell Nottinghamshire NG25 0NW	Proposed new dwelling and alterations to existing vehicular access (re-submission of 16/00244/FUL).	Written Representation
APP/B3030/W/16/3153789	16/00316/FULM	Land North Of Staunton Works Alverton Road Staunton In The Vale Nottinghamshire NG13 9PE	Erection of 6 No. poultry buildings, boiler building, site office, access and hardstandings.	Written Representation

APPENDIX B: APPEALS DETERMINED (between 11th July 2016 and 15th August 2016)

App No.	Address	Proposal	Decision	Decision date
15/00875/FULM	Land South Off Ollerton Road Edwinstowe Nottinghamshire NG22 9DX	Construction of a 4.64MW Solar Farm, to include the installation of solar photovoltaic panels with transformer inverters, substations, security fence and gate and other associated infrastructure	ALLOW	05.08.2016
15/01169/FUL	Hearty Goodfellow Public House 81 Church Street Southwell Nottinghamshire NG25 0HQ	Existing store area to be altered into new kitchen with servery, extract (by way of new chimney) and new entrance lobby; new timber pergola structure to existing function room and new external covered seating sheds to end of car park. New bin yard formed to corner of existing garden area.	ALLOW	10.08.2016
15/01534/FUL	Land Adjacent To The Croft Great North Road Cromwell Newark On Trent Nottinghamshire NG23 6JE	Detached Dwelling	ALLOW	28.07.2016
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	ALLOW	02.08.2016
15/02048/LBC	Bon Marche 46 Market Place Newark On Trent Nottinghamshire NG24 1EG	Remove existing shopfront fascia and projecting sign and replace with 1 No. new non illuminated fascia and 1 No. non illuminated projecting sign	DISMISS	22.07.2016
15/02047/ADV	Bon Marche 46 Market Place Newark On Trent Nottinghamshire NG24 1EG	Display of 1 No. non illuminated fascia sign and 1 No. non illuminated projecting sign	DISMISS	22.07.2016
15/02182/FUL	Spikomats	Two Storey Extension to Existing Commercial Premises	DISMISS	05.08.2016

	Old Great North Road Sutton On Trent Nottinghamshire NG23 6QS			
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.	DISMISS	27.07.2016

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb

Business Manager - Growth & Regeneration

Appeal Decision

Site visit made on 13 July 2016

by **S J Lee BA (Hons) MA MRTPI**

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

Decision date: 16th August 2016

Appeal Ref: APP/B3030/W/16/3149621

5 Queen Street, Balderton, Nottinghamshire NG24 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M.R. & S.A. Parker against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00178/FUL, dated 2 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is the retention of bungalow and erection of 1 (no) four bedroom house and attached double garage. Formation of new vehicular access and associated parking spaces. Repair and part demolition of Queen Street boundary wall and erection of railings.
-

Decision

1. The appeal is allowed and planning permission is granted for retention of bungalow and erection of 1 (no) four bedroom house and attached double garage. Formation of new vehicular access and associated parking spaces. Repair and part demolition of Queen Street boundary wall and erection of railings at 5 Queen Street, Balderton, Nottinghamshire NG24 3NR in accordance with the terms of the application, Ref 16/00178/FUL, dated 2 February 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs M.R. & S.A. Parker against Newark & Sherwood District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of:
 - (a) the proposed development on the character and appearance of the Balderton Conservation Area; and
 - (b) the proposed access on highway safety for drivers and pedestrians on Marshall Court.

Reasons

Character and appearance of the Conservation Area

4. In considering this issue, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the
-

desirability of preserving or enhancing the character or appearance of Conservation Areas. This is reflected in Paragraph 131 of the National Planning Policy Framework (the Framework) which states that in determining planning applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.

5. I do not have a Conservation Area Appraisal before me and the Council has not described the significance of the heritage asset in any detail. The information I have been provided with, along with my own observations, would lead me to conclude that the area's significance relates to the older buildings and dwellings that line parts of Main Street and the periphery of a number of the roads leading from this. With some obvious exceptions, these generally appear to be two storey brick dwellings with tile pitched roofs. Some of these are painted white or rendered, as is the case with the dwellings nearest to the appeal site, and some remain red brick. Between Queen Street and Pinfold Street are a number of buildings, including the public library, church and public houses which differ architecturally but would still be indicative of the importance of preserving the historic core and character of the area.
6. The appeal site is the large side garden of 5 Queen Street. This is a rendered bungalow which is set back from Queen Street behind a wall and front garden. The site is within the Balderton Conservation Area and is set between two two-storey white painted dwellings at 3 and 7 Queen Street. The boundary to Queen Street consists of a roughly one metre high brick wall with pedestrian access gate, which rises to around two metres to the existing vehicular access gate and the side wall of 7 Queen Street. The site backs onto Marshall Court, a residential cul-de-sac of bungalows of a different style and finish to that on the appeal site and which sits outside the Conservation Area.
7. Overall, I would conclude that the site itself contributes little to the significance of the Conservation Area. It consists of a relatively modern bungalow and large unmaintained garden which does not seem to reflect the prevailing character or traditional nature of the Conservation Area as a whole, or this side of Queen Street. I have nothing before me which suggests that gardens are a particular feature of importance within the Conservation Area. However, this does not reduce the importance of considering whether development on the site would preserve or enhance the character and appearance of the Conservation Area.
8. In terms of scale and height, the proposal would be similar to that of the two dwellings either side of the bungalow and that of a number of other dwellings I saw within the Conservation Area during my visit. While obviously larger and different in style than the adjacent bungalow, I would agree with the appellant that it is this which appears more at odds with the scale and character of dwellings in the area than the proposal. The architectural style, detailing and suggested materials have had clear regard to many of the nearby dwellings that I would consider to be more characteristic of the Conservation Area as a whole. I note the issue with regard to the proposed use of UPVC rainwater goods as opposed to metal or imitation cast iron. This is a matter that could be addressed by an appropriate planning condition. I saw nothing on my visit, therefore, which would lead to conclude that the scale or style of the building is inappropriate in this location.
9. The proposal would use a sizable proportion of the site, with the access arrangements to the rear also taking up a part of the existing amenity space.

This would obviously reduce the feeling of spaciousness that the site currently has. The new dwelling would also be relatively close to the side wall of No 7. There would, however, still be a reasonable amount of garden space to the front of No 5 and to the side, albeit as part of a shared driveway. This, coupled with the setting back of the main dwelling and the creation of a small space to the front would help to maintain sufficient space around the development to ensure that the two buildings can comfortably co-exist without appearing cramped. The gap between the proposal and No 7 is not unreasonable in a residential area, particularly as the facing walls of No 7 are blank and there would be no adverse impact on outlook. The proposal would also provide an adequate area of private amenity space for the new dwelling which would further reduce any sense of the dwelling being unacceptably squeezed into the site.

10. The Council's appeal statement suggests a concern that the reduced amount of space around No 5 would result in what is now the front garden becoming the rear garden. It is argued that this would be uncharacteristic of the area. I am not sure to what extent the 'function' of the garden as either front or rear is critical to the character of the area. However, I would note that the space directly to the rear of the bungalow facing Marshall Court would not be affected by the proposal and the space fronting onto Queen Street already exists and could be utilised now in any way the occupants see fit. This is already an established part of the character of this street and would not change. There are also other examples of amenity space fronting onto Queen Street behind high boundary walls. The plans submitted with the appeal indicate that the retained garden space would be behind 1.8m walls, which would help to protect the privacy of any users of the garden and maintain the existing character. There is no reason why any *potential* change in the way this space is enjoyed would have a material adverse impact on local character.
11. I recognise that there are some differences in siting and orientation between this proposal and other nearby buildings. A number of buildings on Queen Street are built up to the edge of the footway but this does not represent an unbroken form of linear development where a building set back from the road might appear incongruous. The bungalow itself is already set back from the frontage as are the more modern dwelling opposite the site. The proposal would not appear jarring or awkward in the street scene as a result. The variation in the building line between the bungalow and proposed dwelling also does not lead to any significant concern. There is already variation in the building line along Queen Street, with the relationship between the bungalow and No 3 and 7 being a clear example. The proposal would not break any existing lines and would be more reflective of the area as a result of being nearer to the frontage.
12. Some nearby dwellings also have their side elevations to the highway but this is not universally the case. There are examples of development on the opposite side of the street, still within the Conservation Area, with their front elevations to the street. I see no harm resulting from this arrangement. The proposal would also have its roof slope toward the road as does No 7. While this is the side elevation for No 7, with no doors to the roadside, the general character and sense of this building would be reflected by the proposal.
13. A concern has also been raised regarding the blank rear wall of the garage being near to the pavement. A sizeable proportion of this side of Queen Street

is given over to high boundary walls with relatively long gaps between buildings. I acknowledge that the garage would be taller than these walls, but would not represent a significant change to the overall character of the street as a result. The boundary walls proposed either side of the garage would also not be dissimilar to others on the street or that which already exists. Friars Cottage, which is on the opposite side of Queen Street, has its front elevation to the highway and has the blank wall of an outbuilding, with pitched tile roof, abutting the pavement. I acknowledge that this is not an identical arrangement to the proposal but there is no reason why a similar arrangement on the appeal site should be seen as being materially harmful or incongruous.

14. The rear projection does not appear to be particularly uncharacteristic of the area, particularly when considering the large rear projection that already exists at No 7. In addition, while not a rear projection as such, the orientation of No 3 means it extends into its plot perpendicular to the road. I do not believe, therefore, that this aspect of the proposal's design would be incongruous to this particular street scene or harmful to the character and appearance of the Conservation Area as a whole. This feature adds to my view that the appellant has sought to reflect and respect the prevailing character of the area in the design of the dwelling. This has resulted in a development which would have only a neutral impact on the character and appearance of the Conservation Area.
15. The spire of the listed Church of St Giles is visible from the appeal site. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council has not raised any specific concerns over the setting of this listed building and I would concur that the proposed development would have no adverse impacts.
16. In conclusion on this matter, I consider the proposal to be a well-designed and sympathetic addition to the street scene which has taken account of, and reflected, the character of the Conservation Area. Accordingly, I find that the proposed development would preserve the character and appearance of the Conservation Area. Therefore, there is no conflict with Core Policies 9 and 14 of the Core Strategy¹ or Policies DM5 and DM9 of the Development Management DPD² which, amongst other things, seek to ensure that development is of a high standard of design which secures the preservation of the special character of Conservation Areas and other heritage assets.

Highway safety

17. The development would result in the existing access on Queen Street being blocked up and a new shared access created from Marshall Court. This would serve the new double garage, which would be shared between the properties, and space for off-street parking. A turning area within the site is also provided.
18. The Council's main concern here is the potential conflict between the proximity of the new access and the garage of 7 Marshall Court which lies directly

¹ Newark and Sherwood Core Strategy Development Plan Document (Adopted March 2011)

² Newark and Sherwood Allocations and Development Management Development Plan Document (Adopted July 2013)

- adjacent to the new opening. I have also received a number of comments from interested parties relating to the potential effect of the proposal on on-street parking and concerns over the ability of carers and ambulances to safely visit residents on the cul-de-sac. I have noted that the highway authority have not raised any concerns relating to the access arrangements, either in terms of their adequacy for the proposal or safety of existing users.
19. The garage to No 7 is accessed from the turning head for the cul-de-sac. The proposal would not reduce the level of existing off-street parking for the property but would restrict any existing on-street parking that may take place directly outside the garage within the turning head. I see no reason why the proposed access would restrict the normal use of the garage. Cars would still be able to drive into and out of the garage without restriction. Notwithstanding whether or not the existing garage is used by the occupant, I must have regard to its existence and its ability to provide off-street parking for the occupant of the dwelling.
 20. There are no parking restrictions on the cul-de-sac, though I accept the appellants' point that parking within a turning head is not encouraged or something to which the occupant of No 7 has any 'right' to do. I also acknowledge that the current occupant is an elderly lady who is concerned about the ability of carers, relations or emergency vehicles to park outside her home when needed. There is some dispute between the parties as to whether the existing occupant has any vehicles of their own and the extent to which on-street parking takes place. This is not a critical issue, however, as personal circumstances may change over time and it is the general effect on highway safety of the access that I am required to consider.
 21. I noted that it would still be possible to park on the street outside the turning head but still be in close proximity to the house. I observed some on-street parking toward the junction of Main Street and Marshall Court but nothing which would suggest a significant issue already exists. I accept that I visited during the afternoon when people may have been at work but I also saw that a number of properties on the cul-de-sac had their own off-street parking facilities. This should reduce the pressure for on-street parking, particularly when considering that this is a small residential area which is unlikely to generate significantly high levels of car ownership. The proposal would also provide a reasonable level of off-street parking which I am satisfied would reduce the risk of increased levels of on-street parking on Queen Street and Marshall Court resulting from the proposal.
 22. The displacement of one or two cars at most from the access point to another part of the cul-de-sac or part of Marshall Court would not appear to be sufficient to cause significant parking stress or safety problems. I understand that the occupant of No 7 is upset at the potential change in circumstances but I do not believe that there is any material cause for concern, particularly in terms of access by emergency vehicles or carers or in relation to the effect on their living conditions. The cul-de-sac is small and is unlikely to be subject to large amounts of traffic. Therefore, if cars, or indeed ambulances, are parked on the street, I am satisfied that vehicles will be moving at low enough speeds, and with sufficient visibility, to be able to carry out any manoeuvres they need to without any safety risks.

23. The provision of the turning space within the appeal site would also help to reduce any potential conflict between existing residents/users of the cul-de-sac and the proposal, as they would be able to drive on and off their property in a forward gear and not impact on the function of the existing turning head. The slight increase in vehicular movements as a result of the proposal are unlikely to change the character of the cul-de-sac or be sufficient to cause any other traffic related issues.
24. The relationship between the new access and the garage of No 7 may lead to the need for people leaving the appeal site to 'give way' to cars pulling out of the garage or vice-versa. I would accept that anybody pulling out of the garage may not have full visibility of vehicles attempting to leave the appeal site until part of the car is in front of the access. However, owing to the good levels of visibility within and outside the site, the speed vehicles will be moving, and the general expectation that in a dense residential area such as this there is a need to be aware of other residential traffic and cars accessing or leaving their drives, I do not believe that there would be a material risk to safety.
25. Equally, if the occupants of No 7 are travelling toward their garage from Main Street, there would be good visibility from within the new access to ensure that people would not pull out into oncoming traffic. There could be an argument that there would be some conflict when the users of the garage are opening and closing the garage doors and would be potentially be standing in front of the access point. There is a small space in front of the garage which should reduce any risk to users and the width of the access is wide enough to be able to minimise any actual conflict. I also consider that this would be a sufficiently infrequent occurrence to not raise fundamental safety concerns, especially when combined with my previous observations on visibility, vehicle speeds and the normal expectations of residents in a cul-de-sac. At worst, this is likely to lead to a small amount of inconvenience or delay that would not be sufficient to constitute material harm.
26. The Council has also raised concerns with pedestrian safety. This is mainly in relation to the termination of the footway prior to the access point. The appellant has drawn my attention to the fact that any pedestrian access would be from Queen Street and thus there would be no reason for pedestrians to access the site from Marshall Court. This is a compelling argument. Even if there was an attempt to access the site from the rear of the properties on foot, the relatively short area where there is no pavement is unlikely to create a large risk to pedestrians. The reasons for this are largely set out above in relation to speed, visibility and the expectations of drivers and pedestrians. It is not unusual for parts of a residential cul-de-sac to not have a pavement and the proposal will not significantly alter the existing situation.
27. In conclusion on this matter, I am satisfied that there is off-street parking to serve No 7 Marshall Court which would not be restricted, that adequate opportunities for on-street parking outside the turning head remain and, with normal levels of care and attention from drivers and pedestrians, there should be no material increase in risks to drivers and pedestrians on Marshall Court. As such, I find no conflict with Spatial Policy 7 of the Core Strategy which, amongst other things, seeks to ensure development provides safe, convenient and attractive accesses to all.

Other matters

28. I have noted the number of objections from local residents but have considered the planning merits of the case based on my observations of the site and the evidence before me. A number of comments have suggested that the access should continue to take place from Queen Street. As I am required to consider the proposal as submitted, this is not something that I am able to address in this decision.
29. It has been suggested that part of the appeal site lies outside the ownership of the appellant. Ownership issues are a private matter between the relevant parties and not within my jurisdiction. Other legal matters, such as gaining access for maintenance, are also outside the scope of this appeal. Furthermore, any issues relating to inaccuracies on the submitted plans are not sufficient to alter the conclusions set out above. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.
30. Other concerns have been raised in relation to the disruption to local residents and highway safety during construction. Any adverse effects from the construction period would be short term and are not sufficient to outweigh the conclusions set out above. In terms of drainage and SuDs, the Council have indicated that the site is not in an area of identified flood risk and have not raised any concerns. I have insufficient evidence before me to suggest that I should come to a different conclusion.

Conditions

31. Subject to amendments made in the interests of clarity and precision I have broadly accepted the conditions suggested by the Council. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawing as this provides certainty. I have included conditions on the approval of materials and provision of samples in the interests of preserving the character and appearance of the Conservation Area. For the same reason, I have imposed a condition restricting the alteration of the buildings without the separate grant of planning permission.
32. A condition to ensure the provision and retention of obscured glass in the first floor window nearest to the garden of 7 Marshall Court is required to protect the living conditions of neighbours. I have included conditions on the nature and use of the access, including the closure of the Queen Street access, parking and turning areas in the interests of highway safety. Conditions relating to the nature of the landscaping and its implementation are necessary to ensure the permission is implemented fully in the interests of the character and appearance of the area.

Conclusions

33. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, other than in accordance with conditions 3, 5, 8 and 10:
 - Drawing No 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II
 - Drawing No 4A/49/2014 Revision A: 19 January 2016 Plans and Elevations as Proposed (Scheme II)
- 3) Notwithstanding the details of materials indicated on the approved drawings, no development shall commence until details with samples available for inspection on site of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority:
 - Facing materials
 - Bricks
 - Roofing tiles
 - Cladding
 - Render
- 4) No development shall take place until sample panels showing the proposed bricks, face-bond, mortar mix and pointing technique of typical construction of the elevations on the new dwelling and garage facing Queen Street have been provided for inspection on site and approved in writing by the local planning authority. Once approved, the development shall be carried out in accordance with the approved sample panels.
- 5) Notwithstanding the details of materials indicated on the approved drawings, no development shall be commenced in respect of the features identified below, until the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
 - External windows, including doors and their immediate surroundings, including details of glazing and glazing bars
 - Treatment of window and door heads and cills
 - Verges and eaves
 - Chimney
 - Railings
 - Rainwater goods
 - Coping

- Meter boxes
 - Airbricks
 - Soil and vent pipes
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
- Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Development within the curtilage of a dwellinghouse.
- Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- Or Schedule 2 Part 2:
- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- 7) The dwelling hereby permitted shall not be occupied until the window at first floor to the gable ended rear projection of the dwelling facing no 7 Marshall Court as shown on approved plan 4A/49/2014 Revision A: 19 January 2016 Plans and Elevations as Proposed (Scheme II) has been fitted with obscured glazing to Level 3 or higher on the Pilkington scale of privacy or equivalent, and no part of that window that is less than 1.7 metres above the internal floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter unless agreed in writing by the local planning authority.
- 8) Notwithstanding the details shown on the approved plans, details of surfacing of the vehicular access and parking/turning areas indicated on approved drawing 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II shall be submitted to and approved in writing to the local planning authority in accordance with the approved details before any part of the development hereby permitted is brought into use. The parking/turning areas shall be retained in this form at all times and shall not be used for any purpose other than the parking/turning of vehicles related to the use of the development.
- 9) No part of the development hereby permitted will be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the specification agreed in writing beforehand with the local planning authority and the existing site access

onto Queen Street has been made redundant as a consequence of this planning permission and is permanently closed and the access crossing reinstated as footway in accordance with approved plan 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II.

- 10) Notwithstanding the details shown on approved plan 3A/49/2014 Revision A: 30 January 2016 Site Plan: Scheme II, no development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
- A schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. Any planting scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species
 - Proposed finished ground levels or contours
 - Means of enclosure
 - Hard surfacing materials including driveway details and means of drainage to prevent surface water run-off onto the adjoining highway
- 11) The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season (whichever is the earliest) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Costs Decision

Site visit made on 13 July 2016

by **S J Lee BA (Hons) MA MRTPI**

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

Decision date: 16th August 2016

Costs application in relation to Appeal Ref: APP/B3030/W/16/3149621 5 Queen Street, Balderton, Nottinghamshire NG24 3NR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs M.R. & S.A. Parker for a full award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal of planning permission for the retention of bungalow and erection of 1 (no) four bedroom house and attached double garage. Formation of new vehicular access and associated parking spaces. Repair and part demolition of Queen Street boundary wall and erection of railings.
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Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. This applies to both 'procedural' and 'substantive' issues.
3. The Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal or if vague, generalised or inaccurate assertions about a proposal's impact are made which are unsupported by any objective analysis. The applicant's main concerns relate to the fact Members chose not to follow officer recommendations and, as a result, have not provided a substantive case to justify either of the reasons for refusal. Members are entitled not to accept the professional advice of officers provided that a planning case can be made for the contrary view.
4. The Council gave one reason for refusal of the scheme, which I concluded raised two distinct 'main issues'. The first related to impact on the character and appearance of the Conservation Area. Notwithstanding the comments of the Conservation officer I would accept that the impact of a development on the character and appearance of an area are matters of planning judgement, particularly in a Conservation Area which are of a more sensitive nature. The evidence provided by the Council sets out the main areas of concern and what aspects of the development they considered were uncharacteristic or harmful to the area. Though I did not agree with the Council's position on this issue, I

do not believe that they have failed to substantiate the reason for refusal or relied on vague or generalised assertions. While it would be fair to argue that some of the Council's arguments were stronger than others, this does not alter my conclusion that a reasonable level of explanation and evidence was provided. The inaccuracies alluded to by the applicant relate more to the difference of opinion between the parties on the merits of the proposal or the character of the area, rather than any demonstrate any sign of unreasonable behaviour.

5. The second main issue relates to highways safety. The highway authority raised no concerns with the proposal. The Council's evidence indicates that the proposed access would "result in restricted access and parking for the users and occupiers of No 7 Marshall Court". This is not examined in any detail, particularly in terms of the actual 'restriction' that would take place or the resulting safety implications. There is no discussion of whether the existing garage would actually be blocked or whether on-street parking within the turning head is something which should be 'protected'.
6. Furthermore, no evidence was provided in relation to existing problems of on-street parking, opportunities for parking elsewhere, existing safety problems associated with parking or any substantiation of the resulting safety implications. I find that the Council has relied on vague assertions to support their case in this matter. The reference to pedestrian safety is also not a credible argument to pursue when considering that the proposal would still have its pedestrian access to Queen Street, that the cul-de-sac already has areas with no pavement and that levels of traffic are likely to be quite low. In relation to the second reason for refusal, I consider that the Council has behaved unreasonably.
7. The applicant has suggested that there has been unreasonable behaviour resulting from the difference between the Committee resolution and the reason for refusal given on the decision notice. In particular, it is noted that the resolution does not specifically mention the Conservation Area or highway safety. The full minutes of the Council meeting and the resolution do, in my view, provide sufficient content to allow a reason for refusal to be drafted and that this did not constitute a 'reconsideration' of the matter between the meeting and the issuing of the decision. The Committee resolution to refuse the application was clear and thus the appeal is likely to have taken place in any event. The issues discussed in the appellants' case were raised in the Committee's resolution and would still have been addressed by the appellants' evidence. I find neither unreasonable behaviour nor wasted expense as a result of this issue.
8. The applicant has suggested that the rules of the Council's relevant committee did not allow the applicant to speak or rebut the arguments of the Parish Council who were able to speak. Further to this, it is noted that the Parish Council were permitted to submit photographic material to the Committee that was not made public prior to the meeting. The applicant has not suggested that there was a breach in the rules or that the applicant was not aware of the restrictions beforehand, but rather that the rules themselves are unfair.
9. It is not for me to comment on the local authority's constitution and I note the Council's comments that the procedures they have adopted are similar to many other local planning authorities. The issue before me is whether, in this case,

there was unreasonable behaviour on the part of the Council which led to unnecessary expense. It is clear that the Members were provided with a report which set out the arguments in favour of the proposal, the concerns of local residents and the Parish Council and, having been on a site visit that morning, had been able to draw their own conclusions as to the acceptability of the scheme. The Members had sufficient information before them to reach their conclusion and the applicant's case does not appear to have been unduly prejudiced by the Parish Council's evidence which essentially reflected their prior objections. In the context of the rules of the local planning authority, I do not find any unreasonable behaviour has been exhibited in this regard.

Conclusions

10. The Council's reason for refusing planning permission, as set out in its Decision Notice, consisted of two distinct elements. The first related to adverse impact of the proposed development on the character and appearance of the Balderton Conservation Area and the second to highway safety resulting from the new access point onto Marshall Court. I have found that the Council behaved unreasonably in reaching the second of these conclusions, but not the first. I have also found that there were no procedural issues which could be described as examples of unreasonable behaviour leading to unnecessary or wasted expense.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Section 7(2) and Schedule 3 of the Countryside and Rights of Way Act 2000, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Newark & Sherwood District Council shall pay to Mr & Mrs M.R. & S.A. Parker, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the part of the reason for refusal dealing with highway and pedestrian safety and alleged conflict with Core Policy 7 of the Newark and Sherwood Core Strategy of the Newark and Sherwood Allocations and Development Management Development Plan Document; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S J Lee

INSPECTOR