

Dear Sir/Madam,

PLANNING COMMITTEE

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on **Tuesday, 7 March 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 7 February 2017	3 - 8
<u>PART 1 - ITEMS FOR DECISION</u>	
5. Site of Robin Hood Hotel, 1 – 3 Lombard Street, Newark (16/00914/FULM and 16/00915/LBC)	9 - 108
6. Land between 67 – 69 Forest Road, Clipstone (16/01972/FUL) (Site Visit: 9.30am – 9.50am)	109 - 121
7. Land between 139 – 141, Forest Road, Clipstone (16/01973/FUL) (Site Visit: 9.30am – 9.50am)	122 - 135

8.	Land between 177 – 179, Forest Road, Clipstone (16/01974/FUL) (Site Visit: 9.30am – 9.50am)	136 - 148
9.	Stilt House, Land North of Manor Farm, Great North Road, Cromwell (16/02034/FUL) (Site Visit: 10.20am – 10.30am)	149 - 162
10.	Hall Farm, School Lane, East Stoke (16/01772/FUL) (Site Visit: 10.55am – 11.05am)	163 - 194
11.	Land off Elston Lane, Elston (16/01881/FULM) (Site Visit: 11.10am – 11.20am)	195 - 226
12.	Garage Units Adjacent 15 – 17, Almond Grove, Farndon (16/02168/FUL) (Site Visit: 11.30am drive-by)	227 - 237
13.	Land at the Willows, Farndon (16/02174/FUL) (Site Visit: 11.30am drive-by)	238 - 249
14.	Garages, Grange Road, Newark (16/02164/FUL)	250 - 259
15.	Newark Northgate Station, Lincoln Street, Newark (16/01036/LBC)	260 - 270
16.	The Old Barn, Main Street, Edingley (16/02081/FUL & 16/02082/LBC)	271 - 279
17.	Land West of Drove Lane, Coddington (17/00107/CMA) (Site Visit: 10.40am – 10.45am)	Report to Follow

PART 2 – ITEMS FOR INFORMATION

18(a).	Appeals Lodged	280 - 281
18(b).	Appeals Determined	282 - 311

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

The following item contains 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.

19.	Forge House, Westgate, Southwell (Enforcement Case No. 16/00222/ENF)	312 - 317
-----	--	-----------

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 7 February 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

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

ALSO IN

ATTENDANCE: Councillor: R.J. Jackson and D. Staples.

153. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D. Batey.

154. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

<u>Member/Officer</u>	<u>Agenda Item</u>
Councillors Mrs C. Brooks, G.P. Handley and D.R. Payne	Item 5 – Land at Eastfield Close, Clipstone (16/02172/FULM) Item 8 – Garages, Grange Road, Newark (16/02164/FUL) Item 9 – Garage Units Adjacent, 15 – 17 Almond Grove, Farndon (16/02168/FUL) Item 10 – Land at the Willows, Farndon (16/02174/FUL) Personal Interests due to the three Councillors being Directors of Newark and Sherwood Homes.
Councillor P.J. Rainbow	Item 12 – Land to the rear of Franklyn, Lower Kirklington Road, Southwell (16/01977/FUL) – Personal interest as the applicant is a neighbour.
Councillor D.R. Payne	Item 13(b) Appeals Determined Little Hollies, The Close, Averham (16/00859/FUL) – Non disclosable pecuniary interest, as the applicant for the above application was known to him.

155. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

156. MINUTES OF THE MEETING HELD ON 25 JANUARY 2017

Minute No. 149 – Shannon Falls, Tolney Lane, Newark (16/01884/FUL) – The Chairman asked the Committee to note that he had proposed that this application be granted. The motion was lost with 5 votes for and 6 votes against. He wished to make it clear that although he had made reference to there being no residential objections he had not recommended approval of the application solely on this basis but had regard to a range of factors to which he had referred to, in proposing that the application be approved. He considered that this represented a balanced view having regard to all material planning considerations.

AGREED that, subject to the inclusion of the above, the minutes of the meeting held on 25 January 2017 be approved as a correct record and signed by the Chairman.

157. LAND AT EASTFIELD CLOSE, CLIPSTONE (16/02172/FULM)

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 erection of a pair of two storey semi-detached, two bed dwellings, with off street parking to the side.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer, which sought the inclusion of an additional condition as follows:

The first floor window opening on the side elevations of the properties shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

Members considered the application and it was commented that Newark and Sherwood Homes had a long waiting list for homes, the application was therefore welcomed. The concern of residents regarding parking issues was considered and it was felt that only four parking spaces would be lost, with nine parking spaces remaining, which could be controlled.

AGREED (with 13 votes for and 1 abstention) that full planning permission be approved subject to the conditions contained within the report and the following additional condition:

The first floor window opening on the side elevations of the properties shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification

shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

158. FIELD REFERENCE No 8993, MANSFIELD ROAD, FARNSFIELD (16/01575/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought outline planning permission for up to twenty dwellings.

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

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

Members considered the application and it was felt that this application was finely balanced but Members agreed with Farnsfield Parish Council and it was considered that Farnsfield had received its fair share of housing development. All allocated sites within Farnsfield had received planning permission. The third site within Farnsfield had been granted planning permission on appeal, which the Authority sought Judicial Review, but was unsuccessful. Farnsfield did have a village envelope of which this site was outside. The Authority could demonstrate a five year land supply against its Objectively Assessed Need and irrespective of this the Conservation Officer had acknowledged within the report that the proposed development had the potential to impact on the conservation area and setting of the church. The setting of the listed building should therefore be preserved. Whilst less than substantial harm had been identified, harm was harm which should be taken into consideration. Concern was also raised regarding the application being reduced in size, to a third of the original submission. It was felt that the revised plan was sloppy and included the existing tree and hedgerow which would be preserved and maintained unless access was required. It was felt that this implied that the applicant would come back at a later stage to develop further on the adjoining field. Members however commented that the application had to be considered on the merits before them. It was further commented that the development would not fit into the village as at present when approaching Farnsfield along Mansfield Road there was an open vista, with open fields and the view of the church. The proposal was a southward extension to Farnsfield unduly impacting on the landscape character of the area.

AGREED (unanimously) that contrary to Officer recommendation, outline planning permission be refused, for the following reasons:

- (i) harm to heritage assets including the conservation area and St Michaels Church; and
- (ii) the proposal would unacceptably harm the character and appearance of the area by introducing built form on the southern side of Mansfield

Road setting a precedent for similar development.

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

159. LODGE FARM, LOWDHAM ROAD, GUNTHORPE (16/01952/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought planning permission for the erection of an office building with workshop following the demolition of the existing workshop and storage buildings.

Councillor R.J. Jackson, local Ward Member for Dover Beck, spoke on behalf of Gunthorpe Parish Council and informed the Committee that the Chairman of Gunthorpe Parish Council was adamant that she had submitted Parish Council comments in objection to the proposals, to the Planning Authority. The building was in the middle of the flood floor corridor, which had flooded constantly in the past. Concern was also raised that the proposed building would be used as a residential dwelling in the future.

Members considered the application and commented that the application would be hard to refuse as the foot print was smaller than what was currently in situ and would also be an improvement in the event of a flood. Members raised concern regarding the history of applications that had been applied for on this site, as this application had been submitted one year after an application for a residential property, which had been refused and less than one year for a residential/work property, which again had been refused. It was therefore suggested that additional conditions be imposed stating that the office and workshop should not be occupied after 10pm and before 6am and the toilets and kitchen would not be used to supplement the caravan on site.

AGREED (with 13 votes for and 1 vote against) that planning permission be approved, subject to the conditions and reasons contained within the report and an additional condition stating that the office and workshop should not be occupied after 10pm and before 6am, Monday – Sunday.

160. GARAGES, GRANGE ROAD, NEWARK ON TRENT (16/02164/FUL)

This application was deferred from the agenda at the Officer and Applicants request.

161. GARAGE UNITS ADJACENT, 15 - 17 ALMOND GROVE, FARNDON (16/02168/FUL)

This application was deferred from the agenda at the Officer and Applicants request.

162. LAND AT THE WILLOWS, FARNDON (16/02174/FUL)

This application was deferred from the agenda at the Officer and Applicants request.

163. NOBLE FOODS LTD, OAKHAM FARM, FOREST LANE, WALESBY (16/00990/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the change of use of the one remaining former egg production shed following a major fire which destroyed the two adjoining units to a use associated with storage and distribution (use class B8). There were no structural changes proposed to the building, nor would it encompass land from other parts of the site.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Nottinghamshire County Council (NCC) Highway Authority; NCC Monitoring/Enforcement Planning Group and Newark & Sherwood District Council Environmental Health (Reactive).

The Senior Planning Officer asked the Committee that if they were minded to grant the application, that an additional condition be imposed stating that the B8 use would not authorise the storage of waste.

Councillor D. Staples, local Ward Member for Boughton, spoke against the application and commented on the anxiety and concern of the local residents regarding the proposals put forward. The main objection was regarding the highway and concern was raised regarding the comments of the Highway Authority as contained within the report. The access to the site was along Forest Lane, which led onto a bridle path, which was too narrow for two lorries to pass on that track. The bridle pass was frequently used by horse riders, scouts, walkers etc. and was not suitable for heavy duty vehicles. He suggested that a size limit for vehicles should be imposed for that lane. It was further suggested that if the Committee were minded to grant the application, that the business does not operate on Saturday and Sundays and the working hours of operation be as narrow as reasonably possible.

Members considered the application and suggested that a route be enforced for deliveries to the business and time limits be imposed. It was suggested that traffic turn left off Forest Lane onto the B6387 and the hours of business be limited to Monday to Friday.

AGREED (unanimously) that full planning permission be approved for the reasons contained within the report and the following additional condition:

- (i) condition the traffic management strategy;
- (ii) time restriction for business use from Monday – Friday only.

164. LAND TO THE REAR OF FRANKLYN, LOWER KIRKLINGTON ROAD, SOUTHWELL (16/01977/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the variation of Condition 02 of planning permission 16/01388/FUL. By way of amending the approved plans and details.

Members considered the application and felt the variation to Condition 02 was appropriate.

AGREED (with 13 votes for and 1 abstention) that full planning permission be approved, subject to the conditions contained within the report.

165. APPEALS LODGED

AGREED that the report be noted.

166. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 5.50pm

Application No:	16/00914/FULM and 16/00915/LBC	
Proposal:	Demolition of the former Robin Hood Hotel and redevelopment to provide new retail units and a 66 no. bedroom (Travelodge) Hotel	
Location:	Site Of Robin Hood Hotel 1-3 Lombard Street Newark On Trent NG24 1XG	
Applicant:	M F Strawson Limited - Mr N Strawson	
LBC:	Registered: 27.06.2016	Target Date: 22.08.2016
FULM:	Registered: 27.06.2016	Target Date: 26.09.2016
	Extension of Time Agreed 31.03.2017	

This application is being referred to the Planning Committee for determination by the immediately adjoining local ward member (Cllr Duncan) due to the impact of the development on designated heritage assets. In any event, Officers consider it necessary for the application to be determined by Planning Committee in acknowledgement of the nature of the proposal to demolish a listed building. There is also a complex and lengthy planning history.

The Site

The site comprises three Grade II listed town houses known as the Robin Hood Hotel at Lombard Street. At the Beaumont Cross junction with Lombard Street, the site forms a key gateway to the town occupying a prominent position within the Newark Conservation Area and the Potterdyke redevelopment scheme.

The Robin Hood Hotel comprises 3 former houses and a public house last occupied as a hotel and shop, although the buildings have now been vacant since 1999. The building was listed in 1971 and its listing description (last amended in 1992) describes these houses as early and late 18th century, early and mid-19th century and late 19th century, with 20th century additions and alterations. For completeness the full listing description is repeated below:

“3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone

dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108”.

Although the Robin Hood Hotel appears to have originally been three town houses, it is assumed that these were adapted into one by the point of the first historic reference to the Robin Hood Hotel as a public house in 1781. Survey plans from 1790 demonstrate service elements probably including stables, brewery and kitchens. In 1852, the site was sold as part of a lot which also included the Newark Theatre, and there is reference to the ‘Newark Club’ within the Robin Hood Inn Yard. By the 1870s, the site had been much expanded, and now included stables and extensive outbuildings. Late 19th century County Series maps show the site behind the buildings now known as the Robin Hood Hotel as comprising a brewery and two malhous.

During the early 20th century, a distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling.

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then. The precise phasing and evolution and use of the building has been a matter of debate in the past, however the broader age, history and social interest of the building continues to justify the significance discussed in further detail below.

It is clear that there were extensive rear additions and service elements from the 19th and 20th century although most of these elements were removed during the recent Potterdyke redevelopment.

The building group is in parlous condition. Since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe.

Lombard Street forms the northern boundary of the site with Beaumont Cross and its associated traffic junction lying to the east, beyond which is Carter Gate. There are a number of other listed buildings nearby on Lombard Street.

Members will be aware that this site is linked to the wider redevelopment of the Town Centre. With the exception of this part of the site, the Potterdyke redevelopment scheme as it is widely referred to, comprises the Doctors Surgery at Lombard Street, the PCT building, ASDA supermarket, various retail units, the new bus station, and an as yet undeveloped residential element.

Relevant Planning History

As stated above, the site has a complex planning history, details of which are summarised as follows:

02/01094/FULM & 02/01095/LBC - Planning Permission and Listed Building Consent (“LBC”) for the conversion/restoration, demolition and change of use from hotel to three dwelling houses and erection of a new block of 48 residential flats was approved 3rd March 2003.

A detailed Development Brief for the Potterdyke Area was approved by the Council in **July 2004**.

07/01460/FULM & 07/01461/LBC & 07/01462/CAC – Planning Permission, Listed Building Consent and Conservation Area Consent were sought for the demolition/partial demolition of existing buildings and structures (including total demolition of Robin Hood Hotel (main building), additions to the rear of 15-17 Lombard Street, 14-22 Portland Street and partial demolition of 21 Lombard Street (Newark Health Centre), alterations and extension of cottages adjoining Robin Hood Hotel and alterations to boundary and car park of Potterdyke House and redevelopment to provide retail uses (Use Class A1 and A3), Primary Care Trust facility (Use Class D1), Doctors' Surgery (Use Class D1), office use (Use Class B1), residential (Use Class C3), replacement bus station, new pedestrian street, surface and undercroft car parking, landscaping, access and servicing. Retention of bus facility.

These applications were, following several revisions, approved 12th November 2008, 4th December 2008 and 12th November 2008 respectively. In **November 2012** Members considered an application to discharge **condition 3 of 07/01461/LBC** regarding the extent of the building fabric of the Robin Hood Cottages to be both retained and demolished. Members resolved to agree to discharge the condition which essentially amounts to a façade retention scheme involving demolition of all other listed elements with the exception of the front and east gable façade. All other walls, ceilings, staircases and roof structures were agreed to be demolished. The discharge of condition application was referred to the Secretary of State, who decided not to intervene.

08/00007/FULM & 08/00008/LBC -Planning Permission and Listed Building Consent for the renewal of 02/01094/FULM and 02/01095/LBC was granted 23rd/24th April 2008.

09/006667/FULM – Full planning permission was sought for the variation of conditions attached to full planning permission 07/01460/FULM enabling the construction of the PCT health care centre as phase 1 of the potterdyke redevelopment scheme without compliance with all pre-commencement conditions for entire site. This application was approved under delegated powers on 24th June 2009.

10/00064/FULM – Full planning permission was sought to vary condition 2 (which related to the approved plans and allowed for various minor revisions) of 09/00667/FULM. This was approved under delegated powers on 1st March 2010.

10/00537/FULM – Full planning permission was sought to vary conditions 21 and 29 of 10/00064/FULM. This permission was approved under delegated powers on 21st May 2010. This is the definitive full planning permission that has been implemented. Condition 21 required off-site highway works to be undertaken ahead of the development commencing and this was relaxed so that some works including the bus station, PCT and health care centre could commence earlier. Condition 29 restricted A3 (restaurants/cafes etc) to Unit 8 only but was relaxed to allow greater flexibility (Uses A1, A2 and A3) for Units 1 to 10 provided A2 and A3 were no greater than 30% of the total floor space. In **November 2012**, Members resolved to discharge condition 2 of this permission in relation to the substitution of approved plans to allow for the façade retention scheme as referred to in the commentary above in relation to condition 3 of 07/01461/LBC.

11/SCR/00007 – A request for a screening opinion under the Environmental Impact Regulations was sought for the demolition of the remainder of the Robin Hood Hotel and redevelopment to provide 5 No. retail units with associated servicing. An opinion was given that an Environmental Impact Assessment was not required in May 2011.

11/00476/FULM & 11/00477/LBC – Both full planning permission and listed building consent were sought for ‘demolition of the remaining elements of the former Robin Hood Hotel and redevelopment to provide 5 No. new retail units (Units 5, 6A, 6B, 7 and 8) with associated servicing’. These applications were presented to the Planning Committee in November 2011 with a recommendation of approval. However following a lengthy debate, Members resolved to refuse the listed building application (by a vote of 8 to 4) and defer the full planning application. The listed building application was subsequently withdrawn before any decision was issued and the full application remains as pending consideration. The reason Members were minded to refuse is a matter of public record as follows:

“the application to demolish the Grade II Listed Buildings forming part of the former Robin Hood Hotel at 1-3 Lombard Street, Newark be refused on the grounds that it does not fulfil the criteria in the 1990 Listed Buildings Act and does not satisfy the full range of issues identified in PPS5. It is also contrary to Core Strategy policies 14 and Local Plan Policies C1, C3, C4, C5, C9, C11 and C23.” In essence the concern of Members was that the benefits of allowing demolition were insufficient and that further exploration of grant funding to secure re-use had not been exhausted.

A section 215 Notice was served on the 8th December 2016. The Notice requires the owner to do the following:

- i) Remove all vegetation growth from the exterior of the building;
- ii) Remove all flaking paint and flaking render from the north and west exterior of the building;
- iii) Remove all boarding from the elevations of the building;
- iv) Prior to repainting, clean and prepare all external timber window and door joinery, including the shop front, removing in the process any flaking paint, replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure that all external timbers are in an appropriate condition for repainting. Where no window or door exists, the opening shall be boarded out. Any new timber board shall be set within the opening reveal and externally painted black;
- v) On completion of the works in step (ii) of this schedule, clean and repaint all of the external north and west exterior of the building (except the roof) with a minimum of two coats of exterior paint in a colour to match the existing. Prior to re-painting treat all previously painted render with a suitable fungicidal wash;
- vi) On completion of the works in step (iv) of this schedule, clean and repaint all of the external timbers in white exterior paint, with primer, undercoat and gloss;
- vii) Re-paint the string course of the north and west external elevation with matching exterior paint (darker contrast to rest of masonry);
- viii) Replace any broken or missing glazing with new single glazed glass panes;
- ix) Restore or replace all damaged or missing gutters, rainwater down pipes, hoppers, waste pipes and soil and vent pipes to all main buildings, rear additions and outbuildings in matching materials, i.e. cast iron for cast iron, and in a like-for-like manner. Ensure that all rainwater and waste pipes discharge correctly into below-ground drainage. Clean, prepare and paint all soil and rainwater goods in black gloss finish paint (except where black plastic goods already exist);
- x) Carry out repairs to all existing pitched roofs and flat roofs to all main buildings, rear and side additions and all outbuildings, as necessary, in matching materials. This includes re-fixing or replacing any defective lead flashings or through gutters. Repair or replace any broken or slipped roof tiles. If replacement is required use an accurate replica tile.

The Notice took effect, subject to the provisions of section 217 of the Act, on Friday 13th January 2017. Steps i) to x) in the Schedule must be complied with in full within 12 months of this date.

The Proposal

The proposal has been revised during the life of the application (amendments received 20th December 2016) such that full planning permission and listed building consent is now sought for the complete demolition of the Robin Hood Hotel and the subsequent erection of a 66 bed hotel with three retail units at ground floor. The hotel accommodation would be delivered as follows:

- Accessible rooms – 4

- Double shower room – 36
- Standard family room – 20
- Squeeze family room – 6

The retail units would be divided as follows:

- Unit 1 – 311.7m²
- Unit 2 – 313.6m²
- Unit 3 – 355m²

The revised plans as submitted show a building set across three floors with the ground floor comprising the retail units and the hotel entrance (as well as associated plant and linen rooms) and the first and second floor providing the hotel accommodation. The building takes an L-plan form at first and second floor resulting in a single storey element at the south of site. On the basis of this design, the slate tiled pitched roof does not occupy the entirety of the site and follows the L-plan form of the upper floors. The maximum pitch height of the roof is approximately 14m with the eaves set at approximately 10.5m. The single storey element to the south of the site features a flat roof of a single ply membrane.

Fenestration detailing takes on a linear form with the positioning of the windows at first and second floor replicating one another combined through a bay surround detail. There would also be recessed brick detailing either side of the window bays. At ground floor the retail units would be served by predominantly glazed shop frontages. Materials proposed for the windows (and associated bay surrounds) are powder coated aluminum.

The revised design notably incorporates a glazed lantern element above the hotel entrance at the Beaumont Cross junction. This would be delivered through a vertical linear channel glass system and forms the maximum height of the proposed building at approximately 15.1m.

Overall facing materials incorporate red multi facing brick work at the upper floors and part of the ground floor as well as acrylic ivory render along the shop frontages.

As part of the proposals there will be revisions to the existing footpath on Lombard Street in that part of an existing pinch point will be removed, on the basis that full demolition of the existing Robin Hood Hotel would provide space to facilitate this improvement.

Pedestrian access would be gained from Lombard Street and New Street to the commercial units and the hotel entrance would be at the end of the building nearest to Beaumont Cross.

No parking is promoted on-site as part of the current application, albeit Travelodge report that they have agreed with NCP that the nearby St Marks multi-story car park (accessed off Lombard Street) will be open 24-hours, seven days a week with a discounted rate for overnight car parking. The current NCP car park is closed in the evenings and throughout the night (open from 7am to 7pm). This car park has over 500 spaces. The applicant has agreed to pay to adapt the barrier

system to allow for this 24-hour access which will render the car park available for both hotel guests and staff as well as the general public.

The scheme has been revised during the life of the application with revised plans and a revised D&A Statement received on 20th December 2016. The amended details have been subject to a full round of re-consultation.

Departure/Public Advertisement Procedure

Occupiers of 159 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 Law and Policy

16/00915/LBC

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

16/00914/FULM

Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990).

The Development Plan

The relevant policies of the Development Plan in relation to this application are as follows:

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 6: Shaping our Employment Profile
Core Policy 8: Retail Hierarchy
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 14: Historic Environment
NAP 1: Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design
Policy 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
- Historic England Good Practice Advice Notes (notably GPA2 and GPA3)
- Historic England Advice Notes (notably Note 2: making changes to heritage assets)

Consultation and Representations

All comments received during consultation have been appended in full at Appendix 1.

Comments of the Business Manager – Growth and Regeneration (Appraisal of the Applications)

There are several key issues that require consideration in assessing this scheme. For ease of reference these have been addressed in turn below. It is acknowledged at the outset of this assessment that the proposal involves the complete demolition (and therefore total loss and substantial harm to) a designated heritage asset in the form of the Grade II Listed former Robin Hood Hotel (including the 3 no. cottages it comprises) and substantial harm to the Conservation Area. The assessment requires very careful consideration, having regard to primary legislation, the development plan, and all other material planning considerations.

Background

Members will be aware that in 2003, this Council selected a Consortium comprising ASDA Stores Ltd, Simons Developments and MF Strawson to deliver a major redevelopment scheme in the town centre known as Potterdyke. This food store led scheme also included a new Bus Station, Retail Units, car parking, a new Doctors Surgery and Health Centre. The majority of the Potterdyke scheme has now been built out, with Asda, the Doctors Surgery, and retail units (closest to Asda) being operational. The Robin Hood site comprises the final part of the Potterdyke scheme at that part of the Town Centre.

Principle of Development

The site is situated within Newark Urban Area and Newark Town Centre, both envisaged by the Core Strategy to be the key focus for growth within the District. The site is within the designated Newark Conservation Area and incorporates a designated heritage asset in the form of the Grade II listed former Robin Hood Hotel. The proposal would deliver retail units, as well as a 66-bed hotel, public realm improvements, and opening of the NCP car park 24/7 within the Town Centre and in close proximity to the Newark Primary Shopping Area as identified by the Proposals Map within the Allocations and Development Management DPD.

Whilst the land use context of the site above is of assistance in appraising the new build elements of the proposal the first matter to assess in this instance relates to the demolition of the former Robin Hood Hotel, a Grade II Listed building. As Members will be aware Grade II Listed buildings represent 92% of all Listed Buildings nationally. Within Newark and Sherwood there are 1285 Grade II Listed buildings (compared to 45 no. Grade I and 57 no. Grade II*). Clearly each listed building has its own historic interest importance, and significance, which must be assessed on a case-by-case basis.

Members will be aware that the principle of demolishing this building has been previously considered by the Council, as the Local Planning Authority. The Officer recommendation of approval at that time (November 2011) is a matter of fact and public record, as is the Planning Committee's reasons for disagreeing (as reflected in the Committee minutes) with Officers at the time. It is worthy of note that the current application is an entirely different scheme which must be assessed on its own merits against the relevant statutory provisions and development plan policies as is undertaken below.

Legislative framework and planning policy

There are both legislative requirements and policy tests to consider in relation to the proposed development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, 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 possess."* This stance is mirrored by Section 66 which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of recent court cases (in particular: *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* (2014); *The Forge Field Society v Sevenoaks District Council* (2014); and *Mordue* (2016)).

Alongside the statutory tests, the NPPF forms a material consideration to the determination of the applications. Paragraph 14 of the NPPF outlines a presumption in favour of sustainable development. As Members will be aware, there remains debate within this District with respect to a 5 year housing land supply position. That said, this scheme is not promoted for housing, nor is it therefore required to reply on any adopted housing policies, irrespective of whether they are up-to-date. In any event paragraph 14 of the NPPF is not engaged in circumstances where policies elsewhere in the NPPF indicate development should be restricted. Given there are policies elsewhere in the NPPF which explicitly resist substantial harm (and in this case total loss) of designated heritage assets paragraph 14 of the NPPF is not engaged.

The NPPF, at paragraph 17 also outlines a number of core planning principles which should

underpin both plan-making and decision-taking. Of the 12 principles, the 10th bullet point warrants specific mention in the context of the current applications. This states that heritage assets should be conserved in a manner appropriate to their significance.

Indeed, the importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 12 of the National Planning Policy Framework (NPPF). Paragraph 128 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. For clarity, the applicant has done this through the submission of a 'Historic Building and Conservation Area Assessment' undertaken by Cotswold Archaeology.

As identified above, the current state of the Robin Hood Hotel is recognised as being in a visually dilapidated state which has deteriorated over recent years. On this basis, paragraph 130 is of direct relevance to the current determinations. This states that *"where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision."* This is a matter which has been raised throughout the consultation process. As will become clear throughout discussion within the report officers do not consider that there is evidence of deliberate neglect to the building. Throughout recent years, the LPA have taken proportionate approaches to safeguard the listed building (most recently through the serving of the aforementioned S215 notice). On all occasions the applicant has actioned such requests from the LPA in a timely manner.

Paragraphs 132 and 133 of the NPPF direct decision makers as to the tests which apply when considering the impact of a proposed development on the significance of a designated heritage asset. For clarity these tests apply to both the designated heritage assets of the listed Robin Hood Hotel and Newark Conservation Area.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation**. The **more important the asset**, the **greater the weight** should be. **Significance can be** harmed or **lost** through alteration or **destruction** of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss **should require clear and convincing justification**. Substantial harm to or **loss of a grade II listed building**, park or garden **should be exceptional**. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development **will lead to** substantial harm to or **total loss of significance** of a designated heritage asset, local planning authorities **should refuse consent**, unless it can be demonstrated that the **substantial harm or loss is necessary** to achieve **substantial public benefits that outweigh that harm or loss**, or **all** of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Specific assessment against these tests is outlined in further detail below.

The setting of heritage assets is defined in the Glossary of the NPPF:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

In addition, significance (for heritage policy) is also defined:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

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.

In addition to the above focus on relevant heritage policies, it is also worthy of note that the NPPF outlines at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. Clearly there will be elements of these roles which are relevant to the determination of the current application. For example, whilst the proposals will undoubtedly negatively contribute to the environmental role in respect of the historic environment, there will be benefits in the economic and social roles attributed to the delivery of the a new hotel as proposed.

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *“the continued preservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment.”* The policy goes on to explicitly identify the need for the *“preservation of the special character of Conservation Areas.”* It is noted that CP14 of the Core Strategy (adopted in March 2011) pre-dates the NPPF. Whilst it is acknowledged that some of the wording differs from that used in the NPPF, the general thrust of the policy and the objectives it seeks is consistent with the stance of the NPPF. On this basis, officers consider that substantial weight can be attached to the relevant Core Strategy policies in the determination of the current applications.

Policy DM9 mirrors CP14 in that, *“all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement”*. In respect of development proposals *“affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,”* proposals *“should utilise appropriate siting, design, detailing, materials and methods of construction.”* Policy DM9 was adopted after publication of the NPPF and was found by the independent plan examiner to be NPPF compliant.

Heritage Significance

As required by paragraph 129 of the NPPF, LPA’s should identify and assess the particular significance of any heritage asset that may be affected by a proposal. When considering the significance of the heritage assets, I have had regard to the substantive reports and comments on this issue to date. This includes the correspondence from both Historic England (formally English Heritage) and the Council’s Conservation Officer, as well as the Conservation bodies referred to in Appendix 1.

Dealing firstly with the asset of the Listed Building, as the Council’s Conservation Officer identifies, the former Robin Hood Hotel has a complex building history. This evolved from a cluster of houses fronting onto Beaumont Cross with various additions as they consolidated to form a hotel and a shop. The significance of the listed building largely rests with the former houses on the street frontage.

The former Robin Hood can be split into three different buildings (labelled A, B and C from east to west). The central building (B) is the oldest and originates from at least the early 18th century. The building closest to Beaumont Cross (A) was built next, followed by the most westerly building (C).

As the Conservation Officer notes the heritage significance of the buildings has been previously assessed by this Authority, notably as part of the committee report presented to Members in November 2012 (to allow discharge of conditions to 07/01461/LBC and 10/00537/FULM). I repeat here what is said with respect to each of the buildings:

‘What we do know about surviving fabric is set out as follows.

Building A (adjacent to Beaumont Cross)

This was built after Building B, thought to be mid C18 in date. It contains:

- *Small pane sashes at first floor (typical of C18 into early C19), single ground floor plain sash at ground floor (typical of later C19/early C20);*
- *Readable plan form, including gable chimney stack, showing development of building and its relationship to adjacent buildings;*
- *Brick vaulted cellar;*
- *Two cross beams of original ground floor ceiling survive, along with original ground floor ceiling and floor (partially collapsed);*
- *East section of ground floor wall survives;*
- *First floor walls surviving to front and rear;*

- Some early 19th century plaster work (coving) to one first floor room;
- Cruck blade survives on one side in second floor. Evidence of truss adaptation is visible on other side. We are unsure how much of this cruck truss survives on rear roof slope or below the height it is visible and it is not clear if this will be re-used. Cruck blades are often seen in conjunction with timber framed structures and can be as early as the Medieval period but were also seen into the C19 in more vernacular buildings.

Building B (the building in the middle)

This is the earliest building on site and is likely to be early C18 or possibly earlier. It contains:

- Small paned sashes at first floor (typical of C18 into early C19) and plain sashes at ground floor (typical of late C19/early C20);
- Slate roof (presumed to be C19) and pantile roof. Roof form (steep pitch and raised coped gables with kneelers) which are indicative of possible earlier thatched roof;
- Readable plan form evolving from at least C18 into C19 including central chimney stack;
- Stone cellar with stand for basin, cold slab and wine bins. Blocked openings giving clear archaeological evidence of evolution of buildings adjacent. The presence of a stone cellar is unusual and suggests it pre-dates the supposedly C18 structure above. This may indicate an earlier structure once existed on the site or the stone cellar may have been the plinth for a timber framed structure which may yet survive within the later C18 brickwork. Note that building A also has a cellar but that this was constructed of brick, reinforcing the unusual presence of stone here;
- Ground floor ceiling beam from early ceiling. Replacement ground floor ceiling dating to perhaps 1852;
- External stair tower surviving in part at first floor and in entirety at second floor;
- Majority of external walls surviving from first floor up;
- Lime ash floors;
- First floor ceiling beams with reed and plaster ceilings;
- Intact attic.

Building C (the end building closest to Castlegate)

This is the latest building of the three. The list description gives a later C18 date although the report by Prospect Archaeology suggests C19. The presence of larger yellow bricks is more typical of the C19.

- Yellow brick construction; the yellow bricks themselves are significant as these bricks are not typical of this local area but had to be transported in, showing an ostentatious display of wealth and status through this choice of brick. While there are some yellow brick structures in Newark it is relatively unusual in what is predominantly a red brick area.
- Readable plan form;
- Front facade survives;
- Rear wall and part of stair tower wall survives;

- *Small paned sashes at first floor (typical of C18 into early C19), plain sashes at ground floor (typical of later C19/early C20).*

When the Robin Hood Hotel was listed in 1971, English Heritage did not specifically state why a building was worthy of listing and what was of particular significance. The building is Grade II listed and described in the list description as three houses and public house dating from the early C18 with late C18, early and mid C19 and early C20 phases. The rest of the list description simply describes its architectural form. The following is a summary of my interpretation as to why the building is of significance.

- *Pre 1840 in date, for at least Building B and possibly Building A. Between 1700-1840 most buildings are listed.*
- *Indications of a possible preC18 origin for at least Building B and possibly Building A*
- *Readable plan form from possibly pre C18 onwards*
- *Surviving example of C18 (or earlier) and early C19 vernacular town house which was once quite widespread. The English Heritage guide on Town Houses (Designation Listing Section Guide, Domestic 2: Town Houses, October 2011) states that the typical layout of a town house was two rooms deep and that the ‘one room layouts are rare but were much more widespread, so survivals are of particular interest ‘*
- *Early surviving example of a public house, particular significance given Newark’s rich brewing heritage.*
- *Few pre 1840 commercial buildings survive nationally*
- *Interesting use of yellow bricks in Building C, an unusual feature for Newark and surrounding area and ostentatious display of status. Shows the filtering out of popular polite architecture from London, where yellow bricks were very common.*
- *Stone and brick cellars with typical ‘below stairs’ features*
- *Interesting and relatively rare external stair tower, seen on vernacular building from early C17 into the C19.*
- *Survival of historic fabric, especially, but not exclusively, above ground floor. Fabric including vernacular building techniques of reed ceilings and lime ash floors, the latter being a strong local feature albeit not in good condition.*
- *Use of a cruck blade, indicative of timber framed buildings, crucks are used as early as medieval times but in vernacular buildings up into the C19. Even if this was dated to the C19 it is important as an illustration of the long survival of traditional vernacular building techniques. A cruck blade in Potterdyke House was dated (dendrochronology) to the C19.*

There is a lot of discussion about the extent of internal alteration and survival and while I still believe there are many internal features of merit surviving (see above) it is significant to note that the listing officer noted that the ‘interior [was] refitted mid and late C20’, and still found the building to be of national significance at a level to warrant it being listed. The description offered with the listing does not list surviving historic internal features we now know to be of significance, like the cellars, stair tower, and cruck blade, for example.

In addition to the above, interrogation of previous consultation responses provided by Historic England (at various occasions in relation to various planning applications sited above), has referenced in detail the significance of the asset:

- *Evidential value* is most noticeable in the front elevations, the plan form and historic fabric which reflects the changing nature of the structures.
- *Historic value* is derived from the survivals of the form as former town houses fronting a main route through the important urban settlement.
- The positive contribution to the character and appearance of the CA aide retention of an *aesthetic and communal value* (notwithstanding the existing neglected appearance of the buildings discussed in more detail later in the report).

The above points combine to offer a helpful summary of the historic significance of the building.

Members are advised that work by the Nottinghamshire Building Preservation Trust (NBPT) (which is detailed below in the context of exploring grant-aid route of retention) led to the production of a 'Viability Appraisal Report' dated July 2015 by Soul Architects. This document does not form part of the applicant's planning application and remains the property of its authors and the NBPT. Nevertheless Officers were provided with this report and have received written confirmation that it can be used as part of an evidence base to assess the applications.

As well as a detailed description of the buildings, the report incorporates a chapter discussing the 'Importance of the Buildings.' This confirms that the buildings retain their distinctive identities on the street frontage and the detail on the Lombard Street facades – brick banding, dentilled and cogged eaves and treatment of the openings adds some architectural interest. Internally, it is stated that substantial alterations over many decades has resulted in almost complete removal of 18th century internal and rear walls of the properties at ground floor level.

The report also goes on to discuss the following values of heritage:

- *Aesthetically* the Robin Hood Hotel has formed a distinctive landmark at one of Newark's busiest road junction for over 250 years (acknowledging that the aesthetic heritage values are compromised by the existing poor condition and state of preservation)
- *Evidential* heritage value of the site is of local, and perhaps regional interest, as excavations to the rear have demonstrated the presence of some early post-medieval features
- The former hotel has no current *communal* heritage value – however it was an important social venue in Newark during the 19th and 20th centuries, and possibly the mid-late 18th century also.

The report also incorporates a condition report and structural survey. The structural report (prepared by William Saunders) advises that the property is suffering badly from water ingress to all areas resulting in the following defects:

- Approximately two-thirds of the principal listed building has a timber suspended floor at ground level, and most of the timber boarding and joists are rotten;
- All of the first floor timber boarding, joists and beams are showing signs of extensive rot and decay, with evidence of dry rot and wet rot visible. It is assumed that second floor timbers and roof timbers are similarly parlous;
- The two staircases leading to upper floors have both partially collapsed due to timber rot and decay;
- Structural steel beams at ground floor level show extensive corrosion and delamination;
- External masonry appears to be in a reasonable state with no visible evidence of settlement or distress. Some isolated timbers in the exposed masonry on the east side and rear is showing signs of rot and decay.

The structural report made a number of recommendations, including urgent works which were subsequently undertaken by the applicant. Overall, the report found that the masonry walls were generally sound and can be retained provided that remedial works were carried out to remove isolated timbers built into the external walls (and then made good with matching bricks) and that any areas of fungal infection be identified and treated.

Given all of the above, the levels of significance that will be lost in this case are both clear and recorded. I would note, as I explore further below, that even the NBPT proposals for a retained Robin Hood promote largely a façade retention scheme, which remains the extant position in planning terms (07/01460/FULM & 07/01461/LBC & 07/01462/CAC).

As the proposal also affects the heritage asset of the designated conservation area, it follows that it is necessary to also identify its significance. This has been done comprehensively by the Conservation Officer through comments appended to this report. Nevertheless, given the importance of the conservation area significance, officers consider the following extracts to be of direct relevance in the context of the current appraisal.

Newark Conservation Area was originally designated in 1968 and focused on the Market Place. In 1974, the conservation area was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street.

The conservation area was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.

Further parts of Lombard Street were included in the 1979 amendments, but Beaumont Cross formed part of the original designation (including the Robin Hood Hotel complex).

The Lombard Street character area forms the southern edge of Newark's historic core, stretching from the intersection with Castle Gate to the area where the Beaumont Cross once stood at the historic junction with London Road.

It is known from documentary sources and excavations that the medieval town defences enclosed roughly a square area of which Lombard Street formed the southern boundary. It is thought that these defences were built along with the castle after the Conquest in the late 11th century.

The name Potter Dyke (now Lombard Street) is first recorded in 1331 and reflects its position over the south line of the 'town ditch'. Several excavations showed that the line of the wall lay directly under the line of the modern property frontages.

Other than the medieval town defences, there is limited evidence of extensive activity on Lombard Street before the 16th and 17th century. Mapping from 1646 reveals that Lombard Street is a prominent roadway within the main town defensive ring.

Chapman's Map of Nottinghamshire 1774 and Attenburrows's 1790 Map show that Lombard Street had buildings on both sides of the street. In particular it is noticeable that on the north side of the street there are narrow burgage plots running perpendicular from the Market Place with extensive yards to the rear and buildings fronting Lombard Street.

On Woods 1829 Map, it can be seen that to the south the street was not as densely developed as the north with a large open space belonging to the Duke of Newcastle. Also on this side of the street were two significant buildings set in large grounds. The first known as Potterdyke House, is a significant town house which dates from the mid-17th century and has been refronted in the 18th century with subsequent alterations. The second polite building is known as Lombard House, and originates from the late-18th century. Other buildings of interest at this time are identified on Wood's Map, notably the Johnsonian Chapel on the southern side of the road (which has since been demolished) and on the north side of the street is the distinctive Independent Chapel built in 1822 and designed by W. Wallen in a classical revival style (this building is now an antiques warehouse).

Also marked on the map at the junction where five roads meet is the area known locally as the Beaumont Cross, an association which dates from as early as the 14th century and is the former site of Beaumont Cross. The original Beaumont Cross consists of a medieval stone socle (a type of stone base) and shaft which stands on four octagonal steps (which are a more modern addition).

The Cross otherwise formed a distinctive boundary marker at the crossroads. The Cross underwent significant renovations in 1778 and again in 1801, which included the addition of conical stone cap and weather vane. In more recent years, railings were erected around its base (presumably to protect it from the increasing traffic levels at the junction) and more significantly, in 1965 it was moved to its current position in Beaumont Gardens on London Road.

The Robin Hotel is an important focal building in this context. Beaumont Cross was certainly a significant junction at the time that the Robin Hood buildings were constructed.

Development on Lombard Street continued throughout the 19th century. Christ Church was built on the north side of the road, being designed by J. D. Paine in 1836.

In the early 20th century, a bus station was opened to the rear of the Robin Hood Hotel. This remained the case until the 1960's when the bus station was relocated to its current position.

By the late 1960's, demolition had taken place on the north side of Lombard Street to reveal backs of buildings and hotel yards, and a large open area was became used as car parking.

During the 1970's, this car-park area was redeveloped and the St. Marks Shopping centre was built which incorporated shops and a multi-storey car park.

The Potterdyke redevelopment began in 2010, and the large, modern buildings forming ASDA and the medical centre on Portland Street. Combined with the modern car park on the opposite side of the road, modern development has had a massive impact on the street.

Nevertheless, the enclosure of the road and remnants of historic buildings and cottages renders the roadway an important part of the conservation area, culminating in the focal area of Beaumont Cross.

The current proposal represents the loss of the Robin Hood Hotel; a building which (irrespective of its state of dilapidation and visual appearance) makes a positive contribution to the significance of the conservation area. As is clear through paragraph 138 of the NPPF, this should be treated as either substantial harm under paragraph 133 or less than substantial harm under paragraph 134.

As set out above, the demolition of the existing Robin Hood Hotel represents the total loss of significance of the asset and therefore represents substantial harm. This is a view supported by Historic England, the Council's Conservation Officer, various historic groups, and the applicants themselves. I also concur with the Conservation Officer (as well as Historic England and other conservation organisations) that such total loss also represents substantial harm to Newark Conservation Area given the position of the site at the Beaumont Cross junction (a significant location within the conservation area), the erosion of the historic townscape, and the removal of evidence of how the area developed architecturally and socially.

Before I consider the next steps necessary once a decision-maker has identified, as in this case both total loss and substantial harm to a Grade II asset and substantial harm (by virtue of total loss) to Newark Conservation Area, I address the extant planning position.

The extant position

For the purposes of an assessment of significance and harm against the Act, the development plan policies, the NPPF and NPPG, one is required to have regard to what is on site now (i.e. the full extent of the remaining listed structure). However, Member's attention is drawn to the fact that the applicant has an extant planning permission. As a result of the discharge of planning conditions in association with planning permission 07/01461/LBC (as detailed in the site history section) the extant, implemented permission on this site is for a façade retention scheme. For the avoidance of doubt this allows for the following:

- The retention of the front elevations of Building A, B and C as well as the gable end to A

- The roof completely stripped and taken down (before being set aside for examination of condition with possible re-use)
- All other listed elements (walls, floors, ceilings, staircases) to be demolished
- In-fill of the cellars
- Existing historic windows replaced with double glazed units
- The shape of the historic buildings rebuilt with a pitched roof to exactly the same height.

In real terms, the net difference in the extent of ‘loss of asset’ between the scheme now promoted and the one that is extant is the façade.

Returning to heritage legislation and policy

Returning to paragraphs 132 and 133 of the NPPF, Members’ attention is drawn to the fact that *“substantial harm to or loss of a grade II listed building...should be exceptional.”* (paragraph 132). In testing whether the application can be justified paragraph 133 assists (set out again below for completeness and importance):

*“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should **refuse** consent, unless it can be demonstrated that the **substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss**, ‘OR’ all of the following apply {emphasis added}:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

As will become apparent in the following paragraphs, in this case it is the first test (underlined by officers) which is promoted by the applicant as being met. Officers concur that this is the appropriate test to apply in this instance, albeit in the interest of completeness, I offer some comment on the “bullet point” elements of the second test in paragraph 133.

With respect to the first bullet point, the asset itself does not prevent all reasonable re-uses of the site (albeit that re-use may depend on viability/grant issues). It may be that such re-use does not retain the level of asset currently on the site, as in the case of both the extant façade retention scheme as well as the scheme promoted as most favourable by NBPT.

Viability, referred to in the second bullet point, is a matter that has been extensively discussed throughout the planning history of the site. It remains telling that despite previous approvals, the market has still been unable to deliver the restoration of the Robin Hood Hotel complex in any manner (e.g. either the original proposal or the more recent façade retention scheme). In

acknowledgement of this, the current application has been accompanied by a 'Financial Viability Assessment' dated May 2016. This confirms that, at the time of the 2011 application (for total demolition) independent surveyors CBRE commissioned on behalf of the council concluded that the retention of the Robin Hood Hotel complex was not financially viable (giving an estimated 4.77% of profit on cost). It is stated that every effort has been made to implement the façade retention scheme approved in 2012 (even on the basis of profits well below the usual 15-20% margin) but that potential occupiers have not been willing to commit. The assessment outlines marketing efforts undertaken since 2010 including local and national publications, internet advertising and marketing boards.

The current application has taken the opportunity to assess financial viability with the proposed end occupier in mind; the national hotel chain, Travelodge. The assessment tests two design options: façade retention and new build. It is concluded that, with façade retention the scheme is not viable as it cannot accommodate the number of rooms required by the hotel chain operator. It also does not generate a positive developer's margin (-7.82%) when appraised and compared against the new build option (+5.22%). The assessment at paragraph 2.8 makes the following statement:

"The viability of the new build option is marginal at best but due to the history and background with this site, the applicant is prepared to take the clear development risk and commit to delivering the scheme."

Clearly, if taken as read, the applicant is presenting a case which would meet the second bullet point of the second test (albeit not necessarily extending to what would be considered to be in the 'medium term'). Officers have considered whether it would be appropriate to seek independent assessment of the financial viability argument presented (as has been done in the past). However, for the reasons set out above, and considered in more detail below, this is not a case which turns on the issue of viability or indeed the bullet points contained within paragraph 133 of the NPPF. As set out above, the applicant relies on the first test in paragraph 133 of the NPPF, that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. On this basis, and acknowledging that viability has been proved to be an issue on previous occasions (and not disputed previously by this Committee) further advice at the taxpayers' expense has not been sought. Moreover, work done for NBPT in the Viability Appraisal Report by Sole Architects 2015 (referred to in more detail below) has also raised viability concerns in relation to conservation without gap funding (see comments below on bullet point 3). Whilst there remains disagreement on the actual level of viability gap between Strawsons and the NBPT, for the purposes of this report, the key point is that there is a viability issue to address.

Bullet point 3 requires the decision-maker to be satisfied that conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible. This point is made in fair and strong terms by Historic England, the NBPT, and Heritage Lincolnshire.

Discussions between Strawsons and the NBPT took place in June 2014 when the Trust was given an option to buy the Listed Building and, NBPT commissioned a feasibility report from Soul Architects (with the help of a 66% grant from the Heritage Lottery Fund). This report, dated June

2015, established that, with the help of a Heritage Lottery Fund Conservation Deficit Grant, a viable future for the buildings would be the development of independent office suites (promoted as Option 4 in the report). The report explores a number of options for the site, discounting industrial or leisure / assembly uses on the basis of the location of the site and the physical arrangement of the buildings. Similarly, restaurants and bars were discounted in preference to retail, office and residential uses. For clarity, all options assumed the repair and retention of the street front façade. The trusts preferred option (Option 4) details that *'a significant amount of historical fabric and internal floor plan would be retained and this scheme would be very 'light touch' in terms of impact to the historical fabric.'* The rationale for favouring Option 4 includes that this option would involve the least change to the historic fabric and that it is the most likely option to attract HLF funding. As confirmed above, permission has been granted during the life of the application to make the full report available for viewing as part of the application case files.

However, by the time this work was completed, Strawsons had progressed with the Travelodge scheme and withdrew the letter of comfort for NBPT to continue.

Therefore, it is accepted that charitable or other grant aid funding might be available for an alternative scheme and whilst this would take time to explore, it cannot be said to have been exhausted. I therefore fully concur with colleagues at Historic England and other conservation bodies that there might be a route available to retain the building for future use. The failure to exhaust the possibility of grant-funding therefore means that the third bullet point in paragraph 133 has not been satisfied.

Bullet point 4 refers to the harm or loss to the asset being outweighed by the benefit of bringing the site back into use. For the reasons set out below, I consider that the harm and loss would be outweighed by the benefit of bringing the site back into use. However, it is accepted that, overall, the second test in Paragraph 133 has not been met in this case.

The first test in paragraph 133 is set out above. In summary, as substantial harm and total loss of a listed building and substantial harm to the conservation area would be caused by the proposed development, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

There are three aspects to this test. Firstly, are public benefits 'substantial'; secondly, is the substantial harm or loss 'necessary' to achieve the substantial public benefits; and thirdly, would the benefits 'outweigh' that harm/loss?

The glossary of the NPPF does not define what is meant by a public benefit. However, paragraph 20 of the NPPG {ID: 18a-020-20140306} deals explicitly with the meaning of the term:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation”*

Clearly given that the proposal amounts to the complete loss of the heritage significance of the listed building and harm to the conservation area, the public benefits of the current proposal would not be found in the heritage context. In this case the benefits are derived from what a hotel and retail scheme will deliver. Both the applicant (in their letter dated 1st June 2016) and Travelodge themselves (in their letter dated 19th January 2017 available to view as part of the applications files) outline that the proposed Travelodge at Lombard Street will occupy a prominent, town centre location, which will take advantage of the retail, food and beverage facilities and tourist attractions nearby. The applicant and Travelodge have shared with Officers details of the legal arrangements between the two parties. There is a commitment to deliver the scheme should Members be minded to approve the application, as reflected by a willingness to enter into a S106 Agreement with the Council in order to ensure that no demolition takes place unless and until a contract has been let to build the Travelodge in accordance with the approved plans. There have been many hotel planning permissions over the years, both in-centre and out of centre. All permissions have lapsed (with the exception of the already implemented Premier Inn at the A46 end of Newark, well beyond the town centre) on the basis of lack of interest and/or viability. This scheme will deliver much needed new accommodation within the centre.

The proposed development would require the demolition of the listed building and as such the loss is necessary to achieve the benefits. The benefits which derive from this scheme do genuinely go beyond simply benefit to the applicant and operator. The level of investment required to implement the scheme is c£5.5m. The proposals would generate 62 new jobs (a recruitment scheme which targets local employment could be secured via a S106), and the ability to increase the overnight hotel accommodation offer is likely to generate knock-on spend benefits within the area of c£632,000 per year (based on what is considered by Travelodge to be a ‘conservative estimate’). Newark and Sherwood is also clearly a significant tourism designation in its own right, notably in relation to Sherwood Forest and (in the context of Newark itself) - the Castle and National Civil War Centre. Additional hotel accommodation for visitors remains vital.

The support for overnight accommodation to enhance the tourism industry is outlined by Core Policy 7 of the Core Strategy. The stance is that development should be appropriate to the size and role of the settlement and the needs of the local community concerned. Whilst again the policy pre-dates the submission of the NPPF, the general thrust remains consistent. Indeed paragraph 23 of the NPPF is clear that in order to ensure the vitality of town centres, planning policies should be positive in promoting competitive town centre environments.

According to statistics compiled by 'Experience Nottinghamshire' tourism contributes approximately £1.556 billion per annum to the county of Nottinghamshire with the district of Newark & Sherwood contributing a value of £206 million. The vast majority of this is provided by day visitors, which account for 90.4% of the volume of visitors to the area. There are only 113 providers of overnight accommodation countywide and according to 'Experience Nottinghamshire', Nottinghamshire's increase in overnight visitors is in contrast to the national trend, with national overnight stays down by - 2.42%.

According to 'Experience Nottinghamshire' each overnight visitor is worth nearly 5 times more than day visitors and the corporate and commercial overnight visits to the county, excluding Nottingham City, are worth 7 times more. Figures specific to Newark and Sherwood (dated 2014) state that of the 3.55 million day visitors, the average spend is £34.73 whereas the 487,000 overnight visitors spend on average £234.41.

The concentration of the vast majority of overnight accommodation in the District is around the Sherwood Forest area (noting the presence in Rufford of national chain Centre Parcs). The council's website lists just 5 hotels within Newark (of varying sizes). South of Newark, the provision of accommodation is sparse with a heavy reliance on B&Bs. It is clear that overnight accommodation can bring significant benefits to the vitality of a town centre.

The scheme also provides for the opening of the St Marks NCP car park beyond its current 7pm closure time. This has clear associated benefits not just for patrons of the hotel, but critically for wider customers wishing to benefit from the night time activity within the town centre. Members will be aware of several pubs, bars, and restaurants within and on the edge of the town centre, all of whom will be able to benefit from additional car parking.

The revised scheme would also allow the increase in the width of the public footpath from 1.25m to 2m by setting the replacement buildings back slightly from the roadside, which would be of some public benefit in allowing ease of pedestrian movement surrounding the site.

Members should note the passage of time which has elapsed, since the Committee last considered a demolition application (November 2011) and since the original concept and plans for Potterdyke emerged. Whilst I have made clear above my view that possible grant-aid solutions have not been exhausted, I am equally clear that the market has failed to deliver an acceptable solution, even with the benefit of a façade retention scheme.

I am satisfied that the applicant has demonstrated the application scheme is deliverable through the provisions of an associated legal agreement and consider the proposed development would complete the most prominent missing piece of the Potterdyke redevelopment jigsaw. It will allow for the completion of the link between Asda and Cartergate, thereby creating the potential to increase footfall and patronage within the town centre.

As I detail in the design section below, I am of the opinion that the scheme will provide for a well-designed and contemporary solution at this part of the town centre, with good fenestration and animation.

Public Opinion

The applicant refers to public opinion as an indication of benefit in overall planning terms. Specifically attention is drawn to a poll administered by the Newark Advertiser in November 2013 which identified that 79.9% of residents supported demolition whilst 19.5% felt the site should be developed and preserved (1,777 people responded). One point that should be noted in relation to this poll is that there was no 'scheme to preserve' promoted at that time that could be considered. Indeed officers can find no direct record of this poll and thus the exact question posed is unclear.

It is understood that further polls have been undertaken on the Newark Advertiser website (www.newarkadvertiser.co.uk) during the life of the application but unfortunately the results of these polls are seemingly not published.

Polls of this nature do not give the opportunity for detailed discussion and it should also be noted that the online comments made in response to the numerous articles regarding the Robin Hood site published by the Newark Advertiser, appear to represent more diverse views, for example, some comments make reference to the fact that enough is enough and the site should be redeveloped etc, whilst others promote the need for conservation and re-use.

Therefore, whilst the newspaper polls can be seen as a "barometer", or indication, of local public opinion, they should be noted in the context of the questions posed and the fact that it is not known what information regarding the site and the proposals relating to it was available to any of the respondees.

As set out in Appendix 1, at the time of the agenda going to print, the planning application had been subject to 17 contributions and the listed building consent application to 19 contributions from members of the public (some from the same party to both applications) of which 15 of the FULM application and 15 of the LBC application object to the proposal. The Town Council, themselves elected on behalf of constituents, has resolved not to object.

Members will be aware that a decision on the current application needs to be taken in the context of all material planning considerations. As the NPPG makes clear "*Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.*" (Paragraph: 016 Reference ID: 21b-016-20140306).

Delivery of Proposal

It will not be lost on Members that they have been presented with the promise of delivery in the past. To quote the committee report presented in 2012:

"the applicants clear intention to implement the proposals swiftly should Members be minded to approve..."

However, the proposals were not implemented. Given that the public benefits attributable to the current scheme mainly relate to the delivery of the proposed hotel, it is not considered that the

public benefits would be substantial without securing physical delivery prior to implementation. As detailed above a 106 agreement will be provided, if Members are minded to approve, to prevent demolition of the building (leaving a vacant site) without a contract having been let to build the hotel. Put simply, Officers consider that the delivery of the hotel is required to tip the balance to make the proposed development constitute a substantial public benefit. Officers consider that this approach would be consistent with paragraph 136 of the NPPF:

“Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

In this context, officers are mindful of the continuing deterioration of the heritage asset and its associated significance.

Paragraph 130 of the NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. It is acknowledged that disrepair is not always a sign of deliberate neglect or damage. However, where it appears that a heritage asset has been left to decay in the hope of making consent or permission easier to gain, the LPA should disregard the worsened state of the asset.

In this case, it is clear that the applicant has made some efforts to arrest specific elements of deterioration, but that routine maintenance has been limited since they first acquired the site and that the current condition might have been avoided with basic repair work at an earlier stage. However, for clarity, as already identified above, officers do not consider that this constitutes deliberate neglect in the context of paragraph 130. The applicant has undertaken work promptly when they have been asked to do so.

To be clear, in the current assessment no weight has been attached to the current visual state of the building. The above discussion on the building’s historic significance clearly outlines the significance of the building. It is this significance which officers accept would be lost.

It is worthy of note that officers have been, and continue to, work towards means of securing the asset through intervention such as the props that have already been inserted for structural stability and through a Section 215 notice (to require proper maintenance of land) which has already been served (as detailed in full above in the planning history of the site). If the scheme was to be refused consent, I consider that the position would be similar to that considered in relation to the 2011 applications on the site, most notably the application for full demolition. The committee report for the application reference 11/00476/FULM stated the following:

“The Council has considered the scenario of doing nothing positive but monitoring and serving repairs notices as necessary to maintain the fabric of the building. In this case it is considered that such mothballing, whilst it would preserve the status quo, would still lead to an uncertain future that would be unlikely to secure any future use.”

Officers have identified that the current scheme would deliver substantial public benefits and that moreover there is additional certainty to control the delivery of the proposal in the context of the aforementioned S106 agreement.

The acceptability of the new build

The consideration above has established the loss and substantial harm that the scheme would cause to the Grade II listed Robin Hood building and the Conservation Area. I now go on to assess the impacts of the new building proposed, especially in terms of its context within the Conservation Area, town centre, and at a key junction for pedestrians and traffic through the town.

The design of the proposed replacement hotel has been commented upon by many, notably Historic England and the Council's conservation officer, the former concluding that the scheme will both harm and fail to better reveal the significance of the Conservation Area. This view is mirrored by the comments of the Conservation Officer.

There are two main issues in relation to the design impacts of the scheme. Firstly, how it is read from Beaumont Cross (the junction of Lombard Street, Portland Street, London Road, Albert Street, Cartergate); and second; the impact of the scheme when set against Lombard Street itself. I note, of course, that all design aspects and how one will read and experience the development are important, including from within the Potterdyke development.

Beaumont Cross

With respect to Beaumont Cross, Historic England does draw some positives from the proposed development commenting that,

"The new build follows the building line onto Lombard Street and wrapping round the corner providing active frontage onto the main routes. In urban design terms, this is beneficial." (21st July 2016 letter).

However HE go on to say (9th January 2017) that,

"The revised corner fronting onto Beaumont Street with the glazed circulation core rising above the adjacent historic properties does not harmonise with the existing townscape - it protrudes awkwardly, drawing undue attention to a building which in design and materials, fundamentally bears little contextual relationship with the historic town. Therefore, it remains our view that the new development will harm the significance of the conservation area rather than enhance or reveal its significance."

The Council's own Conservation Officer raises different concerns, including that:

"The scheme submitted seeks to build a substantial three storey hotel building directly onto Lombard Street and wrapping the corner with Beaumont Cross. Whilst this is positive in urban design terms by maintaining street enclosure and creating active frontages, the new hotel will be significantly larger and bulkier than the building range it replaces. In the context of the Potterdyke

redevelopment scheme, the scale, form and appearance of the proposal sits comfortably against the ASDA complex and the Lombard Medical Centre.”

“It is accepted that the changes to the Beaumont Cross façade (as shown in the initial submission) make a better contribution to this road junction in terms of visual interest and legibility. Notably, the glazed turret element helps draw the two elevations together and improves the legibility and primacy of the entrance to the proposed hotel at this prominent junction (the night time indicative helps to illustrate this).”

“Conservation accepts that the proposal is consistent with the scale and form of the Potterdyke redevelopment scheme. When viewed from receptors at the climax of Carter Gate, the wider Beaumont Cross junction and along Lombard Street in aspect, the proposal will appear to integrate with both the Lombard Medical Centre and the ASDA complex.”

The revisions to Beaumont Cross have come about as a direct result of engagement between officers (including the Conservation Officer) and the applicant’s architect team. Specifically, this has included design workshops/discussions which have led directly to the turret/lantern, ability to draw the elevations and focal point together (including how the building is experienced at night, with lighting filling the vertical glazing column), and the ability of the scheme to relate to and be read in accordance with the wider Potterdyke redevelopment. Indeed, the lantern/turret takes a cue from the existing doctor’s surgery. In this case the revisions to Beaumont cross, both in terms of visual appearance and how the building will function (drawing pedestrians to its entrance via its legibility) are, in officer’s view, acceptable and would not cause harm (whilst still acknowledging the harm by reason of demolition of the listed building, see above) to the character and appearance of this part of the Conservation Area.

Lombard Street

In terms of context, Lombard Street itself is described by the conservation officer as,

“... fragmented in places as a result of post-War development, notably the car park, bus station and ASDA development.”

Criticism of the scale by Historic England is provided in letters of both July 2016 and January 2017. Specifically, the 21st July 2016 letter states,

“...the new development in scale, massing and design is harmful and will not reveal and enhance the significance of the conservation area.’

“...this development in scale, height and mass will essentially read as one single mass fronting onto Lombard Street and Beaumont Cross/London Road. The breaking up of this mass through the some vertical articulation, fenestration detail and corner expression, is unconvincing. It does not respond to the historic building plots, rhythm and variety that characterise so much of this area. In mass, the building is more akin to the modern doctor’s surgery than responding to the historic environment - particularly along Lombard Street.”

The 9th January letter goes further to state,

“With regards the amendments to the design, though we recognise attempts are made to break down the massing and reflect the historic grain and plot widths, this is unconvincing set against the rich variety and quality of the historic townscape. The building reads as a single mass and bears little relationship to the townscape beyond that of the adjacent modern doctor’s surgery.”

Both sets of comments focus on the mass of the elevation and the failure, in the opinion of HE, of this mass to be broken down. In townscape terms objection is raised to the scheme being like the doctors surgery, rather than the historical building plots and rhythms along Lombard Street.

The Council’s own Conservation Officer also refers to scale:

“The length of the proposed hotel building, as well as its height and depth, contrast negatively with the narrow plots and gables of historic buildings along Lombard Street”.

Elsewhere it is stated that,

“...the new roof dimensions add additional bulk to the new structure, exacerbating the dominance of the new hotel building.”

There are a number of aspects to the overall design which have not been commented upon in any detail by HE, or to a lesser extent by the Conservation Officer. Firstly, there appears to be an assumption that only development which replicates plot widths and bays is acceptable. I do not consider that this is a starting point for what represents appropriate design. The role of design is not simply to mimic or replicate. There is a need to respect an area, but this can be achieved by larger scale buildings and indeed different palettes of materials. Secondly, the HE comments do not properly assess the detailed design promoted, which is accompanied by detailed sections and illustrations and how the brickwork, bays, materials, and detailing will all be provided as part of an overall design concept which seeks to provide a high quality finish. Indeed, the conservation officer also notes that,

“...the main elevations of the proposed hotel building are punctuated with fenestration that has depth and texture rather than a flat, flush window plane. The scheme also references traditional dimensions in its articulation of bays.”

The concerns identified regarding the roof are acknowledged, but I consider that that the material and pitch would not be out of place as part of the overall design.

Materials

The palette of materials originally proposed was rightly criticised initially by both HE and council officers (the use of brick, ply membrane roof, powder coated aluminum). As the conservation officer acknowledges,

“...the applicant has sought to address some of the concerns raised by Historic England and other consultee critics by changing the roof covering and altering the Beaumont Cross façade. Slate will better reference traditional building roof coverings than the ply membrane submitted initially.”

The Conservation officer goes on to criticize the resulting additional bulk of the roof in accommodating the slate finish, a matter I have already addressed above.

Principle of use

The scheme proposes commercial development (all class A1) at ground floor broken down into three units with floor areas as follows:

- Unit 1 – 312m²
- Unit 2 – 314m²
- Unit 3 – 355m²

There is also floor space at ground floor associated with the proposed hotel use including the hotel entrance, plant area, linen area and bin store.

The scheme proposes ‘town centre uses’ as defined within the NPPF. The site is within Newark Town Centre with the proposed retail units being in close proximity to the Secondary Shopping Frontage along Carter Gate (as defined by the Allocations Map). Policy DM11 supports new retail development within the Town Centre boundary and the proposal is thus acceptable in land use planning terms. Additional retail units would complement the existing units recently delivered by the wider Potterdyke development.

In terms of the proposed hotel use, Policy DM11 supports a greater diversity of town centre uses that contribute to the overall vitality and viability. I note that the consultation responses received as part of this application, including both neighbouring interested parties and the Town Council, are generally supportive of the provision of new overnight accommodation within the Town, as indeed are Officers, on the basis of the public benefits detailed above. This will assist in meeting the objectives of Core Policy 7 and contribute towards the night time economy of the town centre.

Impact on Amenity

The proposed development is presented as an urban block with built form occupying the majority of the site. The result of this is that the proposal would lead to a tight urban grain sharing a close spatial relationship with neighbouring land uses. Notwithstanding the historic use of the site as a hotel, it is noted that the surrounding area, through the development of the wider Potterdyke scheme, has significantly evolved since the site was last in such a use.

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Noting the constraints of the site, it is considered that the most sensitive receptor in amenity terms will be the recently developed Doctors Surgery and associated retail units immediately south of the site. Given the orientation of the proposed building, I consider that the proposal would not detrimentally affect daytime light to the Doctors Surgery to a degree which would be detrimental to the use of the building in office hours. I note the concerns in respect to a loss of

privacy to the treatment rooms from overlooking by hotel occupiers. Whilst this is acknowledged to be a legitimate concern, on balance I do not consider that this would amount to a detrimental amenity impact. Due to the angle of the proposed first and second floors, the distance between the buildings (and associated windows at first and second floor) increases in a westerly direction from 10 to 20m.

The very nature of a hotel use is that it serves a nighttime economy. Thus the primary occupation of the hotel rooms, albeit not exclusively, would be towards late afternoon evening time. This reduces the potential conflict with more typical business hours of the Doctors Surgery. In any event, the site is in a town centre, where higher levels and density of development and urban grain are to be expected.

The separation distance afforded by Lombard Street would reduce the impact of the scale of the building to land uses on the north of Lombard Street.

Overall, I have identified no detrimental amenity impacts which would warrant refusal of the scheme.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The current application submission has been accompanied by a Phase 1 Ecology and Bat Roost Risk Assessment dated May 2016. This details the results of a site survey undertaken in November 2015. The survey incorporated the visual assessment of the buildings for potential access points and evidence of bat activity. The survey concludes that the buildings will have negligible value for roosting bats and does not recommend any further survey work. Nevertheless precautionary measures are recommended.

In the context of the extant façade retention scheme, I am mindful that the LPA has already approved significant demolition works of the existing buildings. However, with the benefit of the updated surveys Officers are satisfied that the current application has been supported by the necessary evidence to demonstrate that the ecological position of the site has not altered in the intervening time since this approval to a degree that demolition would be harmful to ecology. Suitable conditions could be attached to any forthcoming permission in line with the recommendations of the Phase 1 Ecology Report.

Impact on Highways

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

I have already addressed car parking associated with this proposal. The Transport Statement submitted to accompany the application provides a more detailed assessment of the Highways Impacts to the proposal. This confirms that as part of the overall Potterdyke Scheme a total of 407 on-site car parking spaces were included to serve Asda, the PCT building and the Doctors Surgery. Of these, 367 spaces are confirmed as being available for public use. However, Members will be aware of the restrictions on these spaces. It is not the intention of the current scheme to rely on these public spaces for the purposes of the proposed hotel.

Nottinghamshire County Council raise no objections on the grounds of car parking subject to the NCP arrangements being secured. In any event I note that the site is within the town centre and is sustainable given its associated public transport links (notably the recently developed bus station and 2 no. railway stations).

Concerns in respect of implications on the highways network received during the consultation of the application are noted. It is acknowledged that traffic in the town centre can create issues at peak times, as is the case for many sub-regional and historic centres such as Newark. However, it does not fall for the current application to fix existing issues, rather to ensure that traffic generated as a direct result of this scheme is acceptable and mitigated as required.

The submitted Transport Assessment addresses trip generations from the current proposal but rightly acknowledges that there is an extant permission for the development of a mixed use retail, café and office use at the site. It is stated that the proposed hotel will generate up to 32 two-way trips in a peak hour, however once combined with the reduction in traffic resulting from the smaller retail use, the overall picture is one of a reduced amount of traffic from the extant planning position. As a consequence officer conclude that the effects of the proposal on the operation of the local highway network would be acceptable and consistent with SP7 of the Core Strategy and the relevant elements of Policy DM5 of the Allocations Document as well as paragraph 32 of the NPPF.

Taking the parking demand as a worst case scenario (full occupancy of the hotel with all residents arriving by car) the development would create a need for 66 spaces (based on one car per room occupied). Given that the NCP car park is not currently open overnight, the additional demand could be accommodated through this additional provision. However, in order for this to be secured, as confirmed by the comments of NCC Highways, it would be necessary for this to be controlled through an associated legal agreement.

Subject to the above, Officers are satisfied that the current proposal would not adversely affect the operation or safety of the highways network and would therefore be compliant with the intentions of SP7.

Other Matters

Members will note the various comments raised by interested parties which have been included in full in Appendix 1 for completeness. All comments received have been carefully considered in the above appraisal.

For clarity, it is considered relevant to make explicit comment on the 'contract' referred to in the Town Council's comments. It is understood that this refers to an Agreement entered into between the Council, M F Strawson Ltd and Asda on 2 August 2010.

A schedule to that agreement defined "Phase 3 Works" as the construction of retail units 6-8, the construction of units 1-4 if this was not carried out as part of Phase 2 and the demolition of such parts of the Robin Hood Hotel that were not demolished as part of the Phase 2 works (except for the listed building elements).

These Phase 3 works were to be completed within 4 years of the date on which the Asda store opened for trade. As the Asda store opened on 14 November 2011, these works should have been completed by 14 November 2015.

As the works have not been undertaken M F Strawson Ltd are in breach of that Agreement but the Council has agreed to defer any formal legal action until the application is determined. The Council would be required to seek an order for specific performance of the Agreement which is a discretionary remedy.

However, it is not for the Planning Committee to consider the merits or otherwise of the enforceability of the Agreement. In determining the application members should have regard only to material planning considerations.

Overall Balance and Conclusions

This is a controversial and sensitive matter and Members will note that the conservation bodies that have been consulted all object to the loss of the listed building and the harm to the conservation area. It is worthy of note in this context that clearly the relevant heritage consultees are dealing solely with matters of heritage, rather than the role of officers and indeed Members which is to weigh in the balance all material planning considerations. The demolition of listed buildings is not a decision that should be taken lightly and the issues that should be at the heart of Members' deliberations and ultimately decision-making are set out in full above. For awareness, given the nature of this development this report and recommendation has been shared by officers with legal Counsel.

Notwithstanding the appearance and dilapidated current state of the building, officers have reached the clear conclusion, in line with Historic England, the Conservation Officer and the other conservation bodies that have been consulted, that this proposal will lead to the total loss of significance of a nationally important, Grade II Listed heritage asset, thus causing substantial harm both to the asset and the existing character and appearance of the Conservation Area. Such harm gives rise to a strong presumption against consent being granted. Against this backdrop it must be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133 of the NPPF).

I have explained that Travelodge has committed to the proposed scheme through board approval to proceed with the development which would be secured through an associated S106 agreement.

I have identified a need for hotel accommodation in Newark and the failures of previous schemes

to come forward. Viability evidence has been provided to demonstrate that whilst still marginal, the scheme would be viable and deliverable, with a secured hotel operator. I am mindful that the Council has been presented in the past with schemes which the applicant has been confident could be delivered, notably the extant facade retention scheme. The important, material, and persuasive differences in this case are that there is a nationally recognised end occupier involved and that the applicant is willing to enter into a S106 Agreement with the Council in order to secure that no works can take place unless and until a contract has been let to actually build the hotel.

Moreover, it is materially different that the current scheme will deliver other substantial public benefits, including a £5.5m investment, 62 jobs, an enhanced night-time parking offer for the town, and associated benefits to the over-night visitor and tourist economy. The scheme will deliver an appropriate, contemporary design which (notwithstanding the aforementioned impacts on the designated Conservation Area caused by the loss of the LB) will fit well (as indeed the conservation officer agrees) with the wider Potterdyke development. It will finally complete this development in terms of the final link between Asda and the town centre. In combination, I consider that on balance, the proposed development would achieve substantial and deliverable public benefits. On this basis, having regard to the statutory tests and both paragraphs 132 and 133 of the NPPF, I consider that the loss of the building is justified. The conflict with relevant heritage policies of the development plan is acknowledged and indeed as is the relevance of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 in this respect. For the reasons outlined above, officers consider that material considerations have been identified which would allow for determination to be made contrary to the development plan.

Members have been clearly directed to the relevant matters to consider in this case, including all statutory and policy requirements. The officer recommendation in this case is for approval.

Members are advised that there remains an outstanding request for this matter to be 'called-in' for the Secretary of State's own decision. On this basis, if there is a resolution of the Committee to grant permission, that will be subject to the Secretary of State determining not to intervene.

RECOMMENDATION that:

- (1). Members resolve to approve both full planning permission and listed building consent subject to the conditions and reasons shown at Appendix 2;**
- (2). the applications be referred to the NPCU, as required, for them to decide if the application should be called in for determination by the Secretary of State;**
- (3). approval of the applications are subject to a signed Section 106 agreement to ensure the scheme is delivered as demonstrated through the associated plans in respect of the new build development and the securing of the overnight car park provision.**

BACKGROUND PAPERS

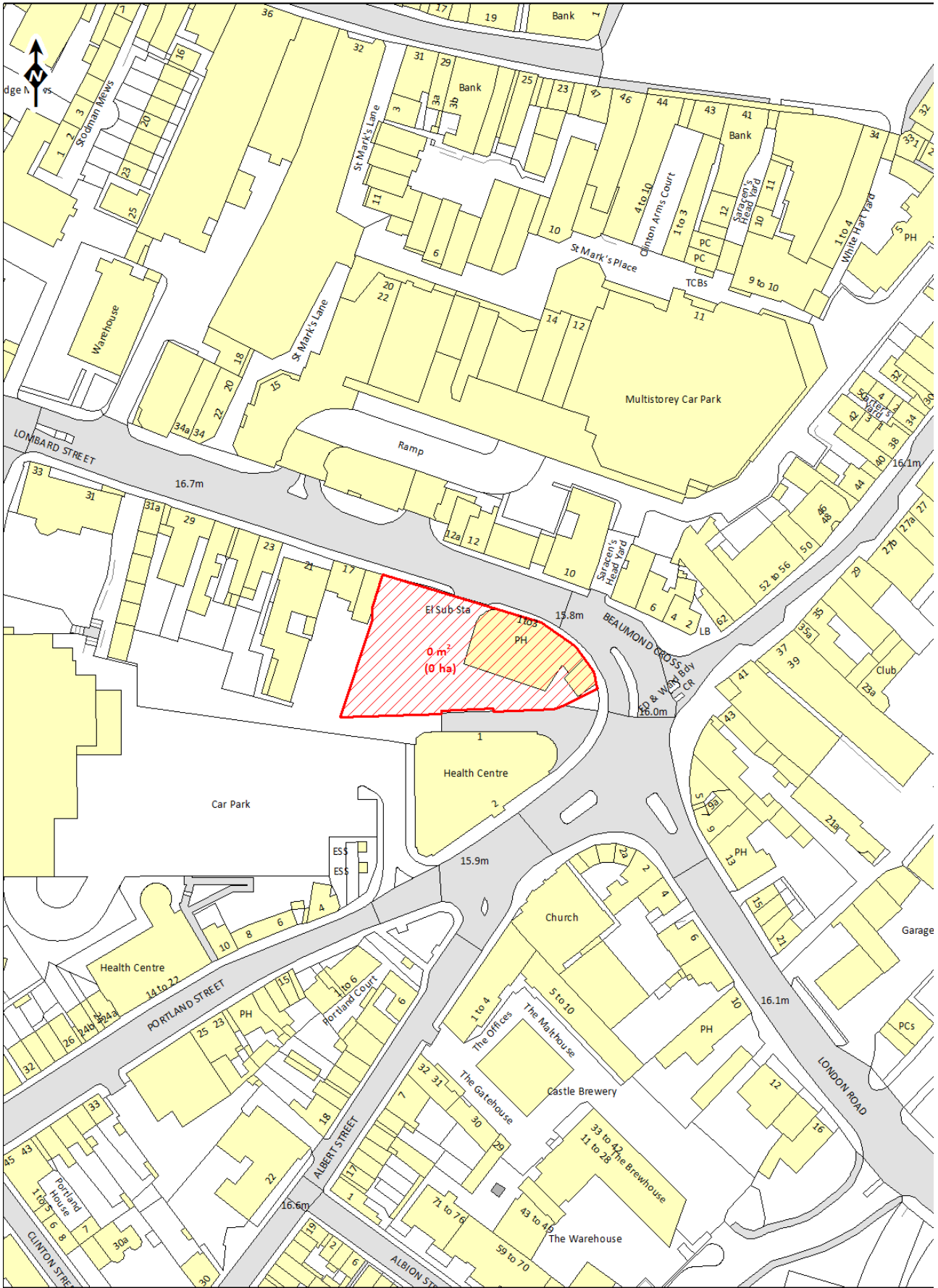
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/00914/FULM



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

NSDC Conservation -

Heritage assets affected - The former Robin Hood Hotel is Grade II listed.

The proposal site is located within Newark Conservation Area (CA) which was originally designated in 1968. There are a number of other listed buildings nearby on Lombard Street, including 6 & 6A, 8 (8A and 8B), 10, 12, 21, as well as 39-41 Carter Gate, the former Mail Coach PH on London Road and the former office range at Castle Brewery.



Extract from the National Heritage List showing listed buildings in the vicinity.

Main issue(s)

The main historic environment issues in this case are:

- i. What impact the proposal has on the special interest of the listed building identified as the former Robin Hood Hotel;
- ii. Impact on the setting of any other listed building, taking into account the group value of listed buildings on Lombard Street and the wider Beaumont Cross junction;
- iii. Impact on the character and appearance of Newark Conservation Area.

Legal and policy framework

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

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

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition,

'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 16, 66 and 72

of the Act). The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will¹.

Significance of heritage asset(s) affected

The former Robin Hood Hotel

The former Robin Hood Hotel was originally designated on the 19th May 1971 (list entry number: 1297717).

The list entry, which was revised in August 1992, includes the following details:

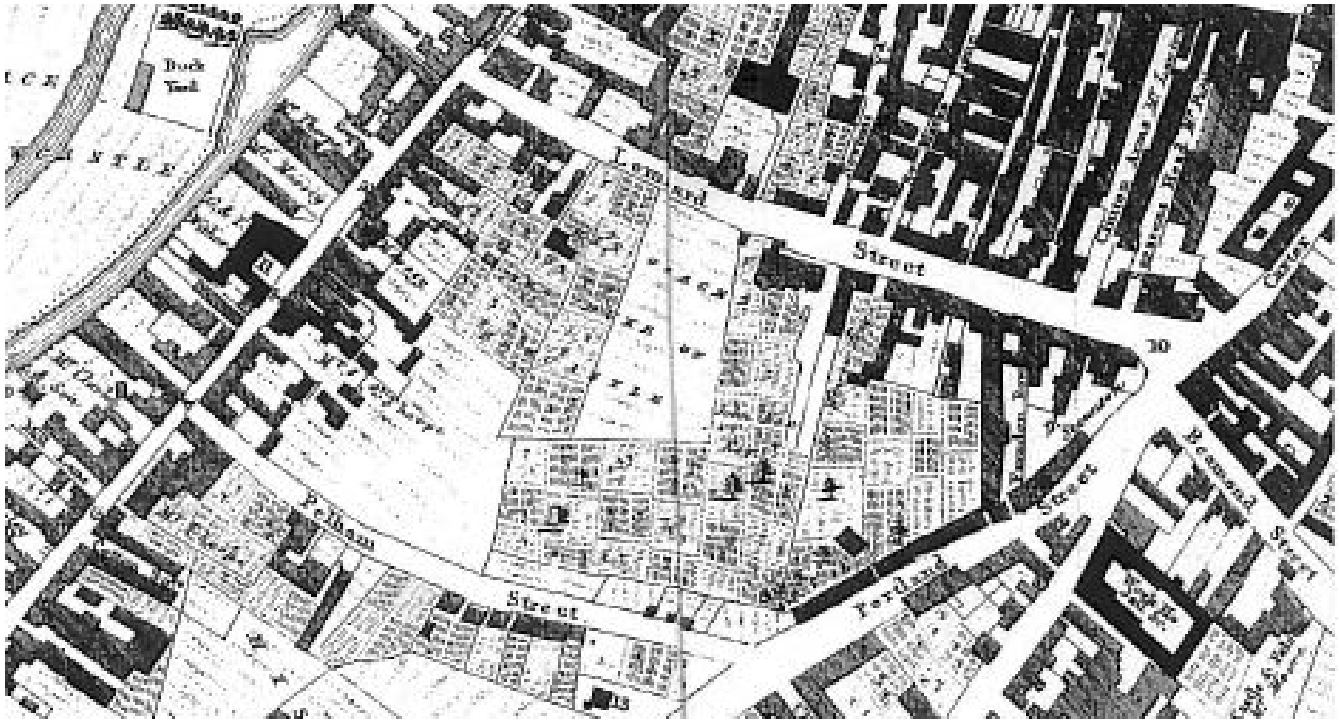
"3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108."

The former Robin Hood Hotel appears to have originally been three town houses, and it is quite possible that there are older remnants of medieval or post-medieval timber frame form within at least

¹ See for example Mike Harlow (2013): '*Legal Developments*', Conservation Bulletin (Issue 71: p.54). Mike is the Legal Director at Historic England.

part of the complex as is typical of many historic buildings within the town that were remodelled in the 17th and 18th century².

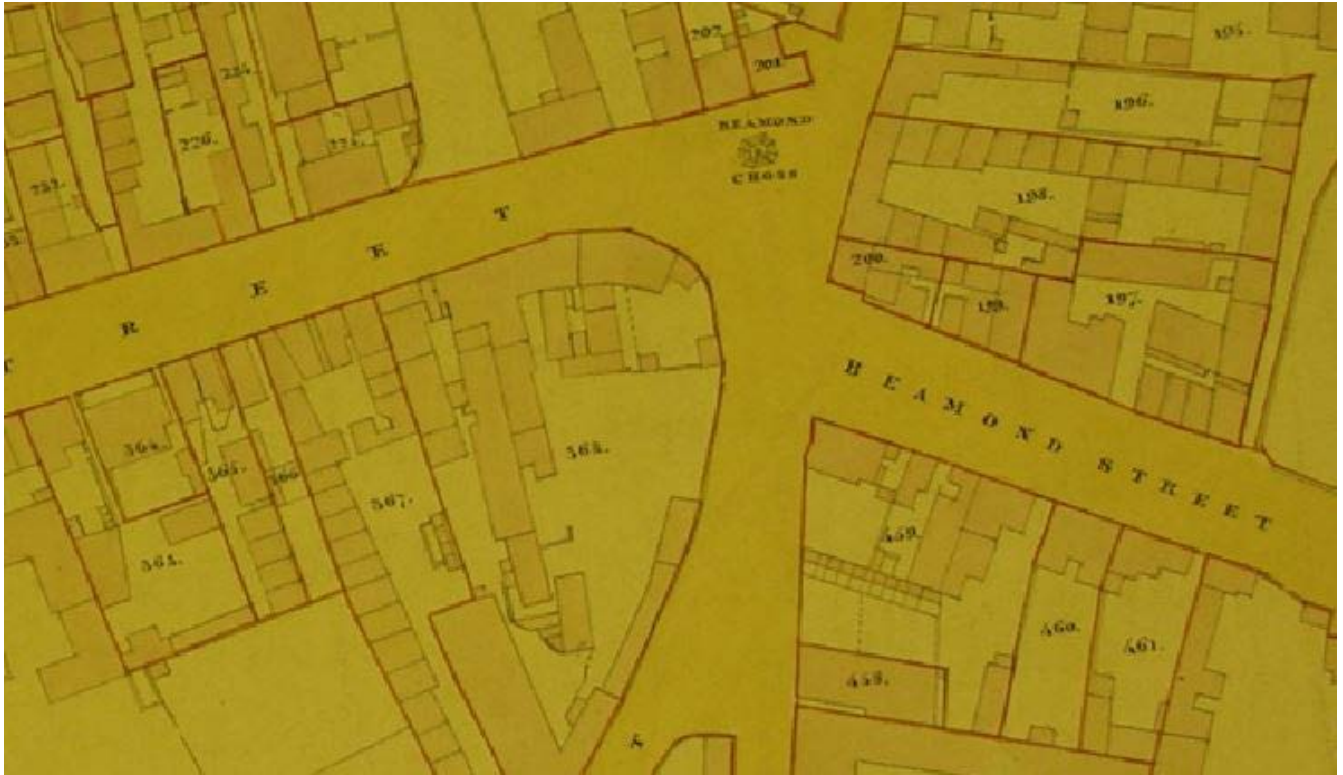
The first historic reference to the Robin Hood as a public house is 1781, and it is assumed that the three townhouses had been adapted into one by this point. The buildings can be understood on a 1790 survey plan when occupied by Mrs Brough and Mrs Mough with service elements probably including stables, brewery and kitchens³. In 1832, the site is recorded as an inn run by John Allen.



Extract from Wood (1829). Note the row of cottages between Lombard Street and Portland Street called 'Farndon Row'.

² The complex archaeological deposits from Robin Hood Yard include a Roman coin, medieval pottery and a post-medieval gully (see L12271, L12272 and L12273 on the County HER).

³ There is a 1796 record of a licence for the property.



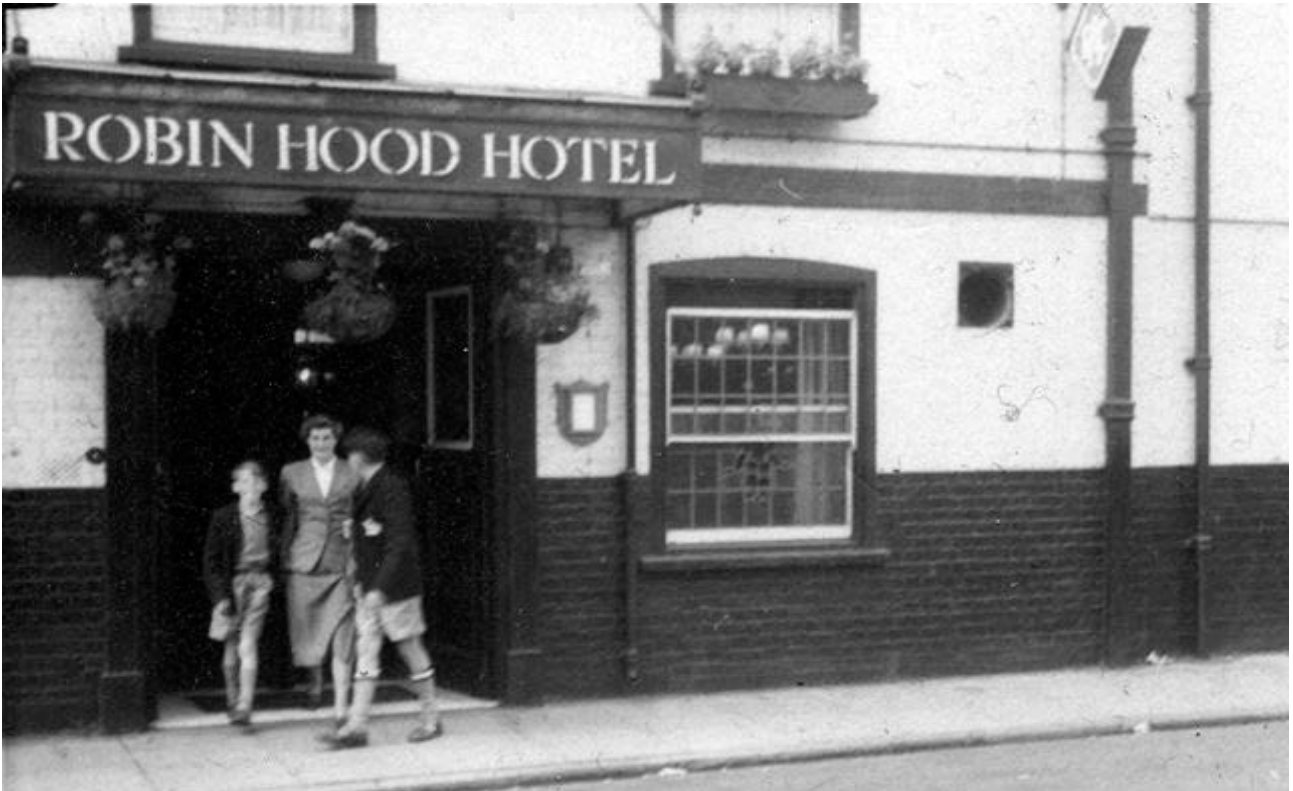
Extract from the 1842 Newark Tithe Map.



Top and bottom: Beaumont Cross in the early 1900s (source NEMPR).

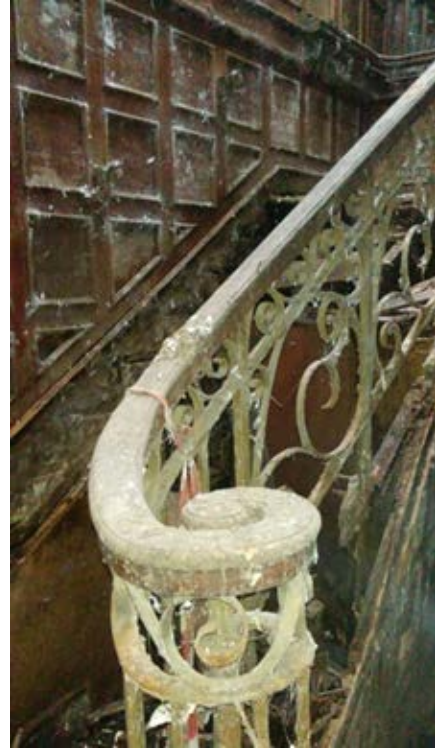


Above: *The Robin Hood* in the 1950s (source: NBPT). Below: photo from 1954.





The Robin Hood in the setting of the Beaumont Cross in the mid-20th century. Note the Beaumont Café.



The Edwardian remodelling of the Robin Hood included timber panelling and decorative staircases.



One of the malthouses behind the Robin Hood, now demolished.

During the early 20th century, a distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling.



The early 20th century wing wraps the gable. The interior of this part of the building is also early 20th century.



The Robin Hood c.1900 (source: North East Midlands Photographic Record). The Robin Hood is on the right hand side. Note the building which predates the Edwardian remodel.

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then.



Today, the former Robin Hood can be split into three different buildings (above, labelled A, B and C from east to west). The central building (B) is the oldest and originates from at least the early 18th century. The building closest to Beaumont Cross (A) was built next, followed by the most westerly building (C).

Building A comprises a 2 and a half storey red brick townhouse. The masonry is constructed in Flemish bond (painted) and there is a crude 20th century shop front in the left 2 bays. The façade includes a stone plinth, string course, dentilated eaves and windows have brick arch headers and stone cills. The roof is covered in modern concrete tiles, and there is a brick stack in the left gable.

The central building (B) is 5 bays, being 2 storeys with stone ashlar affect render, stone plinth and brick string course. The slated steep roof pitch and central ridge stack evokes older post-medieval building form.

The western building (C) is a three bay, 2 storey structure built in red brick (Flemish bonded) and has a slate roof. The west gable includes the remnants of a 2 storey 1923 extension that is flat roofed with parapet and a wall stack. There is a lantern light in the flat roof over an internal stair. There is a flat

lantern light mid-way between buildings B and C on the rear flat roof addition, also above an internal stair.

The Lombard Street façade of building C includes a central double door with moulded Ionic pillars.



The rear car park in early 2000s.

As can be seen in the historic map extracts above, there were extensive rear additions and service elements from the 19th and 20th century. Most of these elements were removed during the recent Potterdyke redevelopment.

The building group is in parlous condition. Since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe. The demolition of the rear service elements has contributed to the unappealing appearance of the historic building range with crude scars highly visible to footfall into the retail area behind.



The rear of the former Robin Hood marks the scars of demolition.

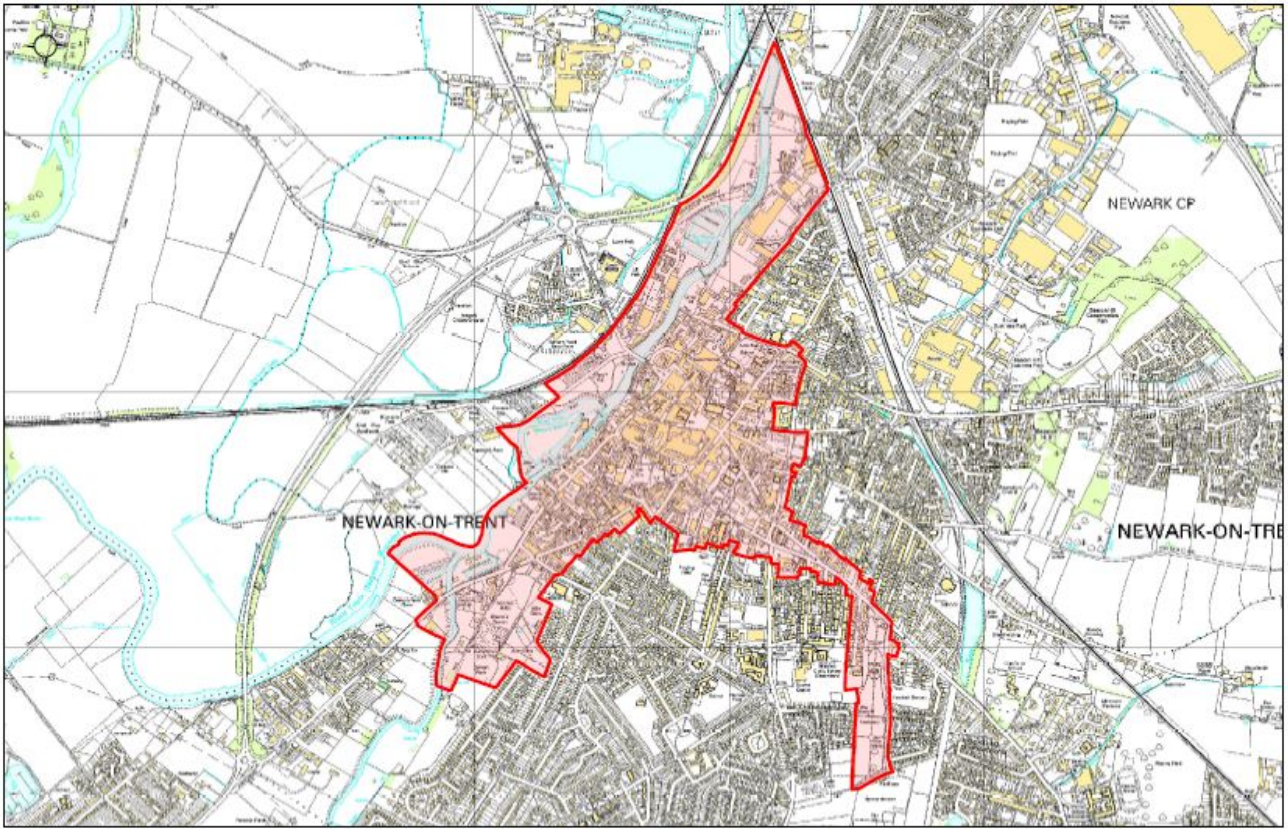
Despite their dilapidated condition and modern 20th century interventions, the buildings retain much of their 18th century identity when seen from Lombard Street and Beaumont Cross. In addition to their townhouse form, architectural interest is expressed in the masonry, joinery design (including headers), string courses and dentil detail.

In addition, internal interest can still be derived from the plan-form of the buildings (notably in upper floors) and elements of surviving fabric. The cellars are also of interest, and the uncovering of part of a cruck structure in building A alludes to post-medieval significance.

Newark Conservation Area

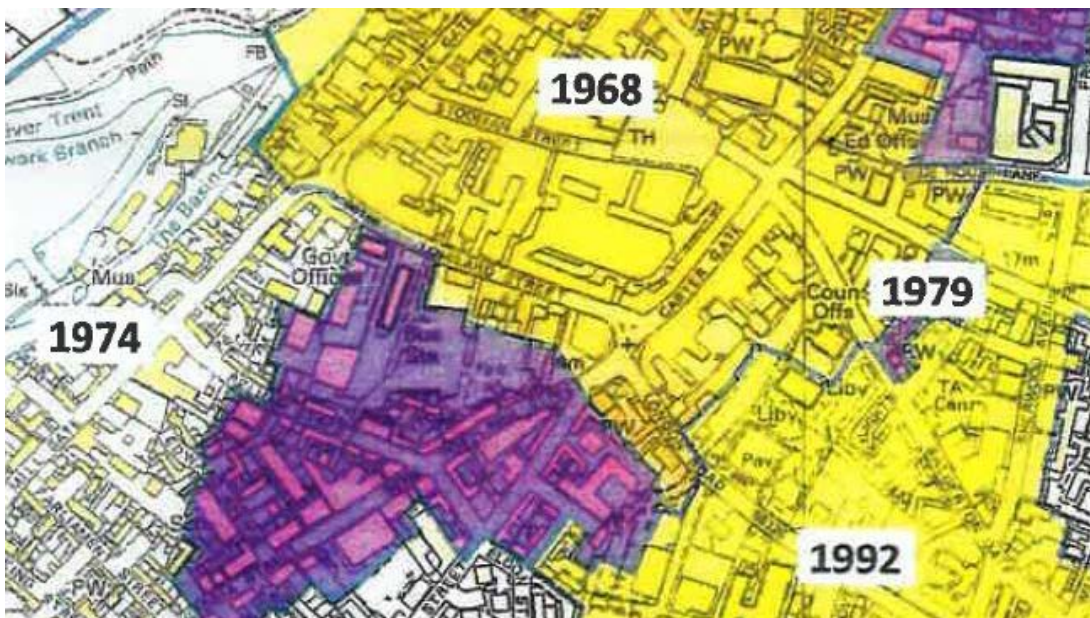
Newark Conservation Area (CA) was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street.

The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.



© Crown Copyright and database right 2012 Ordnance Survey. Licence 10002288.

Newark Conservation Area



Dates of CA designation. The purple areas are 1979.

Further parts of Lombard Street were included in the 1979 amendments, but Beaumont Cross formed part of the original designation (including the Robin Hood Hotel complex).

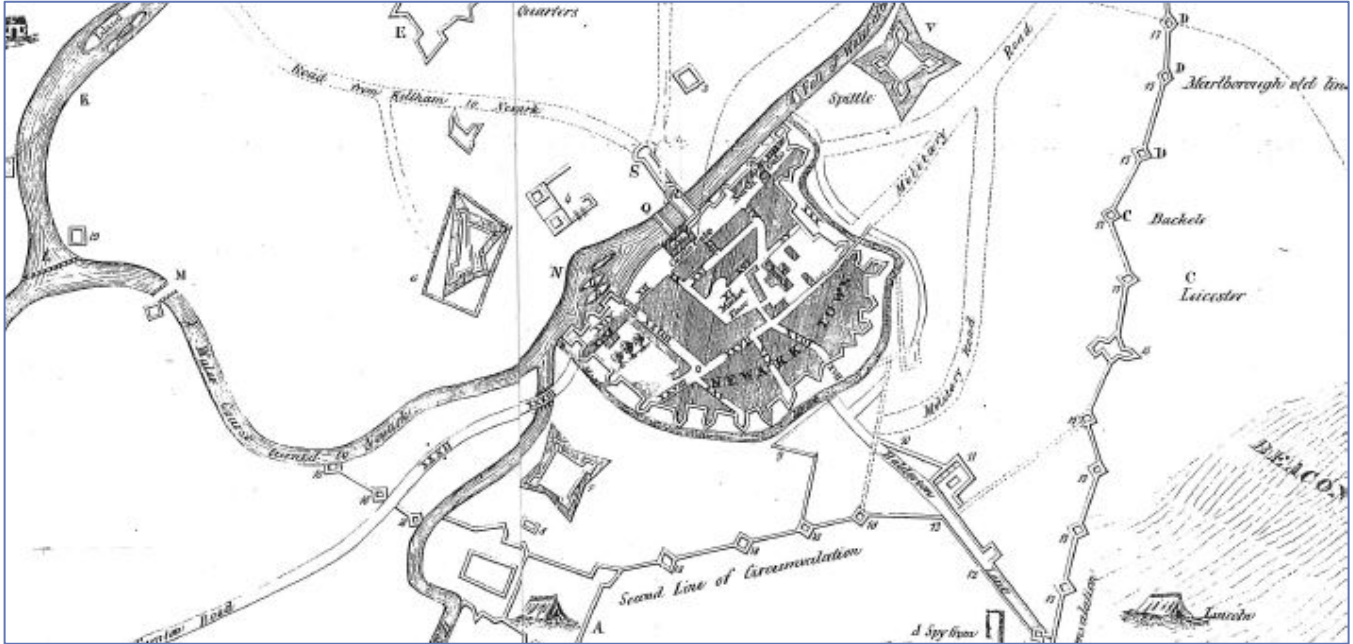


Lombard Street in the early 1900s (source: NEMPR)

The Lombard Street character area forms the southern edge of Newark's historic core, stretching from the intersection with Castle Gate to the area where the Beaumont Cross once stood at the historic junction with London Road.

It is known from documentary sources and excavations that the medieval town defences enclosed roughly a square area of which Lombard Street formed the southern boundary. It is thought that these defences were built along with the castle after the Conquest in the late 11th century.

The name Potter Dyke (now Lombard Street) is first recorded in 1331 and reflects its position over the south line of the 'town ditch'. Several excavations showed that the line of the wall lay directly under the line of the modern property frontages.



Extract of the 1640s Civil War siege engineer plans.

Other than the medieval town defences, there is limited evidence of extensive activity on Lombard Street before the 16th and 17th century. Mapping from 1646 reveals that Lombard Street is a prominent roadway within the main town defensive ring.

Chapman’s Map of Nottinghamshire 1774 and Attenburrows’s 1790 Map show that Lombard Street had buildings on both sides of the street. In particular it is noticeable that on the north side of the street there are narrow burgage plots running perpendicular from the Market Place with extensive yards to the rear and buildings fronting Lombard Street.

On Woods 1829 Map, it can be seen that to the south the street was not as densely developed as the north with a large open space belonging to the Duke of Newcastle. Also on this side of the street were two significant buildings set in large grounds. The first known as Potterdyke House, is a significant town house which dates from the mid-17th century and has been re-fronted in the 18th century with subsequent alterations. The second polite building is known as Lombard House, and originates from the late-18th century. Other buildings of interest at this time are identified on Wood’s Map, notably the Johnsonian Chapel on the southern side of the road (which has since been demolished) and on the north side of the street is the distinctive Independent Chapel built in 1822 and designed by W. Wallen in a classical revival style (this building is now an antiques warehouse).

Also marked on the map at the junction where five roads meet is the area known locally as the Beaumont Cross, an association which dates from as early as the 14th century and is the former site of Beaumont Cross. The original Beaumont Cross consists of a medieval stone socle (a type of stone base) and shaft which stands on four octagonal steps (which are a more modern addition). The origin of the Cross is not known but it has been suggested that it may have been an Eleanor Cross, erected between 1291 and 1294 by King Edward I in memory of his wife Eleanor of Castile, marking the nightly resting places along the route taken by her body as it was taken down to London. However, another theory suggests that the Cross is a memorial to Viscount Beaumont, erected by his widow following his death at the Battle of Towton in 1461. The Cross otherwise formed a distinctive boundary marker at the crossroads. The Cross underwent significant renovations in 1778 and again in 1801, which included the addition of conical stone cap and weather vane. In more recent years, railings were erected around its base (presumably to protect it from the increasing traffic levels at the junction) and more significantly, in 1965 it was moved to its current position in Beaumont Gardens on London Road.



The Robin Hotel is an important focal building in this context. Beaumont Cross was certainly a significant junction at the time that the Robin Hood buildings were constructed.

Development on Lombard Street continued throughout the 19th century. Christ Church was built on the north side of the road, being designed by J. D. Paine in 1836.

In the early 20th century, a bus station was opened to the rear of the Robin Hood Hotel. This remained the case until the 1960's when the bus station was relocated to its current position.



Aerial of the Robin Hood, c.1933. Note the early 20th century bus station. Source: Britain from Above.

By the late 1960's, demolition had taken place on the north side of Lombard Street to reveal backs of buildings and hotel yards, and a large open area was became used as car parking. During the 1970's, this car-park area was redeveloped and the St. Marks Shopping centre was built which incorporated shops and a multi-storey car park.

The Potterdyke redevelopment began in 2010, and the large, modern buildings forming ASDA and the medical centre on Portland Street. Combined with the modern car park on the opposite side of the road, modern development has had a massive impact on the street. Nevertheless, the enclosure of the road and remnants of historic buildings and cottages renders the roadway an important part of the CA, culminating in the focal area of Beaumont Cross.

Townscape analysis

On entering Lombard Street from Castle Gate, the road gently curves with buildings set tight to the road edge. Continuing down the street, buildings on the left hand side are predominately brick and two and three storey in scale, with the exception of a single storey building of character which terminates the row. Behind this row of buildings is a section of wall which is part of the earlier town defences and a scheduled ancient monument.

Adjacent to this building is a narrow street which leads to a former congregational church built in a classical revival style with single pedimented stucco porches and a pilastered front which stands prominently in the street scene. To the right of this narrow street is an imposing former church built in an early English style using buff bricks. This building fronts Lombard Street and is slightly set back from the road edge behind railings. There are mature trees to either side of the building which provide an element of greenery in the street scene with the church sitting prominently behind.

Continuing along Lombard Street on the left hand side is St. Mark's Lane which has been truncated by the entrance to Marks and Spencer. Adjacent to this is the 1976 development of St. Mark's Place which fronts Lombard Street and incorporates a multi-storey car park. Whilst the scale is similar where it fronts the street, the development is set back from the road edge and gives a stark contrast to the surrounding Georgian buildings.

Towards the Beaumont Cross junction at the end of Lombard Street, buildings on the north side of the road are set tight to the road edge, keeping a sense of enclosure and are three storey in scale. In between these buildings is a narrow street which was formerly the Sacaren's Head Yard. The vista along this street is now unfortunately terminated by a multi-storey car-park. At the Beaumont Cross junction the road gently curves to reveal buildings on the corner of Carter Gate and London Road and the Castle Brewery building beyond. Looking back up Lombard Street towards Castle Gate, the junction is terminated by a row of listed cottages.

In contrast to the north side of Lombard Street, the south side of Lombard Street differs in quality with a loss of enclosure at several points. The former Robin Hood Hotel punctuates the junction, but otherwise remains unoccupied and in a poor state of repair. However, after the gap site between the Robin Hood and the Potterdyke redevelopment, continuing down Lombard Street on the south side is a row of buildings which give a strong sense of enclosure within the townscape. These buildings are two and three storey in scale and predominantly brick and are a mixture of listed buildings and buildings which contribute to the townscape quality.

Further along the street, Potterdyke House has a strong sense of presence within the street scene and to the rear of the property the garden provides an element of greenery with mature trees and hedging. Continuing down the street is the entrance to ASDA and the bus station. The townscape at this point has changed considerably. Towards Castle Gate is a small yard area which has several domestic and

commercial buildings. To the right of this complex is the remnant of the car showroom, an early 20th century building of townscape quality (occupying the corner of Lombard Street and Mill Gate).

Lombard Street predominately consists of red brick buildings which are either two or three storeys in scale. Many of the historic buildings are Georgian period in a classical style. A notable exception to the use of red brick is the former Christ Church which is built using buff brick in an 'early English' style. Elsewhere bricks are used for decorative effect, including use of buff brick to form headers and in string courses at both first floor and eaves level. Several buildings in the area are built in Flemish bond using pale headers to provide an overall decorative effect. A small number of buildings have had the brick work painted or been rendered.

Roofs are either gabled or hipped with traditional clay pantile or slate coverings, with occasional use of concrete pantiles. Verges on gables are simple and dentilated and cogged eaves are common. Gutters are usually traditionally set on rise and fall brackets, although on higher status buildings, parapet gutters are used.

Six over six vertical sash windows prevail in the early 19th century properties, with a range of different sash styles being used during the Victorian period. A number of windows in Georgian properties have been replaced with Victorian sashes. No 34 Lombard has metal windows which were popular in buildings of this type during the early 20th century. No 23-25 Lombard Street has fine examples of decorative oriel bay windows at first floor level.

Georgian period six panelled doors are typical, with later four panelled Victorian versions evident. There are also some very attractive Georgian timber doorcases, using pediments and pillars. Some doors also have decorative fanlights above.

The use of stone within Lombard Street is extremely limited and confined to mainly door and window lintels, window sills and a limited number of doorcases. Many of the properties in this area are retail at ground floor level and the shopfronts vary greatly in quality and style.

The majority of pavements in this character area are plain tarmac, however there are some areas which have been paved. St. Marks Lane has a mixture of slabs edged with pavers and heritage street furniture. Unfortunately the overall effect of this scheme has been degraded with tarmac being used to carry out repair work.

The area at the top of Carter Gate leading into Beaumont Cross has been part of a town centre improvement scheme which improved the street surfaces and furniture. This scheme improved the quality of the environment at this point, but it is clear that Lombard Street would benefit from a similar scheme. The Beaumont Cross junction itself is poorly laid out, with staggered pedestrian crossings and a highway dominated public realm. Street signs and bollards clutter this area.

Structural condition of the former Robin Hood Hotel

The buildings comprising the remnants of the Robin Hood Hotel are identified as being unsafe and in poor condition.

In July 2015, the LPA was presented with a copy of a 'Viability Appraisal Report' prepared for Nottinghamshire Building Preservation Trust (NBPT) by Soul Architects and funded by the Heritage Lottery Fund. As well as a detailed description of the building's significance, the report incorporates a condition report and structural survey. The structural report (prepared by William Saunders) advises that the property is suffering badly from water ingress to all areas resulting in the following defects:

- Approximately two-thirds of the principal listed building has a timber suspended floor at ground level, and most of the timber boarding and joists are rotten;
- All of the first floor timber boarding, joists and beams are showing signs of extensive rot and decay, with evidence of dry rot and wet rot visible. It is assumed that second floor timbers and roof timbers are similarly parlous;
- The two staircases leading to upper floors have both partially collapsed due to timber rot and decay;
- Structural steel beams at ground floor level show extensive corrosion and delamination;
- External masonry appears to be in a reasonable state with no visible evidence of settlement or distress. Some isolated timbers in the exposed masonry on the east side and rear is showing signs of rot and decay.

The structural report made a number of recommendations, including urgent works. Overall, the report found that the masonry walls were generally sound and can be retained provided that remedial works were carried out to remove isolated timbers built into the external walls (and then made good with matching bricks) and that any areas of fungal infection be identified and treated. However, all floor, roof and stair case timbers would need to be fully replaced, and all steel beams would need to be replaced (or load bearing walls reinstated). The cost of these works is estimated to be between £291,000 and £301,000.

The Viability Appraisal Report appears to identify a commercial development proposal with potential demand. The preferred option suggested a cost of £646,000 (capital costs) and a heritage deficit of £421,000 (a gap between repairs costs and commercial value). The figure includes professional fees and VAT. Despite an offer from NBPT, the site owner elected to withdraw from any further conversations around the Viability Appraisal Report prior to the submission of the Travelodge proposal.

The exterior of the former Robin Hood has been regularly inspected since it was first identified on the County Buildings at Risk Register in 2004. The Council has nonetheless taken positive steps to address the condition of the Robin Hood. The Council wrote to the owner in March 2016 warning them that the Council was seriously considering using its powers under relevant planning legislation to address the condition of the building. In accordance with the 2015 structural report, the site owner agreed to install the acrow props suggested as urgent works. These were inspected by the Conservation Team on the 25th April 2016. During the inspection, the Conservation Team noted that the two roof lantern lights had failed and significant water was coming through. A follow up letter was sent on 25th May 2016 by the Conservation Team confirming the requirement for additional urgent works and the owner was therefore asked to put temporary covers over the lantern lights. This request was agreed and appropriate works subsequently undertaken (these works to the roof were inspected on the 1st June 2016). In addition, the site boundary fence had been vandalised in April 2016 and the temporary door at the rear broken into. These elements were also raised with the site owner, and the fence was consequently fixed and the door re-secured (also inspected in June 2016).

The May letter included a copy of a draft 215 Notice. The owner acknowledged receipt of the Notice and agreed to consider it. The applications for demolition and redevelopment were received in June 2016. Given that there was a reasonable chance that a decision might be made in the usual major application time frame, no further action was taken. However, given that the scheme has been significantly delayed, officers have revisited the 215 Notice and this may now be served.

Assessment of proposal

The Robin Hood Hotel is a Grade II listed building. It is included on the list as being of special historic and architectural significance in a national context. The building also sits within the Newark Conservation Area (CA), and by virtue of its age and architectural interest, contributes positively to the character and appearance of the CA.

The submitted application to which this advice relates seeks consent for total demolition of the remaining Robin Hood Hotel structures. The applicant acknowledges that this will result in substantial harm. However, in accordance with paragraph 133 of the NPPF, the applicant argues that the public benefit arising from the total demolition and construction of a new Travelodge Hotel will outweigh this substantial harm. Nevertheless, a clear and convincing justification is required, noting that loss of a Grade II listed building should be exceptional (paragraph 132).

The building is in a poor structural condition, and has continued to deteriorate over a long period of time. The site benefits from a valid, implemented permission for redevelopment which allows for significant demolition (07/01461/LBC). Given the complex planning history of the site and the perceived economic benefits of the original Potterdyke redevelopment proposals, Conservation accepts that some weight might be given to viability arguments and the fall-back position, but that

caution should be exercised. Paragraph 130 of the NPPF reminds us that where there is evidence of deliberate neglect to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. It is acknowledged that disrepair is not always a sign of deliberate neglect and that LPAs should not otherwise delay proposals that might result in significant investment into an area. Where it appears that a heritage asset has been left to decay in the hope of making consent or permission easier to gain, however, the LPA should disregard the worsened state of the asset. In this case, it is clear that the applicant has made some efforts to arrest specific elements of deterioration, but that routine maintenance has been limited since they first acquired the site and that the current condition might have been avoided with basic repair work at an earlier stage. As such, weight should be given to the ability of the LPA to remedy the conservation of a heritage asset by use of its repair and compulsory purchase powers. Paragraph 46 of the Historic Environment Good Practice Advice in Planning Note 2 reminds us that the potential to exercise enforcement powers as an alternate means of conservation could be a material consideration in determining an application in accordance with the objectives in paragraphs 127 and 207 of the NPPF (similar advice is contained within the Historic England publication *Stopping the Rot: A guide to enforcement action to save historic buildings*). The LPA has taken clear steps over the last 12 months to improve the appearance of the site, including the issue of a Section 215 Notice (requiring repairs to joinery, roof, rainwater goods, masonry and the removal of external greenery).

The Conservation Team agrees with the applicant that the total demolition of the former Robin Hotel complex is substantially harmful to the listed building itself. The total demolition of this nationally significant building within the Newark CA will also result in substantial harm to the area's special architectural and historic interest, noting the importance of the few remaining coaching inns within the town. Situated prominently at the Beaumont Cross junction, a significant location within the CA, complete demolition of the building will diminish and erode the historic townscape, and will remove evidence of how the area developed architecturally and socially.

The proposed redevelopment of the site will not better reveal the significance of the historic environment in this case either (paragraph 137 of the NPPF). The scheme submitted seeks to build a substantial three storey hotel building directly onto Lombard Street and wrapping the corner with Beaumont Cross. Whilst this is positive in urban design terms by maintaining street enclosure and creating active frontages, the new hotel will be significantly larger and bulkier than the building range it replaces. In the context of the Potterdyke redevelopment scheme, the scale, form and appearance of the proposal sits comfortably against the ASDA complex and the Lombard Medical Centre. However, the hotel building is dominant in the context of 18th and 19th century buildings along Lombard Street and Beaumont Cross. The length of the proposed hotel building, as well as its height and depth, contrast negatively with the narrow plots and gables of historic buildings along Lombard Street. Conservation accepts that Lombard Street has become fragmented in places as a result of post-War development, notably the car park, bus station and ASDA development. However, the proposed

development exacerbates the large-scale 20th century changes to the historic environment rather than better revealing its significance.

It is acknowledged that the main elevations of the proposed hotel building are punctuated with fenestration that has depth and texture rather than a flat, flush window plane. The scheme also references traditional dimensions in its articulation of bays. Nevertheless, the new elevation to Lombard Street comprises a 15 bay building which contrasts with the typically 3 to 5 bay traditional buildings on the street. Whilst a crude comparison, it highlights how the proposal does not respond to the historic building plots and townhouse form that characterises much of this area. However, Conservation accepts that the proposal is consistent with the scale and form of the Potterdyke redevelopment scheme. When viewed from receptors at the climax of Carter Gate, the wider Beaumont Cross junction and along Lombard Street in aspect, the proposal will appear to integrate with both the Lombard Medical Centre and the ASDA complex.

Conservation recognises that the applicant has sought to address some of the concerns raised by Historic England and other consultee critics by changing the roof covering and altering the Beaumont Cross façade. Slate will better reference traditional building roof coverings than the ply membrane submitted initially. However, the new roof dimensions add additional bulk to the new structure, exacerbating the dominance of the new hotel building. It is accepted that the changes to the Beaumont Cross façade (as shown in the initial submission) make a better contribution to this road junction in terms of visual interest and legibility. Notably, the glazed turret element helps draw the two elevations together and improves the legibility and primacy of the entrance to the proposed hotel at this prominent junction (the night time indicative helps to illustrate this).

It is acknowledged that potentially significant public benefits are material in this case. Further to paragraphs 133 and 134 of the NPPF, it is possible that substantial public benefits can be weighed against harm. Whilst the public benefits may comply with the objectives of paragraph 7 of the NPPF, the scheme does not include any heritage benefits as identified under para. 020 (Reference ID: 18a-020-20140306) of the PPG. There is currently no draft s.106 agreement in place that substantiates some of the benefits identified in the scheme, and until submitted, limited weight should be given to these perceived benefits. In addition, it should be noted that recent appeal decisions have reiterated the importance of public benefits being substantial when considered against harm to designated heritage assets. In a recent appeal decision at Doncaster Frenchgate Shopping Centre (APP/F4410/W/16/3146851), for example, an Inspector accepted that a scheme for a cinema would result in a substantial investment into the area of over £10million, as well as generating 200 jobs in a sustainable location, but found that these public benefits did not outweigh the harm to the setting of nearby listed buildings. Given that the Travelodge proposal will generate less jobs and less investment and cause much more substantial harm than the Frenchgate appeal, public benefit values in this case do not seem to be sufficiently substantial enough.

In addition, the 2013 Judicial Review brought about by The Victorian Society (in conjunction with SAVE Britain's Heritage) against the decision made by Sheffield City Council to demolish the Jessop Hospital, an important listed building, ruled on an important point of law. The Appeal Court confirmed that paragraph 133 of the NPPF should be interpreted as meaning that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs must look at the benefit of demolition, rather than just the benefit of the overall scheme. Only if the substantial harm or loss to the heritage asset is necessary to achieve substantial public benefits should that public benefit outweigh the harm or loss to the building. Thus LPAs must consider whether there are substantial public benefits that justify the exceptional course of authorising the demolition of a listed building when compared with the benefits of a scheme which would retain it, and to consider the public benefits of options other than total demolition. In this case, no persuasive evidence is provided that would demonstrate that a scheme of retention is not possible. Indeed, given the continued interest of both Heritage Lincolnshire and NBPT, we do not think that there is a clear and convincing justification for demolition.

Summary of opinion

Demolition of the former Robin Hood Hotel does not accord with the objective of preservation required under sections 16, 66 and 72 of the Act. The demolition of the listed building does not constitute sustainable development as defined within paragraph 7 and section 12 of the NPPF, and nor does it accord with heritage advice contained within CP14 and DM9 of the Council's LDF DPDs. This harm is substantial. Conservation does not believe that there is a clear and convincing justification to merit substantial harm, a situation that should otherwise be exceptional. Although Conservation recognises that there are some merits to the submitted design approach of the new hotel, the scheme is not considered to better reveal the significance of the Newark Conservation Area or the setting of other listed buildings on Lombard Street. It is also felt that weight should be given to the evidence for alternate redevelopment options which do not require full demolition, noting potential funding opportunities. Weight should also be given to the potential legal avenues available to the LPA for enforcement to remedy the condition and appearance of the listed building. Overall, the proposal is not considered to warrant an exception to the presumption to preserve the listed building.

Conditions (without prejudice)

All facing materials;

Slate to be natural, sample to be submitted;

Full detail of external joinery, including finishes;

Further details of all external accretions (flues, meter boxes, grilles, rainwater goods etc)

Newark Town Council - Newark Town Council's Planning & Regeneration Committee considered the above planning applications for the demolition of the Robin Hood Hotel and the redevelopment of the site at its meeting held on Wednesday 27th July 2016.

In assessing this application Members took into consideration the detriment that would be caused by the loss of the Listed Buildings against the positive impact that the new buildings would have.

In terms of the harm resulting from the demolition the following factors were felt to be relevant:

- (i) From an historic perspective the Georgian town houses represented one of the first developments to take place outside of the historic town walls,
- (ii) Whilst the development would result in the loss of these Listed Buildings it was felt that the resulting harm was at the low end of the scale,
- (iii) Evidential heritage is limited due to the many changes to the façade and ground & first floor internal layout. Thus historic significance is also limited, as is the aesthetic. Only recent communal significance pertains, and that is of the premises as a hotel,
- (iv) In terms of the location of the premises; the setting is assessed as the Beaumont Cross area which is distinct from the greater Newark Conservation Area,
- (v) The design of the new buildings is considered to be not of a high standard, whilst some attempt has been made to reflect the design of nearby new buildings it is felt that improvements can be made to this proposal,

In terms of the positive impact the following factors were felt to be relevant:

- (i) The current buildings are not weather tight and their condition continues to deteriorate,
- (ii) Previous financial viability assessments have shown that their retention is not economically viable. Several expert reports have demonstrated that that economic repairs to the Listed Buildings are prohibitively expensive,
- (iii) No one/no organisation has been enabled/funded to take on the site and 'absorb' the 'Heritage Deficit',
- (iv) The historic Beaumont Cross has now been moved to protect it for the future,
- (v) Recent new buildings next to the site and nearby are not in keeping with the Georgian architecture of the town houses,
- (vi) The current setting and condition of the buildings is not a positive impact at a major gateway into the town, it doesn't create a good impression of the town and may be off putting for visitors. It is having a negative economic effect on the wellbeing of the town generally,
- (vii) The town has an identified requirement for additional bed spaces to attract visitors for overnight stays,

On balance Members **AGREED**, albeit reluctantly, not to object to the applications.

In addition they wished the following comments to be submitted:

- (i) It was felt that the site had remained in a derelict state for so long that there was no longer any option but to demolish the Listed Buildings,
- (ii) Concern was expressed that whilst the District Council had obtained a legal opinion as to the possibility of enforcing the contract with the Developer, this had not been given to the Town Council and had not been formally considered by the District Council. It was felt that was not in the interest of open and transparent government.
- (iii) The latest financial assessment report was also not made public and therefore the Town Council was unable to assess whether or not this application was supported by this crucial assessment,
- (iv) It is felt that the building has deliberately been allowed to deteriorate by the Developer and little, if any, action taken by the District Council to protect it from the effects of the weather to the point at which it is considered to be a danger as well as a blight on the town,
- (v) It is disappointing that there appears to have been no positive working with the Nottinghamshire Building Preservation Trust to find a partnership solution to the site,
- (vi) The community of Newark have been let down by both the Developer and the District Council, resulting in the site remaining an eyesore and a blight on the whole economic wellbeing of the town.

The Town Council also **AGREED** that associated work of public art required as part of the re-development of the site should be a replica of the original Beaumont Cross in materials, size and design as similar to the original as possible.

The Town Council also **AGREED** that the demolition of the existing buildings provides an opportunity for widening and improvements to be made to the pavements and road layout at this busy junction. It would urge the District Council to work with the Developers to achieve such improvements.

Additional comments received 11th January 2017 in respect of the revised plans:

It was **AGREED** that the following comments should be submitted and are to replace the previous comments submitted when the original application was considered on 27th July 2016:

In terms of the harm resulting from the demolition, the following factors were felt to be relevant:

- i) From an historic perspective, the Georgian town houses represented one of the first developments to take place outside of the historic town walls,

ii) Whilst the development would result in the loss of these Listed Buildings, it was felt that the resulting harm was at the low end of the scale,

iii) Evidential heritage is limited due to the many changes to the façade, ground and first floor internal layout. Thus, historic significance is also limited, as is the aesthetic. Only recent communal significance pertains and that is of the premises as a hotel,

iv) In terms of the location of the premises, the setting is assessed as the Beaumont Cross area which is distinct from the greater Newark Conservation Area,

v) The design of the new buildings is considered to be not of a high standard, whilst more effort has been made to reflect the design of nearby new buildings, it is felt that improvements can still be made to this proposal. In particular, to better reflect the materials and vernacular of the adjacent medical centre building and to remove the lantern, replacing it with a slate hipped and shaped roof.

In terms of the positive impact, the following factors were felt to be relevant:

i) The current buildings are not weather tight and their condition continues to deteriorate,

ii) Previous financial viability assessments have shown that their retention is not economically viable. Several expert reports have demonstrated that economic repairs to the Listed Buildings are prohibitively expensive,

iii) No one/no organisation has been enabled/funded to take on the site and 'absorb' the 'Heritage Deficit',

iv) The historic Beaumont Cross has now been moved to protect it for the future,

v) Recent new buildings next to the site and nearby are not in keeping with the Georgian architecture of the town houses,

vi) The current setting and condition of the buildings is not a positive impact at a major gateway into the town, it doesn't create a good impression of the town and may be off putting for visitors. It is having a negative economic effect on the wellbeing of the town generally.

vii) the town has an identified requirement for additional bed spaces to attract visitors for overnight stays.

On balance, Members AGREED, albeit reluctantly, not to object to the applications.

In addition, they wished the following comments to be submitted:

- i) it was felt that the site had remained in a derelict state for so long that there was no longer any option but to demolish the Listed Buildings,
- ii) concern was expressed that whilst the District Council had obtained a legal opinion as to the possibility of enforcing the contract with the Developer, this had not been given to the Town Council and had not been formally considered by the District Council. It was felt that was not in the interest of open and transparent government.
- iii) the latest financial assessment report was also not made public and therefore the Town Council was unable to assess whether or not this application was supported by this crucial assessment,
- iv) It is felt that the building has deliberately been allowed to deteriorate by the Developer and little, if any, action taken by the District Council to protect it from the effects of the weather to the point at which it is considered to be a danger as well as a blight on the town,
- v) it is disappointing that there appears to have been no positive working with the Nottinghamshire Building Preservation Trust to find a partnership solution to the site,
- vi) the community of Newark have been let down by both the Developer and the District Council, resulting in the site remaining an eyesore and a blight on the whole economic wellbeing of the town.

The Town Council AGREED that the associated work of public art located at the Robin Hood Way entrance must be a replica of the original Beaumont Cross which is now located in Beaumont Gardens.

The Town Council AGREED that the demolition of the existing buildings provides an opportunity for widening and improvements to be made to the pavements and road layout at this busy junction. It would continue to urge the District Council to work with the Developers to achieve such improvements.

The Town Council AGREED to call for the immediate demolition of the Robin Hood Hotel prior to any new construction work being undertaken.

The Town Council AGREED that, should the lantern remain and be granted permission, that conditions be attached preventing any future treatments to the glazing to create internally illuminated advertisements and that similar conditions be applied to the glazing and frontages of the ground floor units in line with the Shopfronts and Advertisements SPD.

Historic England - Thank you for consulting Historic England on 4 July 2016 on the above listed building and planning applications for the demolition of the Grade II listed Robin Hood Hotel and redevelopment to provide new retail units and a 64no. bedroom Travelodge hotel. For a number of

years since 2008, we have provided substantive advice on this property. In this context, it is unfortunate that no pre-application advice was requested for this present scheme from the applicant. We have now considered the supporting information and would offer the following advice.

Summary

The Robin Hood Hotel is a Grade II listed building recognised as being of historic and architectural significance in a national context. The building lies within the Newark Conservation Area. Despite concerns raised over a number of years, the building has continued to deteriorate while in its current ownership.

The application now seeks consent for total demolition of the structures. The applicant accepts that this will result in substantial harm but asserts that the substantial public benefit from the implementation of the proposed development will mitigate this harm.

Our advice is provided in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, the Planning Practice Guide, and the Historic Environment Good Practice in Planning Note 2.

The proposal will result in total loss of the Grade II listed building and harm to the Newark Conservation Area. We believe the new development in scale, massing and design is harmful and will not reveal and enhance the significance of the Conservation Area. We believe the exceptional case for demolition has not been made and that the repair, adaptation and reuse of the Grade II listed Robin Hood Hotel provides a significant opportunity to stimulate regeneration through the enhancement of the historic townscape of Newark.

Therefore we do not support these proposals and do not believe the scheme is sustainable in heritage terms. Historic England recommends refusal of both these applications.

Historic England Advice

The former hotel is located within the southern part of Newark Conservation area - the Potterdyke area which historically lay outside the medieval walls and may take its name from pottery industries located there, as part of a 14C suburb. The Conservation Area designation reflects Newark as one of England's most important and best preserved market towns. Within the Potterdyke area, during the 18th and 19th centuries the application site area was built up with cottages, shops and maltings along its frontages, with grander town houses on Lombard Street; It is particularly significant that the Robin Hood hotel fronts onto a key medieval junction where the scheduled Beaumont Cross once stood, with key historic routes converging onto it: Lombard Street, London Road, Carter Gate and Portland Street. Post medieval buildings with the majority domestic and late 18th/19th centuries front these routes particularly on Lombard Street reflecting the expansion during this period and how this area later

changed to accommodate greater retail expansion, industrial premises and associated social uses including public houses. The Robin Hood Hotel forms part of this historic development and clearly reflects this expansion beyond the walls, post civil war. The survival of the hotel contributes positively to the architectural and historic, character and appearance of the Conservation Area. If its condition was improved and it was used and maintained once more, it would further enhance the Conservation Area.

Impact of the proposal on significance

The total loss of the Grade II listed building will result in substantial harm to this designated heritage asset. This is clearly stated and accepted by the applicant and we agree with this assessment. The loss of this significant building within the Newark Conservation area will also result in harm to the area's special architectural and historic interest - in this historically significant location, demolition of the building will further erode and harm the historic townscape. It will remove evidence of how the area developed architecturally and socially.

Notwithstanding the impact of the proposed demolition, we believe the new development will harm the significance of the Conservation Area. This harm arises from the poor quality of development and insensitive design - it is, in our view, a standard response for this form of hotel accommodation. We do not agree with the submitted historic building and Conservation Area assessment and advise the new development will not enhance nor reveal the significance of the Conservation Area.

The new build follows the building line onto Lombard Street and wrapping round the corner providing active frontage onto the main routes. In urban design terms, this is beneficial. Fronting the junction, there are opportunities to express this, adding variety, interest and legibility within the townscape. However, this development in scale, height and mass will essentially read as one single mass fronting onto Lombard Street and Beaumont Cross/London Road. The breaking up of this mass through the some vertical articulation, fenestration detail and corner expression, is unconvincing. It does not respond to the historic building plots, rhythm and variety that characterise so much of this area. In mass, the building is more akin to the modern doctor's surgery than responding to the historic environment - particularly along Lombard Street.

The design of the building does not respond to the rich historic character and architectural quality of Newark and we question the merit of this design and the applicant's confidence that the materials used (brick, ply membrane roof, powder coated aluminium) will enhance the Conservation Area and listed buildings within. The use of these materials which, apart from brick have little resonance with the local vernacular and does not suggest a scheme which will harmonise successfully with the attractiveness and elegance of the surviving historic townscape within Newark. We suggest the scheme is neither innovative nor sensitive in its approach. Fundamentally, the design is functional and has no relationship with the townscape - resulting in a new build which could be designed for any

town.

Policy Context and justification

Our advice on this case is given in the context of the 1990 Act and Government policy and guidance provided in the NPPF and the Planning Practice Guidance. We also refer to the sector wide Historic Environment Good Practice in Planning Notes 1-3. It is a legal requirement that any decisions relating to listed buildings and Conservation Areas must pay special regard to the desirability of preserving a listed building, its setting or features of special interest (sections 16(2) and 66(1) of the 1990 Act) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s.72, 1990 Act). This is a high test and needs to be given the appropriate weight in determining these applications. As the NPPF states, great weight should be given to the conservation of heritage assets (paragraph 132). All harm requires 'clear and convincing justification'. Proposals for the demolition of a listed building must be justified under paragraphs 133.

In regard to this, we understand that the Nottinghamshire Building Preservation Trust has an interest in finding a sustainable future of the building. This we understand is in the full knowledge of the structural condition of the building and that there exists a conservation deficit - a gap between repairs costs and commercial value. We understand that the Heritage Lottery Fund and other funding bodies have signalled an interest in providing grants to achieve a suitable development scheme that conserves the building.

We note the Trust's interest is recognised within the submitted Historic Building and Conservation Area Assessment report by Cotswold Archaeology. However, it is clearly stated within this report that as the applicant has *identified a suitable occupier for the whole Phase 2 site including the former Robin Hood Hotel and are working with that party to deliver the regenerative benefits the Potterdyke Development intended to secure, on that basis the former Robin Hood Hotel buildings are no longer available to purchase by Nottinghamshire Building Preservation Trust*. We have also recently received an indication that Heritage Lincolnshire, a building preservation trust, has recently expressed an interest in helping all partners to secure the future of the building.

Therefore we urge your authority to consider if all reasonable efforts have been made by the applicant to secure grant funding for repair or to find and work with a public or charitable body willing to take on ownership and repair of the building. It is our view that the applicant has not exhausted potential sources of grant aid or ownership by a charitable trust to take forward the repair and reuse of the Robin Hood Hotel as part of the wider regeneration scheme. When we previously advised on your Council's own viability report, we concluded from this, that as a modest profit existed for someone to repair and refurbish the listed building then this would be an obvious case where a Building Preservation Trust solution has the potential to work. (letter dated 4 November 2011 - 11/00477/LBC)

Historic England Position

We are fully aware this is a long standing case and until a solution is found, the regeneration objectives for this part of Newark will not be realised. It is our view that the repair, adaptation and reuse of the Grade II listed Robin Hood Hotel provides a significant opportunity to stimulate regeneration through the enhancement of the historic townscape of Newark. This we believe requires a partnership approach with all interested parties including the potential for public funding focused on delivering a scheme which enriches the unique, historic identify of Newark rather than harming it.

The demolition of the existing historic building will result in substantial harm/total loss of a Grade II listed Building and harm to the significance of the Newark conservation area. We believe the new development as shown will harm the significance of the conservation area. To outweigh this level of harm requires exceptional justification. For your authority to reach a conclusive decision, we do not believe the tests within the NPPF have been met, in relation to both the demolition of the listed building and enhancing and revealing the significance of conservation areas through new development.

Recommendation

We do not support these applications. Both applications will result in substantial harm to the listed building and harm to the conservation area. We do not believe this harm can be justified in line with the 1990 Act and the NPPF, and on heritage grounds we accordingly recommend refusal.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

Additional comments received dated 7th October 2016:

I write following our letter dated 21 July 2016 in response to the planning and listed building consent applications for the demolition of the Grade II listed Robin Hood Hotel and redevelopment of the site. We understand Heritage Lincolnshire has now written to your authority expressing an interest in assisting all partners to take forward a project to secure the future of the building. As you are aware, Heritage Lincolnshire has a proven track record of successfully applying for public funding and delivering heritage led schemes in this region. We believe their willingness to engage and assist the Nottinghamshire BPT will enable a credible partnership to take forward a viable, publically funded scheme. Indeed, the Heritage Lottery Fund having already invested in the viability report produced by Nottinghamshire BPT, have indicated they would welcome an application to the Heritage Enterprise grant programme.

We continue to urge your authority to robustly consider if all reasonable efforts have been made by the applicant to secure grant funding for repair, or to find and work with a public or charitable body willing to take on ownership and repair of the building. In light of the interest of both Heritage Lincolnshire and Nottinghamshire BPT, we do not think this can be demonstrated. Therefore and as previously advised, for your authority to reach a conclusive decision, we do not believe the tests within the NPPF have been met, in relation to both the demolition of the listed building and enhancing and revealing the significance of conservation areas through new development.

We strongly believe there is the potential here for a building preservation trust and partnership solution to secure a future for the Robin Hood Hotel and the wider regeneration of this part of Newark. We remain willing to offer further specialist advice.

If you are minded to take these applications forward for determination, please advise us of the committee date.

Additional Comments received 9th January 2017:

Thank you for consulting Historic England on additional information and amended plans for the above planning and listed building applications; for the demolition of the Grade II listed Robin Hood Hotel and redevelopment to provide new retail units and a 64 no. bedroom Travelodge hotel.

The submitted information comprises a revised Design and Access Statement and revised elevations for the new build. No further information is submitted in relation to the justification for demolition. We refer you to our previous substantive advice letters dated 26 July 2016 and 7 October 2016. In this, we have set out the significance of the Grade II listed Robin Hood Hotel and its contribution to the Newark conservation area; the impact of its demolition on this significance; and the policy context in which to determine this application. (We note our letter dated 7 October 2016 is not available publically on your website.)

It remains our view that the total loss of the Grade II listed building will result in substantial harm to this designated heritage asset and harm to the conservation area's special architectural and historic interest - in this historically significant location, demolition of the Robin Hood Hotel will further erode and harm the historic townscape. It will remove evidence of how the area developed architecturally and socially.

With regards the amendments to the design, though we recognise attempts are made to break down the massing and reflect the historic grain and plot widths, this is unconvincing set against the rich variety and quality of the historic townscape. The building reads as a single mass and bears little relationship to the townscape beyond that of the adjacent modern doctor's surgery. The revised corner fronting onto Beaumont Street with the glazed circulation core rising above the adjacent historic properties, does not harmonise with the existing townscape - it protrudes awkwardly, drawing

undue attention to a building which in design and materials, fundamentally bears little contextual relationship with the historic town. Therefore, it remains our view that the new development will harm the significance of the conservation area rather than enhance or reveal its significance.

Historic England Position

The demolition of the existing historic building will result in substantial harm/total loss of a Grade II listed Building and harm to the significance of the Newark conservation area. The additional information and amendments does not change this view and we believe the new development as shown will harm the significance of the conservation area.

We continue to urge your authority to robustly consider if all reasonable efforts have been made by the applicant to secure grant funding for repair, or to find and work with a public or charitable body willing to take on ownership and repair of the building. In light of the continued interest of both Heritage Lincolnshire and Nottinghamshire BPT, we do not think this can be demonstrated. Therefore, and as previously advised, for your authority to reach a conclusive decision, we do not believe the tests within the NPPF have been met, in relation to both the demolition of the listed building and enhancing and revealing the significance of conservation areas through new development.

Recommendation

We repeat our recommendation that Historic England does not support these applications. Both applications will result in substantial harm to the listed building and harm to the conservation area. We do not believe this harm can be justified in line with the 1990 Act and the NPPF, and on heritage grounds we accordingly recommend refusal.

We ask to be informed of the committee date and if, notwithstanding our advice, you propose to approve the scheme in its present form, we ask for the opportunity to speak at the committee.

NCC Archaeology – Thank you for requesting comments on the archaeological implications of this proposed development.

I have read with great interest the correspondence from the Heritage Trust for Lincolnshire and Historic England and concur with the views expressed and recommendations offered. All opportunities to retain and restore these buildings should be explored in full. Despite their state, the buildings are still readable, and they could and should provide a focal point for this part of the Conservation Area, which is in effect the southern entrance to the historic core of the town.

If however, your authority is minded to take the exceptional step of allowing the demolition of these important structures, I recommend that this should be conditional upon a full programme of building recording whilst the demolition is taking place. Following this, there will need to be a thorough

programme of archaeological mitigation. This site will contain remains of Medieval structures and buildings and these will need an appropriate level of recording and investigation.

Nottinghamshire Building Preservation Trust (NBPT) – After long anticipation M F Strawson Ltd have submitted their application for the development of the former Robin Hood Hotel. The Nottinghamshire Building Preservation Trust is part of the campaign to preserve part of Newark's heritage which is represented by the remains of the Hotel.

Numbers 1 and 3 Lombard Street illustrate the steady increase in the importance of Newark as a market and commercial centre which began with the expansion of the town in the late 18th century after the old walls were demolished and Lombard Street was formed.

The Planning Committee's decision to refuse permission to demolish in 2011 indicated its wish to see these Grade II Listed Buildings conserved and incorporated in the street, which supported the objections to the demolition by Historic England (HE). It is now four years since this decision was taken and it seems that the developers, M F Strawson Ltd have not found it possible to implement the original Planning Approval which requires the Listed Buildings to be conserved and incorporated in any development. The suggestion that commercial advantage should override Listed status would see the demise of most of the country's Listed Buildings and should not be the deciding factor.

HE recommended in their letter of 04.11.2011 that

"unless it can be demonstrated that :

(I) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh the harm or loss; or

(II) a) the nature of the heritage asset prevents all reasonable use of the site; and

b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and

c) conservation through grant -funding or some form of charitable or public ownership is not possible; and

d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use

then the Planning Authority should refuse consent to demolish."

In the Recommendation at the end of the letter they 'strongly recommend that the expression of interest and alternative proposals put forward by the Nottingham Building Preservation Trust are fully

considered in accordance with PPS5 HE9.2-(.3 with time given to allow for development of a viable alternative to demolition'

The Nottinghamshire Building Preservation Trust (NBPT) were unable to obtain a meeting with Neil Strawson and Tim Bradford of Banks Long representing the site owners until June 2014 when the Trust was given an option to buy the Listed Buildings and, with the help of a 66% grant from HLF, commissioned a feasibility report from Soul Architects which establishes, with the help an HLF Conservation Deficit Grant, a viable future for the buildings as independent Office Suites. M F Strawson Ltd ridiculed the findings, which were acceptable to HLF and HE, and withdrew their offer to sell.

It is therefore clear from the findings of the Feasibility Report that items (II) a), b), (c) and d) cannot be demonstrated by the applicant who must plead the benefit to the public under clause (I) above. The quality of the design must be part of this benefit. There is no benefit to the Newark Conservation Area. Nor is there in the proposal to increase traffic flow to this area of Newark. The appearance of the building has some similarity to the adjacent Health Centre but adds nothing but mediocrity to this important entrance to Newark, which deserves better.

The Trust believes it is possible to achieve a satisfactory outcome for the site and to conserve the buildings in a new hotel building but accepts that this process may be more costly than rebuilding from scratch. Funds are available to meet this extra cost, in a successful application for the Conservation Deficit, through cooperation with a Building Trust. The NBPT has offered the site owner this cooperation but the offer was not accepted. The application should therefore be refused.

The Trust's technical advisers and its officers strongly support the principle of retaining and conserving the remaining, listed parts of the former Robin Hood Hotel which were originally intended to be incorporated into the final phase of development at Potterdyke.

The developer has a duty to explore all possible means of retaining the Listed structure as the Council also has a requirement to ensure its survival. It may be possible for the Council to forego some of its payments for the site to ease the developer's situation.

The historic context of Newark is becoming more important in the County and the country's heritage. The Civil War Museum, the castle and the death of King John, the mediaeval church, buildings and streets of the town centre are all an increasing tourist attraction which should not be based by this proposal for an 'anywhere' building on an uninspired Potterdyke development

Additional comments received on the 9th January 2017

The amended proposals submitted by M F Strawson Ltd for the development of the former Robin Hood Hotel have failed in the essential requirement to conserve and incorporate the Grade II Listed Buildings

in any scheme proposal. The Nottinghamshire Building Preservation Trust, therefore, is opposed to the amended application for the reasons stated in our letter of 20th July 2016.

Numbers 1 and 3 Lombard Street illustrate the steady increase in the importance of Newark as a market and commercial centre which began with the expansion of the town in the late 18th century after the old walls were demolished and Lombard Street was formed. Historic England (HE) have stated their position in letters asking the Authority to consider whether all reasonable efforts have been made by the applicant to secure grant funding to repair or to find and work with a public or charitable body willing to take on ownership.

M F Strawson briefly acknowledged the interest of NBPT in protecting and acquiring the Listed Buildings, but rejected the findings of the Feasibility Report and the need for a 'Conservation Deficit' grant to complete the necessary work of conservation. NBPT have the support of Heritage Lincolnshire and the Heritage Lottery Fund. HLF stated in September 2016 that

'an application under our Heritage Enterprise programme could provide money for the developers profit and buying the building. I can confirm that these are costs we are used to considering... Of course the final use of the Robin Hood need not necessarily be the same as in the report – HLF's priority, like yours, is simply to assist in securing a viable future for the buildings that contributes to local economic growth'

The lack of financial profitability should not, therefore, be a consideration in making a decision on the application. The Building Preservation Trusts are able to make an application for HLF funding and it is clear that a revised scheme, incorporating the Listed Buildings could be the basis for such an application. HE 'strongly recommend that the expression of interests and alternative proposals put forward by the Nottingham Building Preservation Trust are fully considered in accordance with PPS5 HE9.2-3 with time given to allow for development of a viable alternative to demolition.' As stated in our previous letter of July last.

The Trust believes it is possible to achieve a satisfactory outcome for the site and to conserve the buildings in a new hotel building but accepts that this process may be more costly than rebuilding from scratch. Funds are available to meet this extra cost, in a successful application for the Conservation Deficit, through cooperation with a Building Trust. The NBPT has offered the site owner this cooperation but the offer was not accepted. In the opinion of the NBPT, HE and others, the original application and its subsequent amendments should be refused.

Heritage Lincolnshire – I am writing in response to the planning and listed building consent applications given above.

Historic England has noted (letter dated 21st July 2016) that Heritage Lincolnshire has expressed an interest in assisting all partners to take forward a project to secure the future of the building. Our Trust is an experienced and active buildings preservation trust and we have been following the work of

Nottinghamshire BPT in finding a viable use for this building with interest. Although this property is in a derelict condition and has a large conservation deficit, it is our experience that developments that set heritage assets at the centre of a regeneration strategy can secure funding from a range of sources and bring significant economic and social benefits for the area.

The Viability Report produced by Nottinghamshire BPT indicates that a project to repair this nationally significant historic building and secure a sustainable new use can be delivered.

Heritage Lottery Fund has already invested in this initiative and has indicated that they would welcome an application to the Heritage Enterprise grant programme. This fund is designed to encourage private developers to work with a not for profit organisation to cover the conservation deficit and deliver a high-quality scheme. Heritage Lincolnshire has already successfully applied to this programme and has an excellent reputation for delivery with the Heritage Lottery Fund. We are therefore well placed to act as a partner to Nottinghamshire BPT and assist with a 1st round application.

I have reviewed the above applications and I do not believe that the justification for demolition of this nationally significant building has been made. The proposed development is also of a poor quality which will be harmful to the conservation area. Conversely, Nottinghamshire BPT, in partnership with Heritage Lincolnshire, offer a viable delivery mechanism for the regeneration of this property.

Newark and Sherwood District Council therefore cannot be satisfied that the owner has demonstrated that conservation by grant funding is not possible. I would therefore encourage the Council to refuse this application and to work with all partners to secure this investment in the historic environment of Newark town centre for the benefit of residents and visitors to the area.

If it would be helpful to offer further advice, or information about Heritage Lincolnshire's recent projects, please don't hesitate to contact me.

Newark Civic Trust – Object to the proposal.

Newark Civic Trust wish to register the following comments regarding the application to demolish the former Robin Hood Hotel and build new retail units and a 64 bedroom Travelodge Hotel:

1. The Beaumont Cross area is a mix of architectural styles but opposite the Robin Hood, on Lombard Street, are 2 listed buildings, one from the late 18th and one from the early 19th century. Removing the Robin Hood would further reduce the historic context of those listed properties as well as adjacent non-listed properties that have a positive impact on the area. Although there are several properties in the area that have a negative visual impact it doesn't mean the Planning Committee should be taking action that further damages the area.

The Conservation Area is judged by Historic England, the Government's statutory advisor on the historic environment, as being at risk and rated its condition as 'very poor'. Ultimately NSDC is

responsible for the management of the Conservation Area and therefore it needs to take action to prevent any further deterioration by preventing the demolition of the Robin Hood and by taking enforcement action against M. F Strawson to prevent the buildings and the site deteriorating any further. The condition of the Conservation Area can also be improved by promoting high quality architecture and design. If demolition of the Robin Hood was ever permitted then what replaces it has to be of sufficient quality to have a positive impact on the area; the design put forward is of poor quality and would therefore further contribute to the Conservation Areas decline.

2. Section 133 of the National Planning Policy Framework states:

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

We would argue the Nottinghamshire Building Preservation Trust have demonstrated through the feasibility report that they have commissioned that a viable use can be found for the buildings through obtaining grant funding. Unsurprisingly this was dismissed by Strawsons. Independent advice should be sought as to whether this option is possible and indeed all other options including sale, and compulsory purchase need to be exhausted before the exceptional loss of a Listed Building is accepted. We would also argue that the demolition of the buildings or their replacement with the proposed hotel will not lead to "substantial public benefits". The hotel could be located elsewhere or incorporated into a scheme of retention without resulting in the permanent and irreplaceable loss of a 280 year old listed building.

3. The Town Council demonstrated at the Sainsbury's Planning Committee meeting that further retail units in or around town could lead to less shoppers using retail in the historic core of the town. Several independent town centre stores are struggling, so additional retail might only have a minor impact on shopping habits but these changes could be significant for retailers who are struggling. Further, two committee members said that the ASDA development was a mistake and additional retail out of the historic centre would be of no benefit to the town.

Newark Civic Trust believes that the proposed development is in direct contravention to the agreement between Newark & Sherwood District Council and the Potterdyke developers M. F. Strawson. The proposal does not respect local context or the scale and proportions of the surrounding buildings. In scale and massing it is one large block utilising some inappropriate materials, notably the single-ply membrane roof. It would be entirely out of the character for the area, to the detriment of the local environment. The hotel, an 'off-the-shelf' Travelodge design with no architectural merit, is inappropriate and fails to take any opportunity to improve the character and quality of the area and fails to preserve or enhance the character and appearance of the Conservation Area.

4. It is notable that there is no car parking provided to serve the hotel. Whilst customers of the retail units can park within the ASDA carpark, hotel customers would not due to the 3 hour maximum stay. Instead the applicant has tabled a possible arrangement with NCP to open the multi-story car park 24/7 with discounted rates. It is a 180m walk from the pedestrian access to the car park to the proposed hotel involving crossing the road, and no doubt these patrons would be trailing or carrying luggage/suitcases. Without a legally binding agreement there is no guarantee that any such parking would continue to be available for the lifetime of the hotel. The safety and security of NCP at night should also be considered and advice could be sought from the Police on this matter.

5. There is no area for cars or taxis to drop off hotel patrons and this matter has not been properly considered. The layby at the front of the hotel is currently restricted to goods vehicles and will be needed to serve the retail units. Without proper provision people will pull up mid-junction to drop off or they will pull into 'Robin Hood Walk' where the barrier is inadequate. This behavior will affect the traffic flow at the junction and be unsafe for vehicles and pedestrians alike.

In conclusion, there is no question that the current situation is disgraceful and needs resolving, but replacing one eyesore with another will not solve the problem.

It would also send out a totally wrong message that owners of historic properties can get away with deliberately running down such properties without financial or legal repercussions.

Newark Civic Trust appeal to Newark & Sherwood District Council to reject the proposal and take immediate steps to enforce the conditions of the original contract or initiate an alternative plan that will enhance the character of the site.

Additional comments received 9th January 2017:

The Design and Access Statement January 2016 (Para 4.4) acknowledges the importance of the site as a gateway to the town centre. It is our opinion that the proposed building is more suited to an industrial estate setting. It has no merit whatsoever either in terms of design or choice of materials.

No attempt has been made to design the building to complement the historic nature of the surroundings as illustrated in Fig 1.

It can be seen that there is a variety of roofscapes comprising different pitches, both pantile and slate cladding and chimneys; relatively small Georgian-style windows flush with the facades; brick and rendered walls. In contrast the proposed building has a flat roof at the crucial point, large windows and an ugly box on the roof. It appears to be too tall and the pitch of the roof appears to be too shallow to reflect local roofs.

In order for a building to fit within an historic setting the design should complement its setting with materials of the very highest quality. The proposed design is at odds with its surroundings and the choice of materials implies a run-of-the-mill building, which it clearly is.

For instance the use of "Slate Tile" for the roof covering. This implies the unpleasant crushed natural slate mixed with resin, a material which has no place in this area. It features very sharply-defined edges and a reflective, shiny finish. It is laid in perfect rows, often using tiles which are too wide for their length (.i.e. wrong aspect ratio) in contrast with natural slates which have a slightly feathered edge, a more pleasing aspect ratio and are laid in the traditional manner.

Another material which is unsuited to the area but is proposed extensively is powder-coated aluminum. Where else can that be seen at Beaumont Cross and what does it bring to the setting?

There is so little merit in the revised proposal that it would be a waste of time to go on further. This building falls far, far short of being an acceptable replacement to the cottages which must stay and be restored according to the original agreement at the developer's expense or an alternative plan proposed that will enhance the character of this strategic site.

Georgian Group - Thank you for informing the Georgian Group of a proposal to demolish the above group of GII listed structures which are located within the Newark Conservation Area, and to redevelop their site. Since the latest proposals were submitted the site has been revisited. The Group's Casework Committee has now examined the scheme and wishes to register its formal objection to these applications.

The Case for the Demolition of the Listed Buildings

The former Robin Hood Hotel buildings were granted statutory protection for their national significance. Despite their deteriorating condition, they also make a strong positive contribution to the conservation area within which they stand.

When making a decision on listed building consent applications or any decision on a planning application for development which affects a listed building or its setting, the local planning authority

must have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it possesses. This obligation, contained within sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* applies to all decisions concerning listed buildings. Paragraph 133 of the National Planning Policy Framework also makes clear that where “a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: -

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The Georgian Group understands that the Nottinghamshire Buildings Preservation Trust has formally expressed an interest in restoring and reusing the buildings whilst being aware of their structural condition and the costs associated with their repair and reuse. The Heritage Lottery Fund has also provided grant assistance towards the formulation of a sustainable scheme for their restoration and reuse. The applicant’s own documentation acknowledges the Buildings Preservation Trust’s active interest in these historic buildings, before making clear that because of the hotel chain’s interest in their site, negotiations with the trust have been terminated. We would therefore advise that the applicant has not met the necessary criteria outlined within the NPPF for the granting of consent for demolition for there is clearly a very real possibility that these listed buildings can be brought back into sustainable use, and that conservation by grant-funding or some form of charitable ownership is possible.

The Proposed Replacement Building

Given that the case for the demolition of the listed buildings has clearly not been made, the Group is reluctant to comment in detail on the merits of any proposed replacement structure. The Group’s Casework Committee however wish to express their agreement with the well-articulated critique of the design of the proposed new building contained within Historic England’s letter of the 21st of July 2016.

The proposed new building would itself cause harm to the conservation area because of its scale, massing, poor quality design and ill-considered choice of facing materials. It is of a utilitarian design which is akin to hotels located on the edge of office parks and motorway service stations throughout

England and elsewhere. The only existing building it appears to respond to is the rather lacklustre and over scaled recent development to the rear of the site.

Recommendation

The proposed development will result in the total loss of a group of GII listed structures and has not been justified in terms of Government Planning Guidance. It will also cause considerable harm to the surrounding conservation area. The Georgian Group therefore recommends refusal of both applications for the reasons outlined above and would advise that they should be referred to the Secretary of State (for the purposes of paragraph 7 of the *Arrangements for Handling Heritage Applications -Notifications to Historic England and the National Amenity Societies and the Secretary of State (England) Direction 2015*).

Additional comments received 9th January 2017:

Thank you for informing the Georgian Group of revised proposals for the demolition of the above GII listed buildings which are located within the Newark Conservation Area, and for the construction of a new hotel building on their site. Having carefully examined the documentation recently uploaded to your authority's website The Group must reiterate its previous stated strong objection to this scheme, for the following reasons.

The additional documentation received consists of a revised *Design and Access Statement* together with a revised scheme for a proposed replacement building. We note that the applicants do not appear however, to have supplied any additional information to strengthen the inadequate justification for the demolition of the listed buildings submitted with their original planning and LBC applications.

The Case for the Demolition of the Listed Buildings

The former Robin Hood Hotel buildings were granted statutory protection for their national significance. Despite their deteriorating condition, they also make a strong positive contribution to the conservation area within which they stand.

When making a decision on listed building consent applications or any decision on a planning application for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it possesses. This obligation, contained within sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* applies to all decisions concerning listed buildings. Paragraph 133 of the National Planning Policy Framework also makes clear that where "a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be

demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: -

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The Georgian Group understands that the Nottinghamshire Buildings Preservation Trust has formally expressed an interest in restoring and reusing the buildings whilst being fully aware of their structural condition, and of the costs associated with their repair and reuse. The Heritage Lottery Fund has provided grant assistance towards the formulation of a sustainable scheme, and Heritage Lincolnshire have commendably also made clear in writing their readiness to assist in this process. The applicant's own documentation acknowledges the Buildings Preservation Trust's active interest in these historic buildings, before making clear that bits only because of the hotel chain's interest in their site, that negotiations with the trust have been terminated. We would therefore advise that the applicant has failed to meet the necessary criteria outlined within the NPPF for the granting of consent for demolition. There is clearly a very strong case for believing that these listed buildings can be brought back into sustainable use by identified bodies with a proven track-

record in such restoration schemes (and that conservation by grant-funding or some form of charitable ownership is possible).

The Proposed Replacement Building

Given that the case for the demolition of the listed buildings has clearly not been made, the Group is once again reluctant to comment in detail on the merits of any proposed replacement structure. The Group must strongly advise however, that the revised scheme does not address with any degree of success the criticisms previously made by the Group and others. It would still cause harm to the Conservation Area because of its scale, massing, and utilitarian design which is again akin to hotels located on the edge of office parks and motorway service stations throughout England and elsewhere. The only existing building it appears to successfully respond to is again sadly, the rather lacklustre and over-scaled recent development to the immediate rear of the application site.

Recommendation

The proposed development will result in the total demolition of a group of GII listed structures, the loss of which and has not been justified in terms of Government Planning Guidance. It will also cause considerable harm to the surrounding conservation area. The Georgian Group therefore recommends refusal of both applications for the reasons outlined above and would advise that they should be referred to the Secretary of State (for the purposes of paragraph 7 of the *Arrangements for Handling Heritage Applications -Notifications to Historic England and the National Amenity Societies and the Secretary of State (England) Direction 2015*).

The Thoroton Society - As you may know, the Thoroton Society is the principal Nottinghamshire county history and archaeology organisation with approximately 500 members.

On behalf of the Society I am writing to object to the demolition of the remaining parts of the former Robin Hood Hotel and its replacement with a Travelodge.

We are aware of the views of the national adviser on listed buildings, Historic England, of the Georgian Group and of the Nottinghamshire Building Preservation Trust, the latter organisation having been actively and thoroughly investigating this building and its potential for its future use, and fully concur with their views.

This group of buildings which were part of the Robin Hood Hotel has been subject to applications for many years now and it has to be said that the current poor state of the remaining parts of the former hotel is largely due to this long period of uncertainty and consequent neglect by the current owners. The developers are, it appears, determined to redevelop the site without seeking a solution which uses the listed cottages which are within the conservation area of Potterdyke.

This Society's team on planning matters have considered the application and the drawings of the proposed Travelodge and consider it to be a wholly inappropriate, badly designed and prominent proposal for Newark and especially this area of the town which still has many older buildings in this location. Indeed the proposed design is so poor that it would be difficult to find any part of this special and historic town where such an inappropriate building could be sited. To replace listed buildings with such a structure should be unthinkable. With some careful design skills and desire to conserve Newark's past a better solution could be achieved.

We urge the Planning Committee to reject these applications and require the applicants to find a better solution for Newark which incorporates these listed buildings.

Further comments in respect of revised plans:

On behalf of the Thoroton Society I am writing to make further objection to the demolition of the remaining parts of the former Robin Hood Hotel and its replacement with a Travelodge.

The amendments to the applications do not mitigate the harm we consider to this part of Newark and would indeed do much to change this historic town's character.

We agree with the further views of the Victorian Society, Notts Building Preservation Trust, SPAB, Newark Civic Society, the Georgian Society and the County Archaeologist. We note particularly the comments of Historic England regarding the substantial harm the demolition of these Grade II buildings and the subsequent harm to the conservation area. We agree with these views and also that the proposed replacement would harm the significance of the conservation area in that it is entirely inappropriate for this location, or indeed any part of the historic town of Newark.

We urge the Planning Committee to reject these applications and require the applicants to find a better solution for Newark and which incorporates these listed buildings.

Millgate Conservation Society – No comments received.

Victorian Society – Thank you for your email of 21 December informing the Society of the amendments submitted in respect of these applications. My apologies for the delay in your receiving our reply. I write now to state that we maintain our strong objection to the applications and continue to recommend that they are refused consent. The additional information and amendments fail to address our serious concerns - or those of Historic England and the Georgian Group - and the exceptionally high level of harm this scheme would cause remains unjustified.

Please notify us in the case of further amendments. Otherwise, I would be grateful to be notified of your decision in due course.

Ancient Monuments Society – No comments received.

Council for British Archaeology – No comments received.

Society for the Protection of Ancient Buildings – We have been notified regarding the current application for the complete demolition of the grade II listed buildings that form the Robin Hood Hotel, and their replacement with a new Travelodge Hotel.

The Society is extremely disappointed to see that this building is still under threat of demolition, some five and a half years since we first commented in May 2011. All our initial concerns still stand, and we wholly support the representations of both Historic England and the Georgian Group.

The Society is not in a position to reach firm conclusions about the likely cost of repair, but we believe that the building's interest has been under-estimated in the supporting material provided with the application and that its repair problems have been over-estimated. We believe the buildings are very worthy of their listed status, and that total demolition as proposed would constitute 'substantial harm

and total loss of significance of a designated heritage asset' as noted in NPPF paragraph 133. The buildings' repair is, we believe, both practicable and worthwhile.

Furthermore, the loss of the buildings, in this important and prominent corner location would have a serious and detrimental effect on Newark's wider townscape and on the Conservation Area. Replica frontages would offer no substitute, and the bland modern offering of the hotel is certainly not a worthy replacement. By virtue of the loss of the buildings which make a positive contribution to the conservation area, and of the replacement buildings' scale, massing, and incongruous design the proposals constitute substantial harm to the conservation area as per NPPF paragraph 138.

The Planning (Listed Building & Conservation Areas) Act 1990 requires that, in determining applications for listed building consent, local authorities pay due regard to the desirability of preserving or enhancing the special architectural and historic interest of listed buildings (S16) and the character and appearance of conservation areas (S66). The proposed development will result in the total demolition of a group of GII listed buildings, the loss of which and has not been justified in terms of government planning policy. It will also cause considerable harm to the surrounding conservation area. We therefore consider that the scheme does not meet the high test of the primary legislation.

The Society must therefore register, in the strongest terms, its formal objection to the current demolition application. We would be grateful for assurance that you do not intend to recommend the application for approval. Should your council be minded to grant consent, the Society feels that, in objecting we must support the Georgian Group in requiring that your authority should not determine the application without first referring it to CLG's National Casework Planning Unit for possible call-in.

20th Century Society – No comments received.

Police Architect – No comments received.

NSDC Environmental Health – No observations in terms of contaminated land.

NCC Highways - This development comprises up to 986m² of ground floor retail use and a hotel with 64 bedrooms. There is no additional car parking provision included with this proposal, however, there is existing public parking within the Beaumont Cross Shopping Centre directly to the west of the site, and also an NCP car park on Lombard Street to the north of the site. Paragraph 3.4 of the Transport Statement states that NCP have agreed to open their car park 24 hours, 7 days per week for use by hotel customers. There are no highway objections subject to this being controlled (perhaps by way of a formal legal agreement) as part of any planning permission granted, to ensure suitable parking provision is made available.

Revised comments received on the 24th January 2017 state, in the context of the amended scheme:

The plan now comprises up to 980m² of ground floor retail use and the hotel is to have 66 bedrooms. There is no additional car parking provision included with this proposal, however, there is existing public parking within the Beaumont Cross Shopping Centre directly to the west of the site, and also an NCP car park on Lombard Street to the north of the site. Paragraph 3.4 of the Transport Statement states that NCP have agreed to open their car park 24 hours, 7 days per week for use by hotel customers. There are no highway objections subject to this being controlled (perhaps by way of a formal legal agreement) as part of any planning permission granted, to ensure suitable parking provision is made available.

NCC Flood – No objections to the proposals.

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

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

We recommend referring to our SSSI Impact Risk Zones prior to consultation with Natural England.

Nottinghamshire Wildlife Trust – No comments received.

Newark Business Club - Please note that we SUPPORT this proposal, because we regard the availability of more hotel rooms in the town as a benefit to the local commercial interest; however, we have significant concerns over the proposed demolition of the listed buildings on the site and the provision of an hotel at this location, with regard to extra road traffic movements on to and off the site.

As a matter of policy, we believe that the demolition of listed buildings should be avoided whenever possible, and we understand that alternatives have been discussed and found feasible in this case. We therefore implore the Authority to consider all available and economic alternatives to demolition.

Assuming that the movements calculated by the applicant are correct, the present situation, whereby significant southbound traffic leaving the Beaumont Cross lights enters the Asda site from Portland Street, despite the signage indicating that such turns are illegal, would, we feel, surely be exacerbated by the presence of an hotel; safety of car occupants and pedestrians would thereby be further endangered. Furthermore, drivers arriving at the hotel from the Lombard Street and London Road directions may be unaware of the route that they should follow to reach the hotel and its parking

arrangements. For these reasons, we strongly recommend that any approval of the proposal be allowed only under the conditions that the Authority is satisfied that:

a. Traffic engineering measures in Portland Street shall be implemented to ensure that southbound traffic is absolutely unable to turn into the Asda site.

b. Signage and other information shall be provided to all drivers arriving at the hotel, sufficient to ensure that they are guided to use the safest and most efficient route on to and off the site, including for overnight parking. The design and construction of such signage should achieve the objectives without in any way detracting from the street scene in general or the appearance of the Newark Conservation Area.

We would appreciate your bringing these remarks to the attention of the Planning Committee.

Additional comments received January 10th 2017:

We have reviewed the amended information provided with this application and see no reason to change our previous comments which were as follows and still stand:

We SUPPORT this proposal, because we regard the availability of more hotel rooms in the town as a benefit to the local commercial interest; however, we have significant concerns over the proposed demolition of the listed buildings on the site and the provision of an hotel at this location, with regard to extra road traffic movements on to and off the site. As a matter of policy, we believe that the demolition of listed buildings should be avoided whenever possible, and we understand that alternatives have been discussed and found feasible in this case. We therefore implore the Authority to consider all available and economical alternatives to demolition.

Assuming that the movements calculated by the applicant are correct, the present situation, whereby significant southbound traffic leaving the Beaumont Cross lights enters the Asda site from Portland Street, despite the signage indicating that such turns are illegal, would, we feel, surely be exacerbated by the presence of an hotel; safety of car occupants and pedestrians would thereby be further endangered. Furthermore, drivers arriving at the hotel from the Lombard Street and London Road directions may be unaware of the route that they should follow to reach the hotel and its parking arrangements. For these reasons, we strongly recommend that any approval of the proposal be allowed only under the conditions that the Authority is satisfied that:

a. Traffic engineering measures in Portland Street shall be implemented to ensure that southbound traffic is absolutely unable to turn into the Asda site.

b. Signage and other information shall be provided to all drivers arriving at the hotel, sufficient to ensure that they are guided to use the safest and most efficient route on to

and off the site, including for overnight parking. The design and construction of such signage should achieve the objectives without in any way detracting from the street scene in general or the appearance of the Newark Conservation Area.

The following representations have been received from local residents / interested parties:

16/00914/FULM – 17 contributors (15 objections)

16/00915/LBC – 19 contributors (15 objections / 3 support)

The main points made in these representations are summarised as follows:

Principle of development

- New retail units are inappropriate, many of the Asda / Potterdyke development are still vacant
- A hotel is needed in Newark but not at this site
- Newark Town Centre is built on the activity of trade and this very importance fact should be taken into consideration when accepting this planning application
- Any application that is supportive of further development / continuation of this historical activity should be widely supported and accepted
- Redevelopment to include a hotel reinstates a historical activity and takes into consideration moving times
- There is little existing visible facility within the town centre for consumers / traders / tourists to stay
- A hotel will generate further activity for evening businesses
- A hotel would be better positioned on the old Council depot near Cattle Market
- There is already planning approval for a hotel on Castlegate/Lombard Street which is a more suitable location

Planning History

- The application should not be entertained – permission for the whole site was based on the inclusion of restoring the Robin Hood hotel – this should have been carried out before too much deterioration set in
- The sole responsibility for allowing the Robin Hood to become an eyesore lies with the owner who has allowed the neglect
- The decision taken on 8th November 2011 [*note - the application was withdrawn prior to the decision being issued*] rules out any further applications to demolish these listed buildings and to go against the decision undermines the democratic process and localism policies
- The 2011 viability report was a waste of public money

- The 2011 Prospect Archeology report was inaccurate in stating that the buildings were one individual dwelling
- Minutes provided from 2012 committee with respect to viability argument
- There doesn't appear to have been a balanced view of public opinion undertaken as part of this application – there was a much larger opinion survey submitted to the Planning Committee on 8th November 2011
- The buildings should be compulsory purchased
- If the application is allowed, the Council should be taken to court for maladministration and probable corruption
- Enforcement proceedings should have been made many years ago – the Council has a legal duty to ensure the developer fulfils both the conditions of the original planning consent and the terms of the Section 38 Act

Traffic Issues

- Traffic is already bad, especially on a Friday afternoon
- GPs have difficulty getting to home visits and paramedics have difficulty getting to the surgery due to traffic build up on corner next to the Robin Hood
- Parking is restricted as Asda can get quite full
- The road and pavement are insufficient width
- The hotel needs parking and access for deliveries
- There are already near miss accidents in the area
- Beaumont Cross is the junction of three importance roads and a hotel next to the lights would cause chaos
- This development will hinder even more the free flow of traffic
- A Travelodge is largely, if not exclusively, used by drivers
- Using the Asda car park would be unacceptable
- A busy road junction is not a desirable place for paying guests to stay

Issues of Design

- The height of the building may mean have residents at the hotel will be able to see into the Doctors rooms
- The development would tower above people and traffic
- Opportunity should be taken to create a landscaped open space with flowers and seating areas – The Beaumont Cross should be reinstated in its original area
- The design is bland and unworthy of this important gateway site
- The view from London Road is out of proportion with the Georgian building at the foot of Lombard Street

- The Potterdyke and Asda development is completely disproportionate to the surrounding historic buildings and the current design for the Travelodge appears to be virtually a replica of the doctors surgery building
- This will increase the monolithic and discordant impact that these structures would make at one of the main entrances to the historic core of the town
- The new Doctors surgery / retail units have no sympathetic or visual qualities that enhance the CA and the Listed Buildings
- The height of the building makes it overbearing
- The construction materials are inappropriate in relation to the old buildings in the area
- The repetition of a banal motif is no substitute for a carefully articulated form – a repetition of the error which is Lombard Street Surgery should not be tolerated

(Comments specifically in respect of the revised proposal):

- There is little merit in the revised proposal, the building falls far, far short of the being an acceptable replacement
- The proposal will be better than the present eye-sore
- Whilst the new plans are better than the original they cannot justify demolishing the listed buildings
- The revised plans are still well below the standard required for such an important site
- The mass of the current proposal with the ungainly glass tower and bland vertical glazed system does nothing to enhance the area
- The plans are architecturally ill-considered – the massing is not sensitive to a conservation setting or as an end point for visitors approaching the town from London Road
- Bath Central Travelodge has been developed from existing Georgian buildings, why is Newark being short-changed with something that should be on an industrial park?
- Travelodge do not offering catering
- The building is unsuitable as a landmarks building at a gateway into the town
- The building does not complement the materials, rooflines and fenestration of the ancient buildings in the vicinity
- The design is more suited to an industrial estate

Impact on Heritage

- The conditions set out in the 2008 Planning Application should be adhered to and the cottages restored
- The applicant has failed in his duty to maintain the buildings and NSDC has failed to enforce
- Listed buildings are a finite resource and as the tourist potential of Newark and the East Midlands grows it is folly to put these resources in jeopardy

- The buildings are a good example of late 17th early 18th century town houses
- The cottages could have been sold to Notts Building Preservation Trust Ltd. to be restored but the applicant refused
- The buildings display a distinct local and period snapshot of their original form but also a catalogue of architectural fashion and technology in the minor changes over the years
- NPPF Section 12 requires consideration of alternatives
- By definition the loss of the Grade II listed building is substantial harm – substantial public benefit hasn't been demonstrated therefore the buildings cannot be legally demolished
- Water ingress and pigeon infestation is considered deliberate neglect which cannot be taken as justification for demolition
- Profit margins aren't a consideration in determining permission to demolish a listed building
- NSDC have a last chance to save these valuable historic buildings – failure to do so could encourage further scrutiny and calling the decision to the secretary of state
- Historic England have already commented at length on the applications and have objected citing relevant planning legislation
- Once restored the Robin Hood buildings could provide a buffer between the new development and the ancient town
- It has been evidenced that important features remain, a Historic England report from January 2011 clearly stated that the building could be restored
- It is common sense that the longer a building is left in a state of disrepair the more expensive it will be to restore – the buildings have been in their current ownership since 2003
- It would set a dangerous precedent if the demolition of these buildings is allowed
- Many businesses and individuals live in listed buildings and have to abide by statutory regulations – it should be no different for this site
- Without further development and completion of a vision, the historical picture of the town will have significant gaps in recording commercial activity of the 21st Century
- All the statutory consultees have reported that the buildings are capable of repair – these applications should not be entertained
- It is the LPA's statutory duty to ensure the repair of the buildings is carried out
- Demolishing old buildings in an old town defies logic – old houses should not be destroyed because they have fallen into disrepair – certainly not if they are listed
- There could be potential damage to other nearby buildings during construction

Appendix 2 – Conditions and Reasons

16/00914/FULM

01

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

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

02

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

- Proposed Site Layout – J1565 08 09 Rev. E
- Proposed Ground Floor – J1565 08 13 Rev. E
- Proposed First Floor – J1565 08 14 Rev. E
- Proposed Second Floor – J1565 08 15 Rev. E
- Proposed Roof Plan – J1565 08 16 Rev. C
- Proposed Elevations and Site Sections Sheet 1 – J1565 08 17 Rev. C
- Proposed Elevations and Site Sections Sheet 2 – J1565 08 18 Rev. C
- Beaumont Cross Detail – J1565 08 20 Rev. D
- Typical Bay 1 Detail Study – J1565 08 21 Rev. C
- Typical Bay 2 Detail Study – J1565 08 22 Rev. C

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

Reason: So as to define this permission.

03

No development shall be commenced until details and sample including external finish of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles (to be natural slate)

Cladding

Render

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

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.

Vertical glazing lantern at the Beaumont Cross junction

Material finish of all external windows and doors

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

05

No development shall be commenced until a brick and render sample panel showing the brick bond, mortar specification, pointing technique, render specification, render finish and

any architectural decoration has been provided on site for inspection and approval has been received 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.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

A programme of historic building recording in accordance with Historic England Level 4 shall be submitted to and approved by the District Planning Authority before development commences. The programme shall include details of where the completed report will be deposited. The report shall be completed in accordance with the agreed methodology and submitted to the agreed parties within 3 months of works commencing.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

07

The developer shall give the local planning authority 14 days notice prior to the commencement of the start of works and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

08

Prior to demolition of the listed buildings hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

09

Prior to the installation of any external plant including mechanical extract or refrigeration units, a scheme detailing the precise specification in relation to noise output and any proposed means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented prior to the plant or equipment being brought into use.

Reason: In the interests of protecting surrounding amenity.

10

The development shall be carried out in accordance with Section 7.3.1.7. of the Phase 1 Ecology and Bat Roost Risk Assessment carried out by RDF ecology and dated May 2016 in reference to the need for a repeat of the roost risk assessment survey. The results of the survey shall be submitted to the Local Planning Authority along with any additional precautionary measures as required. Irrespective of the results of the repeat survey, the development hereby approved shall be carried out in accordance with the precautionary measures outlined by Section 7.4. of the Phase 1 Ecology and Bat Roost Risk Assessment carried out by RDF ecology and dated May 2016.

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

11

No part of the development shall be brought into use until bin storage facilities have been provided for the development in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to the commencement of the use in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

12

No part of the development shall be brought into use until the car parking arrangements as presented (the extension of opening hours of the adjacent NCP car parking) have been secured. Evidence of a contract which secures this arrangement shall be provided to the local planning authority prior to the commencement of the use.

Reason: To ensure that the development does not adversely affect car parking provision in the vicinity and in order to secure the public benefits of the scheme as envisaged.

Informative

01

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

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

02

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

03

Historic England has produced guidance entitled 'Understanding Historic Buildings

A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

16/00915/LBC

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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

02

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

- Proposed Site Layout – J1565 08 09 Rev. E
- Proposed Ground Floor – J1565 08 13 Rev. E
- Proposed First Floor – J1565 08 14 Rev. E
- Proposed Second Floor – J1565 08 15 Rev. E
- Proposed Roof Plan – J1565 08 16 Rev. C
- Proposed Elevations and Site Sections Sheet 1 – J1565 08 17 Rev. C
- Proposed Elevations and Site Sections Sheet 2 – J1565 08 18 Rev. C
- Beaumont Cross Detail – J1565 08 20 Rev. D
- Typical Bay 1 Detail Study – J1565 08 21 Rev. C
- Typical Bay 2 Detail Study – J1565 08 22 Rev. C

Reason: So as to define this consent.

03

No development shall be commenced until details and sample including external finish of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles (to be natural slate)

Cladding

Render

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

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.

Vertical glazing lantern at the Beaumont Cross junction

Material finish of all external windows and doors

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

05

No development shall be commenced until a brick and render sample panel showing the brick bond, mortar specification, pointing technique, render specification, render finish and any architectural decoration has been provided on site for inspection and approval has been received 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.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

06

A programme of historic building recording in accordance with Historic England Level 4 shall be submitted to and approved by the District Planning Authority before development commences. The programme shall include details of where the completed report will be

deposited. The report shall be completed in accordance with the agreed methodology and submitted to the agreed parties within 3 months of works commencing.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

07

The developer shall give the local planning authority 14 days notice prior to the commencement of the start of works and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

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

08

Prior to demolition of the listed buildings hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

Informative

01

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

02

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

Application No:	16/01972/FUL		
Proposal:	Provision of 4no. dwelling houses and 4no. flats with associated works		
Location:	Land between 67-69 Forest Road, Clipstone		
Applicant:	Mr Richard Vickery		
Registered:	28.11.16	Target Date:	23.01.17
			ext of time agreed 10.03.17

This application has been referred to committee under the scheme of delegation as it is considered that the specifics of the application, notably the fine balance of the scheme, warrant determination by the Planning Committee.

The Site

The application site comprises approximately 1527m² of land located on the north side of Forest Road within the settlement of Clipstone. It is a rectangular shaped plot which fronts Forest Road leading back towards allotments to the north. The site is located between No. 67 and No. 69 Forest Road and is currently dissected by an access road. It is relatively unkempt and overgrown. To the south, east and west are residential properties on Forest Road and to the north are allotments. The site itself is designated as public open space/playing fields as is the wider land to the north.

The site is located within an established residential area which is interspersed with areas of open space and allotments to the rear.

Description of Proposal

The application proposes the erection of eight residential properties, 2no. two bed properties and 2no. 1 bed flats to the site frontage and 2no. 1 bed flats and 2no. two bed properties to the rear. The dwellings are proposed to be social rented housing and the application has been made on behalf of Nottingham Community Housing Association.

Relevant Planning History

No relevant history

Public Advertisement Procedure

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

Planning Policy Framework

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

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

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12- Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Clipstone Parish Council: - Clipstone Parish Council wishes to object to this development.

- It would lead to an over intensification of the site
- Nearby houses already suffer low water pressure
- There are problems with sewerage back flow
- There would be problems with surface water run-off
- The effect on local services and amenities would be detrimental
- Severe concerns about provision of car parking for residents.
- Access for emergency vehicles could be problematic.
- Access to allotments would be problematic as access road not wide enough for two vehicles to pass one another.
- It would not be safe for local children to walk to allotments.
- Site has traditionally been used for children to play.

On amended plans – no comments received

Environmental Services Contaminated Land - This application is for the development of residential dwellings on a historic domestic garage site. There is the potential for contamination to be present from this former use. The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council.

On amended plans - No further comments to those submitted 19th December 2015 in relation to contaminated land.

NCC Highways – This proposal is for 4 dwellings and 4 apartments on existing unused land, served by a new access into the site. Whilst the principle of development of the site is acceptable, there are some concerns over the parking provision. With this type of layout, it has been noted in the past with previous developments, that an increase in on street parking in the vicinity occurs, as residents prefer to park their vehicle adjacent their property and not as demonstrated on the site plan submitted. Plots 3 and 4 only have 1 space per unit at the site frontage, and it is recommended that the layout be amended to provide 2 spaces per unit.

The red line of the site boundary has also included the footway along the site frontage, which is to be resurfaced as part of this development. Pedestrian visibility splays of 2m x 2m are required adjacent the access and should be shown on the site plan, which will result in the bin collection point being relocated further into the site.

The public Right of Way is required to be diverted, and this has been mentioned on drawing no. 1775/P 03D.

Therefore, an amended plan is required to be submitted to address the above issues prior to suitable conditions being imposed.

On amended plans – The pedestrian visibility splays are now shown on the amended plan, and the bin collection point is relocated further into the site, recommends conditions.

Rights of Way Officer - This application impacts on Clipstone Parish Foot Path No 16, which runs 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.

I note that the path is included in the proposed site layout as being re-directed or diverted, this will require a legal order under the Town & Country Planning Act 1990 which is dealt with by the planning authority, as the path is a highway in law.

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

On amended plans - I have nothing further to add to this application to the response made 2/12/16 regarding footpath 16 Clipstone.

Ramblers Association - We have no over-riding objection to this development but attention needs to be given to Clipstone Footpath 16 which runs through the site and which will require a minor diversion. We completely agree with the comments submitted by Mr Knowles from NCC RoW that correct procedures must be followed.

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

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

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

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

On amended plans - There are no further comments beyond those previously submitted

Strategic Housing NSDC - The District Council fully support the proposal by Nottingham Community Housing Association to develop 8 affordable properties consisting of 4 x 1 bedroom flats and 4 x 2 bedroom houses. The proposed scheme will contribute to meeting high levels of evidenced housing need in the area for smaller dwellings. ((Housing Market and Needs Assessment 2014) (1 bed dwellings = 83 units and 2 bed dwellings = 250 units). The tenure of the affordable properties will also contribute to housing need (affordable rent and shared ownership)

Comments: I refer to the above application and make the following observations on behalf of the

Council's Strategic Housing Service.

Affordable Housing provision:- The Council's Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 10 or more dwellings or sites of 0.2 ha or above.

The site would not normally provide an affordable housing on-site contribution, therefore the proposal to provide 100% affordable housing will be supported by the District Council.

Preferred Tenure/Type:- Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership*). Therefore the Council supports the proposed tenure of affordable rent and shared ownership on the proposed site.

Demand for Affordable Housing/Housing Need

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Mansfield Fringe sub area (of which Clipstone is a part of) The highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a 'cascade' approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council's allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below.
http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf

Registered Providers

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency). In this case the Council currently works with Nottingham Community Housing Association to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

Representations have been received from **20 local residents** which can be summarised as follows:

- Concern over anti-social behaviour from flats
- Area is used to walk the dog and this will restrict paths and areas to walk on
- Loss of rural like area
- Site provides a break from the urban and overcrowding of Clipstone
- The site is a local play area
- The green areas along Forest Road provide safe play areas for children
- They may appear overgrown and unkempt but this is due to the current owners lack of management and the sites were previously tidy and areas of play.
- Increase in traffic on Forest Road and other avenues, already a busy and fast flowing highway
- Increase in parked cars in Forest Road
- Allotment access used by larger vehicles and at all times through the day
- On street parking can be dangerous to pedestrians and children
- Road cannot cope with any more houses
- Pressures on local services – GP and local schools
- Impact on privacy/overlooking
- Concern over subsidence, stability of property
- Concern over asbestos from garages on site, health and safety concerns
- The proposal will affect gas and water pressure
- Surface water and sewerage – will exacerbate an already intolerable situation
- Clipstone Allotment Association – not objection to the proposal but states that the pedestrian and vehicular access should not be affected or obstructed. Awareness of public footpath users who should not be impeded or endangered.
- Comment in support for housing as it will provide houses for young families

Comments of the Business Manager

Principle of Development

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

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

The site is part of a wider designated protected open space provision and it is understood that the area was originally intended as a play area. As such Spatial Policy 8 is applicable in this instance.

Loss of Public Open Space

SP8 states that the loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that:

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

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

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

Allocations & Development Management Policy DM5(3) reiterates Spatial Policy 8 and states:-

“Proposals resulting in the loss of amenity space will require justification.”

The site does not have any play equipment on it, is within private ownership and is currently overgrown and unkempt. The application is not proposing replacement provision of open space and the redevelopment of the site would result in the loss of an open area within the settlement. Moreover, no attempts have been made to demonstrate that the continued use of the site as public open space is no longer feasible as required by Spatial Policy 8. The deliberate neglect of a site is not sufficient to permit its redevelopment and it is therefore considered that an ‘in principle’ objection to the development on the grounds of conflict with Spatial Policy 8 and DM5 could be sustained, in this case.

However, whilst the loss of this green undeveloped land is regrettable the application is proposing a 100% affordable housing scheme which together with the private ownership and current status of the land is a significant material consideration in this case.

Both policies contain a caveat that where community facilities are to be lost alternative provision of the same or better quality can provide an off-setting solution. This approach has been adopted on similar sites and a financial contribution has been agreed to provide appropriate and proportionate mitigation for the loss of the open space. However, in this instance as the proposal

is for affordable housing an off-site contribution has not been requested as this would put financial pressures on the scheme and could render it unviable. As a consequence the proposal also fails to meet the second bullet point of Spatial Policy 8.

The site is part of a much larger protected open space to the north which is used for allotments and recreation. The allotments are well used and the proposal would not impact on this use or the protected open status of land to the north. This would meet the requirements of the third point in Spatial Policy 8 which requires sufficient provision of alternative facilities in the area. I am conscious that although the existing wording of Spatial Policy 8 requires all bullet points to be met, through plan review, there is a strong likelihood that revised wording will refer to an 'or' requirement thus accepting that in cases where only one of the provisions above is met, the policy could still be considered satisfied.

It is therefore considered that when taken on balance, the provision of 100% affordable housing, the status of the land and the remaining open space to the north, that the loss of open space is accepted in principle.

Impact on Visual Amenity

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

The application site falls within a residential area which is predominantly two storey semi-detached dwellings.

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

The layout of the development has been designed such that Plots 1 – 4 continue the building line along Forest Road with parking to the frontage. As such the siting of Plots 1 -4 would assimilate well with the existing built environment.

Plots 5 – 8 are sited to the rear of the frontage plot and would create a separate block detached to the north of the site. Forest Road is very linear with all properties fronting the highway or a semi-circular turning head. The addition of dwellings set back behind the front building line is not considered to be in character and appearance of the surrounding area. The introduction of backland development would not reflect the character and form of Forest Road. Policy DM5 is clear that inappropriate backland development will be resisted.

The area is currently protected open space and coupled with other areas along the northern side of Forest Road provide natural green breaks within the built environment. The area was designated as a play area and as discuss above is a protected open space. The site is currently uncultivated and underused but does provide a natural break in what otherwise is a long linear stretch of residential properties. The gaps in the built form provide views to the wider open space/allotments to the north and the open countryside beyond. The construction of dwellings on the site would result in the loss of open space which provides a break to the existing built environment.

The application proposes backland development which does not reflect the character and form of Forest Road and would result in the loss of a natural green break within the built form to the detriment of the visual amenity of the streetscene. The proposal would therefore have an adverse impact upon the visual character and amenity of the immediate street-scene and the wider area contrary to Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact on Residential Amenity

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

This application proposes the erection of two semi-detached dwellings and two flats to the south of the site fronting Forest Road. The position of the dwellings would continue the building line along the highway. To the south, east and west of the site are dwellings on Forest Road and to the north of the site are allotments and open space.

Adjoining the side boundary to the west, No. 69 Forest Road, is separated by 6.8 metres from the proposed dwelling. The side gable elevation of No. 69 projects towards the site and there is a detached garage along the shared boundary. There are no windows on the side elevation and the dwellings to the frontage are sited as such that they would not adversely impact on the residential amenity of this neighbouring property. To the rear of the plot a further block of residential units is proposed. These would be off set from the shared boundary to No. 69 by 8 metres and would be some 23 metres from the rear of this property and at an angle. No. 69 is sited with the main fenestrations looking north and south and has a long rear back garden. It is acknowledged that the rear first floor bedroom windows would overlook part of the garden area to this property however any outlook to the private amenity area space immediately to the rear of the dwelling would be at an oblique line of site. On this basis, I do not consider that the amenity impacts would be so severe as to resist the application.

To the east of the plot is No. 67 Forest Road. This property would be separated from the proposed development by a landscaped strip and the access drive. The dwellings to the west would be some 17 metres from the side blank gable of this property and to the rear the proposed dwellings would

be some 27.5 metres from the rear elevation and at an angle. It is not considered that the proposal would have any impact on the amenities of No. 67.

Allotments lie to the north of the site and the properties to the south are separated by Forest Road and a grassed 'D' turning/parking area. The proposed units are at sufficient distance separation that they will not unduly impact on the residential amenities of these properties.

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

Amenity impacts also relate to those afforded to proposed occupiers. In this regard I am satisfied that the block plan demonstrates appropriate amenity relationships and provisions within the site.

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

Highways and parking

The proposed dwellings and parking areas would be accessed via a private drive from Forest Road. The application proposes new dropped kerbs and footpaths with a 2 x 2 m visibility splay. The private drive would be to the east of the site and would retain the access to the right of way to the allotments to the rear and the existing public footpath across the site. Each property has been provided off street parking spaces.

The Highway Authority have raised no objection to the proposal subject to the imposition of conditions.

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

There is a public footpath which crosses the site which is to be retained with a minor alteration to its route. Comments have been received with regards to this and no objection is raised but reference is made to the correct procedures being followed for the diversion and that the footpath should not be impeded or endangered in any way. This can be controlled by means of a condition.

Provision of Affordable Housing/Housing supply

The proposed scheme is for 100% affordable housing and would provide four 2 bed dwellings which represent the highest proportion of demand in the Mansfield Fringe sub area. The need of affordable housing remains high in the Council agenda as indeed it does nationally. Therefore, the provision of a 100% affordable housing scheme which meets an identified need, in terms of size

and tenure, should be given significant weight within the planning balance.

It is worthy of note that the proposal would provide 8 dwellings towards the Council's housing land supply at a time where the Council has committed to taking a pragmatic approach in order to boost our housing land supply until such time as the OAN has been ratified through the Plan Review. The contribution to housing supply in a sustainable location is a notable benefit of the scheme which again will need to be weighed in the overall planning balance.

Surface water/sewerage

A number of objections have been received with regards to sewerage and drainage system being at capacity. The application proposes to use the main sewer system and no comments have been received from the relevant drainage bodies. No evidence has been presented to suggest that the existing system could not cope with the additional dwellings.

Health and Safety concerns

Comments have been submitted with regards to health and safety concerns over asbestos and subsidence/stability of the land. Environmental Health have been consulted on the application and they have raised no concerns subject to a condition regarding contamination. This can be dealt with by means of a condition.

Conclusion

The proposed development presents a balance of competing objectives. The proposal would provide housing and as a scheme for 100% affordable housing would help meet identified local needs and housing supply. The site is also located within a sustainable settlement where development is supported. The proposal would not have significant impacts on highway safety or residential amenity. However, this need to be balanced against the loss of backland development which does not reflect the character and form of Forest Road and would result in the loss of a protected natural green break within the built form to the detriment of the visual amenity of the streetscene. Members will be aware that in the context of recent appeal decisions, the balance of the proposal is all the more fine, however, in this instance, officers consider that the creation of eight affordable dwellings would not offer significant enough public benefits that outweigh the harm to identified.

RECOMMENDATION

That full planning permission is refused for the following reasons

Reasons for Refusal

01

The application proposes backland development which does not reflect the character and form of Forest Road and would result in the loss of a protected natural green break within the built form to the detriment of the visual amenity of the streetscene. The proposal would therefore have an adverse impact upon the visual character and amenity of the immediate street-scene and the wider area contrary to Core Policy 9 and Policy DM5 as well as the NPPF which forms a material consideration.

Notes to Applicant

01

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

02

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.

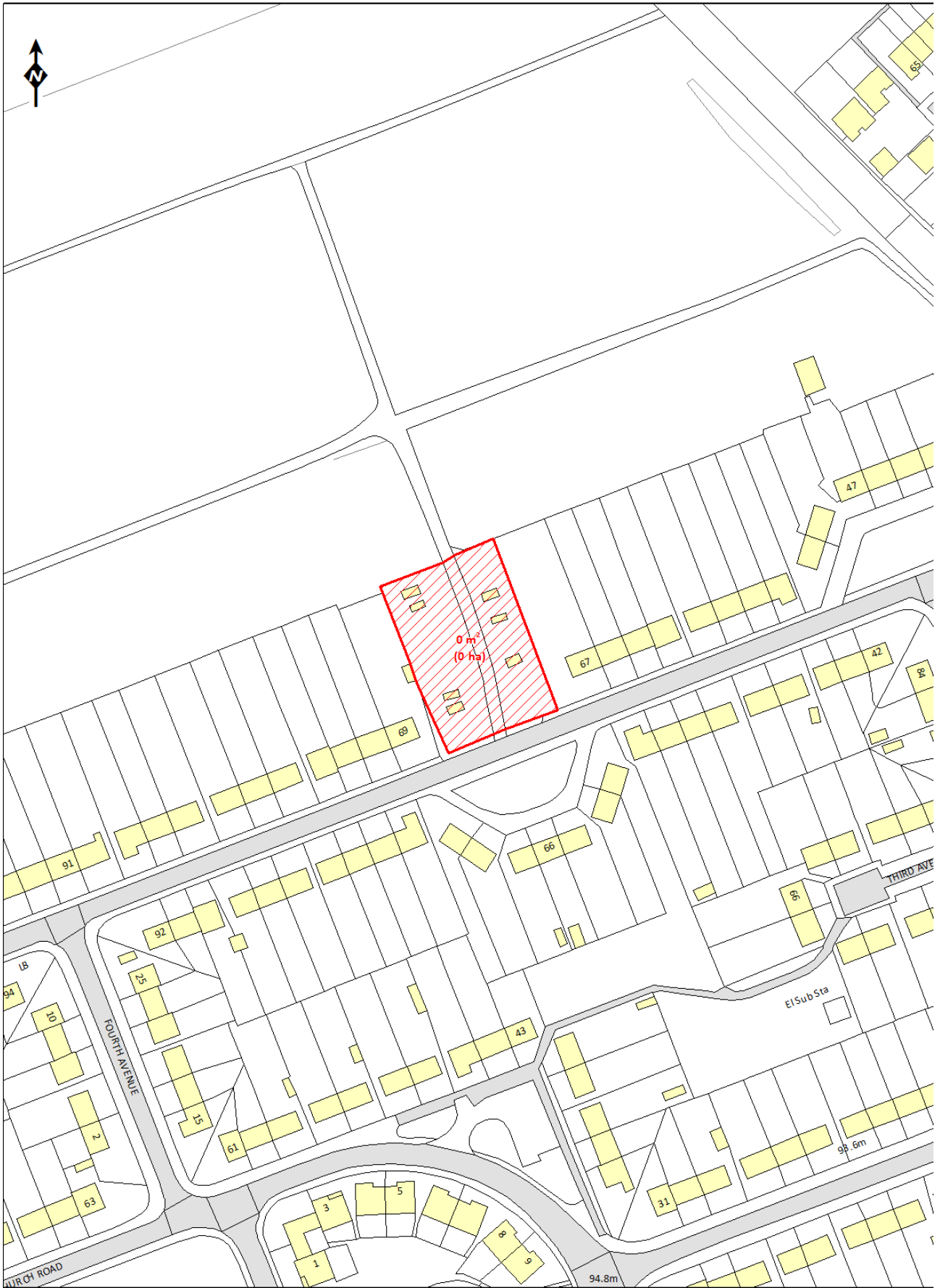
Application case file.

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

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

Kirsty Cole

Deputy Chief Executive



Application No:	16/01973/FUL		
Proposal:	Provision of 4no. dwelling houses and 4no. flats with associated works		
Location:	Land between 139-141 Forest Road, Clipstone		
Applicant:	Mr Richard Vickery		
Registered:	28.11.16	Target Date: 23.01.17	ext of time agreed 10.03.17

This application has been referred to committee under the scheme of delegation as it is considered that the specifics of the application, notably the fine balance of the scheme, warrant determination by the Planning Committee.

The Site

The application site comprises approximately 1940m² of land located on the north side of Forest Road within the settlement of Clipstone. It is a rectangular shaped plot which fronts Forest Road leading back towards allotments to the north. The site is located between No. 139 and No. 141 Forest Road with an access point from the south west leading into the site. To the south, east and west are residential properties on Forest Road and to the north are allotments. The site itself is designated as public open space/playing fields as is the wider land to the north.

The site is located within an established residential area which is interspersed with areas of open space and allotments to the rear.

Description of Proposal

The application proposes the erection of eight residential properties, 2no. two bed properties and 2no. 1 bed flats to the site frontage and 2no. 1 bed flats and 2no. two bed properties to the rear. The dwellings are proposed to be social rented housing and the application has been made on behalf of Nottingham Community Housing Association.

Relevant Planning History

No relevant history

Public Advertisement Procedure

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

Planning Policy Framework

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

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

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12- Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Consultations

Clipstone Parish Council: - Clipstone Parish Council wishes to object to this development.

- It would lead to an over intensification of the site
- Nearby houses already suffer low water pressure
- There are problems with sewerage back flow
- There would be problems with surface water run-off
- The effect on local services and amenities would be detrimental
- Severe concerns about provision of car parking for residents.
- Access for emergency vehicles could be problematic.
- Access to allotments would be problematic as access road not wide enough for two vehicles to pass one another.
- It would not be safe for local children to walk to allotments.
- Site has traditionally been used for children to play.

On amended plans – no comments received

Environmental Services Contaminated Land - This application is for the development of residential dwellings on a historic domestic garage site. There is the potential for contamination to be present from this former use. The applicant/developer will need to have a contingency plan

should the construction phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council.

On amended plans - No further comments to those submitted 19th December 2015 in relation to contaminated land.

NCC Highways – This proposal is for 4 dwellings and 4 apartments served by a private drive on existing unused land. Whilst the principle of development of the site is acceptable, there are some concerns over the parking provision. With this type of layout, it has been noted in the past with previous developments, that an increase in on street parking in the vicinity occurs, as residents prefer to park their vehicle adjacent their property and not as demonstrated on the site plan submitted. Plots 1 and 2 only have 1 space adjacent, and will lead to on street parking on Forest Road outside the plots, therefore, it is recommended that the layout be amended to provide 2 spaces per unit.

The red line of the site boundary has also included the footway along the site frontage, which is to be resurfaced as part of this development. Pedestrian visibility splays of 2m x 2m are required adjacent the access and should be shown on the site plan, which will result in the bin collection point being relocated further into the site.

Therefore, an amended plan is required to be submitted to address the above issues prior to suitable conditions being imposed.

On amended plans – concern expressed with regards to the position of the turning head within the site and have suggested it would be better positioned further into the site, near plots 7/8, as should a vehicle enter the site and all the parking spaces be occupied, it would have to reverse approx. 30m to be able to turn and exit.

Revised Comments received 24th February 2017:

Amended site plan 1965/P 03G

The parking arrangements have been amended, and a turning head included near plots 7 and 8. Pedestrian visibility splays are also now shown on the plan, and the bin collection point added.

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

1. The access into the site and 5 vehicular crossings shall be constructed and surfaced in a bound material in accordance with the plan 1965/P 03 G and to the Highway Authority's specification and no other part of the development shall be commenced until the access has been completed in accordance with those plans. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the plan 1965/P 03 G. The parking/turning

areas shall not be used for any purpose other than parking/turning of vehicles. Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway. Reason: In the interests of highway safety.

Notes to applicant

The development makes it necessary to construct 5 vehicular crossings and the main access over a footway of the public highway, and also the resurfacing of the footway along the site frontage. In order to carry out the off site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the act. Please contact David Albans 0115 804 0015 for further details.

This proposal will require the relocation of an existing utility cabinet. This will be at the applicant's expense.

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

I welcome the fact that the unregistered path through the site is accommodated in the planning application.

On amended plans - I have nothing further to add to this application to the response made 2/12/16 regarding footpath 16 Clipstone.

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

It is recommended that disabled persons and wheelchair users' access to, into and around the proposal be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. In particular, step-free access to and into and around the proposal is important and a suitably surfaced firm level and smooth traffic free accessible route is essential to and into the proposal from facilities such as car parking and from the site boundary.

Any loose laid materials such as gravel or similar, can cause difficulty for any wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

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

On amended plans - There are no further comments beyond those previously submitted

Strategic Housing NSDC - The District Council fully support the proposal by Nottingham Community Housing Association to develop 8 affordable properties consisting of 4 x 1 bedroom flats and 4 x 2 bedroom houses. The proposed scheme will contribute to meeting high levels of evidenced housing need in the area for smaller dwellings. ((Housing Market and Needs Assessment 2014) (1 bed dwellings = 83 units and 2 bed dwellings = 250 units). The tenure of the affordable properties will also contribute to housing need (affordable rent and shared ownership)

Comments: I refer to the above application and make the following observations on behalf of the Council's Strategic Housing Service.

Affordable Housing provision:- The Council's Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 10 or more dwellings or sites of 0.2 ha or above. The site would not normally provide an affordable housing on-site contribution, therefore the proposal to provide 100% affordable housing will be supported by the District Council.

Preferred Tenure/Type:- Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership*). Therefore the Council supports the proposed tenure of affordable rent and shared ownership on the proposed site.

Demand for Affordable Housing/Housing Need

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Mansfield Fringe sub area (of which Clipstone is a part of) The highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a 'cascade' approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council's allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below.
http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf

Registered Providers

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency). In this case the Council currently works with Nottingham Community Housing Association to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

Representations have been received from **17 local residents** which can be summarised as follows:

- Site provides a break from the urban and overcrowding of Clipstone
- The site is a local play area
- Compromise views of open countryside
- They may appear overgrown and unkempt but this is due to the current owners lack of management and the sites were previously tidy and areas of play.
- Increase in traffic on Forest Road and other avenues, already a busy and fast flowing highway
- Increase in parked cars in Forest Road
- Increase in noise
- On street parking can be dangerous to pedestrians and children
- No visitor parking will lead to more on street parking
- Restrict emergency vehicle access
- Road cannot cope with any more houses
- Pressures on local services – GP and local schools
- Impact on privacy/overlooking
- Not in keeping with area
- Lead to cramming
- Surface water and sewerage – will exacerbate an already intolerable situation

- Concern over flooding – increase risk of flooding
- Clipstone Allotment Association – not objection to the proposal but states that the pedestrian and vehicular access should not be affected or obstructed. Awareness of public footpath users who should not be impeded or endangered.
- Lead to disturbance of livestock on allotment plot
- Risk to children walking to school allotment plot
- Loss of habitat
- Concern over right of way to bungalow across site

Comments of the Business Manager

Principle of Development

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

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

The site is part of a wider designated protected open space provision and it is understood that the area was originally intended as a play area. As such Spatial Policy 8 is applicable in this instance.

Loss of Public Open Space

SP8 states that the loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that:

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

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

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is or alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Allocations & Development Management Policy DM5(3) reiterates Spatial Policy 8 and states:-
“Proposals resulting in the loss of amenity space will require justification.”

The site does not have any play equipment on it, is within private ownership and is currently overgrown and unkempt. The application is not proposing replacement provision of open space and the redevelopment of the site would result in the loss of an open area within the settlement. Moreover, no attempts have been made to demonstrate that the continued use of the site as public open space is no longer feasible as required by Spatial Policy 8. The deliberate neglect of a site is not sufficient to permit its redevelopment and it is therefore considered that an ‘in principle’ objection to the development on the grounds of conflict with Spatial Policy 8 and DM5 could be sustained, in this case.

However, whilst the loss of this green undeveloped land is regrettable the application is proposing a 100% affordable housing scheme which together with the private ownership and current status of the land is a significant material consideration in this case. A small area of open space is retained to the west of the site.

Both policies contain a caveat that where community facilities are to be lost alternative provision of the same or better quality can provide an off-setting solution. This approach has been adopted on similar sites and a financial contribution has been agreed to provide appropriate and proportionate mitigation for the loss of the open space. However, in this instance as the proposal is for affordable housing an off-site contribution has not been requested as this would put financial pressures on the scheme and could render it unviable. As a consequence the proposal also fails to meet the second bullet point of Spatial Policy 8.

The site is part of a much larger protected open space to the north which is used for allotments and recreation. The allotments are well used and the proposal would not impact on this use or the protected open status of land to the north. This would meet the requirements of the third point in Spatial Policy 8 which requires sufficient provision of alternative facilities in the area. I am conscious that although the existing wording of Spatial Policy 8 requires all bullet points to be met, through plan review, there is a strong likelihood that revised wording will refer to an ‘or’ requirement thus accepting that in cases where only one of the provisions above is met, the policy could still be considered satisfied.

It is therefore considered that when taken on balance, the provision of 100% affordable housing, the status of the land and the remaining open space to the north, that the loss of open space is accepted in principle.

Impact on Visual Amenity

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

The application site falls within a residential area which is predominantly two storey semi-detached dwellings.

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

The layout of the development has been designed such that Plots 1 – 4 sited to the east of the plot continue the building line along Forest Road with parking to the frontage. As such the siting of Plots 1 -4 would assimilate well with the existing built environment.

Plots 5 – 8 are sited to the rear of the frontage plot and would create separate blocks detached to the north of the site. Forest Road is very linear with all properties fronting the highway or a semi-circular turning head. The addition of dwellings set back behind the front building line is not considered to be in character and appearance of the surrounding area. The introduction of backland development would not reflect the character and form of Forest Road. Policy DM5 is clear that inappropriate backland development will be resisted.

The area is currently protected open space and coupled with other areas along the northern side of Forest Road provide natural green breaks within the built environment. The area was designated as a play area and as discuss above is a protected open space. The site is currently uncultivated and underused but does provide a natural break in what otherwise is a long linear stretch of residential properties. The gaps in the built form provide views to the wider open space/allotments to the north and the open countryside beyond. The construction of dwellings on the site would result in the loss of open space which provides a break to the existing built environment. A small strip of landscaping and public open space to the west of the site has been retained but the location of the dwellings to the east and encroachment of the access track would result in the loss of the majority of the open area.

The application proposes backland development which does not reflect the character and form of Forest Road and would result in the loss of a natural green break within the built form to the detriment of the visual amenity of the street scene. The proposal would therefore have an adverse impact upon the visual character and amenity of the immediate street-scene and the wider area

contrary to Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact on Residential Amenity

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

This application proposes the erection of two semi-detached dwellings and two flats to the southeast of the site fronting Forest Road. The position of the dwellings would continue the building line along the highway. To the south, east and west of the site are dwellings on Forest Road and to the north of the site are allotments and open space.

Adjoining the side boundary to the east, No. 139 Forest Road, is separated by 4.2 metres and a large boundary hedgerow from the proposed dwelling. The side gable elevation of No. 139 projects towards the site and there are no habitable windows on the side elevation. The dwellings to the frontage are sited as such that they would not adversely impact on the residential amenity of this neighbouring property.

To the rear of the plot a further two blocks of residential units are proposed. These would be off set from the shared boundary to No. 139 by 9 metres and would be some 19 metres from the rear of this property and at an angle. No. 139 is sited with the main fenestrations looking north and south and has a long rear back garden screened by a large boundary hedge. It is acknowledged that the rear first floor bedroom windows would overlook part of the garden area to this property however any outlook to the private amenity area space immediately to the rear of the dwelling would be at an oblique line of site. On this basis, I do not consider that the amenity impacts would be so severe as to resist the application.

To the west of the plot is No. 141 Forest Road. This property would be separated from the proposed development by a landscaped strip and the access drive. The dwelling to the east would be some 19 metres from the side gable of this property which has no habitable windows in it. To the rear the proposed dwellings would be some 27 metres from the rear elevation and at an angle. It is not considered that the proposal would have any impact on the amenities of No. 141.

Allotments lie to the north of the site and the properties to the south are separated by Forest Road and a grassed 'D' turning/parking area. The proposed units are at sufficient distance separation that they will not unduly impact on the residential amenities of these properties.

Given the siting of the proposed dwellings and the relationship with neighbouring properties to the east and west, I do not consider that the proposed development would give rise to any amenity issues by virtue of any privacy, material overbearing or overshadowing impact. Concern has

been expressed with regards to loss of privacy and overlooking but I am not convinced that the proposal would lead to demonstrable harm to warrant a refusal on this basis.

Amenity impacts also relate to those afforded to proposed occupiers. In this regard I am satisfied that the block plan demonstrates appropriate amenity relationships and provisions within the site.

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

Highways and parking

The proposed dwellings and parking areas would be accessed via a private drive from Forest Road. The application proposes new dropped kerbs and footpaths with a 2 x 2 m visibility splay. The private drive would be to the west of the site and would retain the access to the right of way to the allotments to the rear. Each property has been provided off street parking spaces.

The Highway Authority requested amended plans to provide additional parking and 2x2 m visibility splays. These amendments have been submitted. The Highway Authority then expressed further concerns about the position of the turning head within the site and suggested it would be better positioned further into the site, near plots 7/8, as should a vehicle enter the site and all the parking spaces be occupied, it would have to reverse approximately 30m to be able to turn and exit. Amendments have been again been submitted to resolve this issue and revised comments have been received from the Highways Authority raising no objections subject to conditions. Comments have been received with regards to concern over the right of access to No. 141 Forest Road. The submitted layout plans show the retention of the access on the western boundary.

The site is considered to be in a sustainable location and provides a safe access and acceptable parking. The proposal is therefore deemed compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Provision of Affordable Housing/Housing supply

The proposed scheme is for 100% affordable housing and would provide four 2 bed dwellings which represent the highest proportion of demand in the Mansfield Fringe sub area. The need of affordable housing remains high in the Council agenda as indeed it does nationally. Therefore, the provision of a 100% affordable housing scheme which meets an identified need, in terms of size and tenure, should be given significant weight within the planning balance.

It is worthy of note that the proposal would provide 8 dwellings towards the Council's housing land supply at a time where the Council has committed to taking a pragmatic approach in order to boost our housing land supply until such time as the OAN has been ratified through the Plan Review. The contribution to housing supply in a sustainable location is a notable benefit of the scheme which again will need to be weighed in the overall planning balance.

Surface water/sewerage

A number of objections have been received with regards to sewerage and drainage system being at capacity. The application proposes to use the main sewer system and no comments have been received from the relevant drainage bodies. No evidence has been presented to suggest that the existing system could not cope with the additional dwellings.

Conclusion

The proposed development presents a balance of competing objectives. The proposal would provide housing and as a scheme for 100% affordable housing would help meet identified local needs and housing supply. The site is also located within a sustainable settlement where development is supported. The proposal would not have significant impacts on highway safety or residential amenity. However, this needs to be balanced against the impacts of the development in terms of the introduction of backland development which does not reflect the character and form of Forest Road and would result in the loss of a protected open space green break within the built form to the detriment of the visual amenity of the streetscene. Members will be aware that in the context of recent appeal decisions, the balance of the proposal is all the more fine, however, in this instance, officers consider that the creation of eight affordable dwellings would not offer significant enough public benefits that outweigh the harm to identified.

RECOMMENDATION

That full planning permission is refused for the following reasons

Reasons for Refusal

01

The application proposes backland development which does not reflect the character and form of Forest Road and would result in the loss of a protected natural green break within the built form to the detriment of the visual amenity of the streetscene. The proposal would therefore have an adverse impact upon the visual character and amenity of the immediate street-scene and the wider area contrary to Core Policy 9 and Policy DM5 as well as the NPPF which forms a material consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the

proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

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.

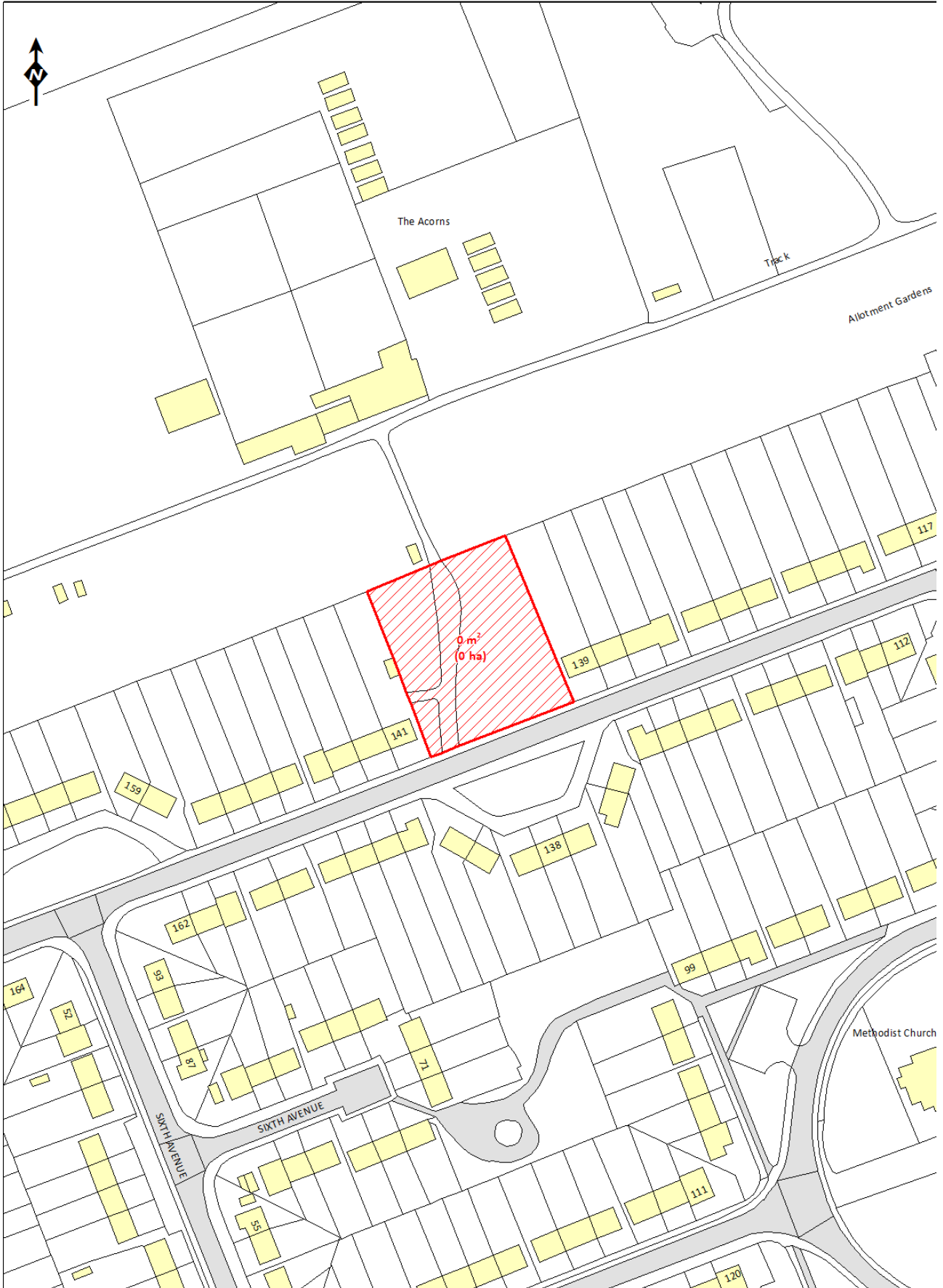
Application case file.

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 - 16/01973/FUL



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

Application No:	16/01974/FUL		
Proposal:	Provision of 5 no. dwelling houses and 4no. flats with associated works		
Location:	Land between 177-179 Forest Road, Clipstone		
Applicant:	Mr Richard Vickery		
Registered:	28.11.16	Target Date: 23.01.17	Extension of time agreed 10.03.17

This application has been referred to committee under the scheme of delegation as it is considered that the specifics of the application, notably the fine balance of the scheme, warrant determination by the Planning Committee.

The Site

The application site comprises approximately 1578m² of land located on the north side of Forest Road within the settlement of Clipstone. It is a rectangular shaped plot which fronts Forest Road leading back towards allotments to the north. The site is located between No. 177 and No. 179 Forest Road with an access road and public footpath leading through the site. To the south, east and west are residential properties on Forest Road and to the north are allotments. Land to the north of the site is designated protected open area.

The site is located within an established residential area which is interspersed with areas of open space and allotments to the rear.

Description of Proposal

The application proposes the erection of nine residential properties, 4 no. 1 bed flats to the site frontage and 5no. 2 bed properties to the rear. The dwellings are proposed to be social rented housing and the application has been made on behalf of Nottingham Community Housing Association.

Relevant Planning History

No relevant history

Public Advertisement Procedure

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

Planning Policy Framework

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

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

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014

Consultations

Clipstone Parish Council: - Clipstone Parish Council wishes to object to this development.

- It would lead to an over intensification of the site
- Nearby houses already suffer low water pressure
- There are problems with sewerage back flow
- There would be problems with surface water run-off
- The effect on local services and amenities would be detrimental
- Severe concerns about provision of car parking for residents.
- Access for emergency vehicles could be problematic.
- Access to allotments would be problematic as access road not wide enough for two vehicles to pass one another.
- It would not be safe for local children to walk to allotments.
- Site has traditionally been used for children to play.
- The access route would be too narrow to allow caravans to travel to and from the allotments.

On amended plans – no comments received

Environmental Services Contaminated Land - This application is for the development of residential dwellings on a historic domestic garage site. There is the potential for contamination to

be present from this former use. The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Proactive Team in Environmental Health at Newark and Sherwood District Council.

On amended plans - No further comments to those submitted 19th December 2016 in relation to contaminated land.

NCC Highways – This proposal is for 5 dwellings and 4 apartments on existing unused land, served by a private drive into the site.

The red line of the site boundary has also included the footway along the site frontage, which is to be resurfaced as part of this development. Pedestrian visibility splays of 2m x 2m are required adjacent the access and should be shown on the site plan, which will result in the bin collection point being relocated further into the site.

The development will require 4 vehicular crossings to be provided onto Forest Road for Plots 1-4.

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

1. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. Reason: In the interests of pedestrian safety.
2. The access into the site and 4 vehicular crossings shall be constructed and surfaced in a bound material in accordance with the approved plan and to the Highway Authority's specification and no other part of the development shall be commenced until the access has been completed in accordance with those plans. Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. Reason: In the interests of highway safety.
4. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway. Reason: In the interests of highway safety.

On amended plans – The pedestrian visibility splays are now shown on the amended plan, and the bin collection point is relocated further into the site, recommends conditions.

Rights of Way Officer - This application impacts on Clipstone Parish Foot Path No 19, which runs 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.

I note that provision for the path is included in the site plan and consider the proposals suitable. Any required path closure or diversion application should be made via consultation with this office.

On amended plans - I have nothing further to add to this application to the response made 2/12/16 regarding footpath 16 Clipstone.

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

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

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

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

On amended plans - There are no further comments beyond those previously submitted

Strategic Housing NSDC - The District Council fully support the proposal by Nottingham Community Housing Association to develop 9 affordable properties consisting of 4 x 1 bedroom flats and 5 x 2 bedroom houses. The proposed scheme will contribute to meeting high levels of

evidenced housing need in the area for smaller dwellings. ((Housing Market and Needs Assessment 2014) (1 bed dwellings = 83 units and 2 bed dwellings = 250 units). The tenure of the affordable properties will also contribute to housing need (affordable rent and shared ownership).

Comments: I refer to the above application and make the following observations on behalf of the Council's Strategic Housing Service.

Affordable Housing provision:- The Council's Adopted (July 2013) Affordable Housing Supplementary Planning Document (Core Policy 1) sets the affordable housing targets for any suitable site at 30% and the qualifying thresholds for affordable housing provision are: 10 or more dwellings or sites of 0.4 ha irrespective of dwelling numbers for Newark and for the rest of Newark and Sherwood – all housing proposals of 10 or more dwellings or sites of 0.2 ha or above. The site would not normally provide an affordable housing on-site contribution, therefore the proposal to provide 100% affordable housing will be supported by the District Council.

Preferred Tenure/Type:-Core Policy 1 further refers to the proposed tenure mix which is 60% social rented housing and 40% intermediate housing (Shared Ownership*). Therefore the Council supports the proposed tenure of affordable rent and shared ownership on the proposed site.

Demand for Affordable Housing/Housing Need

The new Housing Market and Needs Assessment (Sub area report) 2014, details the following affordable housing shortfalls for the Mansfield Fringe sub area (of which Clipstone is a part of). The highest proportion of demand is for two bedroom homes. Existing households also require bungalows to move into but there is no demand for concealed households for this type of property:-

Local Connection and Cascade Mechanism

The Council will seek to ensure that the first and subsequent occupancy of all new affordable housing with a S106 agreement is determined in accordance with a 'cascade' approach. This means that on the occasion of each vacancy, the individual dwellings are advertised through the Council's allocation scheme. The Council will require 100% nomination rights for subsequent re-lets. This allows Registered Providers to determine the allocation of a proportion of the properties in accordance with their own objectives and statutory requirements. However, in practice many Registered Providers locally continue to accept nominations from the Council on all future re-lets.

Design and Layout

With regard to the space/design standards the Council encourages developers to refer to point 3.14 of the Council's Affordable Housing Supplementary Planning Document for further details with regard to ownership and management. It is expected that all developers will meet the Homes and Communities Agency's Design Standards for the affordable housing units, for reference a link to this document is below.
http://www.homesandcommunities.co.uk/sites/default/files/our-work/design_quality_standards.pdf

Registered Providers

The affordable housing on this site should be delivered by a Registered Provider (i.e. Registered with the Homes and Communities Agency). In this case the Council currently works with Nottingham Community Housing Association to ensure that the proposed affordable housing meets their requirements. This should be undertaken prior to submission for planning consent.

Representations have been received from **16 local residents** which can be summarised as follows:

- Concern over anti-social behaviour from flats
- Area is used to walk the dog and this will restrict this facility
- Loss of rural like area
- The site is a local play area
- The green areas along Forest Road provide safe play areas for children
- They may appear overgrown and unkempt but this is due to the current owners lack of management and the sites were previously tidy and areas of play.
- Increase in traffic on Forest Road and other avenues, already a busy and fast flowing highway
- Increase in parked cars in Forest Road
- On street parking can be dangerous to pedestrians and children
- Road cannot cope with any more houses
- Pressures on local services – GP and local schools
- No visitor parking will lead to more on street parking
- Restrict emergency vehicle access
- Not in keeping with area, would be an eyesore
- Impact on privacy/overlooking
- Concern over subsidence, stability of property
- Concern over asbestos from garages on site, health and safety concerns
- The proposal will affect gas and water pressure
- Surface water and sewerage – will exacerbate an already intolerable situation
- Clipstone Allotment Association – not objection to the proposal but states that the pedestrian and vehicular access should not be affected or obstructed. Awareness of public footpath users who should not be impeded or endangered
- Loss of habitat
- Difficult for entry to caravan park and goods deliveries
- Comment in support for housing as it will provide houses for young families

Comments of the Business Manager

Principle of Development

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

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

Impact on Visual Amenity

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

The application site falls within a residential area which is predominantly two storey semi-detached and terrace properties.

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

The layout of the development has been designed such that Plots 1 – 4 continue the building line along Forest Road with parking to the frontage. As such the siting of Plots 1 -4 would assimilate well with the existing built environment.

However, Plots 5 – 9 are sited to the rear of the frontage plot on a perpendicular arrangement and would create two separate blocks detached to the north of the site. Forest Road is very linear with all properties fronting the highway or a semi-circular turning head. The addition of a dwellings set back behind the front building line is not considered to be in character and appearance of the surrounding area. The introduction of backland development would not reflect the character and form of Forest Road. Policy DM5 is clear that inappropriate backland development will be resisted.

Moreover, the area provides a natural green break within the built environment and contains a public footpath and access to open space to the rear. It is understood that the area was designated as a play area but is not designated as a protected open area by the Allocations Map. The site is currently uncultivated and underused but does provide a natural break in what otherwise is a long linear stretch of residential properties. The gaps in the built form along Forest Road provide views to the wider open space/allotments to the north and the open countryside beyond. The construction of dwellings on the site would result in the loss of natural green break within the existing built environment.

The application proposes backland development which does not reflect the character and form of Forest Road and would result in the loss of a natural green break within the built form to the detriment of the visual amenity of the streetscene. The proposal would therefore have an adverse impact upon the visual character and amenity of the immediate street-scene and the wider area contrary to Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact on Residential Amenity

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

This application proposes the erection of a block of flats to the site frontage facing Forest Road. The position of the flats would continue the building line along the highway. To the east and west of the site are dwellings on Forest Road, with Seventh Avenue to the south and to the north of the site are allotments and open space.

Adjoining the side boundary to the east, No. 177 Forest Road, is separated by 3.9 metres from the proposed Plots 1&2. The proposed dwellings would be broadly in line in terms of the positioning of built form such that the gable end of the Plots would be adjacent to the gable end of the neighbouring dwelling. There are no windows proposed to the east elevation. On this basis I have identified no detrimental amenity impacts to No. 177 in respect of Plots 1&2.

As identified above, Plots 5-9 are intended on a perpendicular building line northwards into the site. The rear elevations of these plots would be off set from the shared boundary to No. 177 by approximately 9.5 metres and would be some 12 metres from the rear of the neighbouring property and at a perpendicular angle. No. 177 is sited with the main fenestrations looking north and south and has a long rear back garden. Whilst the perpendicular nature of the development in some ways alleviates the potential for any direct window to window overlooking, it does present the opportunity for, at the very least a perception, of overlooking to the rear amenity space of the neighbouring dwelling at No. 177. This is perhaps an inevitable consequence of the layout of the development site. It is noted that the rear garden spaces of the proposed plots would afford sufficient distance such that the neighbouring residents are unlikely to feel an overbearing impact (again acknowledging that their main outlook is northwards) but I have identified a detrimental impact contrary to Policy DM5 on neighbouring amenity in respect to a loss of privacy.

To the west of the plot is No. 179 Forest Road. This property would be separated from the proposed development by a landscaped strip, public footpath and the access drive. The dwellings to the west would be some 17 metres from the side gable of this property which has no habitable window. Whilst again there is potential for Plots 5-9 to overlook the rear garden of No. 179 from their principal elevations, the impacts are undoubtedly to a lesser extent than the identified impacts to No. 177. There is greater distance between the shared boundary and the site layout

plan demonstrates proposed planting along the shared boundary which could be secured by condition if the application were to be considered otherwise acceptable.

Allotments lie to the north of the site and to the south is the junction of Forest Road and Seventh Avenue. Any properties to the south are separated by Forest Road. The proposed units are at sufficient distance separation that they will not unduly impact on the residential amenities of these properties.

Amenity impacts also relate to those afforded to proposed occupiers. In this respect the scheme is considered largely acceptable albeit the close spatial relationship between Plots 5 and Plots 3&4 is less than ideal. In reaching a judgement as to whether this would justify a resistance of the proposal I am conscious of the floor plans which have been submitted in association with the application. These demonstrates that the windows serving the flats on the north elevation would serve a bathroom and a kitchen. The internal layout is such that the living / dining and kitchen are open plan. Thus although the kitchen window would be in close proximity to a gable end of a two storey dwelling, the room would also be served by a window on the south elevation.

Whilst the proposals are unlikely to have any detrimental impact in terms of overshadowing or overbearing impacts, there is an identified issue in terms of a potential loss of privacy to existing neighbouring residents contrary to Policy DM5. This undoubtedly weighs negatively in the overall balancing exercise undertaken below.

Highways and parking

The proposed dwellings and parking areas would be accessed via a private drive from Forest Road. The application proposes new dropped kerbs and footpaths with a 2 x 2 m visibility splay. The private drive would be to the east of the site and would retain the access to the right of way to the allotments to the rear and the existing public footpath across the site. Each property has been provided off street parking spaces.

The Highway Authority have raised no objection to the proposal subject to the imposition of conditions.

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

This application impacts on Clipstone Parish Foot Path No 19, which runs through the site. Comments have been received from the Rights of Way Officer who raises no objection subject to the path not being affected or obstructed by the development and that the footpath should not be impeded or endangered in any way. Reference is also made to the correct procedures being followed for any diversion or closure of the path. This could be controlled by means of a condition if the application were to be considered otherwise acceptable.

Provision of Affordable Housing/Housing supply

The proposed scheme is for 100% affordable housing and would provide five 2 bed dwellings and four one bed flats which represent the highest proportion of demand in the Mansfield Fringe sub area. The need of affordable housing remains high in the Council agenda as indeed it does nationally. Therefore, the provision of a 100% affordable housing scheme which meets an identified need, in terms of size and tenure, should be given significant weight within the planning balance.

It is worthy of note that the proposal would provide 9 dwellings towards the Council's housing land supply at a time where the Council has committed to taking a pragmatic approach in order to boost our housing land supply until such time as the OAN has been ratified through the Plan Review. The contribution to housing supply in a sustainable location is a notable benefit of the scheme which again will need to be weighed in the overall planning balance.

Surface water/sewerage

A number of objections have been received with regards to sewerage and drainage system being at capacity. The application proposes to use the main sewer system and no comments have been received from the relevant drainage bodies. No evidence has been presented to suggest that the existing system could not cope with the additional dwellings.

Health and Safety concerns

Comments have been submitted with regards to health and safety concerns over asbestos and subsidence/stability of the land. Environmental Health have been consulted on the application and they have raised no concerns subject to a condition regarding contamination. This can be dealt with by means of a condition.

Conclusion

The proposed development presents a balance of competing objectives. The proposal would provide housing and as a scheme for 100% affordable housing would help meet identified local needs and housing supply. The site is also located within a sustainable settlement where development is supported. The proposal would not have an impact on highway safety. However, this needs to be balanced against the impacts of the development in terms of the introduction of backland development which does not reflect the character and form of Forest Road and would result in the loss of a natural green break within the built form to the detriment of the visual amenity of the street scene. Moreover, the implications of this design of development, in creating dwellings perpendicular to the defined building line creates additional issues in terms of a loss of privacy through overlooking to the existing rear garden of neighbouring residents. Members will be aware that in the context of recent appeal decisions, the balance of the proposal is all the more fine, however, in this instance; officers consider that the creation of nine affordable dwellings would not offer significant enough public benefits that outweigh the harm to identified.

RECOMMENDATION

That full planning permission is refused for the following reasons

Reasons for Refusal

01

The application proposes backland development which does not reflect the character and form of Forest Road and would result in the loss of a natural green break within the built form to the detriment of the visual amenity of the streetscene. The nature of the layout of the development also has subsequent detrimental amenity impacts through the introduction of an overlooking impact from the rear elevations of Plots 5-9 towards the rear amenity space of No. 177 Forest Road.

The proposal would therefore have an adverse impact upon neighbouring residential amenity, the visual character and amenity of the immediate street-scene and the wider area contrary to Core Policy 9 and Policy DM5 as well as the NPPF which forms a material consideration.

Notes to Applicant

01

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

02

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.

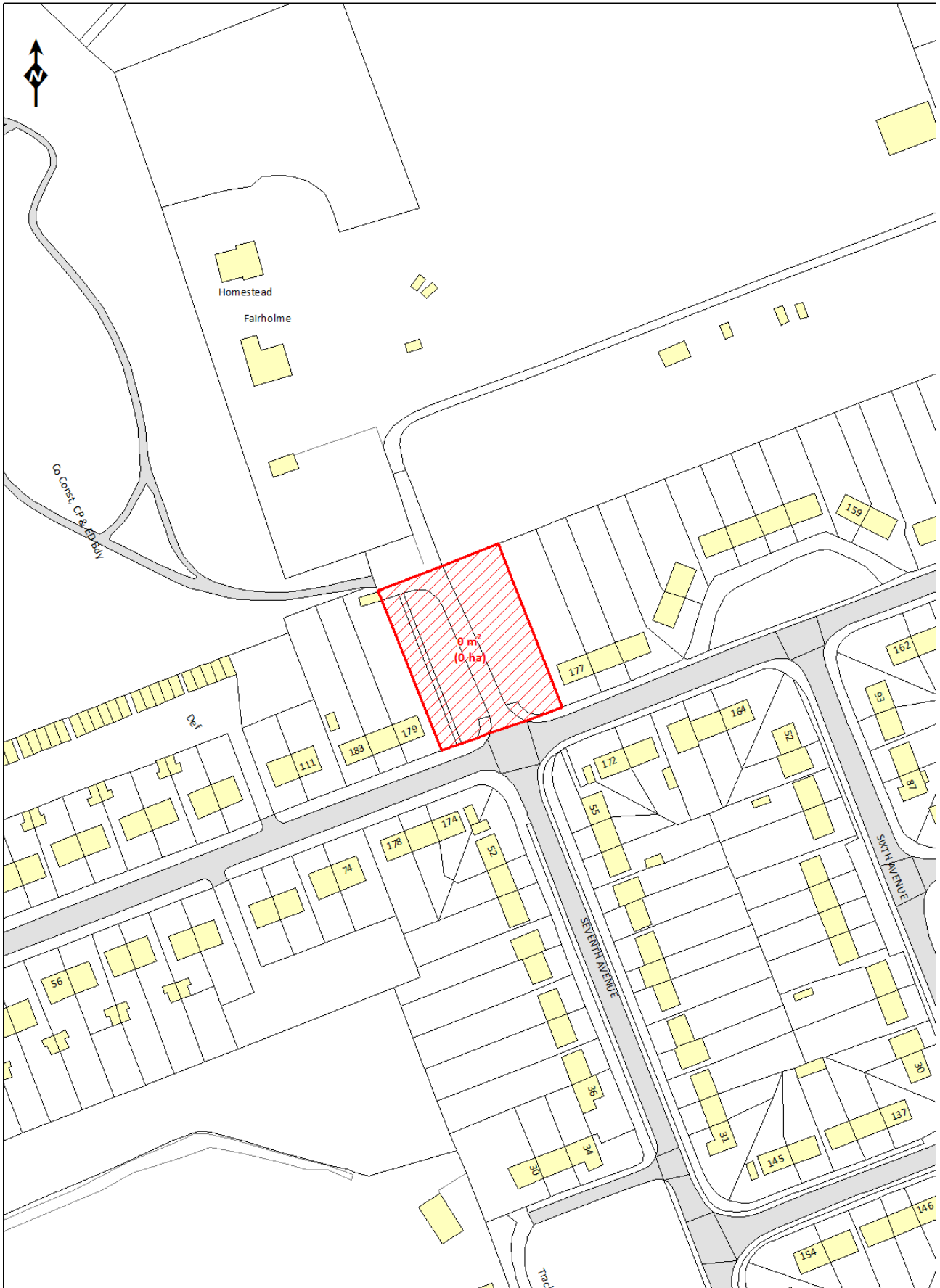
Application case file

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

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

Kirsty Cole

Deputy Chief Executive



Application No:	16/02034/FUL	
Proposal:	Proposed erection of a single storey dwelling on stilts	
Location:	Stilt House, Land North of Manor Farm, Great North Road, Cromwell	
Applicant:	Mr & Mrs Elliott	
Registered:	5 December 2016	Target Date: 30 January 2017

The Site

The site comprises a parcel of land approximately 0.46 hectares in extent on the eastern side of Great North Road towards the northern part of Cromwell. The site is screened from the road through boundary hedgerow. Part of the site as existing is used for the storage of materials although the majority of the site is unused. There are farm buildings to the east, dwellings to the south and west and the road to the A1 to the north.

The entirety of the site is within Flood Zone 2 according to the Environment Agency maps.

Relevant Planning History

The site has been subject to pre-application discussions but there is no formal planning history of relevance.

The Proposal

The application seeks full planning permission for the erection of a four bedroom dwelling. The design of the dwelling is such that the living accommodation would be set at a single level albeit the property would be erected on 'stilts' in recognition the designated flood risk of the area. The dwelling proposed is of a modern design with a flat 'green roof' and external materials featuring timber cladding. Windows and doors are proposed to be powder coated aluminium. The submitted site plan demonstrates that parking and a pond for additional rainwater attenuation will be provided underneath the dwelling.

Departure/Public Advertisement Procedure

7 neighbours 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 3 - Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1 - Development with Settlements Central to Delivering the Spatial Strategy
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Guidance Note to Spatial Policy SPD

Consultations

Cromwell Parish Council: By a split vote, decided to support the application despite a minority opinion that a dwelling design using the local architectural vernacular of brick and pantiles would be more acceptable. Concern was also expressed about the flooding record of this land, but it was felt that the regular maintenance of the culvert and ditches had significantly reduced the flooding risk, particularly for a design clearly tailored to the possibility of floods.

Trent Valley Internal Drainage Board: The site is within the Board's district. A Board maintained open watercourse, Norwell Lane Drain, exists on the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse/the edge of any Board maintained culvert.

The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, within the channel of a riparian watercourse will require the Board's prior written consent.

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

The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Board would wish to be re-consulted. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9 metres wide, unless otherwise agreed in writing by the Board. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance. All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

NCC Highways: This proposal has been considered from the point of view of highway safety, capacity and sustainability.

There are no objections subject to the following conditions:

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary.

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

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

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No gates shall be erected at the access to the development from the public highway.

Reason: To avoid vehicles being parked on the public highway whilst gates are being opened or closed, in the interests of Highway safety.

Note to Applicant: The development makes it necessary to construct/improve a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 977 2275 to arrange for these works to be carried out.

Access Officer: As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of access and facilities for disabled people together with visitable, accessible and adaptable, and wheelchair user dwellings. Occupants requirements can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc. It is recommended that access to, into and around the proposal be carefully examined. With reference to site topography, inclusive access to, into and around the proposal should be considered. Any loose laid materials such as gravel or similar or cellular void paving, can cause difficulty for any wheelchair users, baby buggies or similar and should be avoided. It is recommended that access be considered from the boundary of the site and car parking.

Carefully designed approach, level flush thresholds, generous doorways, all designed to facilitate access and manoeuvre are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the proposal together with suitable accessible WC and sanitary provision etc. It is recommended that the developer make separate enquiry regarding Building Regulation matters.

No written representations have been received from local resident/interested parties.

Comments of the Business Manager

Principle of Residential Development

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

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

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

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

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

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

Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date).

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

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

On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements. Clearly each village may differ in terms of both the range of services offered and proximity and functional linkages with villages nearby. Each application will be considered on its merits. The assessment of the proposal against the criteria of SP3 in this case is as follows.

Location of Development

The site is at the upper part of Cromwell with dwellings to the south and west. However, the site has a different character to the south and west where houses relatively close to the highway prevail. The site comprises a large field which abuts further fields to the east which accommodate farm buildings. The site therefore has an appearance of being the start of the surrounding countryside rather than being a built up part of Cromwell. However, the site is constrained by the elevated highway to the north which acts as a strong physical boundary to curtail further development and therefore the built up part of the village. The site is adjacent to residential development to the south and east and cannot be considered to be isolated. As a result, and on

balance, the site is considered to form a natural site for inclusion as part of the village with the highway to the north acting as a barrier to further expansion to the north. It is therefore considered the site complies with the physical requirements of the location element of Policy SP3.

Cromwell is classed as an “other village” and has been the subject of a recent appeal for the erection of a dwelling. In the judgement the Inspector stated a balancing exercise is required between the benefits of the proposal and any harmful effects of the proposal to determine whether it would be sustainable development. The Inspector noted there had been a number of new dwellings built in the settlement in recent years which indicates in the recent past the Council has considered Cromwell to be suitable for housing. The Inspector stated Cromwell is 3 miles from Sutton on Trent and 6 miles from Newark and is served, modestly, by an hourly bus service. He accepted there would be some reliance on use of the private motor vehicle but this would not be uncommon with other, more sustainable settlements. Given the proximity to the A1 and the bus service he concluded the location of the dwelling would not cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. He also commented the site was part of the built up Cromwell, would be surrounded by dwellings and would, albeit modestly, contribute to help to maintain the vitality of the rural community by supporting existing services in the area and would make a minimal contribution to the local housing need. He concluded although the settlement may have limited services and facilities in locational terms this is not sufficient to refuse the dwelling. Furthermore, the location would not represent an isolated dwelling in the countryside.

There are differences between the appeal site and the current application, namely the appeal site was within the heart of the village, surrounded by dwellings. However, the application site is adjacent to dwellings on two sides, is in close proximity to dwellings and cannot be considered to be an isolated dwelling. As such, it is concluded that on balance the proposal complies with the locational criterion of Policy SP3.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume (this is further discussed in the Highway Safety section in this report).

Need

Policy SP3 states support could be forthcoming for new housing where it helps to meet identified proven local need.

The Design and Access Statement states there is a demand for new housing and that the Council are not meeting their housing requirements. However this does not advance to a case as to why Cromwell itself has a genuine local need for additional housing. In the context of the Council's current position, and indeed the aforementioned recent appeal decision in Cromwell, I do not consider that a reason for refusal based on lack of demonstration of a local housing need alone could be sustained.

Impact

Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. These matters are dealt with in the relevant sections below.

Character

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. Policy SP3 states new development should not have a detrimental impact on the character of the area.

The proposal comprises the erection of a dwelling. The site is large and could accommodate a dwelling together with amenity space, access, parking and turning. The site has landscaping along the frontage but the dwelling would be visible from the highway to the west. Furthermore, it would be visible from the elevated pavement by the highway to the north. However, due to the farm buildings to the east and the elevated highway to the north the site is not unduly prominent when viewed from the east or north.

There is a mix of development in the locality with traditional brick dwellings to the south, farm buildings to the east and a mix of dwelling types and buildings to the west. The site is something of a standalone site comprising a more rural character compared to the prevailing pattern of development to the south and west which is characterized by dwellings set relatively close to the highway.

The proposed dwelling is relatively large in terms of footprint but would only be single storey, albeit on stilts. The dwelling would be of a modern design comprising a flat roof with large areas of glazing. The dwelling would be set well into the site with landscaping along the western boundary to reduce the visual impact. The building would not follow the style of other dwellings in the locality but would be read as being a standalone dwelling on a site somewhat separate to the more densely site dwellings to the south and west. As such it is considered the proposal is acceptable in terms of visual impact.

Having regard to Policies DM5, SP3, DM9 and CP14 and the NPPF it is considered the proposed dwelling would be visually acceptable at this location in terms of the pattern of development and the visual appearance of the dwellings is also acceptable.

Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. Para.103 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The NPPF states that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites with a lower probability of flooding. A sequential approach should be used in areas known to be at risk of flooding. If, following the application of the sequential test, it is not possible for the development to be located in zones with a lower probability of flooding the exception Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community to outweigh flood risk informed by a strategic flood risk assessment where one has been prepared and a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

The Environment Agency Flood Map identifies the development site as being within Flood Zone 2. The submitted Flood Risk Assessment states the worst case flood levels are those to the east of the development site, the 1 in 100 year level is 8.39mAOD and the 1 in 100 year +20%CC level is 8.66mAOD. The predicted flood levels are above the general ground levels of the development site which range from approximately 7.4mAOD to 8.0mAOD with levels around the site boundary up to 9.0mAOD. There is a watercourse running through the site which is a minor tributary with a small catchment and the FRA assumes that water will pass along this watercourse and that consequently the site is at risk of flooding. Taking this into account the FRA concludes the predicted flood levels gives maximum revised floor levels of 8.8mAOD for the higher central allowance and 9.07mAOD for the upper end allowance. The FRA considers in this instance the predicted flood level of 8.8mAOD is appropriate in this instance.

The SFRA shows the general area of Cromwell in the vicinity of the development site to have been subject to fluvial flooding in the past and information provided by the EA does not indicate any flooding of the site. The submitted FRA states most of the site is at a very low risk of surface water flooding although part of the site (adjacent to the watercourse crossing the site) is at low risk. Flood depths are indicated as below 300mm and that surface water flood velocity will be less than 0.25m/s. Other than minor groundworks to facilitate the shallow foundations there would be little impact on groundwater.

The report also concludes the proposed discharge of surface water from the development will not see any surface water flooding on site in the 1 in 30 year and 1 in 100 year plus climate change events and will not increase the risk of surface water/sewer flooding elsewhere.

The report states the dwelling would be raised on stilts above the predicted flood level and recommends surface water is discharged via the watercourse running through the site at a rate limited to 5l/s with on-site storage. This would be through the provision of a storage pond/detention basin to accommodate peak flows from rainfall events and to provide permeable paving within the development. A storage capacity of 20.98m³ is proposed which would provide attenuation in the 1 in 100 year plus climate change event and as such any out of system flooding in this event would be contained on site.

Regarding fluvial/tidal flood risk the development is classed as 'more vulnerable' in Flood Zone 2. The maximum flood level is 8.80m AOD and the finished ground level of the dwelling would be 9.68m AOD, i.e. 0.88m AOD above the flood level. The additional surface runoff would be accommodated within the proposals for drainage of the development including SuDs. The depth of surface water flooding is estimated to be less than 300mm and the building would be set above this level.

The Agent has confirmed no sequential test has been undertaken due to the nature of the development being a single dwelling and as the design of the proposal effectively takes the dwelling out of the floodzone and therefore the risk to occupants would be less than the surrounding properties and the landscaping and work on site would reduce the risk of flooding off site.

However, although the findings of the Flood Risk Assessment are noted, these are more akin to an assessment in association with the exception test. The NPPF is clear that the exception test should not be applied until the Sequential Test has been passed. No sequential test has been carried out by the applicant to demonstrate there are no other suitable sites elsewhere in the district which are outside of the flood zone. Moreover, the applicant has failed to adequately demonstrate that the proposal would provide wider sustainability benefits to the community that outweigh flood risk (as required by para. 102 of the NPPF).

As such the proposal is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The application is for the construction of a single dwelling to be served off an existing access on Great North Road. The Highway Authority raise no objection. It is not considered one dwelling would generate a level of traffic that would be harmful to highway

safety. On-site parking and turning could be provided to serve the proposed dwelling. As such the proposal complies with the above policies.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The proposed dwelling would be set approximately 6 metres from the southern boundary and 24 metres from the side elevation of Manor Farm and Manor Farm Cottage. Although the dwelling would be single storey it would be elevated above the existing floor level to be on stilts, as such the finished levels would be higher than a standard single storey dwelling. However, although the nearest part of the dwelling would be 6 metres from the southern boundary this element would only accommodate a single side facing window serving a dressing room which could be obscure glazed. The rear portion of the house, accommodating large lounge windows, would be set further into the site, approximately 17 metres to the southern boundary at the nearest point. It is therefore considered the relationship with the dwellings to the south would be satisfactory. There are no dwellings to the north or east and those to the west are separated by the highway.

Taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

Overall Planning Balance and Conclusion

The application has been carefully assessed against Spatial Policy 3 Rural Areas of the Development Plan along with the NPPF. SP3 supports new dwellings in rural areas subject to satisfying 5 criteria namely, location, scale, need, impact and character. With regards to location, the village of Cromwell has been established on appeal as having suitable sustainability credentials to support the principle of a dwelling. As such, it is considered it is reasonable to conclude, taking into account the advice set out in the NPPF that the site is located in a relatively sustainable location.

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

Turning to impact, it is considered that the site is capable of accommodating a single dwelling without causing adverse impacts including upon the occupiers of neighbouring properties. The site is large enough to accommodate a single dwelling with sufficient private amenity space serving the new dwelling. Furthermore it is not considered it would be out of character to have new residential development on this plot of land.

A case for local need has not been made as part of this application. Significant weight is given to the position with regards 5 year land supply, in that until such time as the Objectively Assessed Need has been tested by the Plan Review Process the Council is taking a pragmatic approach by relaxing the 'need' criterion of SP3 where all other matters are satisfied in order to boost housing

supply in the interim. The addition of one new dwelling would make a minor but nonetheless positive impact in terms of boosting housing land supply and is sustainable in all other respects. However, whilst a pragmatic view could be taken if the development was acceptable in terms of all other material planning considerations, it remains the case that the proposal does not meet an identified local need as sought by Policy SP3.

In terms of flood risk the dwelling would be located in Flood Zone 2. The applicant has failed to apply the sequential test to demonstrate that there are no alternative sites which could accommodate the development at a lesser risk of flooding.

Therefore there is a balance between the positive elements of the application, namely the provision of an additional dwelling for the district and the acceptability of the scheme on the grounds of visual and residential amenity and highway safety. However, against this is the fact the dwelling does not meet a local identified need and would be located in Flood Zone 2 which would be sequentially inappropriate. On balance therefore it is considered the positive element of a further dwelling would be outweighed by the harm of the development in terms of introducing a dwelling within an area at risk of flooding.

For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That full planning permission is refused on the following grounds:

The proposal relates to the erection of a dwelling in Cromwell, a settlement classed as an 'other village' under Policy SP3 of the Newark and Sherwood Core Strategy Development Plan Document. The proposed dwelling would be sited in Flood Zone 2; no sequential test has been submitted to demonstrate there are no other suitable sites elsewhere in the district which are at a lesser risk of flooding. Moreover, despite the Council's current position in terms of Housing Land supply, the applicant has not demonstrated there is an identified proven local need.

As such the proposal is contrary to Spatial Policy 3, Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2012, a material consideration.

Note to Applicant

01

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

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

02

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. The Agent did not engage in discussions to amend the proposal and as such the application was determined as submitted.

BACKGROUND PAPERS

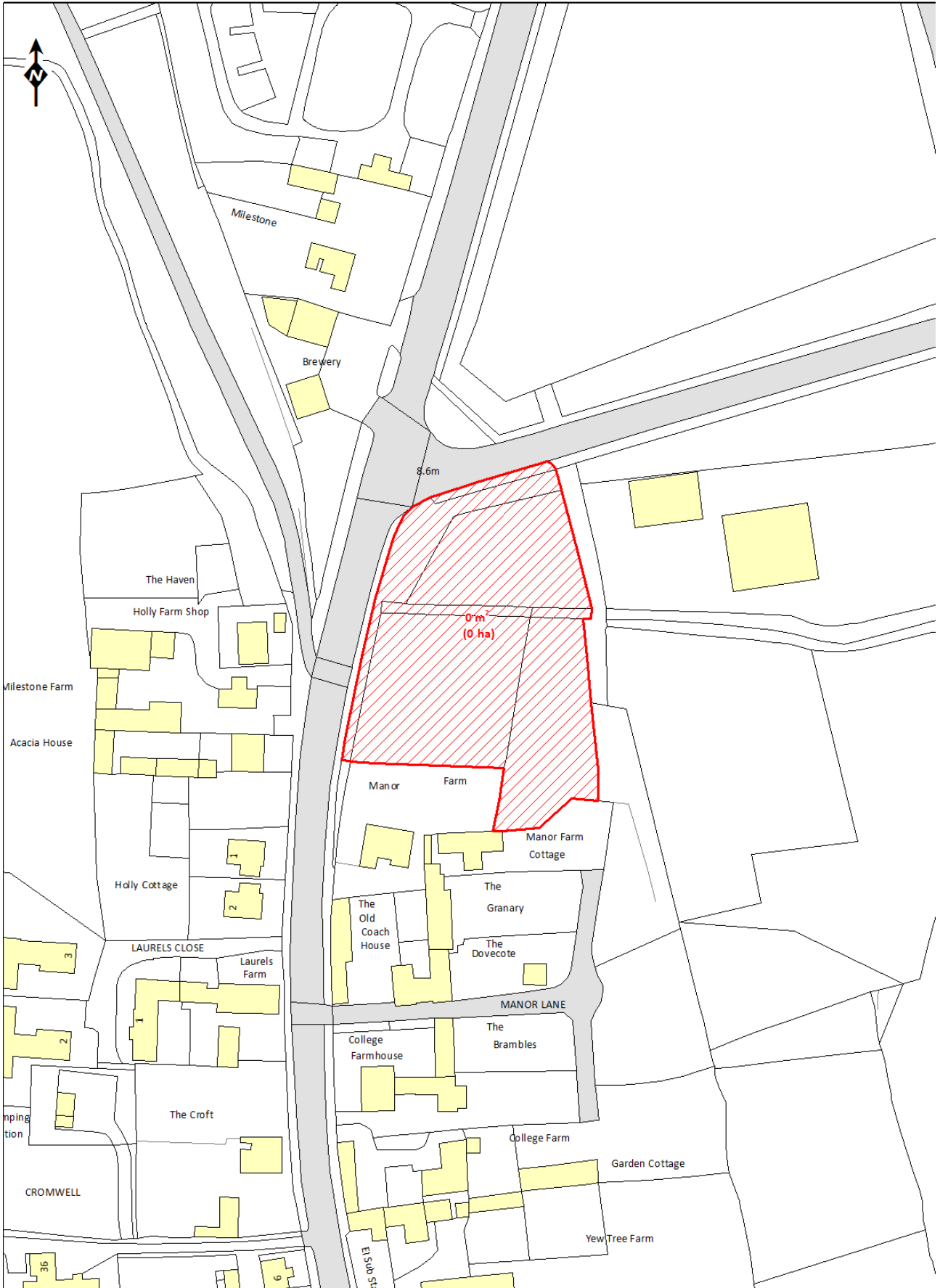
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02034/FUL



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

Application No:	16/01772/FUL	
Proposal:	Conversion of existing redundant agricultural buildings and new build to form 5 dwellings	
Location:	Hall Farm, School Lane, East Stoke, NG23 5QL	
Applicant:	Trustees of the Booth Charities	
Registered:	27 October 2016	Target Date: 22 December 2016
	Extension of Time Agreed until 8 March 2017	

The Site

Hall Farm lies at the junction of Fosse Road (the former A46) and School Lane and is situated centrally within what is considered to be the main built-up area of East Stoke village. Comprising c0.47 hectares, the site appears largely flat with gentle grading from the north-west to the south-east and is currently occupied by three traditional brick buildings and larger, more recent, steel portal frame agricultural buildings.

Vehicular access is currently from School Lane with a largely open frontage along the boundary with the Fosse Road, with built form set considerably back from the brick wall that encloses this boundary. Land to the north and partly to the west is open fields. There are residential properties (one of which is Grade II listed) to the east on the opposite side of the former A46. To the south of the site is an open field. The associated farmhouse (Hall Farm House) to the west is Grade II listed but does not form part of the redevelopment site.

The site sits within East Stoke Conservation Area and in the wider area are historic battlefields and those closest to the site to the south and north-west are protected as Scheduled Ancient Monuments. The historic parkland to the north of the site is characterised by open grassland interspersed with mature trees but does not appear to benefit from any protected designation, other than representing a parkland setting of Stoke Hall, situated further west which is grade II listed.

The site lies within an area highlighted as being prone to surface water run-off according to the Environment Agency Maps.

Relevant Planning History

PREAPP/00094/13 – Proposed redevelopment of farmyard/buildings for residential (18 dwellings) and employment use. Negative advice given in July 2013.

PREAPP/00034/16 – Conversion/erection of 4 dwellings comprising two barn conversions and two new dwellings. Balanced advice was given in March 2016.

14/01529/FULM - Planning permission is sought for the demolition of existing portal frame agricultural buildings and associated hard standing and the construction of a mixed use scheme including 7 No. open market and 3No. affordable dwellings, 260 sq.m of commercial space (Use Classes A1, A2 and B1a), comprising new build and conversion of existing buildings, associated parking and environmental improvements. Application was withdrawn.

The Proposal

Full planning permission is sought for the conversion, alteration and extension of existing agricultural buildings to form two dwellings, the demolition of existing buildings and the erection of 3 new houses.

Plot 1 would comprise the conversion of a single storey barn to a 3 bedroom dwelling. It is proposed to extend this to create an L shaped plan form with a kitchen/diner and utility within the extension. Adjacent to this but detached would be a secure garage/gym/office.

Plot 2 would comprise a converted threshing barn to form a 5 bedroom dwelling over 2 storeys with gym/office and workshop accommodated within a retained adjacent barn and new build garages.

Plot 3 would comprise a detached 4 bedroom two storey new building fronting onto Fosse Road. This is designed to replicate a threshing barn but with a contemporary interpretation.

Plots 4 and 5 are both detached 2 bedroom two storey dwellings in a cottage style fronting onto the Fosse Road.

Vehicular access to the site would be from the existing access off School Lane to the south which currently serves farm yard, the adjacent listed farmhouse and White Cottage. In addition a new site access to the north, off Fosse Road is proposed to serve the remaining agricultural buildings. It is understood that once the new access is in place, the existing access would no longer be used by existing farm vehicles, albeit there is nothing to stop this.

The proposal is accompanied by an updated Ecological Survey, Topographical Survey, Transport Statement, Heritage Statement, Typology Study, Design and Access Statement, Preliminary Flood Risk Assessment and a range of visual images to show the proposed development.

Departure/Public Advertisement Procedure

Five neighbouring properties have been individually notified by letter. A site notice has been displayed near to the site entrance and an advert has been placed in the local press expiring on 24th November 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 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

Allocations & Development Management DPD

- Policy DM3 – Developer Contributions and Planning Obligations
- 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
- Developer Contributions Supplementary Planning Document, October 2008
- Conversion of Traditional Rural Buildings Supplementary Planning Document, October 2005
- Historic Environment Good Practice Advice in Planning Note 2 – ‘Managing significance in Decision-Taking in the Historic Environment’ and Note 3 ‘The Setting of Heritage Assets’
- Historic England Advice Note 2 ‘Making Changes to Heritage Assets’

Consultations

East Stoke Parish Council – Object for the following reason:

“In respect to the planning application itself, the council expressed strong concerns on the question of surface water, drainage and sewage, and decided to oppose the plans unless and until a properly organized survey was undertaken on the current situation and the effect of the development could have on it went ahead.

It said it wished to implore the planning authority to oppose the application until and unless a satisfactory professional survey was undertaken on the current surface water, drainage and sewage provision in the village and the effect five new properties would have.

The council are aware that drainage works have been undertaken in regard to flooding problems on School Lane, the old A46 and Moor Lane but feel this have not yet been tested because there had not been sufficient rain to cause serious problems and they are not aware of the current feeling in regard to them.”

NCC Highways Authority – Commented as follows on 14th December 2016:

“This proposal is for a development of 5 residential units served by the existing access onto School Lane, and retaining some of the farm buildings, served by a new agricultural access onto Fosse Road.

The information submitted states that *the proposed site layout shows that car parking will be within a communal courtyard area on the site. Allocated spaces are not proposed, and the proposed number of spaces will be appropriate for the number of dwellings and number of bedrooms within the dwellings.* The number of parking spaces available is not shown on the plans provided, so therefore, it is unclear whether sufficient space is available for the number of dwellings proposed, along with adequate manoeuvring space.

Whilst it is understood that there will be a reduction in the number of agricultural vehicles to the site, there is no information provided relating to the number of vehicles expected to use the proposed access. Could this be clarified by the applicant?”

Clarification was provided by the applicant on 24th January 2017 and the **Highways Authority commented further on 21st February 2017 as follows:**

“Parking layout plan

The agent has submitted a layout plan demonstrating the available parking per unit which is acceptable to the Highway Authority.

The existing access from School Lane is to be used for the proposed 5 dwellings, and the existing dwellings, the White Cottage and Hall Farmhouse. A new vehicular access is proposed onto the Fosse Road for agricultural vehicles only.

The applicant should contact Newark and Sherwood DC Waste collection to confirm suitable arrangements relating to bin collection, as it is considered that a refuse vehicle would not wish to enter the site.

Therefore, there are no highway objections to this application subject to the following being imposed:

1. No part of the development hereby permitted shall be brought into use until the agricultural access onto the Fosse Road has been completed and surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The

parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

Notes to applicant

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

NCC Lead Flood Risk Authority – “We have no objections to the proposals and I have attached a copy of the surface water maps for your info. The small blue areas are likely to be localised depressions and as such cause us no concerns. The darker blue areas suggest the highways carry surface water flows but this is quite normal.”

20/01/2017: Further advice was sought from the LLFRA which is set out as follows:
“As discussed this isn’t a major application so falls outside of our remit to act as statutory consultee however I appreciate your request for advice as the circumstances are quite complex.

My view from the information that has been sent is that appears to be no feasible discharge point for surface water from the site. Permeability tests have proven unsuitable ground for soak ways and Severn Trent Water have stated they will not allow any surface water discharges to be made to the foul sewer. The consultant has also stated that there are no watercourses in the vicinity that could be discharged to.

Until the applicant identifies a suitable means of dealing with surface water from the site (one that complies with current standards and expectations – Building Regs. may help on this) then I imagine it will be difficult for the development to take place.

It may be worth clarifying STWs position as the developer has shown there is surface water from the current building discharging to the foul sewer and STW may have comments on that.”

Trent Valley Internal Drainage Board – Comment as follows:

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

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

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

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

Environment Agency – Low Risk and don’t comment on this type of application.

Historic England –“The proposed development is improved in respect of earlier schemes on the same site and we therefore do not wish to comment in detail saving the following concerns in regard to the archaeological context of the site and the brick walling to the Fosse Way.

We do not find in the submitted Heritage Statement sufficient reference to the archaeological context of the site lying as it does adjacent to the Scheduled remains of Medieval settlement and remains of open fields immediately west of East Stoke village and also adjacent to East Stoke Registered Battlefield. We therefore refer you the advice of the County Archaeologist in respect of appropriate measures and conditions to any consent you may be minded to issue, such that the risk of surviving archaeological and human remains associated in particular with the battle of 1487 is properly managed. There is potential for burial pits to survive and relating to the battle and this should be regarded as a known risk with appropriate archaeological measures set in place.

Any stockpiled materials deriving from previous dismantling of historic brick walling to the Fosse Way presently stored within the development area should be secured. We would urge your authority to seek (through the planning process) that structural issues in the important roadside walling are addressed and fabric reinstated (with due regard to archaeological impacts as discussed above).

Recommendation

We recommend this application is determined with the benefit of our advice and concerns, the expertise of your built heritage and archaeological advisors and in line with statute and local and national planning policy and guidance.

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places”

Battlefields Trust – Support

NSDC Conservation – Comments as follows:

Introduction

The submitted scheme seeks consent to erect new structures and convert existing redundant agricultural barns at Hall Farm to form 5 dwellings. We have provided advice previously on redevelopment at Hall Farm (notably 16/01529/FULM), and also during follow-up pre-application discussions (PREAPP/00034/16). The submitted scheme accords with that pre-application discussion.

The historic environment in and around Hall Farm is complex:

- Hall Farm House is Grade II listed (designated 13 March 1986; list entry ref: 1370151);
- Hall Farm House and associated brick barns fall within East Stoke Conservation Area (CA). The CA was designated in 1992;
- The land to the south of Hall Farm is a Registered Battlefield. The Battle of Stoke Field is a 15th century battlefield associated with the Wars of the Roses (the Battlefield was Registered on the 6 June 1995; list entry ref: 1000036);
- The land to the west of the proposal site is a Scheduled Ancient Monument (SAM), comprising a former medieval settlement and field system (the SAM was first designated 4

June 1957, amended 16 November 1998; ref: 1018129). The SAM extends to the south of Hall Farm (also within the Registered Battlefield);

- Holme Farm House to east of proposal site is Grade II listed (designated 16 January 1967, amended 13 March 1986; list entry no 1045577);
- There is a group of listed buildings to the northwest of the proposal site, including Stoke Hall (Grade II) and the Church of St Oswald (Grade II*);
- The Park to the north and west of Hall Farm is the former parkland to Stoke Hall. The site is unregistered, but is considered to be a non-designated heritage asset and a positive feature of the CA.

The main issues from a historic environment perspective are:

- i. Whether the proposals preserve the listed buildings comprising Hall Farm House, including their setting and any architectural features that they possess;
- ii. Impact on the character and appearance of East Stoke CA;
- iii. Impact on the setting and significance of the Stoke Field Registered Battlefield;
- iv. Impact on the setting and significance of the medieval settlement and open field SAM to the west of the village;
- v. Whether the proposal preserves the setting of Holme Farm House, Stoke Hall and the Church of St Oswald; and
- vi. Impact on the significance of The Park, a non-designated heritage asset.

Legal and policy considerations

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development

(paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (HEGPAP; notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

Paragraph 46 of the 2010 DCMS guidance on Scheduled Monuments states: "In terms of impact of development on the setting of a scheduled monument, securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system. Whether any particular development within the setting of a scheduled monument will have an adverse impact on its significance is a matter of professional judgement. It will depend upon such variables as the nature, extent and design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument."

Significance of heritage assets affected

The East Stoke CA comprises a number of different elements which contribute to its significance:

- Stoke Hall (including historic service/ancillary components), the Church of St Oswald and The Park form an important group to the west of the Fosse Way;
- East Stoke Battlefield, which consists of rolling agricultural land to the south of Church Lane;
- Archaeological interest derived from the remains of the former village which survive as earthworks on both sides of Church Lane (these are surrounded by ridge-and-furrow). Interrelated with The Park;

- 18th and 19th century buildings along the Fosse Way and School Lane.

East Stoke is first mentioned in the Domesday Book of 1086 where it is recorded that 'Stoches' belonged to Ilbert de Laci and Berenger de Toden and was worth a total of 25 shillings. 'East' was added to the name by 1340. East Stoke is perhaps best known as being the site of the last pitched battle of the Wars of the Roses the victory of which finally established King Henry VII and the Tudor dynasty. On 16 June 1487, King Henry VII offered battle to Yorkist rebels at East Stoke. Stoke, not Bosworth, was the last pitched battle of the Wars of the Roses, and therein lies its significance. Victory strengthened the grip of the Tudor dynasty on the crown. The battlefield area boundary defines the outer reasonable limit of the battle, taking into account the positions of the combatants at the outset of fighting and the focal area of the battle itself. From the River Trent in the west the south-western edge of the battlefield area follows the former line of Longhedge Lane to the A46(T). The Battlefield encompasses the Earl of Oxford's deployment (King Henry VII's forces) off the Fosse Way a safe distance from the rebels on the hill to the north. Oxford's men also approached the rebels along the edge of the Trent Hills to the north (i.e. across the length of Syerston Airfield), but that the vanguard approached along the Fosse Way. The south-eastern boundary to the battlefield follows the line of the Fosse Way into the centre of modern East Stoke (the spring at Willow Rundle, by Elston Lane, where legend has it the Earl of Lincoln was buried, is excluded from the battlefield area). Proceeding north-west from East Stoke along Church Lane, the battlefield area boundary incorporates part of Stoke Hall Park where, in 1825, Sir Robert Bromley, the then occupant, informed Richard Brooke that mass graves had been recently discovered. Thereafter the line of the battlefield area follows the footpath along the foot of the steep slope to re-join the river. This means that the Red Gutter, focal point of the rout of the rebels, is included in the battlefield area but the extended line of retreat towards Fiskerton Ford, where Lord Lovell, amongst others, is reputed to have either drowned or escaped, is not.

During the widening of the modern A46 a burial pit was discovered in the field to the west of the road and opposite Foss Way Farm. The pit contained the entangled remains of at least 11 articulated inhumation burials which are thought to date to the time of the battle. In the field to the south of Church Lane and north of Humber Lane the ground slopes gradually to the north east. In this area the earthworks can be divided into four distinct areas. The northernmost section, which is marked to the south by a large dry pond, contains a series of four terraces, approximately 10m wide, which are cut into the natural slope of the land. A sunken trackway, approximately 17m wide, runs at right angles to the terraces before turning north west and terminating at the northern field boundary. Other earthworks in this area include a narrow drainage gully which runs from the top of the field to the pond. The earthworks in this section of the field appear to relate to a post-medieval landscaped garden belonging to East Stoke Hall but the relationship between some of the earthworks and those further to the south east suggests that earlier features were incorporated into the design.

The 1796 Enclosure map for East Stoke gives an indication of how the landscape had looked at the time of the battle. The village of East Stoke extended along Church Lane towards St. Oswald's church, which had been built in the 13th and 14th centuries. The remains of the former village survive as earthworks on both sides of the lane, where they are surrounded by the ridge-and-

furrow topography of the open fields. Close by stood an almshouse, the Hospital of St. Leonard, which was founded in the early 12th century and not dissolved until 1573. The land extending from the top of the escarpment to the Fosse Way was largely unenclosed, forming arable open fields for the villages of East Stoke, Elston and Syerston. The escarpment and the gully known as 'Red Gutter' were not wooded but were more open with scrub woodland.

The scheduled monument includes the earthwork and buried remains of the abandoned areas of East Stoke medieval settlement, the standing remains of a post-medieval ice house and part of the battlefield of East Stoke. The monument is in three areas of protection all of which lie to the west of the former A46 trunk road and to the north and south of Church Lane. The earthworks are located south west of a large meander of the River Trent, between the church and the existing village which is now centered on the former A46. The scheduled area extends to the south of Hall Farm (also within the Registered Battlefield). Stoke Hall was built close to the church in the late 18th century and with it an area of parkland was created. The creation of the park, which survives to the north of Church Lane, may have contributed to the desertion of the western parts of the village (the village of East Stoke had shrunk eastwards as far as Humber Lane by 1887). The eastern boundary of the monument is defined by the Fosse Way, an important Roman road which ran diagonally across the country from Topsham in Devon to Lincoln. The monument survives as a series of earthworks and buried remains which straddle both Church Lane, a sunken road which is still in use, and Humber Lane, a remnant of a prehistoric route known as the Upper Foss.

The primary roads throughout the medieval and early post-medieval period would have been the Fosse Way and, connecting it with the River Trent, Longhedge Lane, Trent Lane and Church Lane. The Fosse Way is an important highway. It is the former Roman road that linked Exeter with Lincoln, via Ilchester, Bath, Cirencester and Leicester. East Stoke is associated with Ad Pontem where a Roman garrison was established to the southside of the River Trent, controlling a bridging point. The name Ad Pontem means "[the place] near the bridges", which probably alludes to a crossing over the Trent near Fiskerton at the western end of an ancient trackway which intersected the Fosse Way just to the north-east of the settlement. This trackway arrived from the direction of the villa at Denton in south-south-east, and crossed the Trent evidently by means of some sort of ancient bridge, possibly erected a considerable time before the Romans arrived in the area. The trackway then continued northwards on the opposite side of the River Trent, towards the territory of the Brigantes tribe and their capital at Isurium Brigantum (Aldborough, Yorkshire). The 11-mile section between Newark and Bingham, which linked the important crossings of the Trent at Newark and Trent Bridge (Nottingham), was made a turnpike road by Act of Parliament in 1772. By 1796 there is no evidence as to whether or not the Upper Foss was still in use. The enclosure map of 1796 otherwise reveals that the village extended north from the junction of Church Lane and Fosse Way and east along Moor Lane, much of which remains in occupation today. Enclosure of the landscape increased in intensity from the late 18th century. The landscape had assumed much of its modern appearance by 1850.

Holme Farmhouse opposite Hall Farm is early 19th century in red brick, with some stone ashlar and a slate roof. 2 red brick gable stacks. Raised ashlar coped gables. Dogtooth eaves. 2 storeys, 3 bays. Central doorway with 6 fielded panelled door and traceried fanlight, flanked by single fluted

pilasters with single carved brackets supporting an open pediment. Either side are single glazing bar sashes with 3 similar sashes above, all with flush wedge brick lintels. To the rear is a 2 storey wing.

Stoke Hall is an important country house, largely 1812 by Lewis Wyatt but incorporating an earlier build, part demolished in the 1920s. Red brick, some ashlar and render. Hipped slate roofs. The Hall includes a number of ancillary, associated structures, including a stable wing and a large footbridge over Church Lane which links the private garden elements of the Hall. In the 18th century, Stoke Hall estate was acquired by George Smith, a banker. He married a granddaughter of Prince Rupert, brother to George III and obtained the title of Baronet. His descendant's, the Bromley and Pauncefort family lines, occupied the house until the 20th century. In the 19th century, Lord Pauncefort became the first ambassador to the United States and was known as a significant statesman. There is a monument within the churchyard to Lord Pauncefort (1902). Other notable family members included Admiral Sir Robert Bromley and his eldest son (also Robert) whom became a Member of Parliament for South Nottinghamshire. The adjacent Church of St Oswald (Grade II*) is set within the trees of The Park. Although small in scale, the church is an important 13th century building that was largely rebuilt in 1738 by Colvin.

Hall Farm House is early 18th century with mid-18th and late-19th century phases. The house is 2 storeys with attic accommodation, being 3 bays and constructed in red brick. Modern pantile roof has 2 red brick gable stacks (the left stack is external). Architectural detailing includes wooden eaves cornice and string course. Frontage includes timber sashes with wedge rendered lintels. The attic has a single central dormer with single Yorkshire sash. To the rear is a 2 storey late-18th century service wing (again, with attic), 2 bays with bright red brick gable stack and dentil detail at eaves. Ground floor includes an 18th century 6 fielded panel door with decorative fanlight. The associated historic barns are predominantly 19th century and follow model farm characteristics in terms of layout and design. These barns contribute positively to the character and appearance of the CA. The modern portal buildings, however, are not significant.

The remaining historic barns at Hall Farm form part of what was an E-plan (see map extracts attached). These barns have half hipped roofs, and are constructed in traditional red brick with pantile roofs. There is a 19th century stable block to School Lane, and to the north, a L shaped milking parlor and beyond a distinctive threshing barn. In addition, there is a historic wall forming an enclosure to the crew yard which is the remnants of a barn which ran north-south from the stable block. Although these barns clearly form part of the historic farmstead at Hall Farm, they have not been deemed to be curtilage listed within the meaning of section 1(5) of the Act. This is primarily due to the perceived separation of the barns from the farmhouse and the well-defined domestic curtilage of the farmhouse being distinct from the barns. Nevertheless, the external appearance of the historic barns contributes significantly to the setting of the farmhouse, in addition to their positive contribution to the CA.

Assessment of proposal

The proposal comprises two barn conversions and three new dwellings along Fosse Way.

The conversion scheme is well-considered and will deliver enhancements, notably to the roof of the threshing barn and in the long-term re-use of the redundant historic buildings.

The new build shall be aligned along Fosse Way, with a pair of agricultural labourer style cottages in brick with clay pantile roofs, casement windows and modest proportions and details. A mock barn completes the group. The primacy of the existing threshing barn and the farmhouse is retained, with a positive yard area within the middle helps preserve the farmstead character of the site. The new garages and the landscaping strategy also helps maintain the farmstead character of the site.

The scale and form of the new dwellings relates positively to the street. When seen in aspect along Fosse Way, the new dwellings will reflect the rural vernacular traditions of the CA.

Conservation has no objection to the proposed development. The proposed layout and design of the new development and the conversion scheme is considered to preserve the character and appearance of the CA, as well as preserve the setting of Hall Farmhouse and other listed buildings. The proposal also causes no harm to the setting of the Park, an unregistered park and garden, and otherwise preserves the setting of the Scheduled Monument and Registered Battlefield. Nevertheless, due to the potential for archaeological interest within the proposal site, appropriate investigation and mitigation will need to be considered.

If approved, the following matters should be addressed via suitably worded conditions:

- A methodology for the repair and renovation of the existing barns shall be submitted to and agreed in writing before development commences. This shall include all structural works, repairs to masonry and roofs. Works to be carried out in accordance with the agreed details.
- All facing materials to be submitted (samples of bricks, tiles and timber cladding to be submitted);
- Brick panel for the new dwellings to be erected on site showing bricks, bonding, mortar specification and pointing finish;
- Notwithstanding the submitted details, all new external windows and doors (including garage doors) shall be timber (to be retained). Further details of their design, specification, method of opening and finish shall be submitted to and agreed in writing before development commences;
- Notwithstanding the submitted details, new roof tiles shall be natural clay pantiles of a non-interlocking variety, a sample of which shall be submitted to and agreed in writing. Further details shall be provided on the treatment of the ridge and hips;
- In conjunction with the above condition, no vents or dentil fillers shall be installed on the roof unless otherwise agreed in writing;
- Further details of all external accretions (vents, flues, meter boxes etc.);
- Further details of all verges, eaves, headers and sills;
- Further details of the porches on buildings 4 and 5 to be agreed;
- Specification for the roof lights to be agreed (to be conservation variety, flush with the roof tiles when closed);
- Further details of new chimneys, details to be agreed and chimneys to be retained;

- Further details of boundary treatments and entrance details to be agreed, and all works to existing boundary brick walls to be agreed;
- Remove PD rights as appropriate, notably for window and door alterations, solar panels, other roof alterations and domestic clutter;
- Level 1 Historic Building Record to be undertaken and submitted before development commences;
- A scheme for archaeological investigation, mitigation and recording to be agreed before development commences. Works in accordance with submitted scheme.

Informatives:

- In accordance with approved plans and potential enforcement action;
- Building Regulations and changes to approved plans;
- Windows and doors to be set in reveals by 50mm;
- New cottage type windows to be side hung, flush fitting casements;
- Windows shall not be storm proofed, and shall avoid visible trickle vents or external beading.

Nottinghamshire Wildlife Trust – Have chosen not to comment on this application.

Severn Trent Water – In response to an email (14th December 2016) requesting comments by the case officer they state: “Severn Trent would expect that in relation to this application, current guide lines regarding the disposal of surface water will be followed, such that no surface water will be permitted to drain to a foul or combined sewer network, but instead be disposed of elsewhere, in a sustainable manner. If this cannot be achieved you should consider refusing this application. Severn Trent cannot comment on the adequacy of local land drainage or the suitability of soakaways.”

10/02/17 - I confirm that Severn Trent Water Ltd has **NO Objection** to the proposal subject to the inclusion of the following condition.

Condition

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

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

Suggested Informative

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

Should you require any further information please contact us on the telephone number or email below.

NSDC Environmental Health – Comment as follows:

“This application is for a residential development on a farmyard. A phase 1 contamination assessment report was submitted by Peak Associates in support of the previous planning application at this site (14/01529/FULM).

This document described the history of the site as a farm, included a preliminary risk assessment for potential contamination and discussed the impacts on the previous planning proposals. It provided a detailed summary of potential hazards arising from these past uses/activities and indicated the probable contaminants of concern.

The report went on to recommend that targeted intrusive sampling should be carried out to further investigate the potential contamination.

Given that the proposals for this new application are on a portion of the same site and includes residential dwellings, I would request that our standard phased contamination conditions are attached to the planning consent.”

NCC Archaeologist – “I have read Heritage Statement, which concentrates on the impacts of the proposed development on the built environment and the Conservation Area. The site however, also has the benefit of a geophysical survey, which the applicants would be well advised to submit to you in support of their application. This survey demonstrated that the site has been considerably impacted upon by previous phases of building, particularly in the area of the two small cottages, now demolished, which fronted onto the Fosse Way. The main purpose of the survey was to attempt to locate pits which might contain human remains, the dead of the 1487 Battle. No such pit was clearly identified, although remains of walls and other structures were visible and in other places the survey results were affected by ferrous and other materials. Unfortunately, the lack of clear pits does not rule out the possibility, or likelihood that the proposed development will uncover human remains. This can be demonstrated with reference to the recent development at the Pouncefoot Arms, directly over the Fosse from this site, where human remains were uncovered in the excavations for new footings. These had been disturbed in antiquity, but were probably battle casualties. The site has the potential to contain areas which are relatively undisturbed, and which may have traces of Medieval settlement activity, as well as traces of later buildings the foundations of which may have encountered single individuals or charnel pits. The site therefore has high archaeological potential. Accordingly, I recommend that if planning permission is granted this should be conditional upon the implementation of a programme of archaeological mitigation. I would envisage this would entail all groundworks being undertaken under professional archaeological supervision, with provision for development work to cease temporarily in areas where archaeological features or human remains are uncovered, in order to allow them to be recorded and dealt with appropriately. A condition such as the following may be appropriate;

"No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the LPA."

"Thereafter, the scheme shall be implemented in full accordance with the approved details."

The work should be undertaken by appropriately qualified and experienced professional archaeologists, preferably CIfA registered.

One representation has been received from local resident/interested party which generally supports the application but making the following summarised comments:

- The proposed appearance of the development is in keeping with the area.
- East Stoke has suffered on more than one occasion in the last 10 years from serious surface water flooding. The situation is exacerbated by the ingress of surface water into the main sewerage system. This is most likely due to the fact that some properties on the main street (old A46) having combined drains. We have experienced the main drain cover lifting on our property with the resulting presence of raw sewage.
- The development must only be permitted after a comprehensive drainage survey of East Stoke has been undertaken to ensure that it can cope with the additional loading. Attention should also be paid to the sub surface ground conditions on the site providing adequate soakaways (size & ground structure).

Comments of the Business Manager

Principle of Development

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

The NPPF sets out a core planning principle that in decision-taking, Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.

The site is located within the main part of the village of East Stoke which is defined as an 'other 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) Rural Areas which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages.

The penultimate paragraph of SP3 states that consideration will be given to schemes which secure environmental enhancements by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues. The site consists of an operational farmyard with farm buildings, which could currently give rise to some amenity issues in terms of noise and disturbance to local residents, although this has not been documented. I attach significant weight to the retention of the traditional red brick buildings as they make a positive contribution to the Conservation Area in my view. Given this I consider the

principle of conversion of the two storey threshing barn and single storey barn (with extension) adjacent to School Lane to be appropriate. Another single storey barn is proposed to be retained for associated residential uses, however, there is one traditional barn that is proposed to be demolished. It is noted, however that the existing modern farm buildings to the rear (north) of the site are proposed to be retained and served by a new access from Fosse Road. Potentially therefore not all environmental residential amenity issues in terms of noise and disturbance would be removed from the site.

In relation to the new build dwellings fronting Fosse Road, I accept that this land may historically have been used in connection with the original farming operation but do not consider that the penultimate paragraph of SP3 can be applied to the new dwellings. This part of the site contains no built development apart from brick boundary walls enclosing a grassed area which does not give rise to any amenity issues. As such, these dwellings need to be assessed against the remainder of Policy SP3 which states that new development will be considered against five criteria comprising Location, Scale, Need, Impact and Character. I assess these below before taking into consideration the impact of the 5 year housing land supply position.

Location

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

The site is located within the main built-up area of the village. East Stoke contains little in the way of local services other than a church and a Women's Institute. Elston is less than 2km away which has a primary school, two churches, a pub, a shop and village hall and there are bus routes to Farndon, Newark (4 miles away), Nottingham (12 miles away), Grantham, Bingham (some via Flintham and East Bridgford) many of which are regular (every hour) which provide access to services further afield, with the bus stop being located c100m from the site. As such whilst the settlement of East Stoke cannot be said to be sustainable for day to day living given its lack of facilities I am mindful that given the public transport provisions and its distance from other settlements with facilities that the proposals are difficult to resist on the location criterion.

Scale

SP3 states that new development should be appropriate to the proposed location and small scale in nature. The scale criteria of SP3 only applies to the new build element of this proposal given that the conversion of the barns is acceptable in any event. East Stoke had 65 dwellings at the time of the 2011 Census and the proposal of 3 new build dwellings therefore represents a 4.61% increase (7.69% if one takes into account the conversions as well) in the overall housing stock in East Stoke, which is considered to be small in scale and proportionate.

Impact

SP3 states that new development should not generate excessive car-borne traffic from out of the area and new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Impacts such as flood risk, highway impacts etc. are discussed separately later in this report.

Character

SP3 states that new development should not have a detrimental impact on the character of the location or its landscape setting. Character matters are rehearsed later in this report.

Need

SP3 states that new housing must meet an identified proven local 'need' with the accompanying guidance note stating that the need should relate to the needs of the community rather than the applicant. The DCA Housing Needs Survey 2014 suggests there is a need in the Newark & Rural South Sub Area where East Stoke falls, for a range of type of property being 3 bedroom dwellings (40.2%) 2 bedroom dwellings (22.7%) 4 bedroom dwellings (14.4%) and 5 bedroom dwellings (8%). Whilst this is not specific to the settlement of East Stoke it gives an indication of likely need and this is relatively reflective of the proposal being 2 x 2 beds, 1 x 3 bed, 1 x 4 bed and 1 x 5 bed. In any event the housing need criteria of SP3 is currently being relaxed if a scheme is appropriate in other respects given the 5 year housing supply position which is set out in full below.

5 Year Housing Land Supply

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

It is a matter of fact that the CS adopted housing target is out of date and thus, so too, are targets contained within relevant policies. It is equally a matter of fact that LPA's are now required to derive housing targets having regard to its Objectively Assessed Need (OAN). It is the OAN which is of assistance in understanding the target against which housing delivery – in the form of a 5 year housing land supply (5YHLS) is judged.

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

The OAN has not yet been tested through a Local Plan Examination in Public. At an appeal in Farnsfield in January 2016, one Inspector disagreed with the annual requirement figure derived from the OAN, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available, a reasonable assessment of the Full Objectively Assessed Need for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council, as Local Planning Authority, does not agree with the Inspectors reasoning in this matter and assumptions made by this appeal Inspector have now been addressed via supporting information submitted for Plan Review. Whilst the January 2016 appeal decision is thus a material consideration which must be weighed in the balanced Officers, the Council's

consultants, and all 3 no. Councils who have combined to produce the OAN are satisfied that the evidence now available is robust and up-to-date. This takes a contrary view to the appeal inspector in 2016 and thus, in officer's submission, the appeal decision now carries limited weight.

Turning to delivery officers remain confident that there is a deliverable supply over the next 5 years against its OAN. Indeed, as part of the Council's ongoing Plan Review and expected submission for examination a 5 year supply position will be provided.

The Council's position is that full weight cannot be attached to the identified OAN until such time as a housing figure is endorsed by an independent Plan Inspector. That said, it is clear that the OAN is the only credible, robust, and up-to-date position available and the Council is satisfied that it can demonstrate a 5YHLS against this position. On this basis the Council attaches weight to its current Development Plan policies concluding that paragraph 14 of the NPPF is not engaged. For applications such as this which is for a modest number of dwellings it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals within the main built up areas of SP3 villages, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within the Policy, on the basis that the Council has a 5 year land supply based on its published OAN). This is subject to also carefully assessing the other impacts of the development and the sustainability credentials of the village in which the development is located and other nearby settlements.

Impact on the Character of the Area including the Character and Appearance of the Conservation Area and setting of Heritage Assets and Design

The Policy context in terms of Heritage is set out in full within the Conservation Officers comments in the Consultation Section above, which I shall not repeat. In addition to this DM5 seeks to ensure good design with the rich local distinctiveness of the District's landscape and character of built form reflected in the scale, form, mass, layout, design, materials and detailing. CP9 also seeks to achieve a high standard of sustainable design which reflects one of the core principles of the NPPF.

The proposal seeks to remove the modern portal steel framed agricultural building that currently sits in close proximity to the stable building adjacent to School Lane. This is welcomed and will better reveal the traditional farmyard and its more historic buildings. The retention of the traditional buildings on the site which are of historic and architectural interest both individually but more importantly as a group, is welcomed. No evidence has been submitted to show that the barns are capable of conversion such as in the form of a structural survey. However Officers are satisfied that the buildings for retention appear structurally sound and there is no obvious defects or reasons to suspect they cannot be converted.

In terms of the new build element, it is acknowledged that historically there has been built form on the land directly adjacent to Fosse Way. Additional built form along this frontage would contribute to a stronger sense of enclosure and therefore is acceptable in principle. The design of the new build is considered to be appropriate for its context.

The erecting of new single storey elements in lightweight materials to provide associated garaging is supported and it is acknowledged that it seeks to re-create an enclosed courtyard which reflects the former farmyard enclosed spaces.

Colleagues in Conservation raise no objections and consider the scheme is “well-considered and will deliver enhancements, notably to the roof of the threshing barn and in the long-term re-use of the redundant historic buildings.” They also note the new dwellings would reflect the rural vernacular traditions of the Conservation Area would therefore preserve the character and appearance of the Conservation Area and would not harm the setting of any other heritage asset.

The County Archaeologist has made comments on the site noting the sites high archaeological potential and recommending the imposition of a scheme of mitigation be imposed should development be granted. I concur that this would be necessary in this instance. I am satisfied that conditions could be imposed to safeguard the sites archaeological interest.

Housing Mix, Type and Density

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. It also states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including the elderly and disabled population. Mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information.

The site comprises c 04.7ha of land and seeks permission for 5 dwellings representing a density of c 10.63dph gross. Whilst this is lower than average, this figure is a gross figure rather than net and in any event I consider that this is entirely appropriate given the site comprises of a rural farmyard in a rural setting where higher densities would be inappropriate for a range of other reasons. In addition, as set out in the local housing need section above, I consider that the proposal does offer an appropriate mix of market 2, 4 and 5 bedroom dwellings as well as a 3 bedroom property with all ground floor accommodation thus contributing to the range of mix set out in both CP3 and the district wide housing needs survey as previously mentioned.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to secure 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 existing access would serve the new dwellings plus a limited number of existing dwellings and the highways authority raise no concerns regarding this. Indeed there may well be an improvement for existing users (the dwellings to the west) in convenience terms as they would no longer share this with agricultural vehicles.

Upon request the applicants have now provided a plan showing the parking provision for each unit and each dwelling has at least two off-street parking spaces. The Highways Authority are satisfied that this is an appropriate level of parking and I concur with this view.

The scheme also relies on the provision of a new access to serve existing agricultural buildings to be retained to the north. The Highways Authority have now confirmed there is no highway safety issue following clarification from the applicant regarding its intended levels of use but in any event the new access would need to be in place prior to first occupation of any of the new dwellings to avoid potential conflicts between land uses. Furthermore the required visibility splays to the new

access will also need to be secured and thus the highway suggested conditions are considered to be reasonable and necessary.

Overall from a highways aspect I consider that the scheme accords with SP7 and DM5.

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 over bearing impacts and loss of privacy upon neighbouring development.

Hall Farmhouse is situated approximately 20m from the nearest proposed conversion, being plot 1 which is single storey and would have only one retained window (serving a living room) facing the existing farmhouse. There are also existing houses on the opposite side of Fosse Road which would be located between c17m and 24m from the proposed new dwellings, where they would face one another. I consider these separation distances in this context are acceptable and would not give rise to any unacceptable impacts in terms of loss of privacy, overshadowing or overlooking due to the distances involved and the intervening road. I also consider that sufficient private amenity space would be provided for each of the proposed dwellings. I am therefore satisfied that the proposals would accord with the NPPF and DM5 in this regard.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity, reflected also in Policy DM7 of the Allocations and Development Management DOD. Policy DM5 of the ADMDPD also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

An Ecological re-appraisal (dated September 2016) has been submitted in support of the application. This updates a previous ecological survey undertaken by a different consultant in 2012/2013.

The sites habitats comprise small areas of mown amenity grassland, semi-improved grassland, ruderals and hardstanding. Both the update and original survey conclude that there is little ecological value in these areas with the proposal having the ability to improve the situation (through new habitat and planting).

In relation to protected species, the original survey concluded that barns and trees on-site provide suitable habitat for bats and nesting birds, recommending protective measures and habitat enhancement work. The original survey suggested that the site contained a small summer roost (for common pipistrelle bats) present in buildings E and H (now plots 1 & 2) and that a Natural England European Protected Species Licence would be required and recommended 1bstock bat bricks as compensation. The updated survey however concludes there is no sign of bats in building H but concludes the development would result in the destruction of two minor and transient roost sites. It concurs that a EPS Licence would be required (which is a separate process from planning) and that a bat mitigation strategy will be required which can be subject to a condition. I agree that this would be an appropriate way of securing the required mitigation.

Other impacts on protected species were scoped out of the surveys and I am satisfied that the impact on ecology has been properly considered. In addition to the bat mitigation strategy I consider that a condition to secure ecological enhancements to the site would also be required in order to meet the requirements of CP12 and DM5 along with securing the landscaping scheme submitted which includes new trees throughout the site.

An existing walnut tree to the south-eastern corner of the site would be retained. No arboricultural survey has been submitted with this application however the tree appears to be mature and in reasonable health. It's size and position makes a positive contribution to the conservation area and its retention is welcomed, along with additional landscaping. Subject to conditions the proposal is considered to satisfy the identified policies of the Development Plan.

Flood Risk and Drainage

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 NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at lowest probability of flooding from river and coastal sources. This site therefore passes the Sequential Test. However the site lies within a (washed over) area that is identified on the EA flood maps as being prone to surface water flooding. This has also been borne out through the consultation process in that the Parish Council have raised this as their only concern, as has one local resident.

The applicant was advised to address this matter in their submission and in this regard has submitted a Flood Risk Assessment which was updated throughout the lifetime of this application.

The report concludes that there is a negligible risk of ground water flooding and no further investigation is required. Given the comments of the TVIDB I concur that groundwater flooding is unlikely.

With regard to Surface Water flooding (pluvial flooding which results from rainfall running over ground before entering a watercourse or sewer and is usually associated with high intensity rainfall events) the FRA does not identify the site as being within the parts of the village which are known to be more susceptible to surface water flooding and concludes that the site itself being slightly elevated is above potential surface water floor risk. Indeed the LLFRA have raised no objections to the scheme on this ground nor suggest any conditions are necessary.

The submitted FRA looks to deal with how surface water from the development would be discharged. The updated FRA confirms that infiltration is not possible and neither is the discharge of surface water to a local watercourse as there isn't one available in the vicinity. It suggests that surface water drainage would, be discharged to the public sewer or a highway drain to the south of School Lane. The updated FRA indicates that there would be a reduction of impermeable surfaces on the site from 53% to 50% coverage and other SUDs measures such as porous paving could be included to help slow rainwater from discharging. The proposal would therefore be to discharge surface water to the sewer or the highway drain at an attenuated rate.

The representations received through the consultation process have been noted. It appears that there have been issues previously in the village with surface water flooding due to rainwater entering into the sewer. Indeed the SFA notes that the local area suffered from sewer flooding in 2007. It is not the role of this application to fix existing problems but clearly it is paramount that the development does not make matters worse.

Whilst the proposals for the discharge of surface water are noted, Severn Trent Water's starting position was that no surface water would be permitted to drain to a foul or combined sewer network but have conceded that because there is some existing roof drainage directly in to the sewer from the existing buildings that some modest drainage to it can be allowed. Since the updated FRA has been submitted, STW have confirmed they have no objection to the scheme and taking on board their latest comments, there now appears to be a viable option for the discharge of surface water such that I am able to impose a condition to ensure that this is properly dealt with. Subject to this condition I am satisfied that the proposal would accord with the relevant planning policies in respect of flood risk.

Developer Contributions

Core Policy 1 relates to affordable housing and states provision is required where the number of dwellings exceeds 5 units of the site area exceeds 0.2 hectares. However, the Department for Communities and Local Government (DCLG) have referenced a Written Ministerial Statement as policy and updated the Planning Practice Guidance in relation to raising the threshold for affordable housing provision to 10 or more and on sites larger than 0.5 hectares. This therefore supersedes Core Policy 1. As the site area is 0.46 hectares and the number of dwellings is below 10, affordable housing provision is not required.

Planning Balance and Conclusion

The settlement of East Stoke is not considered to be a highly sustainable location for new housing and it has, in itself, limited facilities. The settlement does have public transport access to larger settlements and services and thus the location is considered acceptable for the number of new dwellings proposed. The environmental enhancement involving the bringing back into use of former farm buildings is positive given that they contribute positively to the character and appearance of the Conservation Area.

The small number of new build dwellings is considered to be an appropriate scale for the size of the settlement. The application fails to demonstrate a settlement specific housing need albeit the proposal does reflect the need identified in the wider (district wide) survey which includes East Stoke and other more sustainable settlements.

During the course of this application the issue of flood risk from surface water has been investigated in detail and I am now satisfied that there is a potential drainage solution for surface water run off which can be controlled by condition that would not increase flood risk elsewhere. There is no highway safety or parking concerns. I am satisfied that subject to conditions the proposal would cause no other harm that would warrant refusal of this application. I also acknowledge that this scheme will have a positive, albeit modest, effect on the Council's 5 year land supply which weighs in favour of this scheme.

Taking all of these considerations into account it is considered that the proposal, on balance, is acceptable and I recommend approval.

RECOMMENDATION

That full planning permission is approved subject to the following conditions and any other reasonable conditions as recommended by the Highways Authority:

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

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.

03

No development shall take place until such time as a Bat Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This Strategy shall build upon the bat surveys which accompanied the application (Ecological Re-appraisal by ESL (Ecological Services) Limited, September 2016). The approved Bat Mitigation Strategy shall be implemented in full prior to any development, (including demolition) taking place on site and any mitigation measures shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to afford appropriate protection to bats that may occupy the existing buildings on site in line with Policies DM7, CP12 and the NPPF.

04

No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.

Reason: In order to comply with the Development Plan and the NPPF.

05

No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that any features of archaeological interest are protected or recorded.

06

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

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

07

No development shall be commenced until a methodology for undertaking repair works and renovation works to the existing barns has been submitted to and approved in writing by the local planning authority. This shall include a full schedule of works and all structural works, repairs to masonry and roofs. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

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

08

No development shall be commenced until details of a programme of historic building recording (to level 1) has been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

09

No development shall be commenced until details (including samples upon request) of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials
Bricks
Timber cladding
Roofing tiles

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

010

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

011

Notwithstanding the submitted details, no development shall be commenced in respect of any new external windows and doors and their immediate surrounds including details of glazing bars (including garage doors and roof lights) 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 and the timber windows and doors shall be retained for the lifetime of the development.

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.

012

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.

Verges and eaves

Chimneys

Ridge and hips

Porches in respect of buildings 4 & 5

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the conservation area and to safeguard the special architectural or historical appearance of the building.

013

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. These details shall include:

means of enclosure/boundary treatments

hard surfacing materials;

retained historic landscape features and proposals for restoration, where relevant.

The approved hard landscaping shall be implemented on site prior to first occupation unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

014

The approved soft landscaping shown on drawing no. 1625.1.1.A shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

015

Not more than one of the new build dwellings comprising Plots 3, 4 and 5 shall be occupied until such time as Units 1 and 2 have been converted as shown on the approved drawings and are ready for occupation.

Reason: To ensure that the existing agricultural buildings are converted appropriately within a reasonable timeframe in the interests of preserving and enhancing the conservation area.

016

No development shall be commenced until the existing trees shown to be retained have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance

with details to be submitted to and approved in writing by the local planning authority;

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

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

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

017

No part of the development hereby permitted shall be brought into use until the agricultural access onto the Fosse Road has been completed and surfaced in a bound material for a minimum distance of 15m behind the highway boundary in accordance with the approved plan.

Reason: In the interests of highway safety.

018

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

Reason: In the interests of highway safety.

019

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 parking/turning of vehicles.

Reason: In the interests of highway safety.

020

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

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

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

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

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

Class 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.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

Or Schedule 2, Part 14 of the Order in respect of:

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

Class B: The installation, alteration or replacement of standalone solar for microgeneration within the curtilage of a dwelling house or block of flats.

Class C: The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or block of flats.

Class D: The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats.

Class E: The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats.

Class F: The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) and to ensure that any proposed further alterations or extensions are sympathetic to the converted buildings and their setting.

021

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

Reason: The site is prominently located within the East Stoke Conservation Area and the unsympathetic extension or alteration to the approved building(s) may cause harm to the

character and appearance of the Conservation Area.

022

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans, A103 Building 2 Elevations, A110 Building 3 Floor Plans, A103 Building 2 Elevations, A106 Building 4 Elevations, A106 Building 4 Elevations, A118 Garage Elevations, Visuals, Building 03 Plans, Building 3 Elevations, Building 4 Plans, Building 4 Elevations, Building 5 Plans, Building 5 Elevations, Site Plan, 1625.1.1A Landscaping Plan, Site Location Plan, Topographical Survey, Building 01 and Garage Area Ground Floor, Building 01 Elevations and Sections drawings, Building 02 Floor Plans and Garage plans, Building 02 Elevations and Building 02B Elevations and Sections drawings (received October 2016) Parking Plan (received January 2017) unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

Notes to Applicant

01

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on the telephone number or email as follows: 024 7771 6843 or net.dev.east@severntrent.co.uk

02

The applicant is advised that in respect of condition 11 (relating to joinery) windows and doors should be set in reveals by 50mm and new cottage type windows to be side hung, flush fitting casements, windows shall not be storm proofed, and shall avoid visible trickle vents or external beading. The specification for the roof lights should be conservation variety, flush with the roof tiles when closed and no vents or dentil fillers shall be installed on the roof. In respect of condition 9 (relating to materials) new roof tiles shall be natural clay pantiles of a non-interlocking variety.

03

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

04

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).

05

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

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

BACKGROUND PAPERS

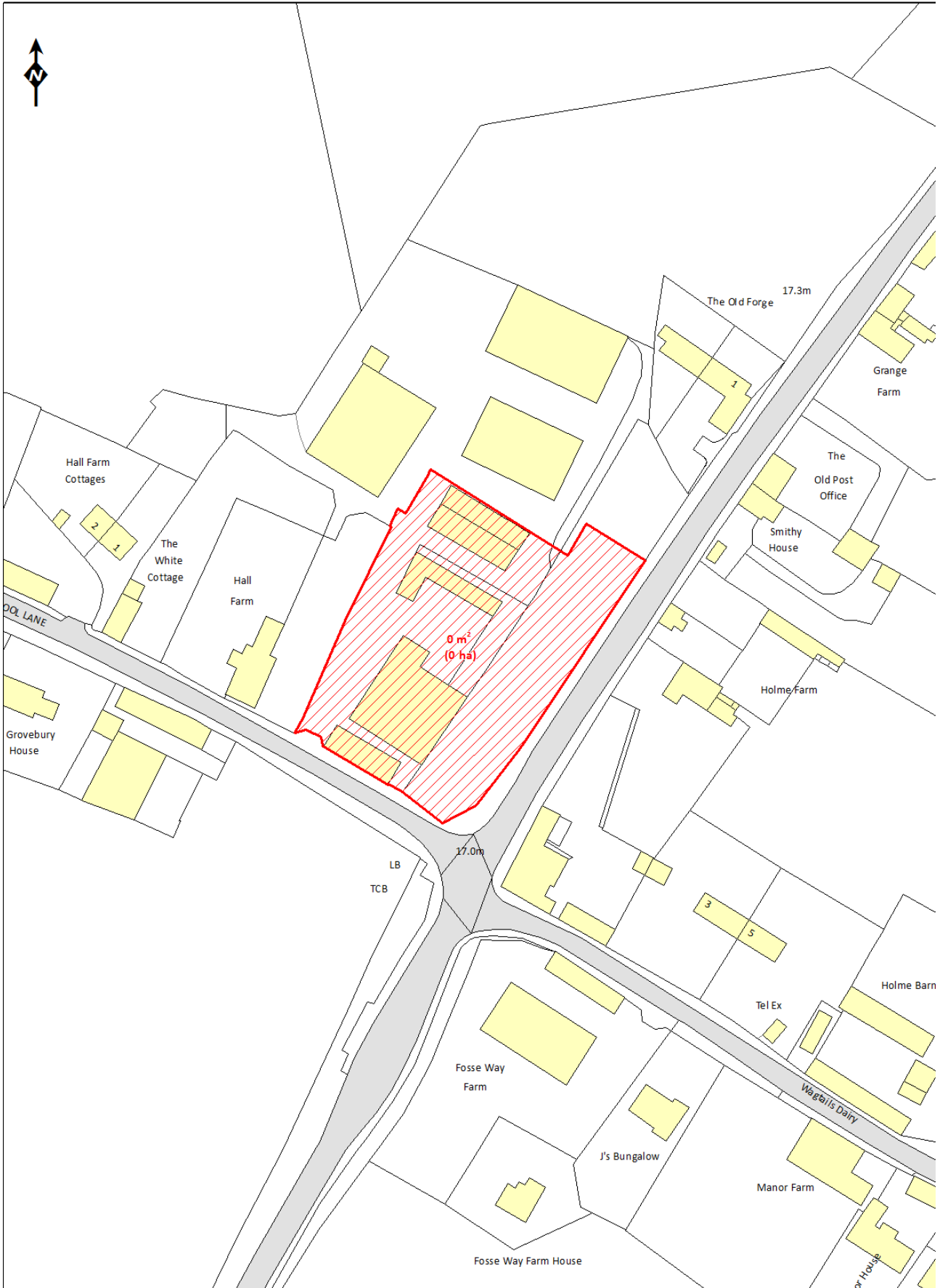
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01772/FUL



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

Application No:	16/01881/FULM	
Proposal:	Proposed development of 10 new affordable homes	
Location:	Land off Elston Lane, Elston, Nottinghamshire	
Applicant:	Geda Construction – Mrs Marie Wilson	
Registered:	2 December 2016	Target Date: 3 March 2017

This application has been referred to Committee by Cllr I Walker in the event that the application is recommended for approval in the interests of transparency.

The Site

The site comprises a pentagon shaped field/paddock of approximately 0.41 hectares which is located just outside of Elston, to the north-west of the village. The site is located just outside of the Conservation Area which lies almost immediately to the south-east.

With topography that rises gently from the west then falls away gently to the east, the site is bound by low post and rail timber fencing. There is an existing field gate located to the southern corner of the site, closest to the village. The site is set back from Elston Lane, from which the site is accessed, by deep grass verges. There are no footpaths along this part of the rural lane, which is at a slightly lower level than the land either side.

Sharah House (a traditional cottage currently being extended to its front), Home View (a modern bungalow), Holly Dene and Corner Cottage (both Local Interest Buildings) are the nearest residential properties that are located on the opposite side of road on slightly elevated ground. The wider landscape comprises gently rolling topography with the land to the north-west and north-east being higher than the application site and comprising grazed pasture/agricultural fields.

The site is located within Flood Zone 1 but is within an area prone to surface water flooding according to the Environment Agency Maps.

Relevant Planning History

None relevant.

The Proposal

Full planning permission is sought for 10 affordable dwellings to be sited around a new cul-de-sac arrangement.

Revisions to the scheme were made by the applicant on 6th February 2016 (with further minor amendments made on 20th February) primarily to have regard to their revised drainage strategy

but also in an attempt to address concerns received through the initial consultation period with the latter to provide larger south facing gardens for potential residents. The scheme now comprises four x 2 bedroom bungalows (Plots numbers 1, 2, 3 and 10), four x 2 bedroom two storey houses (Plots 4, 6, 8 and 9) and two plots (Plots 5 & 7) would have 3 bedrooms over two stories. The applicant has stated that 8 of these would be affordable rented products with 1 x 2 bedroom house (Plot 4) and 1 x 3 bedroom house (Plot 5) being for shared ownership.

The revised layout now shows an area of land tucked into the site which is annotated as a grassed communal area with central SUDs feature and pumping station. A new farmer's access (to replace the access that would be lost) would be provided to the north-western edge of the development to serve the agricultural land beyond the site.

The application is accompanied by a Design & Access Statement (Rev D revised 03.02.17), Ecological Appraisal (FPCR, Halsall Lloyd Partnership, September 2016), Pre App Planning Statement, Flood Risk Assessment, Drainage Strategy, a Draft Heads of Terms and an Affordable Housing Statement.

The following drawings comprise the revised submission:

Proposed Site layout 102 L (revised 20th February 2017)
Site Location Plan 001-A
Site Location Within Village Context Plan 002-A
Proposed Street Elevation, Drawing No. 210-B (revised 20th February 2017)
Plots 1, 2 & 3 Plans and Elevations, 220-A
Plots 6 & 7 Plans and Elevations, 221-B (revised 20th February 2017)
Plots 8 & 9 Plans and Elevations 222-B (revised 20th February 2017)
Plot 10 – Plans and Elevations 223-A
Plots 4 & 5 – Plans and Elevations 224-A (received 20th February 2017)
Materials Schedule submitted 20th February 2017
Proposed External Works, Drainage GA Plan, D396_100_P12

Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press with an expiry date of 5th January 2017.

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 9	Site Allocations
Core Policy 1	Affordable Housing Provision
Core Policy 2	Rural Affordable Housing

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

Allocations & Development Management DPD

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3	Developer Contributions
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
 Newark and Sherwood Affordable Housing SPD (June 2013)
 Newark and Sherwood Developer Contributions SPD (December 2013)
 Newark and Sherwood Landscape Character Area SPD (December 2013)

Consultations

Following the receipt of amended plans, a full round of re-consultation has taken place. The following comments were made to the original plans unless otherwise stated.

Elston Parish Council – No objection. Concerns expressed on possible highway problems on Pinfold Land and the clerk was asked to convey these to the district council.

NCC Highways Authority – 23rd February 2017

“Further to comments made on 28 December 2016, I am in receipt of revised drawing 102-L. It is understood that the majority of the access (shared surface) is to remain privately maintained. As a private street matters of lighting and drainage become a matter for the Local Planning Authority to consider.

The turning facility adjacent to Elston Lane surrounded by a new footway, and the new footway connecting with Low Street, are works that should be carried out under a Section 278 Agreement with this Authority.

No objections are raised subject to the following conditions:

No part of the development shall be occupied unless or until the works to provide a vehicular turning area and footway link on Elston Lane as shown indicatively on drawing 102-L have been provided to the satisfaction of the Local Planning Authority.

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

No part of the development hereby permitted shall be occupied until the private shared surface access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

Note to Applicant:

As a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- The provision of an indemnity us against future petitioning by residents to their road under Section 37 of the Highways Act 1980.
- The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

Original comments received 28th December 2016 stated:

“The submitted proposal as shown on drawing 102-H is unacceptable. It does not meet the guidance given in the 6C’s design guide. The access should not simply appear as a road without a footway and if a service margin were to be used it should extend around the whole of the kerbed carriageway to allow for kerb maintenance/replacement (albeit at a reduced width where services are not intended).

It is uncertain how highway drainage would be dealt with in a fashion that would be acceptable to the Highway Authority.

There is no safe pedestrian link with the village. A footway across the whole site frontage and extending south-eastwards to the existing footway at the junction of Low Street/Pinfold Lane would be expected. This could be achieved within the extent of the public highway.

It is recommended that this application be refused on the grounds that:

- pedestrian/vehicle conflict would be increased to the detriment of highway safety;
- the application fails to demonstrate a satisfactory means of highway drainage and as a consequence may lead to a potential source of danger to highway users;
- the access layout fails to provide for adequate future maintenance.
- the proposal does not offer reasonable and practical ways of accessing the site other than by private car, and is therefore contrary to the principles of Spatial Policy 7 of the LDF Core Strategy.”

NCC Lead Flood Risk Authority – No objections subject to the following:

“No works shall commence until a detailed surface water drainage design and management plan has been submitted and approved by the LPA. This design and management plan must include or address the following:

- a. Evidence that the hierarchy of drainage options, infiltration - discharge to watercourse – discharge to sewer has been followed correctly and any decisions made supported by facts.
- b. Hydraulic calculations must show compliance of the proposed system to current design standards including climate change allowances. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- c. Details of maintenance regimes for any SUDS along with how these will be managed for the lifetime of the development.
- d. Details of what elements of the system will be adopted and by whom, including highway drainage, public sewers, SUDS and above and below ground storage assets.
- e. Flow paths for exceedence flows.
- f. Any flood resilience measures proposed for new buildings.”

NCC Developer Contributions – “ With regard to the above development, I can confirm that a development of 10 dwellings would yield 2 primary places and 2 secondary places. It is acknowledged that the Planning Practice Guidance does not allow for contributions from developments of 10- units or less, and which have a maximum combined gross floorspace of no more than 1,000sqm. However unless there is clear evidence available that this application is below this threshold, the County Council would wish to seek a contribution of **£22,910**

for primary education to accommodate the additional pupils projected to arise from the proposed development. It is assumed that the contribution for secondary education would be provided by CIL.

Further information about the contributions that would be sought and the justification for this can be found in the attached document.” (document was attached)

Trent Valley Internal Drainage Board – “The site is outside of the Board’s district but within the extended catchment area.

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

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

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

If you should require any further information please do not hesitate to contact the Board.”

22/02/17 – No further comments to make.

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

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

Condition

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

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

Suggested Informative

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

NSDC (Conservation) – No objection:

“The proposal site is adjacent to the Elston Conservation Area (CA). By virtue of its scale and form, the proposal is capable of affecting the setting of the designated heritage asset. In addition, whilst

there are no heritage assets formally identified within the site, there are buildings and features nearby including Local Interest buildings and areas/features of archaeological interest. Impact on non-designated heritage assets is a material consideration.

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. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

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

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. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals affecting heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

There are various heritage assets in close proximity to the site identified on the HER, including areas or features of archaeological interest, as well as Local Interest buildings. In accordance with Annex 2 of the NPPF, Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, paragraph 139 of the NPPF reminds us that non-designated heritage assets of archaeological interest that are

demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Significance of Elston CA

The CA was designated in 1992. Elston is first mentioned in Domesday. The medieval origins of Elston can be understood in the grid network of lanes forming the historic core of the village. The landmark Church of All Saints, which is Grade II*, originates from at least the 13th century, and is a focal building within the lane grid. There are otherwise a number of historic buildings, cottages and farmsteads within the CA, typically 18th and 19th century vernacular buildings.

The 1801 Enclosure Map (attached) shows a tightknit arrangement of buildings along Low Street (formerly 'Bottom Street') with a series of narrow plots perpendicular to the road. The 1912 County OS Series shows that many of these plots had orchards to the rear. The roadside bank at the junction of Pinfold Lane with Low Street is thought to be the remnants of the village pinfold. The proposal site sits within a larger enclosure formerly in the ownership the Revd. Philip Storey (as shown on the 1801 extract). The adjacent east field was owned by the Darwin family (Erasmus Darwin was born at Elston Hall and is the grandfather of Charles Darwin). The water course to the north known as Codders Dyke is historic in origin also. The field remains legible as that shown on the Enclosure Awards.

There are a group of Local Interest buildings opposite the proposal site, including Corner House and Hollydene (as identified on the County HER). In addition, Sarah House appears to have a degree of historic and architectural interest.

To the northeast beyond the dyke, the HER records the possible location of a Roman villa (HER entry M1440). An extensive scatter of Roman pottery dating from the 2nd to 4th century AD was identified. Fragments of tile, including tegulae and tesserae with mortar still adhering were also found, suggesting the remnants of a building. Little other information is known about the site however.

Assessment of proposals

The proposal seeks approval to erect 10 new affordable homes. The proposed layout has the feel of a rural mews, with linear plan forms arranged around an informal yard. Continuous roof lines are used, and the roof envelopes include natural slate and traditional pantiles with chimneys. The house types are varied in scale and form, but the overall appearance references traditional rural vernacular. This approach is likely to sustain the character of the area, despite the density of the development. The use of appropriate landscaping and boundary treatments such as post and rail fencing help to reinforce this character. On balance therefore, we consider the proposed development to be acceptable, causing no harm to the setting of the CA or nearby Local Interest buildings.

Whilst we are mindful that the site is outside of the CA, the proximity of the designated area, the relative significance of the field enclosure as setting to the CA and the presence of other heritage assets nearby indicate that the development will benefit from appropriate detailing and materials. The design arrangements would therefore benefit from a number of modest revisions, including the use of brick arches rather than soldier courses above windows, gable chimneys built into the gable rather than inset along the ridge (but not including central stacks), timber or mock timber joinery and cast metal or mock cast rainwater goods. Notwithstanding the submitted details, these

elements could be addressed via suitably worded conditions, along with further information on window and door design, details on eaves, verges, wall construction (perhaps in the form of a brick panel) and any other external accretions.

In the absence of a heritage impact assessment with an appropriate archaeological survey, it is difficult to be certain as to whether there might be any archaeological potential within the field. As the proposal is a major application, further advice might be sought from the County Archaeologist. If this is not possible, note that whilst the site is not identified specifically on the HER, scatter finds in the adjacent field have some interest, including remnants of Roman building fabric. If the applicant agrees, it might be prudent to consider a watching brief condition. However, the applicant could seek advice from an independent archaeologist.”

NSDC (Strategic Housing) – Supports the proposals:

“A strategic objective of the Council is to increase the amount of affordable housing in the district and the Council’s Local Housing Strategy has a strategic aim to:-

‘Deliver an increased supply and choice of affordable housing to meet local need and manage the impact of housing growth to ensure there is a positive impact on our urban and rural communities’.

Due to the predominant rural nature of the district, the Council is committed to delivering affordable homes in rural areas for local people who are unable to meet their housing needs on the open market and to promote inclusive and thriving communities. The NPPF indicates that in rural areas, exercising the duty to co-operate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including the use of rural exception sites where appropriate.

MAIN AFFORDABLE HOUSING POLICY CONSIDERATIONS

Core Strategy/Affordable Housing Supplementary Planning Document

“Core Policy 2 – Rural Affordable Housing. Core Policy 2 allows for the granting of planning permission for small rural affordable housing schemes as an exception to normal policies. The District Council will pro-actively seek to secure the provision of affordable housing, in defined parts of the district on rural affordable housing ‘exception’ sites. Such sites should be in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3, Rural areas relating to Scale, Need, Impact and Character of development”. Such sites have traditionally been expected to deliver 100% affordable housing, which will be required to remain affordable in perpetuity (schemes involving shared ownership or in a designated protected area will normally have staircasing limits placed at a maximum 80% ownership or make provisions for the registered provider to re-purchase).

EVIDENCE OF HOUSING NEED

For the purposes of the rural exception sites policy, the Council defines local need as identified needs in the individual village, or second, local area it serves (defined as being in the Parish in which it sets). Before the Council will grant planning permission for affordable housing on a rural exception site it must be satisfied that there is an evidenced need for affordable housing in the locality traditionally gained from the completion of a Parish Housing Needs Survey.

To support the delivery of affordable housing in rural locations, the Strategic Housing Business Unit through its enabling role has a long standing partnership with Nottingham Community Housing Association (NCHA), Trent Valley Partnership (TVP) and parish councils to undertake housing needs surveys in the district's rural parishes with a population of less than 3,000. The District Council either approaches or is contacted by a parish council to conduct a survey to ascertain levels of need for affordable housing. After completion of a survey and in response to an identified need, a call for land is instigated with the parish council, and any forthcoming sites are then assessed by the Council's Development Management Business Unit in terms of suitability.

Parish Housing Need surveys were undertaken in 2006 and 2012 in Elston. They indicated a need for affordable housing for local people. Newark and Sherwood District Council's housing register also shows that several people have expressed a preference to live in Elston and, when properties have occasionally become available, they always attract multiple bids reflecting the popularity of in this location. The District Council owns 20 properties in Elston. Of these, 12 are two bedroom bungalows designated as supported accommodation and 8 are let for general needs (7 x 3 bedrooms and 1 x 4 bedroom).

The 2012 housing needs survey report recommended that the Parish Council should consider developing a small scheme of affordable housing within the next five years. Since 2014 the Parish Council and District Council have been working together, in partnership with Nottingham Community Housing Association, to identify a suitable site on which to develop a small scheme of affordable properties. A site has become available and Nottingham Community Housing Association has put forward a proposal to develop ten affordable properties. As a result, the Parish Council requested a brief follow-up (letter-drop) survey of all households to ensure that there is sufficient level of interest in affordable housing to warrant a development. The results of this letter in November 2016 identified 15 households in need of affordable housing. Two applicants have been nominated twice meaning that there are **13 individual households in housing need eligible for affordable housing**. In addition, there were 2 responses from local residents stating that they each knew of several people requiring housing in Elston but, although they have provided their own contact details, they have not provided details of the people concerned. These have therefore been discounted.

CONCLUSION

The proposal is fully supported by the Council's Strategic Housing Business Unit. The development of rural affordable housing schemes meets the Council's strategic housing and planning objectives to increase the supply and delivery of affordable housing. With this in mind, the Council's Strategic Housing Business Unit is considering a grant contribution to support the scheme and if recommended will be presented to Policy Committee for Officer and Member consideration. The scheme, if approved, will be subject to a legal agreement ensuring that the housing remains affordable in perpetuity and prioritises local people in terms of allocation."

NSDC (Community Facilities) – 'I have no objection to this proposal but would request that a contribution towards community facilities be made in accordance with the Council's current Developer Contributions Supplementary Planning Document. Such contribution to be allocated to the existing village hall.'

NSDC (Parks and Amenity) – 'As a development of 10 or more properties this scheme should make public open space provision for children and young people as set out in the Council's Developer Contributions and Planning Obligations SPD. Given the size of the development I believe

this would be best delivered through the payment of a commuted sum for the provision/improvement and maintenance of the existing playing field and equipped play area located adjacent to Elston village hall. I note that the ecological appraisal finds that the hedgerows around the development site are of biodiversity value and these should thus be retained and improved.'

NSDC (Environmental Health) – 'In response to the planning consultation in relation to the application above I can confirm environmental health has no observations'

Representations have been received (between receipt and 16th January 2017) from 14 local residents/interested parties have been received all objecting on the following summarised grounds:

Principle/Location of the Site

- Outside of village envelope;
- This application would extend the village into the countryside;
- There are other, better sites within the village for this affordable housing;
- Not opposed to infill development within the village.
- The redevelopment of the green field site is environmentally wrong.

Highway Issues

- Pinfold Lane has become the main route in and out of the village since the closure of Elston Lane which is single narrow track with no footpaths. Verges are being eroded both sides exposing the edges of the road surface causing damage to the road surface;
- Concern regarding construction traffic impacts to pedestrians and cyclists;
- Concerns regarding highway safety generally in the area;
- This is an old country lane not modern highway, a traffic assessments should include early morning peak.
- Junction of Pinfold Lane/Top Street is very dangerous and traffic calming measures have not worked with NCC advising that no more safety improvements will be made until there is a serious accident.
- Lack of a path being proposed to join the development to the village. No footpaths along the lane and its not safe – proposal will make matters worse
- Although Elston lane is now a dead end, a lot of traffic that comes down Low Street at speed still thinks they can still join the A46. If the application is approved consideration should be given to changing the junction with Pinfold Lane and Low Street into a corner and moving the junction to be with Elston Lane and Low Street.
- Concern at insufficient parking – most properties would have two cars and where will visitors park?
- Light to roads is very poor;
- Roads not designed to accommodate the daily flow they now serve;
- Pinfold lane not wide enough for two vehicles to pass;
- When question of affordable housing came up there was still access to A46 but this has now changed;
- If approved it should be subject to S106 Agreement to secure footpath along the full length of Pinfold Lane, road widening and a mini- roundabout.

Infrastructure

- There are no facilities in the village for more residents; no work, doctors, chemist, shops;

- The village pub has shut (pending a change of use planning decision);
- Two local bus companies have reduced services to the village which means to get a regular bus service past 6:30pm and on a Sunday entails an extremely dangerous 600m (often at night) walk along the main road to link with a footpath to the old A46 and the regular Nottingham to Newark service;
- Concern that existing local children will not be able to get a place at the primary school which is at capacity;
- Too much pressure on this village, A46 has moved closer to the village, a proposed skate board site is nearby etc
- Site is presently agricultural land that until recently was used as a riding school (a facility that really benefitted the parents and children of the village) which was evicted denying residents of entertainment source
- Concern regarding utilities capacity (see below)

Drainage/Flood Risk

- There have been existing issues in recent years where village sewerage system has been overloaded a number of times during heavy rain storms, causing the bottom end of Old Chapel Lane to be flooded with raw sewerage. Some Remedial work has been done by Severn Trent;
- Water but this doesn't increase the capacity of the system. Additional effluent generated by another 10 families could overload the sewerage system again, causing flooding and contamination of the local water courses;
- Land drainage is poor, heavy rain causes drains to overflow and the lane floods at its busiest point
- No mains surface water drains in the village

Need for affordable housing

- Already Alms Houses on Top Street available for low rent and so little demand that restrictions have been lifted and there is a large number of bungalows off Carrgate which are housing association or Council and elsewhere. More will cause an imbalance in accommodation.
- 10 affordable houses are not required in Elston – a scheme for 2 would be more appropriate;
- Resident completed a housing needs survey and was under impression it would be freehold available for purchase. This is not what resident agreed to and not something that resident would support.
- The village needs affordable houses for 10 families not luxury houses for 3 families who can afford to move where they like. Now willing developers are forced to build on the fields around the village to satisfy the needs of the village rather than the needs of the privileged.

Amenity

- Loss of views
- Loss of privacy – unspecified
- Possible increase in crime
- Increase in noise

Other Matters

- Query that application form suggests there are no trees/hedgerows but ecological appraisal refers to one
- Parish Council comments are not true reflection of parish members.
- Feel let down by NCC and Parish Council for not objecting to the scheme;
- Question as to why the proposed site is not listed in the latest Newark and Sherwood District Council Strategic Housing Land Availability Study which contains an assessment of potential feasible development sites within the village;
- Concerns that low income families would change the village;
- Unwanted increase to the historical footprint of this village;
- Accusations of the proposal being a 'done deal'.

Comments of the Business Manager

Principle

The proposal relates to a residential scheme for 10 dwellings and has been submitted on the basis that the units will all be affordable in an attempt to meet a local need for affordable housing.

The NPPF, at paragraph 54, states that, 'In rural areas... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.' The stance of this is re-affirmed by Core Policy 2 of the Core Strategy which states that the council will proactively seek to secure the provision of affordable housing on such exception sites. The acceptability of such schemes will be subject to the sites being located in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3 relating to Scale, Need, Impact and Character.

Location

The site is outside of the main built up part of the village and is, in policy terms, within the open countryside. In order to comply with the rural exceptions policy, the site has to be located in or adjacent to the built up part of the village. The site lies to the northern edge of the village on the north-eastern side of Elston Lane.

On the opposite side of the road is a small cluster of residential development and on the same side of the road, the site shares part of its boundary with a dwelling (White Gable Farm) with the remainder of the southern boundary shared with a generous sized triangular shaped parcel of land which houses a telecommunications cabinet. For the purposes of the policy, I accept the argument that the site is adjacent to the main built up part of the village and thus meets the primary requirement of Core Policy 2. It is noted that in accepting this site as being on the edge of the village, this could lead to a pressure for development on the intervening land. However if this happened this would be assessed on its own merits.

Scale

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is discussed further below in the character section of the appraisal. SP3 provides that new development should be appropriate to the proposed location and small scale in nature.

In 2006 the number of dwellings in Elston was 276 and taking into account commitments and completions since that time (7) and the proposed development of 10 dwellings, together this would increase the number of dwellings by 6.15%. I consider that this level of increase to be appropriate.

Need

The site is being promoted as a rural exception site for all affordable housing. SP3 requires that new housing in rural areas should only be allowed where it helps to meet an identified proven local need.

In this case I have noted the detailed comments of the Council's Strategic Housing Officer who confirms that a Parish Needs Survey has been undertaken (and updated) and confirms a need for 13 such affordable houses within the Parish. It appears that this scheme has come about following partnership working between Nottinghamshire Community Housing Association alongside the Parish Council. I am satisfied that a scheme for 10 units would go some considerable way to meeting a proven identified need for the purposes of SP3.

Character

SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The layout of the proposal is mews style of development located around a cul-de-sac. Single storey properties would front the highway, albeit they would be set back from the roadside behind the retained deep grass verges. The two storey dwellings are located to the rear of the site and this assists with reducing the impact from the public realm and to the surroundings. The design ethos is very much of traditional local vernacular which would form an attractive development that is sensitive to the surroundings. I note that the amendments have taken on board some of the comments from the conservation officer such as positioning the chimneys centrally. I also note that the materials palette comprises slate, clay pan tiles and red brick, all of which are typical in Elston. Other detailing such as joinery eaves and verge details could be controlled by condition. Overall I consider that the scheme has a well-conceived layout and design which is genuinely tenure blind and is sensitive to its rural surroundings. In my view this accords with Policies SP3, CP9 and DM5.

Given that the site is located adjacent to the Elston Conservation Area, this is also a material planning consideration. Indeed I note the comments from the Conservation Officer who concludes that the scheme would cause no harm to the setting of the Conservation Area or nearby Local Interest Buildings which I concur with in this instance. Given the Conservation Officers comments regarding potential archaeology within the field and in the absence of a Heritage Impact Assessment it is considered prudent to impose an archaeological watching brief condition to ensure that the potential interest is safeguarded. I am therefore satisfied that the proposal accords with CP14 and DM9 in this regard.

Impact

The impact criterion of SP3 states that new development should not generate excessive car-borne traffic from out of the area. It goes on to say that new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Impacts are considered separately below.

Housing Mix and Density

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

The proposed scheme being for 8 x 2 bedroom properties (4 of which are single storey) and 2 x 3 bedroom properties meets a local need but also meets the broad aspirations of CP3 in terms of mix. The density of the scheme falls short of 30 dwellings per hectare. However I consider this to be entirely appropriate given its position at the edge of the settlement with the countryside adjacent and this assists with allowing the development to sit comfortably within its surroundings. The type of dwellings is discussed in the affordable housing section later in this report.

Impact on Residential Amenity

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

Plot 1 on the western side of the new access would be located c25m from Sarah House (2 storey) on the opposite side of Elston Lane, whereas Plot 10 to the eastern side of the new access would be located c19.8m from Holly Dene and c27.5m from Home View (single storey). Both new dwellings would be single storey in nature and I consider the distances are sufficient to meet the needs of privacy and avoid unacceptable impacts of overlooking and overshadowing. Plots 8 and 9 which are two storey would have their rear elevations set c16m from the boundary with White Gables Farm which sits beyond the boundary by a further c42m. Therefore I am also satisfied that this distance is more than adequate to protect the amenity of this neighbour.

I conclude that the development would preserve the amenities of neighbouring properties and would have no undue adverse impact that would warrant a refusal of this scheme.

Impact on Highways/Sustainability

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

The Highways Authority initially objected to the scheme on the grounds that the scheme had no footway, drainage to the highway was unclear and that there was no safe pedestrian link to the

village. Amendments to the scheme have sought to address these concerns and the plans now show a footway around the road leading into the site and a footway from the site extending to the south-east which would link to the existing footways to the village.

Indeed I note that the majority of consultation responses received have raised concerns regarding road safety issues such as the narrow width of Elston Lane itself, the traffic in the area generally, concerns during the construction period and the fact that the lane is now a dead end following the dualling of the A46. A full summary of highway concern is set out in the consultation section of this report.

In terms of car parking, the scheme seeks to provide two off-street parking spaces per plot. There is no provision for visitor parking although it would be possible to park on the cul-de-sac itself and this in itself is unlikely to lead to parking along Elston Lane.

In response to the amended plan, the Highways Authority have removed their objection subject to the inclusion of conditions. In coming to this view it is implicit that they have considered matters raised such as the acceptability of flows of traffic to the site, the width of the carriageway and its adequacy to serve the proposed development and how it links with the wider transport network. I note the Highways Authority do not explicitly suggest a condition to deal with the footpath link to the village. However given this is of importance in terms of the sites sustainability I consider that a condition is necessary and reasonable to control the timing of its provision.

Given the Highways Authority now offer no objection and given that the development can be made safe in highway terms through conditions, I consider that the proposal is acceptable in this regard in compliance with the relevant policies.

Landscape/Visual Impact

CP13 sets an expectation that development proposals positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that they contribute towards meeting the landscape conservation and enhancement aims for the area. DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It goes on to say that features of importance within or adjacent to development sites should wherever possible be protected and enhanced.

The site lies within the South Nottinghamshire Farmlands Character Area within the Elston Village Farmlands. Landscape condition and sensitivity to change is described as moderate giving a policy action of 'Conserve and Create'. In this context features on site such as the existing hedgerow should be retained (which the agent has confirmed will be the case) and enhanced. New soft landscaping will also be expected (indeed as is indicated on the site layout plan) including trees to be planted in the public realm including the site frontage and the communal open space. Landscaping can be secured through condition and this together with the sensitive design, lead me to conclude that the proposal would be appropriately sited without harming the landscape character of the area in accordance with the identified policies.

Flood Risk and Drainage

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 NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at lowest probability of flooding from river and coastal sources. This site therefore passes the Sequential Test. However the site lies within a (washed over) area that is identified on the EA flood maps as being prone to surface water flooding.

A drainage strategy has been prepared for the site which states that ground infiltration is not possible due to the clay soils. Rainwater would therefore drain into a proposed attenuation pond (the on-site SUDs feature) which would assist in the reduction of water discharge. Water would then be pumped with the foul water to the nearest STW drain between Low Street and Pinfold Lane. The strategy indicates this has been agreed in principle by STW.

Whilst STW have yet to comment on the drainage strategy as their previous comments of no objection were made before its submission, I have no information that would contradict the applicants submission. Indeed I note the LLFRA raise no objection to the scheme subject to the inclusion of a condition to deal with drainage. The strategy submitted is unlikely to be sufficient to negate the need for the condition but any further comments from the LLFRA on this will be reported to the Committee as a late item.

In summary, subject to the inclusion of the conditions suggested by consultees, I have no reason to refuse the application on the grounds of flooding or the disposal of surface/foul water from the site.

Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

An Ecological Appraisal accompanies the application which concludes that subject to conditions, ecology is not a constraint to the site's development.

Two non-statutory designated local wildlife sites are within 2km of the site; Stoke Wood (a dedicious woodland typical of Trent Valley of historical importance) and the River Trent (a characteristic section of the river Trent) approximately 2km from the site. Neither of the two site are considered to impact upon the proposals given the distances involves and the relatively small scale nature of the development. Other habitats on both sites were considered to be of negligible value to wildlife.

The majority of the site comprised horse-grazed, species poor semi-improved field compartments and a run of native hedgerow some 15m in length which whilst is species-poor was assessed as being of high nature conservation value and the ecology report recommends its retention, enhancement and sympathetic management.

The site was surveyed for evidence of protected species and no evidence of badgers nor bats was found. The site is unable to support reptiles and impacts on Great Crested Newts is also

considered to be low, although the hedgerow presents some potential to support foraging bats and commuting reptiles. It was concluded that the site has some limited potential for nesting birds.

The existing hedgerow of high nature conservation value has potential for foraging bats. This is to be retained as part of the development.

In conclusion, I concur that the proposal should not be resisted on ecology grounds and conditions could be imposed to control the recommendations contained within section 4.21 of the Ecology Report, sensitive lighting (4.24), that no removal of vegetation is undertaken during bird breeding season as per section 4.34 and to secure biodiversity enhancements (planting, bird, bat and hedgehog boxes) as per section 4.37. Subject to appropriately worded conditions I conclude the scheme would accord with CP12, DM7 and the NPPF.

Impacts on Local Infrastructure (including Viability)

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The policies state that this infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Certainly the Council's 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.

In this case, a scheme of 100% affordable housing provision will be exempt from paying CIL on the basis of the social housing exemption provisions.

During the consideration of this application, there have been negotiations in relation to S106 developer contributions and viability issues. The applicant's position is to provide 100% affordable housing through a registered provider and to not provide any additional S106 developer contributions.

Based on the SPD I have set out below what the normal expectation for contributions would be (this is also summarise in the table below). The SPD also states that there is no discount for education contributions on developments that are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.

Affordable Housing

As detailed by the Council's SPD and Core Policy, for schemes of 10 or more dwellings, on-site affordable housing is expected with a tenure mix of 60% social rented and 40% intermediate housing.

A regular development of 10 or more houses would be expected to provide 30% on site affordable housing is required as per CP1. For 10 dwellings this would equate to 3 on site dwellings being 2

for social rent and one for intermediate. However the site is being promoted as a rural affordable exception site and is seeking to provide 100% on site affordable housing. The offer would therefore equate to 8 x social rent and 2 x intermediate. The scheme thus exceeds the affordable housing contribution in this case by 6 social rented dwellings and 1 intermediate dwelling.

Public Open Space

For applications of 10 dwellings or more, provision of public open space for children and young people is expected at a rate of 18m² per dwelling. In this case 10 (dwellings) x 18m² would be expected equating to 180m².

Given the shape and size of the site and the relatively low numbers of dwellings proposed, one would not normally expect to see the provision of this on such a small site which was also acknowledged by the Council’s Parks and Amenities Manager who advised that a contribution would be best delivered through payment of a commuted sum for the provision/improvement and maintenance of the existing playing field and equipped play area located adjacent to Elston village hall.

However the revised plan shows the provision of a modest communal area of open space incorporating the SUDs basin of approximately 302m² between Plots 9 and 10 and the proposed pumping station. Whilst this has not been requested to be provided on site by Officers, this has come about given the required re-design necessary in connection with the surface water drainage for the site. Not all of this area would be functional, usable public open space given it accommodates a SUDs feature which would have water within it at times, however this would provide a level of amenity open space that residents would benefit from and overall I consider that this broadly accords with the policy. Treatment of this area would be a matter that can be controlled through either condition or a S106 Agreement.

Community Facilities

For developments of 10 or more dwellings, where schemes would lead to an increased burden on existing community facilities, a contribution may be sought which is based on £1,181.25 per dwelling (indexed at 2016) in line with the Council’s SPD. The Council’s Community, Sports and Art Manager has suggested that a developer contribution should be directed to the Elston Village Hall, albeit no specific project has been identified.

Education

The County Council have set out that a development of 10 dwellings would generate two primary school places and have set out that the existing primary school (in Elston) is at capacity. A contribution of £22,910 is therefore being sought by NCC as LEA.

Developer Contribution Requirement	Expected based on SPD for a scheme of 10 dwellings	Offer
Affordable Housing 30% on site	3 affordable housing units on site.	100% affordable housing (80% social rent and 20% intermediate) Represents an additional 6 social rent and 1 intermediate product over and above what would ordinarily be expected.

Primary Education The development would yield 2 primary school places costing £11,455 each	£22,910 for two primary school places	None
Public Open Space (provision and management/maintenance) Children's and Young People Space of 18m ² per dwelling or Off-site contribution	Provision of 180m ² of open space on site; or £927.26 per dwelling for provision (£9,272.60) and £1031.30 for maintenance (£10,313) totaling £19,585.60	c302m ² of grassed communal area including SUDs basin.
Community Facilities £1181.25 per dwelling where justification is made	£1,181.25 per dwelling (which would equate to £11,812.50)	None

Total Development Contribution Requirement for Scheme is therefore 3 affordable units plus £34,722.50 towards other infrastructure as set out above.

However the level of contributions should only be sought where clear and convincing justification has been made that the contributions are necessary in order to deal with the impact arising from the development. In the case of both public open space and community facilities no robust case has been made as to in what way the scheme would place undue pressure on existing facilities nor in the case of the village hall is there is an existing project identified (such as new roof etc) on which the monies could be spent. I therefore do not consider it appropriate to pursue these in any case. With regards to primary education, a detailed case has been made that shows that the monies are required to support and create 2 primary school places at the local school which is at capacity and therefore I consider that seeking the contribution would be appropriate.

Viability

The developers have put forward a case that this 100% affordable housing scheme cannot support any other developer contributions. In support of this assertion a viability appraisal has been submitted adopted the HCA Toolkit method.

I am mindful of Paragraph 176 of the NPPF which states that to make a development acceptable the options for keeping costs to a minimum should be fully explored so that development is not inhibited unnecessarily. Planning Practice Guidance states that where the viability of a development is in question, local planning authorities should look to be as flexible in applying policy requirements wherever possible.

It is clear from the information submitted that this scheme is relying heavily on HCA Grant monies of £230k and the District Council (housing Strategy) is also considering a capital contribution of £100k for the scheme to proceed. It is clear that the grant money would be ring fenced solely for the provision of affordable housing and would not be available to form a contribution towards any other S106 requirement.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates the scheme is in negative viability.

Whilst I do not seek to challenge the viability conclusions the proposal falls short of the policy requirement to secure the required level of contributions towards community facilities and primary education provision. This is a negative of the scheme and needs to be weighed in the planning balance.

5 Year Housing Land Supply

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

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

It is a matter of fact that the CS adopted housing target is out of date and thus, so too, are targets contained within relevant policies. It is equally a matter of fact that LPA's are now required to derive housing targets having regard to its Objectively Assessed Need (OAN). It is the OAN which is of assistance in understanding the target against which housing delivery – in the form of a 5 year housing land supply (5YHLS) is judged.

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

The OAN has not yet been tested through a Local Plan Examination in Public. At an appeal in Farnsfield in January 2016, one Inspector disagreed with the annual requirement figure derived from the OAN, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available, a reasonable assessment of the Full Objectively Assessed Need for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council, as Local Planning Authority, does not agree with the Inspectors reasoning in this matter and assumptions made by this appeal Inspector have now been addressed via supporting information submitted for Plan Review. Whilst the January 2016 appeal decision is thus a material consideration which must be weighed in the balanced Officers, the Council's consultants, and all 3 no. Councils who have combined to produce the OAN are satisfied that the

evidence now available is robust and up-to-date. This takes a contrary view to the appeal inspector in 2016 and thus, in officer's submission, the appeal decision now carries limited weight.

Turning to delivery officers remain confident that there is a deliverable supply over the next 5 years against its OAN. Indeed, as part of the Council's ongoing Plan Review and expected submission for examination a 5 year supply position will be provided.

The Council's position is that full weight cannot be attached to the identified OAN until such time as a housing figure is endorsed by an independent Plan Inspector. That said, it is clear that the OAN is the only credible, robust, and up-to-date position available and the Council is satisfied that it can demonstrate a 5YHLS against this position. On this basis the Council attaches weight to its current Development Plan policies concluding that paragraph 14 of the NPPF is not engaged. For applications such as this which is for a modest number of dwellings it is acknowledged that the scheme could contribute to a 5 year land supply, albeit such a contribution is minimal. Equally, it is acknowledged that any housing target is not a maximum quantum figure and that small schemes are, in themselves, unlikely to tip a balance of unacceptability in terms of special distribution of growth. On this basis the Council will take a pragmatic view to development proposals on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term. I attach weight in the context of the current application in the ability of the site to boost the Council's housing supply, particularly that for affordable housing which is high on the national agenda.

Planning Balance and Conclusion

It has been concluded above that this rural exception site accords with Core Policy 2 in that it is located adjacent to Elston village, where through a Parish Survey there has been a need identified for affordable housing of this scale. I am satisfied that increasing the size of the housing stock even when taking into account previous developments permitted over the Plan period would be considered small-scale at 6.15%. Having regard to the design and layout of the proposals I am satisfied that this is a well-designed scheme that reflects local vernacular and materials and would have no adverse impact on the adjacent Conservation Area or other heritage assets. The mix of dwellings is good utilizing single storey development across the site frontage to manage the transition to the countryside and the impact on the landscape would be acceptable.

I am satisfied that subject to conditions there would be no adverse impacts to residential amenity, ecology, flood risk/drainage issues and highway/pedestrian safety that would warrant a reason for refusal.

The scheme does not provide for full contributions towards community facilities or primary education due to viability issues which is accepted by Officers following independent review. However in terms of the community facilities contribution, no specific project has been identified in any case and therefore the shortfall of contributions that one would normally require relates to the two primary school places that this scheme would generate the need for. This is clearly a negative aspect of the scheme that needs to be considered and weighted.

However on the other hand, the scheme over-provides for much needed affordable housing. Affordable housing remains high on the agenda at both national and local levels and I attach weight to the fact that this scheme would deliver 100% affordable housing to meet an identified need and

that fact that this would positively boost the Housing Land Supply of the district. Bearing in mind that a scheme for just one less dwelling (i.e. 9 units) would not have triggered a need for any developer contributions, I consider that it is reasonable to accept such a shortfall in this particular case. Taking into account all factors it is my view that the balance tips firmly towards an approval.

RECOMMENDATION

That full planning permission is approved subject to:

- i) the following conditions; and**
- ii) the signing and sealing of a Section 106 Agreement to secure the provision of affordable housing and to deal with the maintenance contributions for the public open space on site.**

Conditions

01 (Time for Implementation)

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

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

02 (Construction Times)

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

Reason: In the interests of residential amenity.

03 (Construction Method Statement)

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

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

Reason: In the interests of residential amenity.

04 (Levels)

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

Reason: In the interests of residential and visual amenity.

05 (Foul Drainage)

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

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

06 (Surface Water Drainage)

No works shall commence until a detailed surface water drainage design and management plan has been submitted and approved by the LPA. This design and management plan must include or address the following:

- a. Evidence that the hierarchy of drainage options, infiltration - discharge to watercourse – discharge to sewer has been followed correctly and any decisions made supported by facts.
- b. Hydraulic calculations must show compliance of the proposed system to current design standards including climate change allowances. The site drainage system should cater for all rainfall events upto a 100year + 30% climate change level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- c. Details of maintenance regimes for any SUDS along with how these will be managed for the lifetime of the development.
- d. Details of what elements of the system will be adopted and by whom, including highway drainage, public sewers, SUDS and above and below ground storage assets.
- e. Flow paths for exceedence flows.

f. Any flood resilience measures proposed for new buildings.”

Reason: In order to ensure that surface water drainage is dealt with in an appropriate, sustainable manner that is safe for both the site and its wider location.

07 (Precautionary approach to ecology)

The precautionary approach to ecology during construction works as outlined in paragraph 4.21 of the Ecological Appraisal by FPCR dated September 2016 submitted in support of this application shall be adhered to in that:

Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site

During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and

Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

Reason: In the interests of protecting ecology of the site.

08 (Outside of BB Season)

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

Reason: To ensure that adequate provision is made for the protection of nesting on site in line with section 4.34 of the Ecological Appraisal by FPCR dated September 2016 that accompanies this application.

09 (External Lighting)

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

Reason: In the interests of visual and residential amenity and to minimise artificial light in line with paragraph 4.24 of the Ecological Appraisal by FPCR dated September 2016.

010 (Ecological Enhancements)

No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.

Reason: In order to comply with the Development Plan and the NPPF and in line with paragraph 4.37 of the Ecological Appraisal by FPCR dated September 2016.

011 (Archaeology watching brief)

No development shall be commenced until a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority.

Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

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

012

No part of the development shall be occupied unless or until the works to provide a vehicular turning area and footway link on Elston Lane as shown indicatively on drawing 102-L have been provided to the satisfaction of the Local Planning Authority.

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

013

No part of the development hereby permitted shall be occupied until the private shared surface access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

014

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

015

No part of the development shall be first brought into use until such time as a footpath shown on drawing no. L02_L which links the site to existing village has been provided on site in accordance

with materials which have first been agreed in writing by the Local Planning Authority (LPA). The footpath shall be retained for the lifetime of the development unless otherwise agreed in writing by the LPA.

Reason: In the interests of pedestrian safety and in the interests of providing a sustainable development.

016 (Materials)

Notwithstanding the materials schedule submitted, development shall not be commenced until detailed samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing materials

Bricks

Roofing tiles

Cladding

Render

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

017 (Architectural Details)

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

Verges and eaves

Rainwater goods

Coping

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

018 (Boundaries)

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

individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

019 (Hard and Soft Landscaping)

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

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

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

means of enclosure;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

020 (Landscape Implementation)

The approved soft 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 current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be completed in accordance with a scheme which shall firstly be agreed in writing by the Local Planning Authority.

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

021 (Removal of PD Rights)

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

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

Or Schedule 2, Part 2:

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

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation) in order to safeguard the amenity of neighbours and to ensure that proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive rural location.

022 (Approved Plans)

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

Proposed Site layout 102 L (revised 20th February 2017)

Site Location Plan 001-A

Site Location Within Village Context Plan 002-A

Proposed Street Elevation, Drawing No. 210-B (revised 20th February 2017)

Plots 1, 2 & 3 Plans and Elevations, 220-A

Plots 6 & 7 Plans and Elevations, 221-B (revised 20th February 2017)

Plots 8 & 9 Plans and Elevations 222-B (revised 20th February 2017)

Plot 10 – Plans and Elevations 223-A

Plots 4 & 5 – Plans and Elevations 224-A (received 20th February 2017)

Materials Schedule submitted 20th February 2017

Proposed External Works, Drainage GA Plan, D396_100_P14 (received 23February 2017)

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

Reason: So as to define this permission.

Notes to Applicant

01

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

02

The Highways Authority wish to advise that as a private street, the Advance Payments Code under the Highways Act 1980 will apply unless exemption is made. To be exempt the following conditions should be met:

- The deposit of a map with the Highway Authority under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The erection and maintenance of a road sign(s) indicating that the road is private.
- The provision of evidence that potential purchasers of the dwellings have been/will be made aware of the unadopted status of the road and what this will mean to them in practice;
- The provision of evidence that future maintenance of the road has been secured. For example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- The provision of an indemnity us against future petitioning by residents to their road under Section 37 of the Highways Act 1980.
- The boundary between the private road and the publicly-maintained highway should be clearly marked by a concrete edging, boundary posts or similar.

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

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

BACKGROUND PAPERS

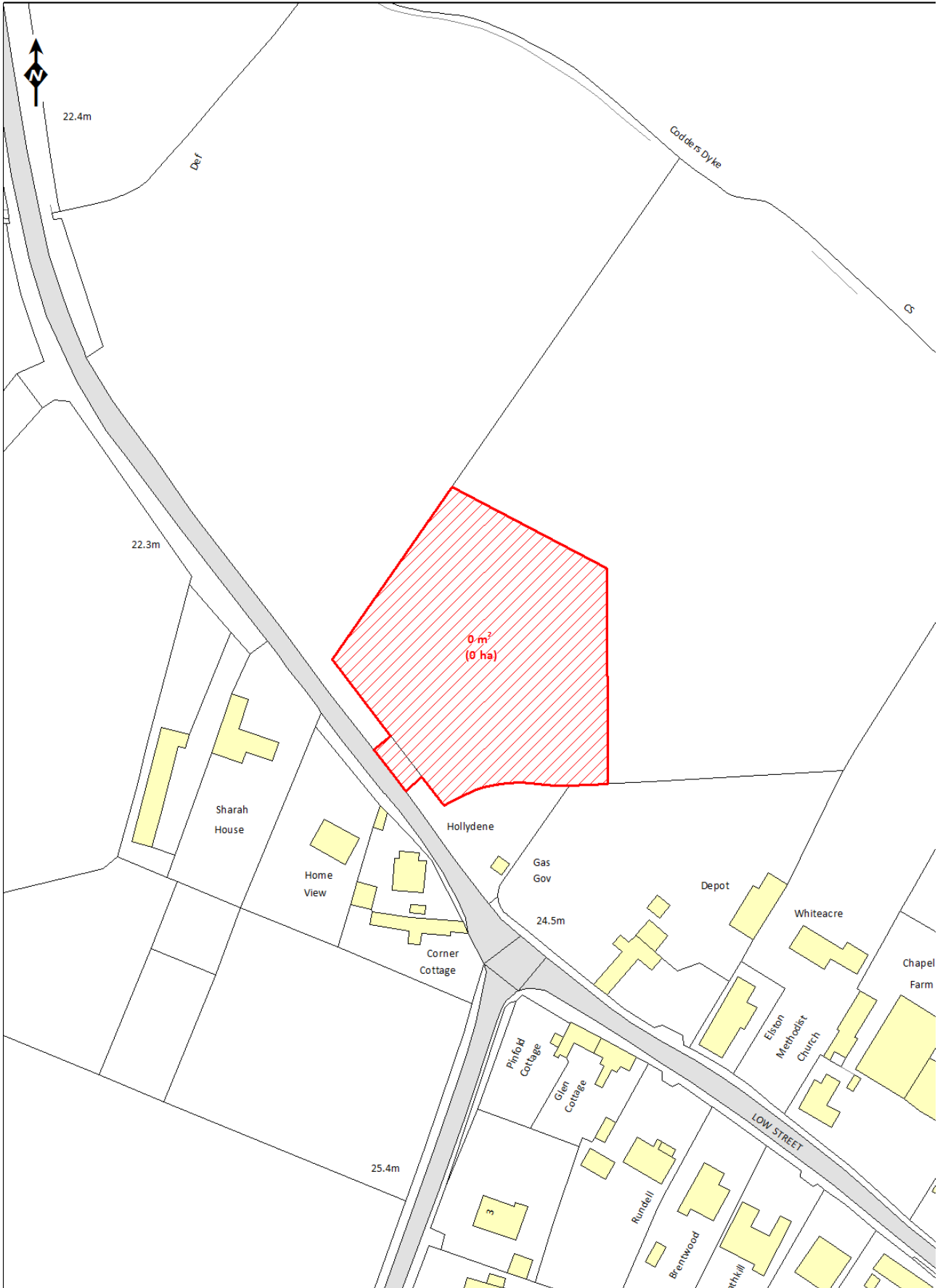
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/01881/FULM



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

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

Members will be aware that this application was scheduled to be presented to committee on the 7th February 2017. Prior to the committee meeting both officers and the applicant opted to defer the application following concerns raised by Nottinghamshire County Council Highways and to allow for revised layouts to be submitted and considered. Revised plans have now been received and revised comments on these plans have also been received from Nottinghamshire County Highways. Amendments to the report have therefore been included in the main body of the report within the relevant sections.

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

The Site

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

Relevant Planning History

No relevant planning history.

The Proposal

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

The approx. measurements of the dwelling would be:

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

Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

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

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

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

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

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

Following the submission of a revised layout plan:

“Amended plan 40860/ID081/003C

The turning head within the site has been amended, and is now acceptable to the Highway Authority. There is a boundary wall each side of the access, abutting Almond Grove. The plan provides 2m x 2m pedestrian visibility splays each side of the vehicular access.

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

1. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with plan 40860/ID081/003C. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. Reason: In the interests of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access in accordance with plan 40860/ID081/003C. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. Reason: In the interests of vehicular and pedestrian safety.”

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

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

- Public transport already struggles to pass parked cars on the street

Comments of the Business Manager

Principle of development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

5 Year Housing Land Supply

The Council's 5 year housing land supply (5HLS) is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to July 2016 Planning Committee. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need (OAN) which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation), the Council is of the opinion that paragraph 14 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

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

Location

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

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of SP3.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume.

Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

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

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

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

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

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

Need for Development

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

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

Impact on Residential Amenity

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

The proposed property will be single storey with a pitched roof. Although no detailed information regarding boundary treatment has been submitted as part of the application I consider that it would be reasonable to impose a condition requiring such information as part of any approval. To maintain privacy and security boundary treatment to the sides and rear of dwellings and in-between dwellings is usually approx. 2m in height. This is typical of the surrounding area. The existing site is bound by the garages themselves on the two side boundaries and C2m walls to all other boundaries. Based on the above and due to the proposed position of the bungalow within the plot and the separation distances that would exist, I consider the adjacent dwellings located on Oak Avenue positioned to the north east and east of the site to be the most sensitive properties with regard to residential amenity impacts. Based on the aforementioned condition requiring boundary treatment and the approx. eaves height of 2.3m the pitched roof of the bungalow will be of most concern regarding amenity. However, due to the proposed bungalow being located to the west and south of the neighbouring dwellings referred to, the spacing between adjoining properties and the single storey nature of the proposal I do not envisage any undue impacts with regard to the potential for overbearing or overshadowing. Furthermore no roof lights are proposed and the windows to the ground floor will not create any privacy issues due to the boundary treatment that would be controlled by condition.

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

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

Impact on Highway Safety

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

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

Following the submission of a revised layout plan and the highways authority no longer raising an objection I am satisfied that the loss of the garages as parking spaces is justified and that the proposed scheme would not result in such negative highways issues to justify refusal on these grounds.

I therefore find that the proposal accords with Policy SP7 and DM5.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and therefore recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Proposed Site Layout Plan – drawing no. 40860/ID081/003C

- Proposed Plan and Elevations – drawing no. 40860/ID081/004
- The Location Plan - 40860-ID081-001B

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

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc. to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc. incidental to the enjoyment of a dwellinghouse

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

08

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

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

09

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

Reason: In the interests of neighbouring amenity and site safety.

10

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with plan 40860/ID081/003C. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

11

Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access in accordance with plan 40860/ID081/003C. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of vehicular and pedestrian safety.

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

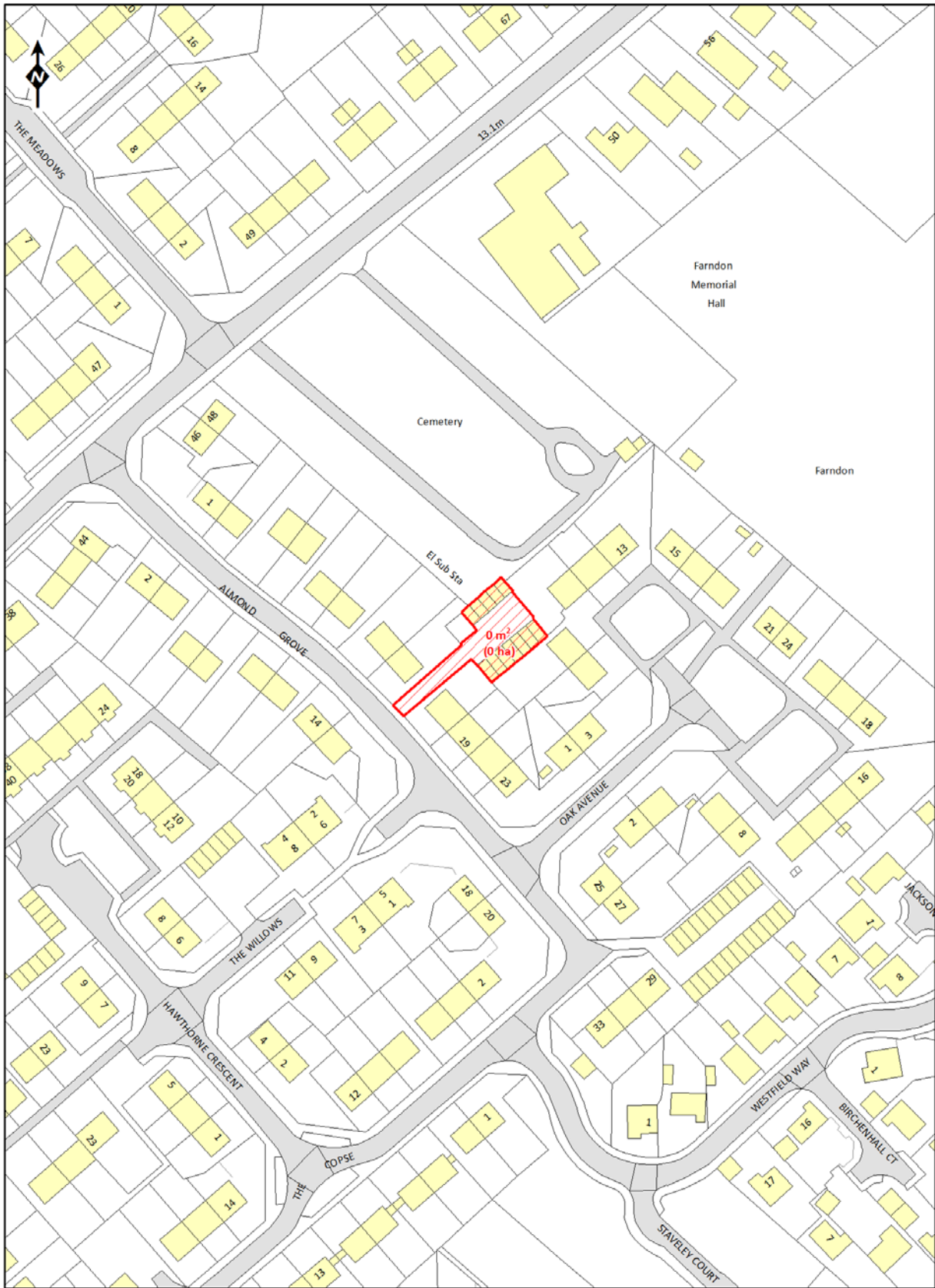
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02168/FUL



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

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

Members will be aware that this application was scheduled to be presented to committee on the 7th February 2017. Prior to the committee meeting both officers and the applicant opted to defer the application following concerns being raised by Nottinghamshire County Council Highways and to allow for revised layouts to be submitted and considered. This will also allow for revised comments to be sought from Nottinghamshire County Highways. These comments and revised plans are expected to be submitted as late items prior to the March 7th Committee.

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

The Site

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

Relevant Planning History

No relevant planning history.

The Proposal

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

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

8.88m deep
10.57m wide
4.8m to the eaves
8.23m to the ridge

Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

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

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

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

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

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

Trent Valley internal Drainage Board – No objections & advice

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

Support with concerns

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

Objection

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

Comments of the Business Manager

Preliminary matters

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

Principle of development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Farndon is defined as an 'other village.'

5 Year Housing Land Supply

The Council's 5 year housing land supply (5HLS) is a material planning consideration. Members are aware of the update on the 5 year housing land supply position, as detailed in the Position Statement presented to July 2016 Planning Committee. I will not rehearse the position in full; save to note that the Council is of the view that it has a 5 year housing land supply against its Objectively Assessed Need (OAN) which has been produced by independent consultants under the duty to cooperate together with Mansfield and Ashfield. Whilst the OAN cannot attract full weight until it is tested as part of a wider housing target debate through Plan Review (which was out to consultation 29th July - 23rd September 2016 on the Preferred Approach - Strategy Consultation), the Council is of the opinion that paragraph 14 of the NPPF is not engaged and the Development Plan remains up to date for the purposes of decision making. Nevertheless, in an overall planning balance, Officers will be pragmatic in supporting the principle of development on sites which are sustainable geographically, including in circumstances where local need has not been demonstrated (for the avoidance of doubt the need criterion still stands, as do all others within Spatial Policy 3, on the basis that the Council has a 5 year land supply based on its published OAN) in order to boost the supply of housing within the District in the short term.

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

Location

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

With regards the provision of services; whilst Farndon is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, a public house, two restaurants, two shops, a village hall, recreation ground and church. In addition, Farndon is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of SP3.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. Two additional dwellings are considered small scale in numerical terms and as such are unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that two additional dwellings are unlikely to materially affect the transport network in terms of increased traffic levels in volume.

Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form,

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

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

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

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

On receipt of the revised plan showing a turning facility an assessment on character will be made and reported to the Planning Committee, however based on the above considerations and the anticipated detail of the plan, it is considered likely that the revised plan will ensure that the proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area.

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

Need for Development

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

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

outweighing the lack of a specifically proven local need. Indeed, I note the 5YLS has been persuasive recently for a market unit in this SP3 village.

Impact on Residential Amenity

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

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

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

The dwelling to the east would be side on with the proposed dwellings due to their orientation matching that of the proposed. I note that there would be a separation distance of 5m here and that there is a side window present in the existing dwelling. It was clear from my site visit that this window serves a landing and as such, it not considered sensitive being non habitable. When considering the existing dwellings to the west I note that there would be a separation distance of just over 12m between the side gable of the proposed dwelling and the rear elevation of the neighbouring property which faces south west. This separation distance is considered acceptable due to the new building being sited due north east of the existing dwelling and there being no new clear glazed windows proposed that would create a privacy impact with regard to the neighbouring garden. I do note that there are three side windows proposed for both side elevations but they would serve W/C's and bathrooms at both ground and first floor level. Although it is unlikely that there will be any direct privacy impact created regarding the ground floor windows it is considered that the neighbouring dwelling to the north is in close proximity and views of the side windows to the south side elevation may be visible from the street scene and as such all will be conditioned to be obscure glazed and no openable below 1.7m above internal floor levels.

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

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

Impact on Highway Safety

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

I note the comments received in respect of the loss of existing off street parking currently provided by the garages and the on-street parking problems already experienced in the area. Parking on The Willows is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 6 garages. However, it must first be noted that each dwelling will provide for two off street parking spaces, this is considered acceptable provision commensurate with the size of the dwellings proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents on The Willows. Information on occupation has been received and although I note occupancy is high, given the above context, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

The comments of the Highway Authority in relation to the position of the 2no. off street parking spaces to the side of plot 2 are noted and revised layout plans have been provided although a further issue with regard to the loss of turning facility (with the removal of the garage court) along The Willows has now been raised. A revised layout to address these issues has been requested from the applicant. Due to the anticipated changes proposed as part of a revised layout a further 7 days of consultation will take place prior to committee. Any comments received will be presented as late items to committee. Subject to the Highway Authority raising no objections to the revised layout I consider that the loss of the garages as parking spaces could be justified and that the proposed scheme would not result in highways issues to justify refusal on these grounds.

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

Conclusion

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

RECOMMENDATION

Subject to a revised layout plan showing satisfactory turning arrangements on The Willows, that full planning permission is approved subject to the following conditions:

Conditions

01

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

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

02

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

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

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

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

Reason

In the interests of neighbouring amenity and site safety.

06

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

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

09

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

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

10

All window openings on both the side elevation of the dwellings hereby approved shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of the occupiers and the occupiers of neighbouring properties

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

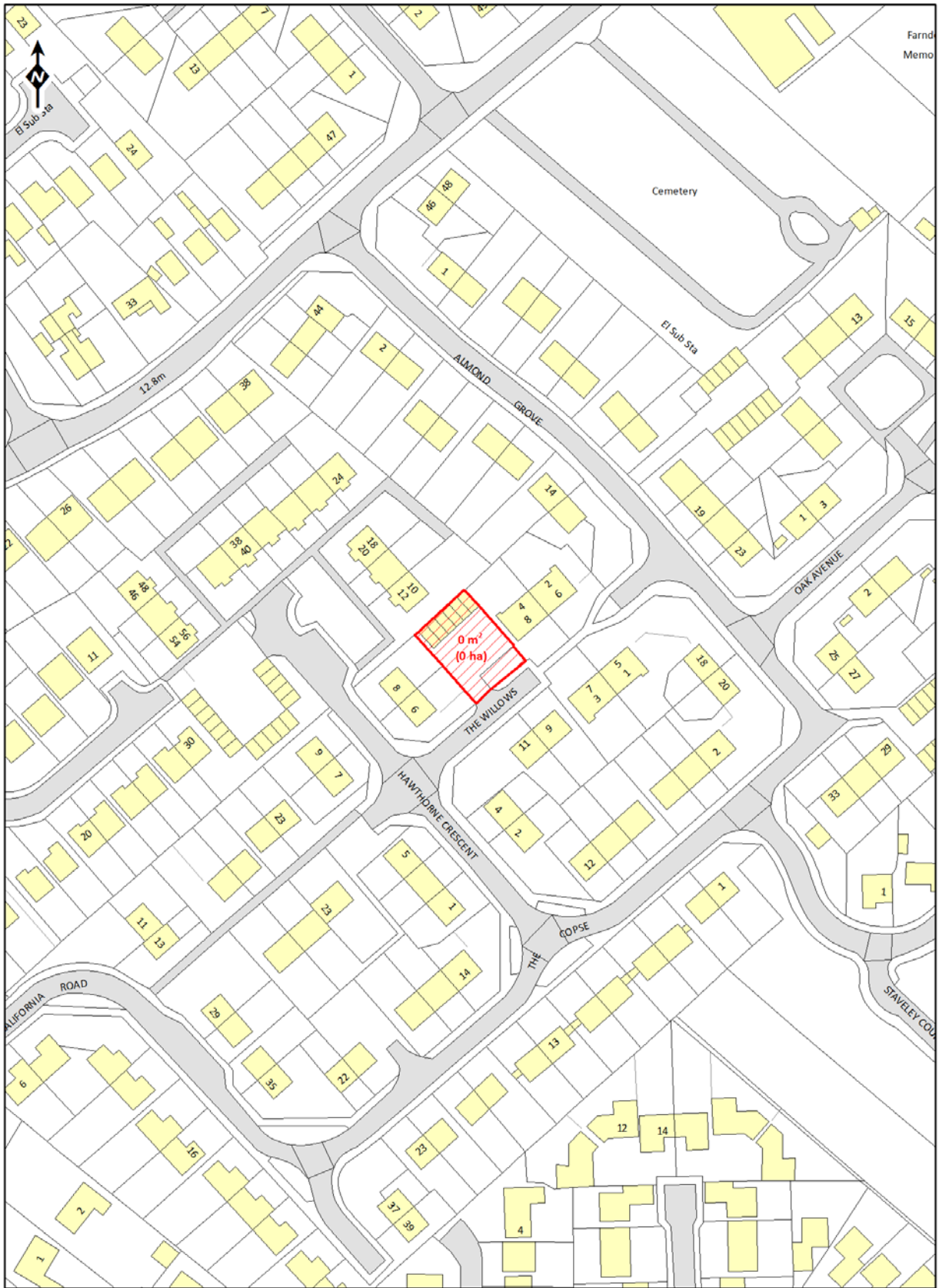
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02174/FUL



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

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

Members will be aware that this application was scheduled to be presented to committee on the 7th February 2017. Prior to the committee meeting both officers and the applicant opted to defer the application following concerns being raised by Nottinghamshire County Council Highways and to allow for revised layouts to be submitted and considered. Revised plans have now been received and revised comments on these plans have also been received from Nottinghamshire County Highways. Amendments to the report have therefore been included in the main body of the report in the relevant sections.

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

The Site

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

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

Relevant Planning History

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

The Proposal

The proposal seeks planning permission for the erection of 5 dwellings in a terrace. The houses will all have two bedrooms and be two storey in height with a pitched roof design. The proposed dwellings would be located centrally within the plot facing northwards. Three of the five dwellings would have two off street parking space whilst two dwellings would have 1 parking space, and all would have private amenity space provided in rear gardens. Bin storage and access would be provided to the rearmost part of the rear gardens for four of the dwelling whereas the dwelling at the western end of the terrace would have bin stores to the front side.

The approx. measurements of each dwelling would be:

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

Public Advertisement Procedure

Occupiers of 49 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

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

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Comments received 2nd Feb:

To summarise the Town Council would request that the application for Grange Rd. which is due to be considered by your Planning Committee next week be deferred. This is on the basis that NASH have not provided any meaningful information on the number of garages which are currently let and therefore little assessment can be undertaken on the possible traffic & on street parking that will arise from their demolition. Given the concerns raised by the County Council it is further suggested that the application should not be considered without a formal Traffic Impact assessment being undertaken on the proposal.

The matters of concern identified above have been addressed in in the appraisal below. Nevertheless details of garage lets have been sent to the Town Council. Any revised comments will be reported to Members as a late item.

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

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

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

Following the submission of a revised layout plan:

“Amended site layout 40860/ID023/004F

The layout still provides 2 parking spaces at the rear of the site, accessed from Vixen Close, now shown as visitor spaces. These spaces are unseen, remote from the site and unlikely to be used by either occupants or visitors to the site.

Plots 3 and 4 each have 1 space per unit, accessed from Grange Road. It is considered that 2 spaces per unit are required in this location, preferred along the site frontage adjacent each unit, to avoid an increase in on street parking in the area.

Therefore, an amended layout is required as the Highway Authority cannot support this proposal as submitted.”

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

Representations

None received

Comments of the Business Manager

Principle of development

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

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

Impact on the Character of the Area

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

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

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

The layout of the development has been designed such that the proposed dwellings are set back from the adjacent highway which will serve the properties (Grange Road), with small landscaped areas and either 1 or 2 and car parking spaces (per dwelling). Private amenity space is afforded to the proposed dwellings in the form of rear gardens. Furthermore two additional visitor parking bays have been included to the rear of the site which are discreetly located and will in fact replace two spaces currently available in a similar position.

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

Impact on Residential Amenity

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

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

Based on the above and due to the proposed position of dwellings within the plot and the separation distances that would exist, I consider that adjacent dwellings would suffer no negative impacts with regard to amenity in terms of overbearing impact or loss of light. The dwelling to the east of the site would be close to the east side boundary of the end terrace property and as such there is the potential for amenity impacts. I note that there is a single first floor window located to the west side elevation of number 25a to the east of the proposal site and that the property benefits from a single storey garage located to the west of its plot. This provides a separation distance of approx. 3m between the side window and the proposed end terrace dwelling. Whilst this relationship is not ideal potential impact on this window is fairly limited due to the separation distance that would exist and the buffer provided by the neighbouring garage. I am therefore satisfied that the proposal will have an acceptable relationship with this neighbouring dwelling.

With regard to privacy there are ample separation distances between the front and rear windows of the proposed properties and surrounding dwellings. The rear gardens and boundary treatment will also protect neighbours further.

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

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

Impact on Highway Safety

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

I note the revised comments received from Nottinghamshire County Council Highways based on the revised layout whilst still not formally objecting to the proposal they do state that further off street parking is required to ensure any on street parking is kept to a minimum due to Grange Road being a bus route and no off street parking being available for the existing properties to the north of the site. I note these comments and now consider the parking issues raised.

Parking on Grange Road and Vixen Close is not restricted by any Traffic Regulation Order and there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 20 garages. However, it must first be noted that the dwellings will provide for one off street parking space for two of the dwelling and two off street parking spaces

for three of the dwellings. Such a level of parking is considered to be acceptable and commensurate with the size of the dwellings proposed. Furthermore I disagree that the two visitor parking bays proposed to the rear of the site will be underutilised as I consider them to be close enough for visitors to the new dwellings to use for short stays. In addition to this the visitor bays will replace two existing parking bays at the rear of the site which were included in the redevelopment approved and built out under permission 00/01373/FUL. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the vicinity. It is therefore considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration I consider that the loss of the garages as parking spaces is justified and that the proposed scheme would not result in significant highway issues to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site location Plan - 40860-ID023-001C
- Proposed Plans - 40860-ID023-005A
- Proposed Elevations - 40860-ID023-006B
- Proposed Site Layout – 40860/IDO23/0004F

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

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing Materials
- Bricks
- Cladding
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

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

08

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

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

09

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

Reason: In the interests of neighbouring amenity and site safety.

10

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plan 40860/ID023/004F. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of highway safety.

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

Application case file.

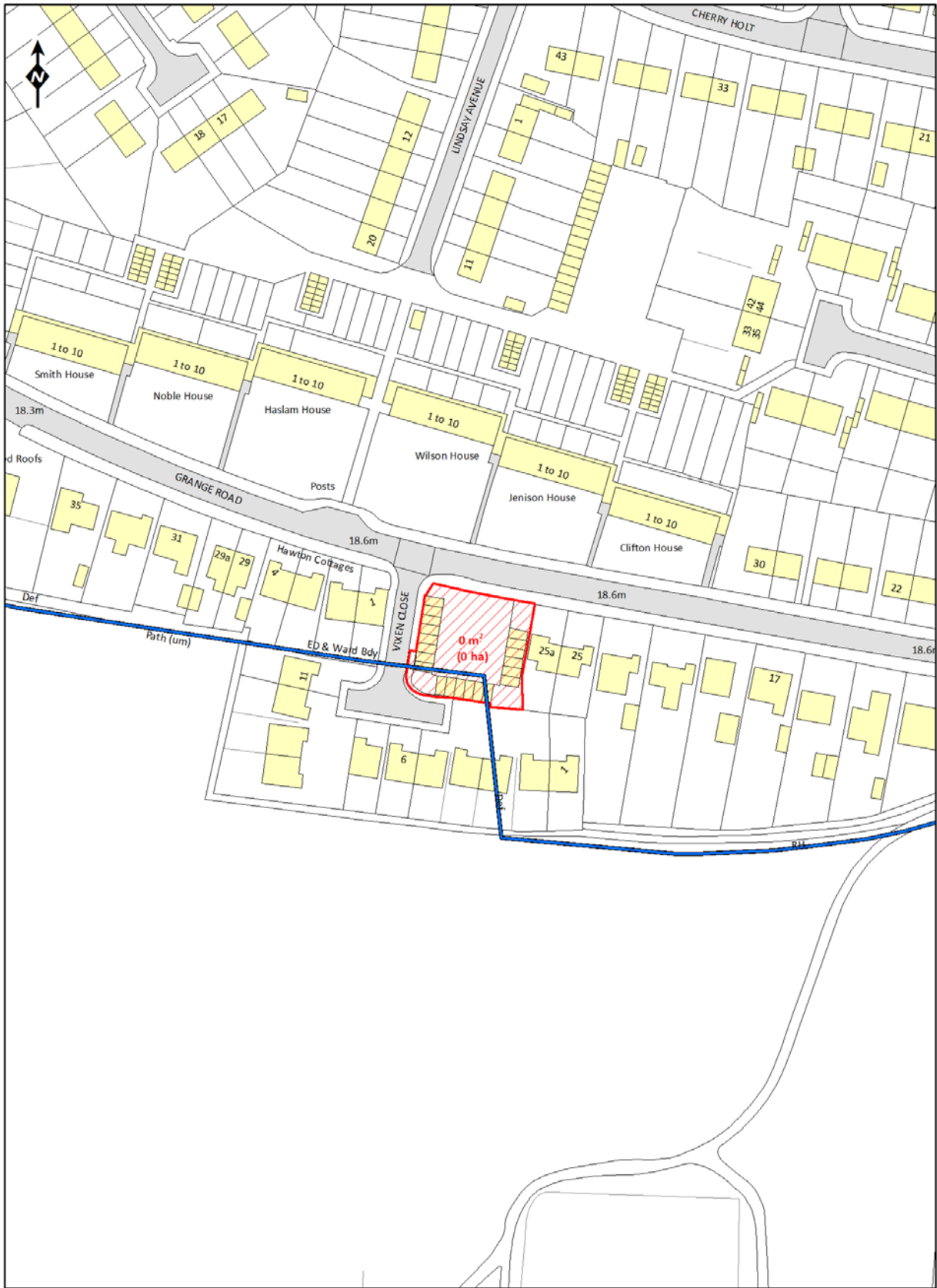
For further information, please contact Sukh Chohan on Ext 5828.

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

Kirsty Cole

Deputy Chief Executive

Committee Plan - 16/02164/FUL



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

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

This application has been referred to Planning Committee by Cllr Dawn due to concerns regarding highway safety and internal access arrangements, in line with concerns from the Town Council. The application was previously deferred by the Planning Committee on 4th October 2016 pending a meeting between Officers and the applicant to further consider the access arrangements which had been commented on within the report by Nottinghamshire County Council. Following conclusion of these discussions, the application for Listed Building Consent remains as previously presented. The applicants have agreed to liaise with the Highway Authority on possible amendments to road markings to the northern end of Lincoln Street adjacent to the Station car park entrance although this falls outside the scope of this application and a suitable informative can be added to any consent. Confirmation of details of some of the proposed structures on the forecourt has also been received since the previous report and this report and associated conditions have been updated accordingly.

The Site

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

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

Relevant Planning History

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

The Proposal

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

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

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

- Provision of enhanced cycle parking facilities – the general arrangement plan submitted shows a proposed cycle storage area and changing room as well as cycle/motorcycle parking area on the raised goods platform in front of the east range of the main building but with no physical attachment to the building itself. The cycle facilities would comprise of 96 “streetpod” cycle stands. ~~At the time of writing detailed plans have not been provided of the changing room and cycle stands just the position of these structures and further clarification is being sought from the agent, however the agent has now confirmed that these would be similar to those installed at other listed stations and that these would be self-standing and not attached to the station building. The changing room would be a lightweight structure.~~
- Creation of an external bin store and new service gate to the station platform – bins are currently stored in an undefined area to the front of the station building. The submitted plans show a green powder coated steel palisade fencing connecting to an existing brick

wall and front wall of the station building adjacent to the station car park to the north east of the site to create a bin store removing the need for refuse collection to occur in the station forecourt. A steel palisade gate is shown to the rear of the station building on this part of the site replacing a short section of wall (2.5m approx.. in width) to create a new service access point to the platform. The wall currently runs from the end of the toilet block to meet the existing back of platform fence at the north end of platform one.

- Detailed plans of lighting and CCTV relocation, kerbs and footways and a wall and some trees and planted area to be altered to the north side of the station entrance to improve visibility have been provided.

A Planning and Heritage Statement and a Transport Statement have been submitted in support of the application. **Following the Committee decision to defer the application in October 2016, a meeting took place in November with the Leader, the case officer and the Highway Authority with the applicant and their representatives. The applicant subsequently provided a Road Safety Audit and following this a Technical Note dated 9th January 2017. The conclusion of these discussions is set out under the highway section of the appraisal later in this report.**

The submitted plans make reference to a possible retail unit on the station forecourt but the application details confirm this is a long term aspiration and does not form part of the application. Reference is also made to changing rooms adjacent to the cycle storage area. ~~These would not constitute permitted development and would require separate planning permission and therefore do not form part of this application.~~ **The applicant has confirmed that their experience is that this would normally constitute permitted development in connection with the rail authority's permitted rights.**

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

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

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

Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

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

Consultations

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

- i) Highway safety arising from the proposed exit.
- ii) Little room for buses turning into the designated position in front of the station.
- iii) The proposed short term parking provision, as shown by the chevron spaces, was the wrong way round and could result in dangerous car manoeuvres when exiting the spaces.
- iv) A significant reduction in designated taxi spaces which would be detrimental to passengers arriving and departing from the station by taxi.'

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

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

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

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

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

With regards to the outstanding details of the proposed cycle storage and changing room facility, the Conservation Officer has confirmed that assuming these structures are detached from the listed

building (as would appear to be the case from the submitted plans), Listed Building Consent is not required for these features and they would be happy to agree further details by condition.

Notts County Council (Highways) – No comments received. At the pre-application stage the Highway Officer requested that the following issues be fully considered in a Transport Statement to ensure the site operates safely:

- There is on street parking provision along Lincoln Street to the eastern side, adjacent the station site. Along the western side of Lincoln Street is residents permit parking only which features around the bend of Lincoln Street onto Northgate. There is the concern that should vehicles be parked in this area, visibility to the right for vehicles emerging from the car park would be significantly reduced. A safety audit was recommended.
- The provision of an exit lane at the north of the station site will require an amendment to the current Traffic Regulation Order (TRO), in that the existing double yellow lines will require extending an additional 10m in a southerly direction to improve visibility for emerging vehicles. There is also a TRO in place at the south of the site adjacent the main entrance for on street taxi parking. This will require amendment to alter this parking for use by the public as all taxis are to park within the station site.
- A further consideration must be that the existing number of taxis that currently park on street can also be accommodated within the site. The applicant should discuss this issue with the Licensing Officer at Newark and Sherwood DC to ensure adequate provision.
- The short stay parking area within the site does not appear to be easily and quickly accessible and may cause vehicles entering the site to wait whilst a manoeuvre is carried out. Depending on the number of vehicles arriving at one time i.e. peak hours, this may result in vehicles queuing on the public highway.
- It is assumed that crossing facilities will be available for pedestrians and shelters will be provided within the site for users of the bus service.

The Highway Officer has viewed the Transport Statement Submitted but has verbally confirmed they are not in a position to confirm the acceptability of the proposals from a highway perspective until they have viewed the road safety audit still being prepared by the applicant.

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

Comments of the Business Manager

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

Impact on the Listed Building

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

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

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

Other Matters

Highway issues:

I note the concerns raised by the Town Council in respect of potential for highway safety issues and concerns on the internal access arrangements and replacement parking facilities. The case officer has also raised concerns both at the pre-application stage and during the course of the application particularly in respect of the orientation of the short term parking spaces relative to the direction of traffic and that this would make manoeuvring in and out of these spaces difficult and is a less than ideal situation. However, it is acknowledged that the works to the forecourt do not require planning permission given the Rail Authority's permitted development rights and highway/access matters are not an issue that can have a bearing on the determination of an application for Listed Building Consent. Indeed the applicant has confirmed in their Planning and Heritage Statement that the Transport Statement accompanying the application is for information and completeness only.

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

i) Highway safety arising from the proposed exit.

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

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

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

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

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

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

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

Whilst I note the comments of the Town Council and the Highway Authority and that there are unresolved matters from a highway safety perspective in terms of the outstanding road safety audit, I am mindful that the development plan does not apply to consideration of this application and highway issues are not a determining factor in this application. **Nevertheless further discussions on these matters have taken place and a Technical Note dated 9th January 2017 has been provided by the applicant summarizing the applicant's position. The Technical Note concludes:**

- **A two-way exit rout or half way loop has been examined but the additional circulation space would reduce the number of parking spaces and a single one-way loop arrangement for the car park is preferred by the applicant;**
- **It is acknowledged that the current highway layout adjacent to the car park access/egress at the northern end of Lincoln Street is unsatisfactory – At a subsequent meeting, it was agreed between the applicant and the Highway Authority that this could be improved through the provision of a 20 metre visibility splay and improved road markings at the car park**

entrance. Such alterations are outside the scope of this application;

- The proposed forecourt works will be synchronised with the necessary works to the NCP car park;
- A potential alternative Station forecourt layout with bus stops to the northern boundary of the forecourt has been considered but the applicants consultants advise that the length of the vehicles would result in the rear end of the second bus in the queue blocking the main entrance. The segregated bus area shown on the arrangement plans remains the applicant's preferred option; and
- That the amount of taxi provision will be unaffected for local taxis. 'Station' taxis are supposed to take any rail passenger making a legitimate journey request. To ensure this is still the case the original proposed scheme intends through improved station signage and the provision of a taxi waiting shelter in the former bus waiting shelter to identify this.

Removal of planting:

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

Conclusion

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

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Fencing and Gates Dwg no. 03-DR-D-0001 Rev P01
- General Arrangement Dwg no.00-DR-D-0014 Rev P01 (other than the retail unit referred to which is not permitted)
- Wall Detail Dwg no.24-DR-D-0001 Rev P01
- Site Clearance Dwg no.02-DR-D-0002 Rev P01
- Kerbs and Footways Sheet 2 of 2 Dwg no.11-DR-D-0002 Rev P01
- Kerb and Footway Standard Details Dwg no.11-DR-D-0003 Rev P01
- Lighting and CCTV Relocation Dwg no.13-DR-D-0002 Rev P01

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

Reason: So as to define this permission.

03

~~No development shall be commenced until precise details of the fencing to the perimeter of the proposed bin store and the gate providing service access on to Platform one including materials, design, finish and method of fixing to existing walls have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the fencing and gate shall be installed and retained in accordance with the approved details.~~

No development shall be commenced until precise details of the fencing to the perimeter of the proposed bin store, the gate providing service access on to Platform one, the cycle pods and changing facility including materials, design, finish and where applicable any method of fixing to existing walls have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the fencing and gate shall be installed and retained in accordance with the approved details.

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

Informative

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively

and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

03

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

04

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

BACKGROUND PAPERS

Application case file.

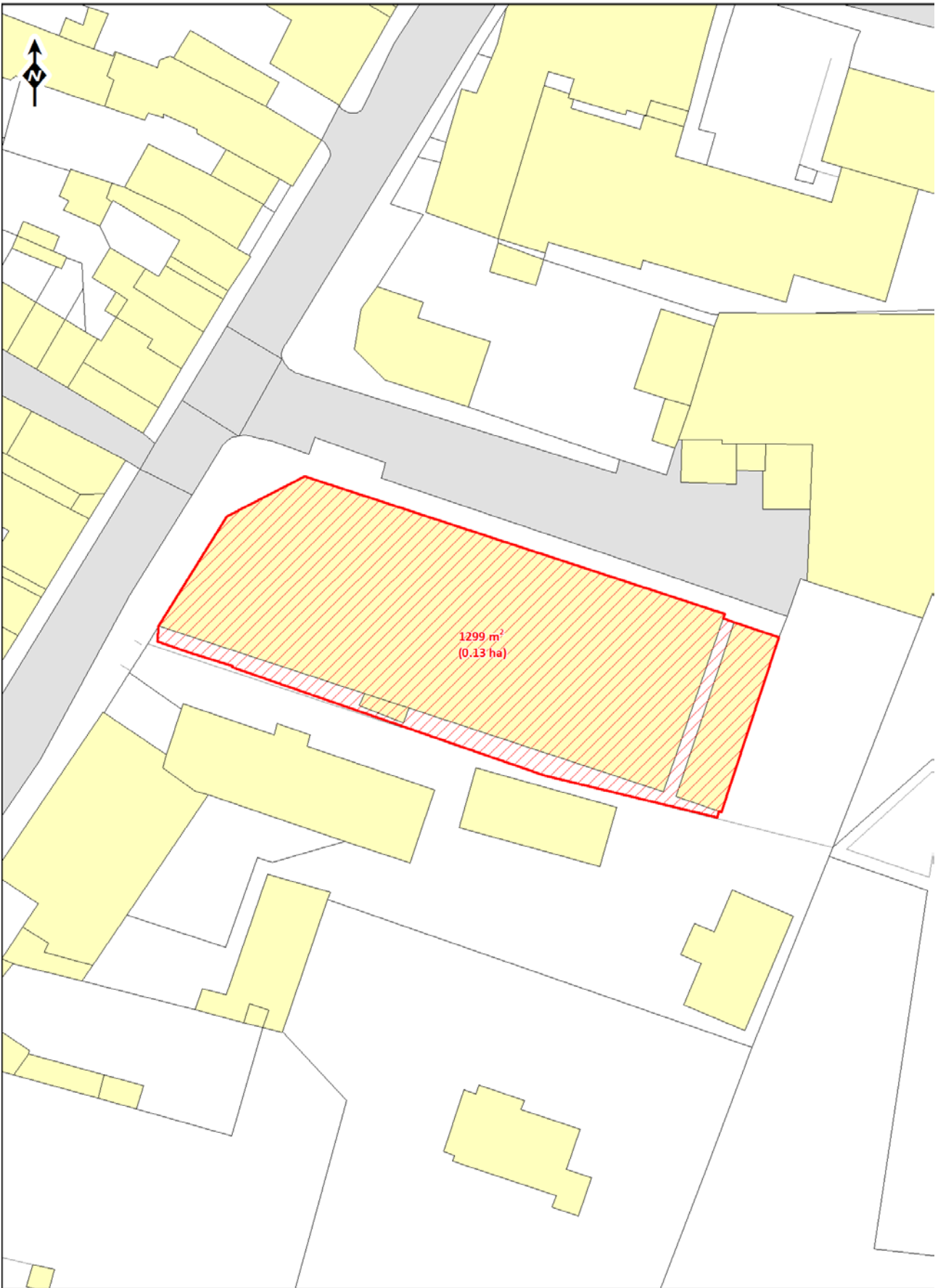
For further information, please contact Martin Russell on 01636 655837.

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

K Cole

Deputy Chief Executive

Committee Plan - 16/00650/FUL



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

Application No:	16/02081/FUL & 16/02082/LBC	
Proposal:	Householder application construction of single storey rear extension	
Location:	The Old Barn, Main Street, Edingley, NG22 8BE	
Applicant:	Mr and Mrs Michon	
Registered:	23 December 2016	Target Date: 17 February 2017
		Extension of Time Agreed: 9 March 2017

This application has been referred to Planning Committee at the request of the Business Manager, Growth and Regeneration.

The Site

The application site is situated within the village of Edingley and traditionally formed part of Manor Farm, which is Grade II Listed. It is part of a barn complex comprising a threshing barn and attached single storey elements with simple vernacular architecture and a distinctive horse-shoe plan form. The application site is occupied by a long single storey red brick and clay pantile barn building and given its past association with Manor Farm is considered to be a curtilage listed structure.

The barn has been sub-divided into two dwellings, carried out in 1999 and the application relates to the south-western half. The adjoining dwelling (converted barn), situated to the north-east is screened by a brick wall (approx. 2m high) and vegetation of various heights. The Manor Farmhouse is situated to the south-east of the site with open fields adjacent to the other boundaries. A public right of way runs adjacent the rear boundary.

Relevant Planning History

16/02081/LBC - Construction of a single storey extension to the rear –Decision pending

PREAPP/00166/14 - Proposed garden room extension. Reply given 14.08.2014

09/01040/FUL –Householder application for insertion of new roof lights. Approved 29.09.2009

09/01414/LBC – Internal alterations to kitchen ceiling, new entrance door and insertion of roof lights. Approved 26.10.2009

05/02801/FUL – Erection of single storey extension & repositioning of existing attached garden store to form detached garden store (Resubmission). Approved 15.02.2006

05/02800/LBC – Erection of single storey extension and repositioning of existing attached garden store to form detached garden store (Resubmission) Approved 15.02.2006

05/01786/FUL – Glazed single storey link to 2 storey bedroom extension. Refused 29.09.2005
05/01787/LBC – Two storey extension. Refused 29.09.2005

97/50542/FUL – Conversion of farm buildings to one dwelling. Approved 07.03.1997
97/50543/LBC – Conversion of farm buildings to one dwelling. Approved 07.03.1997

94/50465/FUL – Conversion of farm buildings to two dwellings. Approved 28.07.1994
94/50464/LBC – Conversion of farm buildings to two dwellings – Approved 28.07.1994

37890476 – Convert farm buildings into 2 no. dwelling units – Approved 28.09.1989
37890476LB – Conversion to two dwellings – Approved 28.09.1989

37831054LB – Alter buildings to 3 dwellings erect garage and demolition – Approved 08.12.1983

37830430 – Convert farm buildings to 3 dwellings – Approved 05.10.1983

The Proposal

Planning permission is sought for the erection of a single storey extension to create an additional living room and bedroom. The maximum length of the extension measures 8.85m but reduces to 7.3m, it has a width of 4.5m and maximum height of 3.1m which slopes downwards to 2.6m. The proposed addition is modern in form with angled side elevation and shallow sloping, mono-pitch, copper roof (incorporating solar photovoltaics) with a canopy overhang and elevations formed partly by curtain glazing with slim line frame profiles and partly by horizontal timber weatherboarding. Linking the proposed extension to the barn is a frameless glazed link that sits below the corbelled brickwork to the existing eaves. Access to the link from the barn would be via an existing door opening and the alteration of an existing window opening into a door.

Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Law and Policy

16/02082/LBC

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent

for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

16/02081/FULM

Applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990).

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policy DM5 -Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Householder Development SPD 2014

Conversion of Traditional Rural Buildings SPD 2014

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Edingley Parish Council –No response received to FUL, no objection to LBC

NSDC, Conservation – Object on the basis that less than substantial harm is caused.

“I agree the extension is so obviously a new add on that there is no concern over legibility. But simply being able to see this as a new add on does not then negate the perceived harm it will cause.

The structure makes no attempt to follow the simple and distinctive horse-shoe plan form of this barn complex. The contrasting material and form of the extension also sits directly at odds with the host building. I do understand this is a legitimate design principle in some circumstances, but in my opinion this works best against more monumental buildings which have the status to 'hold their own' against a contrasting extension. The effect is that the extension competes in design terms, causing a distraction from and incongruous addition to the simple vernacular architecture of this host building.

My concerns about this extension are echoed in the SPD on the Conversion of Traditional Rural buildings. Of listed barns it states that, *'Residential use is unlikely to be acceptable unless it can be demonstrated that the very special architectural and spatial qualities that such buildings possess are to be left virtually unaltered.'*

'To retain the character and architectural integrity of traditional rural buildings, alterations to existing fabric must be kept to the minimum necessary to facilitate the new use.'

'Most of the more commonly recognisable layouts of farm buildings can be found within the District. Although there may be subtle variations, most farm building groups can be classified as either: elongated, parallel, L-shaped, U-shaped or courtyard. Proposals that suggest extending existing farm buildings in a way inconsistent with the traditional form of farm groups found locally will not be permitted. Proposals should respect the original arrangement of the farm-building group under consideration and develop a scheme complimentary to it.'

I also appreciate the applicant's personal reasons for wanting an extension in this location, but of course this does not constitute any form of public benefit or provide 'clear and convincing justification' in planning/listed building terms for the harm.

I am aware that the extension will be partially obscured by a brick boundary wall, but the issues of visibility from the public realm is only of limited importance with a listed building. The Barn does not really have a 'rear' elevation, in so much as barn's appearance is a response to function and not really style and status. The barn's extension will also be clearly visible from the adjacent field which has a public footpath running through it so there will still be an element of visibility from the public realm."

No written representations have been received from local resident/interested parties.

Comments of the Business Manager

In assessing this scheme it is considered that the main issues relate to impact on the special interest of the listed barn, impact on the residential amenities of neighbours and planning history of pre-application advice. It is considered that the application site is within the main built-up area of Edingley rather than in open countryside.

Impact on listed building and character of area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

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). 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. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.

The host dwelling is part of a barn complex, comprising a threshing barn and attached single storey element with simple vernacular architecture and a distinctive horse shoe plan form. The application site is occupied by a long single storey red brick and clay pantile barn building and given its past association with Manor Farm is considered to be a curtilage listed structure.

The views of the Council's Conservation Officer are clear and unequivocal in concluding that the proposal leads to substantial harm. I do not disagree with the view expressed, which I understand is shared with each of the officers within the Council's conservation team. The issues in this case are not whether one agrees with the conclusion of the Conservation Officers. Rather, the overall issues involved here are clouded slightly by the advice given to the applicant by a different, consultant conservation officer (who no longer works for the Council) in 2014. It is important for me to say at the outset that any officer who comments on an application must do so in a purely objective way and offer their professional opinion. It is not unusual for relevant professionals to either disagree or to consider that a case may be more balanced than another professional. That said, in an LPA context, professional views of officers are taken to inform the Council's informal view. I therefore feel that I need to explore the advice given to the applicant in 2014. Indeed, following discussions with the agent it is on the basis of these comments that the applicant wants the current scheme determined.

The 2014 advice could not be taken by any reasonable observer to have clearly identified substantial harm, as is the case with the current conservation team. Equally, the advice did not suggest that planning permission was a given. An extract of the advice is below:

'The existing dwelling clearly portrays the linear building lines of a traditional single storey barn, which are a significant part of its character as a building and a designated heritage asset. Given this, any extension which would deviate from this traditional form would need to be justified and

designed to ensure the historic interest is preserved. The dwelling has, however, benefitted from roof lights above the kitchen area as well as small velux windows which are modern additions; at the time of permission the roof windows above the kitchen were not considered by the Council to adversely affect the architectural or historic interest of the building.

From the plans submitted, it appears the garden room is likely to have a contemporary design which may perhaps limit the overall impact upon the Listed Building and balance out the addition in a location that does not follow the traditional form. Furthermore, the glass link has the potential to act as an effective transitional link without resulting in extensive work or attachment to the host dwelling; the use of the existing patio doors would also limit the harm upon the fabric of the building, which is likely to be viewed favorably from a Conservation perspective.

The use of materials will be key to the acceptability of the design and therefore should be carefully considered as great weight should be given to the asset's conservation in accordance with the NPPF. Green roof is encouraged by the NPPF and as such the principle is likely to be viewed favourably subject to its final design and location.

Conclusion

"The principle of the extension is likely to be considered acceptable subject to final design and materials. However, justification would be required for the proposal, including reasons for its location, scale and materials before any formal assessment can be made. Should you wish to submit further plans prior to any formal submission, I would be happy to provide further comments."

Whilst the advice was not so positive as to suggest planning permission would be forthcoming it did confirm that the principle of an extension would likely be acceptable subject to justification. No such justification accompanies this current application. I have no reason to doubt the applicants assertion that this application has been submitted in good faith and in the knowledge of the advice given previously which did state that the scheme may be acceptable, subject to further consideration. The current clear view is that it is difficult to see a justification that would justify a recommendation of approval. I have no option but to attach weight to the views of current officers of this Council, who remain strong in their view of harm.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. In accordance with Policy DM6, householder development is considered to be acceptable in principle providing any development does not adversely impact upon the amenities of neighbouring properties.

The proposed extension is situated in close proximity to the common boundary with the adjoining barn, which is defined by a brick wall approx. 2m high. A 1m high (approximately) wooden fencing boundary treatment is provided between the rear and side garden of the host dwelling and the open farm land and adjacent public right of way (prow). The extension would be perpendicular to the existing rear elevation with a double fully glazed door opening facing the neighbour's rear garden and therefore have the potential to have greater impact on the privacy of the adjoining neighbouring property. However given that the proposal is single storey, with a 2m high boundary treatment and positioned located 2.78m away from that boundary I do not consider that its impact would cause an unacceptable degree of over-looking or result in overshadowing or over

bearing impacts to the amenities of adjoining occupiers that would be sufficient to warrant refusal.

I am therefore satisfied that the proposal would comply with Policy DM6 in this respect.

Overall Planning Balance and Conclusion

I have considered the planning history and the current clear advice of the Councils Conservation Officer. I have regard to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') and paying special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. I note the courts view that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Taking all of the above into account, I would concur with the advice of the current conservation officer and consider that the importance to preserve the special interest of this listed building is paramount. The recommendation to Committee is therefore one of refusal.

RECOMMENDATION

That full planning permission is refused for the reason below

Reason for Refusal

01

In the opinion of the District Council the proposed extension, by reason of its siting, form and materials, would represent an incongruous addition that would cause less than substantial harm to the special interest of this listed building, which is simple vernacular architecture in a traditional horse-shoe form. This harm cannot be outweighed by any public benefit.

As such, the proposal does not comply with the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the listed building, its setting or features of architectural importance. It is also contrary to the National Planning Policy Framework, National Planning Practice Guidance as well as Core Policy 14 of the Newark and Sherwood Core Strategy (2011) and Policy DM9 of the Newark and Sherwood Allocations and Development Management DPD (2013) and the Council's Conversion of Rural Traditional Buildings SPD all of which form material considerations.

That Listed Building Consent is refused for the reason below

Reason for Refusal

01

In the opinion of the District Council the proposed extension, by reason of its siting, form and materials, would represent an incongruous addition that would cause less than substantial harm to the special interest of this listed building, which is simple vernacular architecture in a traditional horse-shoe form. This harm cannot be outweighed by any public benefit.

As such, the proposal does not comply with the duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the listed building, its setting or features of architectural importance. It is also contrary to the National Planning Policy Framework and National Planning Practice Guidance which form material considerations.

Notes to Applicant

01

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

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal however no positive outcome could be achieved.

BACKGROUND PAPERS

Application case file.

For further information, please contact Karen Adams on 01636 655855.

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 - 16/02081/FUL



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

APPEALS A

APPEALS LODGED (received between 23 January 2017 – 20 February 2017)

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

2.0 **RECOMMENDATION**

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Growth and Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/16/3165580	16/01582/FUL	Land Adjacent Bar Farm The Bar Laxton Nottinghamshire	Erection of dwelling	Written Representation
APP/B3030/W/16/3166056	16/01190/FUL	Land At Dumble Cottage Water Lane Oxton Nottinghamshire NG25 0SH	Proposed 1no. one bedroom 'live-work' (self-build) unit	Written Representation
APP/B3030/W/16/3166076	16/00923/FUL	Land Opposite Old Volunteer Public House 61 Caythorpe Road Caythorpe Nottinghamshire NG14 7EB	Replacement of existing sheds with stables	Written Representation

APPENDIX B: APPEALS DETERMINED (between 23 January 2017 and 20 February 2017)

App No.	Address	Proposal	Decision	Decision date
16/00996/FUL	Land Adjacent To Old Farm House Pingley Lane Staythorpe Newark On Trent Nottinghamshire NG23 5RH	Erection of detached 3 bedroom bungalow (Revised application 16/00405/FUL)	ALLOW	03.02.2017
	Hulleys Close Church Lane Epperstone Nottinghamshire NG14 6RD	Appeal against	ALLOW	16.02.2017
16/00782/FUL	The Plough Main Street Coddington Newark On Trent Nottinghamshire NG24 2PN	Alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings (re-submission of 15/02253/FUL).	ALLOW	13.02.2017
16/00202/OUT	Lynwood House Fiskerton Road Rolleston Newark On Trent Nottinghamshire NG23 5SH	Outline application for residential development of up to two new dwellings	ALLOW	15.02.2017
App No.	Address	Proposal	Decision	Decision date

16/00992/FUL	Newark And Sherwood Play Support Group Edward Avenue Newark On Trent Nottinghamshire NG24 4UZ	Change of use of premises from B1 Offices to A1 (retail) to include a butchery and tea room	ALLOW	17.02.2017
16/00180/ENF	Robin Hood View Caravan Park Middle Plantation Farm Belle Eau Park Bilsthorpe Nottinghamshire NG22 8TY	Appeal against Unauthorised Development	APPLICATION WITHDRAWN	08.02.2017

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

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

Matt Lamb
Business Manager Growth and Regeneration

Appeal Decision

Site visit made on 6 February 2017

by Thomas Shields MA DipURP MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/B3030/C/16/3160466 and 3160467

Hulleys Close, Church Lane, Epperstone, Nottinghamshire, NG14 6RD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr and Mrs P Witham against an enforcement notice issued by Newark and Sherwood District Council.
 - The enforcement notice was issued on 26 April 2016.
 - The breach of planning control as alleged in the notice is without planning permission, development consisting of the building of a single storey side/rear extension to dwellinghouse, marked X on the attached plan.
 - The requirements of the notice are:
 - A. Cease works to the development
 - B. Completely demolish the development (extension)
 - C. Completely remove from the land all resultant rubbish, waste and materials from the land
 - The period for compliance with the requirements is:
 - A. 1 day after this notice takes effect
 - B. 28 days after this notice takes effect
 - C. 56 days after this notice takes effect
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
-

Decision

1. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, as amended, for the development already carried out, namely the building of a single storey side/rear extension to the dwellinghouse at Hulleys Close, Church Lane, Epperstone, Nottinghamshire, subject to the following condition:
 1. Notwithstanding the provisions of Article 3 and Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further enlargement of the dwellinghouse shall be constructed without planning permission from the local planning authority.
-

Appeal site and background

2. The appeal property is a substantial detached and extended mature dwelling house. It sits within a large plot, including an enclosed tennis court, within the Epperstone Conservation Area and the Green Belt.
3. The single storey extension subject of the appeal is situated to the rear of the dwelling between the side of the previously existing kitchen and the garage block, and adjacent to the enclosed tennis court and garden. It is approximately 18m² in floor area.
4. The extension was refused planning permission by the Council in April 2016 and an appeal (ref APP/B3030/D/16/3148881) against that decision was dismissed by the Planning Inspectorate on 16 August 2016. That appeal decision (hereafter "the first appeal") is a material consideration in the determination of this appeal and I have taken it into account so far as it is relevant to the matters before me.
5. As part of this appeal the appellants have submitted more detailed evidence and argument. I have therefore determined the appeal on its merits taking account of all the matters and evidence before me.

The appeal under ground (a)

6. I consider the main issues in this appeal are:
 - Whether the extension is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and Development Plan policy;
 - If the extension is inappropriate; the effect on the openness of the Green Belt and the purposes of including land within the Green Belt; and
 - Whether any harm, by reason of inappropriateness, the effect on the openness of the Green Belt, the purposes of including land within the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the extension is inappropriate development within the Green Belt

7. The Framework¹ sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the construction of new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions as set out in paragraph 89 of the Framework.
8. The appellants submit that the extension should be considered to be such an exception in terms of being *limited infilling or the partial redevelopment of a*

¹ National Planning Policy Framework (2012)

*previously developed site*².

9. However, limited infilling normally refers to new development separated from existing development, often located within a gap between, or to the rear of, existing buildings in a built up frontage. That is not the case here. Also, *previously developed land* does not include the gardens of dwelling houses. Moreover, it is clear to me that in respect of extensions to buildings, as in this appeal, it is the third bullet point of paragraph 89 that is relevant. If I were to accept the appellants' argument it would make the third bullet point in respect of extensions redundant. I turn to this exception next.
10. An exception to being inappropriate development includes the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is important to note that in deciding whether an extension would result in a disproportionate addition, it needs to be considered by itself and cumulatively with any other previous extensions.
11. With regard to cumulative considerations, the Newark and Sherwood Core Strategy 2011 (CS) Spatial Policy 4B does not set defined limits to assess the proportionality of additions. In this respect it states that '*Other appropriate development in the Green Belt will be judged according to national Green Belt policy*'.
12. The Framework also does not give guidance on what 'disproportionate' means and hence it is a matter of planning judgement. In this regard assessments of the cumulative increase in floor space, footprint and volume have been made by the parties. I consider that approach is consistent with the Framework guidance in terms of assessments related to the 'size' of the original building.
13. I am unable to reconcile the Council's numerical assessments with the appellants' evidence. However, it is nonetheless clear that previous extensions to the original dwelling have more than doubled its floor space. These include a two storey extension to the eastern side incorporating a garage block and rooms above, and to the western side a substantial part single/part two storey extension. Given this overall increase in volume and floor space I concur with the first appeal Inspector that taken together they have resulted in a disproportionate addition to the original dwelling house.
14. The appellants argue that the previous extensions should not be considered as disproportionate because they were granted planning permission by the Council in the context of Green Belt policy at the time. However, the details of previous Council decisions are not before me and in any event it is not for me to review their rationale in this appeal. As required, I must determine this appeal on its own merit having regard to current national and local planning policies and material considerations.
15. There is no dispute that in isolation the extension is a relatively minor addition. However, when taken into account cumulatively with the other previous extensions I consider that it would result in a disproportionate addition over and above the size of the original building.
16. I conclude therefore that the extension is inappropriate development which, by definition, is harmful to the Green Belt and to which I attach substantial weight.

² National Planning Policy Framework (2012) paragraph 89, 6th bullet point

Effect on openness of the Green Belt and the purposes of including land within the Green Belt

17. Given its small scale, its location to the rear of the dwelling, and the enclosed gardens I find that the appeal extension does not result in any visual impact on the wider area. However, it has nonetheless added an extension to the building on what was a previously open (hard-surfaced) area of the site. Consequently this reduces the openness of the Green Belt, albeit that reduction is very limited.
18. Although I have found that the reduction in openness is very limited, that impact conflicts with the purposes of including land within the Green Belt. It adds to the harm I have identified in respect of the extension being inappropriate development.
19. I therefore attach substantial weight to the total harm to the Green Belt I have identified.

Whether any harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

20. It is argued that that the removal of a chimney and detached timber outbuilding in the rear garden area would together offset the additional increase in floor space resulting from the appeal extension.
21. However, I agree with the Inspector in the first appeal who found that the outbuilding appears as a domestic outbuilding, is some distance away from the main house, and in comparison to the appeal development has a very different impact in its appearance, form and physical relationship to the dwelling. I also find that the removal of the outbuilding would have some benefits in terms of openness, but it would not fully address the harm I have identified.
22. Moreover, allowing the appeal on that basis would be ineffective without imposing a planning condition to remove permitted development rights for any further curtilage buildings that could be later erected under Class E of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). However, such a condition would be unreasonable given that control over extensions to buildings in the context of paragraph 89 is entirely separate to the permitted development rights of householders to erect curtilage buildings.
23. The appellants' submitted evidence includes details and plans of an alternative kitchen extension of similar overall size that could be built directly to the rear elevation of the existing kitchen. Also submitted from the appellant is a letter from the Council confirming that the alternative kitchen could be constructed as permitted development under Class A of the GPDO. In essence, the appellants are arguing that the alternative kitchen is a 'fall-back' position which, if erected, would have a greater impact on openness and the purposes of including land within the Green Belt, than the appeal extension.
24. Established case law³ indicates that the correct test to be applied in considering a fall-back argument is whether there is a reasonable possibility that if planning permission were to be refused, a development which has been permitted (in

³ *Coln Park LLP v SSCLG & Cotswold DC* [2011] EWHC 2282 (Admin)

this case by the GPDO) would take place, and such development would be less desirable than that for which planning permission is sought.

25. Given the test described above, it is clear to me that the submitted drawings and confirmation letter from the Council demonstrate that the fall-back extension is a reasonable possibility and not just a hypothetical argument. Furthermore, the appellants make it clear in paragraph 4.9 of their statement that the fall-back extension will be built if the appeal is dismissed. Additionally, there is no contrary evidence before me that would lead me to doubt the appellants' intention in such circumstances. Given these factors, I find that the fall-back extension is a realistic alternative outcome if the appeal were to be dismissed.
26. In comparison to the appeal extension which is elongated and projects outwards to the side only, the fall-back extension would instead have a square footprint, three elevations, and project directly outwards from the rear elevation of the house. It would have a ridged and hipped roof and would be approximately 3.6 metres in height. I consider it would visually intrude into the Green Belt and have a significantly greater impact in reduction of openness. Overall, if the fall-back extension were constructed I conclude the totality of harm to the Green Belt would be greater than results from the appeal extension.

Conclusion

27. In conclusion, I find that the totality of harm I have identified resulting from the appeal extension is clearly outweighed by the realistic likelihood of the fall-back extension being constructed which would result in greater harm. This amounts to the very special circumstances necessary to justify the development. In such exceptional circumstances a planning condition removing permitted development rights for any further Class A enlargements is justified.
28. For the reasons given above I conclude that the appeal should succeed on ground (a) and conditional planning permission will be granted.
29. The appeal on grounds (f) and (g) do not therefore need to be considered.

Thomas Shields

INSPECTOR

Appeal Decision

Site visit made on 6 February 2017

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

Decision date: 15 February 2017

Appeal Ref: APP/B3030/W/16/3164269

**Former Lynwood House, Fiskerton Road, Rolleston, Newark,
Nottinghamshire NG23 5SH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr M Sanders & Mr I Whitehead against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00202/OUT, dated 10 February 2016, was approved on 16 June 2016 and planning permission was granted subject to conditions.
 - The development permitted is an outline application for residential development of up to two new dwellings.
 - The condition in dispute is No 014 which states that:
'The building(s) shall be no more than 8.75 metres high when measured from ground floor level to the ridge and no more than 5.55 metres high when measured from the ground level to the eaves. The host residential building [sic] shall have a footprint no greater than 60 square metres'.
 - The reason given for the condition is:
'In the interest of securing good design'.
-

Decision

1. The appeal is allowed and the planning permission Ref 16/00202/OUT for an outline application for residential development of up to two new dwellings at Former Lynwood House, Fiskerton Road, Rolleston, Newark, Nottinghamshire NG23 5SH granted on 16 June 2016 by Newark & Sherwood District Council, is varied, by deleting condition No 014.

Background and Main Issue

2. Planning permission for the outline application for residential development of up to 2 new dwellings, with approval for access only and all other matters reserved, was granted by the Council subject to the disputed condition 014. The application form specifies that layout was also a matter for which approval was initially sought. However, the evidence before me indicates that the appellant confirmed prior to the decision being issued that layout was to be treated as a reserved matter.
 3. The reserved matters of layout, appearance, landscaping and scale are identified under condition 02 and the approved plans with respect to the site location and access only are set out separately in condition 03 of the planning permission. Consequently, the layout, elevations and floor plans before me relating to designs for a pair of 2 bed semi-detached dwellings or a single 4 bed detached dwelling are for illustrative purposes only and I have determined the appeal on that basis.
-

4. The reason for the disputed condition indicates that a restriction on the height and footprint of the dwellings is necessary to secure good design. The appellant has contended that the disputed condition is overly restrictive.
5. Having regard to the above, the main issue is whether the disputed condition is reasonable and necessary in the interests of the character and appearance of the site and the surrounding area or the living conditions of occupiers of neighbouring properties.

Reasons

6. Section 70(1)(a) of the Town and Country Planning Act 1990 enables the local planning authority in granting planning permission to impose '*such conditions as they think fit*'. However, this power must be interpreted in light of material factors such as the National Planning Policy Framework (the Framework), National Planning Practice Guidance (PPG) on the use of conditions, and relevant case law.
7. Paragraph 206 of the Framework states that '*planning conditions should only be imposed where they are: necessary; relevant to planning and; to the development permitted; enforceable; precise and; reasonable in all other respects*'. The PPG provides a table with key considerations relating to the 6 tests listed above¹. The PPG², amongst other things, also states that '*it is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls*'.
8. Although not specifically referred to within the reason for the disputed condition, Policies SP3, CP3, CP9 and CP13 of the Newark and Sherwood Core Strategy (CS), adopted March 2011, and Policy DM5 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (AM&DM), adopted July 2013, relate to matters of design, including character and appearance and the living conditions of occupiers of neighbouring properties.
9. The appeal site is located within the village of Rolleston and was formerly occupied by a dwelling known as Lynwood House which has now been demolished. The site was originally included as part of the site for a replacement dwelling, which is now built and under separate ownership, but is now a separate vacant parcel of land enclosed by fencing along all of its boundaries, including its frontage onto Fiskerton Road. The dwellings for which outline planning permission has been granted by the Council would be accessed from Fiskerton Road via an existing access towards the junction with Station Road.
10. The disputed condition imposes a restriction upon the height and footprint of any dwellings within the site for which outline planning permission has been granted by the Council. The height and footprint of development is relevant to the design requirements of Policies SP3, CP3, CP9 and CP13 of the CS and Policy DM5 of the AM&DM. Nevertheless, in the particular circumstances of the outline planning permission before me, the height and footprint of dwellings relates specifically to the reserved matters of layout, appearance and scale which are listed separately under condition 02 as requiring submission of details to and approved in writing by the local planning authority.

¹ Use of Planning Conditions, Paragraph: 004 Reference ID: 21a-004-20140306 Revision date: 06 03 2014

² Use of Planning Conditions, Paragraph: 001 Reference ID: 21a-001-20140306 Revision date: 06 03 2014

11. Rolleston is an attractive village with a number of historic properties. However, the site is not designated as a heritage asset and is not within a Conservation Area. In the immediate surroundings of the site, there is a mix of buildings including the considerable height and footprint of a neighbouring dwelling known as Church Farm Cottage and the varied height, scale and form of other modern houses nearby. Consequently, subject to details of layout, appearance and scale to be provided as part of reserved matters, a proposal which exceeds the restrictions in the disputed condition may, nevertheless, be capable of achieving a design which reflects the varied scale, pattern and form of existing development in the surrounding context.
12. Having regard to the above, the disputed condition relating to the height and footprint of dwellings is not necessary in the interest of the character and appearance of the site and the surrounding area. The disputed condition is not needed to make the development acceptable in planning terms where such considerations fall within the scope of reserved matters. The height and footprint of any dwelling would be capable of being suitably assessed by the local planning authority at reserved matters stage via the alternative requirements of condition 02 if the disputed condition were to be deleted.
13. Based on the evidence before me, including the illustrative plans, together with observations during my site visit, development of the site consisting of up to 2 new dwellings could provide adequate separation to surrounding properties, including the neighbouring Church Farm House, to preserve the living conditions of occupiers in terms of adequate outlook, light and privacy. Such matters are also capable of being appropriately dealt with as part the reserved matters relating to layout, scale, appearance and landscaping. Consequently, the restrictions in the disputed condition are neither reasonable nor necessary to preserve the living conditions of occupiers of neighbouring properties.
14. In reaching the above findings, I have taken account of the Council's evidence which indicates that the intention of the disputed condition is to ensure that any resultant dwellings would be similar to the height and footprint of the original Lynwood House, with account for the finished floor levels required separately by condition 011. In this regard, it has also been brought to my attention that there was a previous appeal relating to the site. The Council have indicated that a previous Inspector offered no concerns with respect to a similar scale of dwelling to the restrictions in the disputed condition despite dismissing the appeal relating to housing need, which is no longer a matter of dispute. However, the full details of the appeal decision are not before me and in any case, it related to a different scheme and development plan context. This appeal must be considered on its own merits and, therefore, a restriction upon the height and footprint of dwellings to that which was considered by a previous Inspector is neither reasonable nor justified relative to the effect of the proposal before me.
15. Having regard to all of the above, I conclude that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the site and the surrounding area, or the living conditions of occupiers of neighbouring properties, taking account of the Framework and the advice set out in the PPG relating to the appropriate use of planning conditions. In the absence of the disputed condition, the development would not conflict with Policies SP3, CP3, CP9 and CP13 of the CS or Policy DM5 of the AM&DM, which

are consistent with the objectives of the Framework with respect to matters of design.

16. I have considered the other conditions attached to the planning permission but there is no evidence before me that leads me to conclude that it is necessary to vary any of those. My decision alters the existing planning permission that has been granted and should be read in conjunction with it.

Conclusion

17. For the reasons given above, I conclude that the appeal should succeed and that the planning permission should be varied by deleting condition No 014 as set out in the formal decision.

Gareth Wildgoose

INSPECTOR

Appeal Decision

Site visit made on 20 December 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/B3030/W/16/3156583

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs D Burke against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00782/FUL, dated 16 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the alteration of public house to form three first floor apartments, relocation of car park and erection of three dwellings at The Plough, Main Street, Coddington, Nottinghamshire NG24 2PN in accordance with the terms of the application, Ref 16/00782/FUL, dated 16 May 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs D Burke against Newark & Sherwood District Council. This application is the subject of a separate Decision.

Procedural Matters

3. At the time of determination of the application from which the current appeal derives, the site was subject to another appeal for development of a similar nature¹. Since submission of the current appeal however, the previous appeal has been determined.
4. I note that whilst the question of whether or not it could be demonstrated that an identified and proven local housing need existed formed a reason for refusal, the recently determined first appeal provides a strong fall-back position for the appellant in this instance, and is a material consideration to which I attach significant weight. For this reason, and in light of the Council's subsequent resolution not to defend the three reasons for refusal in the current instance, I have not considered this matter further.

¹ Application ref: 15/02253/FUL and APP/B3030/W/16/3151592

Main Issues

5. Having regard to the above therefore, I consider that the main issues in this appeal are the effect of the proposal on:
 - Highway safety; and
 - The living conditions of occupiers of adjacent dwellings on Main Street, with particular regard to noise, disturbance, outlook and privacy.

Reasons

Highway Safety

6. The existing car park has the appearance of a large layby, diagonally opposite the public house. It has two entry points, one at the eastern end of the layby adjacent to the rear of 39 Main Street, and one at the western end. As with the previous proposal, the current scheme proposes the construction of three dwellings within the existing car park area. So too, it proposes a replacement car parking area. However, unlike that scheme, this proposal involves the creation of a new car park within the paddock adjacent to the existing one on the northern side of Beckingham Road, rather than on land at the rear of the public house on the southern side. To do so, the western entry point to the existing car park would double up and provide access to and egress from both the three dwellings and the new car park. The eastern entry point would be closed off to vehicles.
7. It is acknowledged that the proposed car park would provide more spaces than the existing, somewhat informal layout that lacks markings and is restricted by the recycling facilities. However, even if it were to follow that a greater number of vehicles might be manoeuvring at any one time, the point of access to and from the highway would be no closer to the crossroads junction as a result of the current proposal. More significantly however, the proposal would remove the existing access point closest to the junction, and so movements, increased or otherwise, would be further from the crossroads junction than is currently the case. I note that there are no objections from technical consultees in relation to highways matters, whilst the Parish Council's concern regarding the potential for both the currently proposed car park, and the previously approved facility, to be constructed could be addressed by a suitably worded planning obligation, the detail of which I consider separately, below.
8. I am satisfied therefore that the proposal would not be in conflict with Spatial Policies 3 or 7 of the Newark and Sherwood Core Strategy (Core Strategy) or with Policy DM5 of the Newark and Sherwood Allocations and Development Management Development Plan Document (DPD) in so far as they relate to highway safety. Together, these policies seek to ensure that new developments do not have an undue impact on local infrastructure including the transport network, and provide safe, convenient, inclusive and attractive access for all. The proposal would also comply with paragraph 32 of the National Planning Policy Framework (the Framework) as it has not been demonstrated that a safe and suitable access would be achieved.

Living Conditions

9. The Council's refusal reason with regard to living conditions is somewhat vague in terms of what that loss of amenity would be, or what harm would be caused.

- Although there would be a window at first floor level on the gable elevation of plot 3 this would serve an en-suite bathroom and as such a suitably worded condition would reasonably address any potential concerns regarding loss of privacy or overlooking between plot 3 and properties on Main Street.
10. The submitted plans suggest that there would be in the region of 14.8 metres between the side elevation of the closest of the proposed dwellings (plot 3) and the rear of the existing houses on Main Street, whilst the house at plot 3 itself would be set away from its eastern boundary by the width of two car parking spaces and a hedge. It is also noted in the Council's committee report that the house at plot 3 would be in the region of 2.5 metres further away from the rear of the Main Street properties than was the case with the previous scheme.
 11. However, I have not been directed towards any policies or guidance that seeks to establish minimum separation distances between adjacent properties. I have taken into account the Council's suggested condition regarding finished floor levels for the proposed dwellings to mitigate an existing difference in ground levels between the appeal site and the rear of Main Street properties and, as such, I am satisfied that the proposal would not lead to a loss of privacy or overlooking, or have an overbearing impact upon adjacent properties on Main Street.
 12. With regard to potential for noise and disturbance, the existing eastern entry point into the layby would be closed off, with access to the three parking spaces for plot 3 taken along a driveway running parallel to the site frontage. Vehicle movements for this plot would be limited, and I have no evidence to lead me to conclude that such movements would be harmful to the living conditions of occupiers of the adjacent property on Main Street. Moreover, I noted a steady flow of traffic along Beckingham Road at the time of my site visit, generating appreciable background noise levels. I appreciate that this will vary depending upon time of day, but equally it is noted that local residents also refer to the road as being busy.
 13. Thus, for the reasons set out, I conclude that the proposal would not result in an adverse impact on the living conditions of, or undue loss of amenity to, occupiers of adjacent properties on Main Street. The proposal would therefore accord with Core Strategy Core Policy 9 and DPD policy DM5 which, amongst other things, seek development that demonstrates a high standard of sustainable design and layout of an appropriate form to its context, to ensure that there is not an unacceptable reduction in amenity including overbearing impacts, and that has regard to their impact on the amenity of surrounding land uses.
 14. Although not cited within the refusal reasons, residents have also objected to the relocation of the car park to west of the existing layby entrance, as it would be sited closer to properties on Hall Farm, resulting in noise, disturbance from comings and goings and light pollution from car headlights. Whilst it is true that it would be closer to the properties located towards the head of that cul-de-sac, it follows that it would also be further away from properties on Main Street, as a consequence. Moreover, I have no evidence before me that the existing car park operated in such a manner, when the public house was operational, so as to adversely affect adjacent residential properties on Main Street, or indeed Hall Farm, and nothing I have seen or read persuades me that that should be the case in its relocated location.

15. I have considered the relationship between the proposed dwellings and existing properties on Hall Farm and note that the submitted plans show the rear of properties on Hall Farm to be some 37 metres distant from the rear of the proposed dwellings. Although the garden plots for proposed plots 2 and 3 are smaller than that associated with plot 1, I am satisfied that this relationship would not result in a level of harm that would justify dismissal of this appeal. In reaching this conclusion, I have noted that this matter did not form part of the Council's reasons for refusal.

Other Matters

16. The appeal site lies within the Coddington Conservation Area, whilst the grade II* listed All Saints Church lies to the southwest of the public house and to the south of the proposed car park area, beyond a paddock area on the southern side of Beckingham Road. The Council have concluded that the proposal would cause no harm to the character or appearance of the conservation area, or to the setting of All Saints Church.
17. I have had special regard to the desirability of preserving or enhancing the character or appearance of the conservation area and to the desirability of preserving the listed building or its setting, in line with the statutory tests set out in sections 72(1) and 66(1), respectively, of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Nothing I have seen or read leads me to reach a different conclusion to the Council in this respect, and the proposal would be consistent with the statutory requirements of the Act, and with the Framework.
18. Local residents object to the proposal on a wider basis, including in respect of the detailed design and appearance of the proposed dwellings, the effect of the proposal on the character of the village and the encroachment of the houses into the countryside. I note that these matters did not form part of the Council's reasons for refusal, and I am satisfied they would not result in a level of harm which would justify dismissal of the appeal.
19. The issue of whether there is a need for additional houses or flats in Coddington, and the possibility of the future conversion of the public house to housing have also been raised. However, I have considered the appeal on its own merits, whilst the recently allowed planning appeal² is a strong material consideration such that I have not considered the matter of need further.

Section 106 Agreement

20. Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
21. It is noted above that planning permission was recently granted on appeal for a development of a similar nature to that proposed in this instance. However, that proposal included the construction of a car parking area in an existing paddock on the southern side of Beckingham Road. If successful, the current proposal would entail the construction of a car park on the northern side of

² APP/B3030/W/16/3151592

Beckingham Road. The appellant has submitted a signed and completed unilateral undertaking which seeks to ensure that, in the event of the current appeal succeeding, only one of the relocated public house car parks would be constructed and used.

22. To ensure against the possible construction and use of both car parks, and having considered the unilateral undertaking that has been submitted, I find that its provisions would meet the tests set out in paragraph 204 of the Framework and Regulation 122 of the CIL Regulations . I therefore find it necessary and directly related to the development in the interests of the character and appearance of the conservation area, and the surrounding area and can reasonably take it into account in reaching my decision.

Conditions

23. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance (the Guidance). I have, where necessary, and in the interests of conciseness and enforceability, amended the wording of some of the suggested conditions.
24. In addition to a time limit condition, I have imposed a condition specifying the approved drawings in order to provide certainty. The condition in relation to phasing is required in order to ensure that the development comes forward in a timely manner whilst conditions in relation to floor levels, materials, external features, mortar, repair and renovation works to the public house, boundary treatments and landscaping, bin storage, lighting and obscure glazing are necessary in the interests of character and appearance, and living conditions.
25. Although the main road through the village is relatively busy, the character of the surrounding area is predominantly residential, and so conditions regarding hours of construction and deliveries are appropriate in the interests of living conditions. Highways conditions regarding the provision of parking and turning areas, the construction of an appropriate footway along the site frontage and the control and discharge of surface water are necessary in the interests of highway and pedestrian safety.
26. Having regard to the Guidance, I find there to be no exceptional circumstances that would justify the removal of permitted development rights from the three proposed dwellings. I have not therefore imposed the Council's suggested condition in this respect.

Conclusion

27. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DB 401-A102 Rev P8; DB 401-A105 Rev P5; BSA 83-A083; BSA 82-A082 M; DB 401-A104; and DB 401 A112 except in respect of the finished floor levels as required by condition 3, below.
- 3) The development shall be implemented in accordance with the phasing scheme shown on drawing DB 401 A113 Rev. P1 (Phasing Plan) received 19th July 2016.
- 4) Notwithstanding the finished floor levels shown for Plots 1 to 3 (the new dwellings) on the approved plan DB 401-A102 Rev P8, no development shall be commenced within phases 3 or 4 pursuant to condition 3 until a revised plan showing amended finished floor levels and ground levels have been submitted to and approved in writing by the local planning authority. The amended levels shall align as far as possible with the land and finished floor levels to the west (Main Street) and the approved levels shall be implemented on site.
- 5) Demolition or construction works, including site clearance and delivery of materials, shall take place only between 07.30 and 18.00 on Mondays to Fridays, 08.30 and 13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Notwithstanding the details of any materials that may have been submitted with the application, details of all materials to be used in the external surfaces of the development hereby permitted, shall be submitted to and be approved in writing by the local planning authority before development is commenced for any phase pursuant to Condition 3. The relevant works shall be carried out in accordance with the approved details.
- 7) Notwithstanding the submitted details, no development shall be commenced for any phase pursuant to condition 3 in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.
 - a) External windows including roof windows and bays, doors and their immediate surroundings, including details of glazing and glazing bars.
 - b) Porches
 - c) Chimneys
 - d) Treatment of window and door heads and cills
 - e) Verges and eaves
 - f) Rainwater goods

- g) Any other external accretion including extractor vents, flues, meter boxes, airbricks and soil and vent pipes.
- 8) Notwithstanding the submitted details, no development shall be commenced for any phase pursuant to Condition 3 until details of the mortar to be used for all new build and any re-pointing (including materials and ratios, colour, texture and pointing finish) have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details.
- 9) Development shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 10) No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development in accordance with the agreed details.
- 11) Prior to the commencement of any conversion or renovation works to the public house building, a schedule of works should be submitted to and agreed in writing by the local planning authority. The schedule of works must comprehensively address all repairs and renovations including the extent of any repairs, the specification for repainting works including colour, detailed specifications for all timber joinery (to be retained), chimneys (to be retained), facing materials and detailing (brick bonding, dentil courses, verges etc.). For the avoidance of doubt, the schedule of works shall include the replacement of all existing upvc public house windows with timber. All building works hereby agreed shall be carried out in accordance with the schedule of works.
- 12) No development shall be commenced for any phase pursuant to condition 3 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) a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and should provide replacement tree planting. In particular the new planting should relate to the boundaries of the public house car park and to the western boundary of the site;
 - b) existing trees and hedgerows, which are to be retained including any protection measures;
 - c) boundary treatments/means of enclosure (details to include the types, height, design, materials and finish where appropriate);

- d) car parking layout and materials. For the avoidance of doubt, the car parking shall be formed with a grass-crete or grass grid product;
 - e) other vehicle and pedestrian access and circulation areas;
 - f) hard surfacing materials;
 - g) minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- 13) The approved soft landscaping shall be completed during the first planting season following the commencement of the development within its respective phase, 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 elements of the scheme shall be implemented on site prior to first occupation or use of each associated phase.
- 14) No development pursuant to condition 3 shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. 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 in accordance with the agreed details.
- 15) No part of the development for any phase pursuant to condition 3 shall be brought into use until the parking and turning areas contained within that phase have been provided in accordance with plan DB401-A102 Rev. P8. The parking and turning areas provided shall not be used for any purpose other than the parking, turning and unloading of vehicles.
- 16) No development shall commence on any part of the application site until a footway is provided along the site frontage of Plot 1-3 along the line of the existing grass verge, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved and implemented footway shall be retained for the lifetime of the development in accordance with the agreed details.
- 17) No part of the development hereby permitted shall be brought into use until a scheme to control and prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first occupation of each phase, pursuant to condition 3, and shall then be retained for the life of the development in accordance with the agreed details.
- 18) Prior to first occupation of Plot 3, the existing easternmost access (which served the public car park) shown on drawing DB401-A102 Rev. P8 shall be stopped up and no longer used, the details of which shall be first submitted to and approved in writing by the local planning authority and thereafter retained in accordance with the agreed details.

- 19) The first floor window opening on the east elevation of Plot 3 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development in accordance with the agreed details.

Appeal Decision

Site visit made on 10 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 03 February 2017

Appeal Ref: APP/B3030/W/16/3158081

Land adjacent to Old Farm House, Pingley Lane, Staythorpe, Newark, Nottinghamshire NG23 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Chris and Paula Hall against the decision of Newark & Sherwood District Council.
 - The application Ref: 16/00996/FUL, dated 20 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a detached 3 bedroom bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached 3 bedroom bungalow at Land adjacent to Old Farm House, Pingley Lane, Staythorpe, Newark, Nottinghamshire NG23 5RH in accordance with the terms of the application, Ref: 16/00996/FUL, dated 20 June 2016, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matter

2. For reasons of clarity, I have shortened the description of development to remove unnecessary wording for the purposes of this appeal.

Main Issues

3. Spatial Policy 3 (SP3) of the Newark and Sherwood LDF Core Strategy DPD 2011 (CS) states, among other things, that development outside 'Principal Villages' will be considered against five criteria: location, scale, need, impact and character. As Staythorpe is not a Principal Village these criteria apply. The Council has found that there would be no significant harm relating to scale, impact and character but that it would not be in a sustainable location and thus contrary to SP3. Whilst the Council did not refuse the proposal on the grounds of local need this matter was raised by the Parish Council. Consequently, the main issues of this appeal are whether the proposed development would be in a sustainable location and meet an identified, proven local need.

Reasons

4. The appeal site is situated in the dispersed settlement of Staythorpe within a cluster of residential dwellings to the north of Staythorpe Road. It comprises a small paddock that is bounded on three sides by residential development. The site frontage runs parallel to a small road, Pingley Lane, which is a residential cul-de-sac serving a small number of dwellings to the north. The proposed

development is a 3 bedroom bungalow situated towards the rear of the plot that would utilise an existing access point at its north-western corner. A loosely arranged, self-sown hedgerow with large gaps would be removed and replaced with more formalised boundary features.

5. I accept that the future occupants of the proposed development would have a degree of reliance on private motor vehicles and that there are no local services in Staythorpe. However, the Government recognises that sustainable transport solutions will vary from urban to rural areas and that development in one village may support the services in another village. Although the nearest village of Averham only has a primary school and theatre I observed that these, albeit limited, services would be readily accessible through alternative transport modes and potentially gain some support from future occupants. This is because they are linked by a pedestrian walkway, with street lighting, as well as by a regular bus service.
6. A bus stop is in close proximity to the appeal site that not only provides regular access to services in surrounding villages but also a full range of services and amenities in Newark, Mansfield and Nottingham. Moreover, I note that the frequency and timing of the service is such that it could also be used for commuting purposes, especially given the regular link that it provides to the nearby rail stations at Fiskerton and Rolleston. Potential also clearly exists for more distant, onward journeys given the link to the East Coast Mainline via Newark. As a result I find that the proposal would be situated in a sustainable location that would, in a small way, help to maintain the vitality of surrounding villages.
7. Despite being in a sustainable location, I have no substantiated evidence before me to demonstrate that the proposal would meet a proven local housing need. As the Parish Council rightly point out, a local need must be of benefit to the local community and not simply for the benefit of an individual. This should be clearly demonstrated through an objective analysis of the facts, as might be found in a housing needs survey. In the absence of any such evidence, the proposal would conflict with policy SP3 of the CS and not be in accordance with the development plan.
8. However, SP3 is a policy relevant to the supply of housing and paragraph 49 of the National Planning Policy Framework (the Framework) advises that such policies cannot be considered up-to-date if the Council cannot demonstrate a deliverable five-year housing land supply (5-year HLS). The Council has an emerging plan that is at an early stage and supporting evidence suggests that a full objectively assessed need (FOAN) in the region of 454 dwellings per annum, using a 2013 baseline, is appropriate. The Council maintains that a 5-year HLS can be demonstrated if it is based on this FOAN.
9. However, another Inspector recently concluded that the annual requirement figure should be higher and that a 5-year HLS could not consequently be demonstrated (Ref: APP/B3030/W/15/3006252). I acknowledge that the Council do not agree with that decision and that supporting information will be made available as part of an emerging local plan review. However, no specific reasoning to support the Council's position is before me or any new evidence that would lead me to question the findings of the previous Inspector. I also note that the Council accepts that full weight cannot be attached to their preferred FOAN until such time that it is tested through public examination.

Moreover, it is not for an Inspector to seek to carry out some sort of local plan process as part of determining the appeal under S78 of the Town and Country Planning Act 1990 (as amended).

10. Given the above, I am not satisfied that the Council has robustly demonstrated a deliverable 5-year HLS for the purposes of this appeal. Consequently, policy SP3 cannot be considered up-to-date. As a result, there is a presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole or where specific restrictions apply. Bearing in mind the fact that it would not lead to an isolated home in the countryside and that no harm would arise from the proposal, other than a failure to meet an identified local housing need, I am satisfied that the proposal would be consistent with paragraphs 14 and 55 of the Framework. Consequently, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits which in this instance would be an, albeit small, boost to the 5-year HLS within the District.

Other Matters

11. The Council is of the opinion that the development would set a precedent for additional housing units in similar locations but also points out that the functional linkages between villages may differ as well as the range of services that are offered. As each application must be considered on its own merits and the evidence submitted I am satisfied that a precedent would not be set even if other applications were to come forward in Staythorpe.
12. Additional concerns raised by objectors to the proposed development, particularly with regard to highway safety, hedgerow removal, scale, overlooking, noise, character and flooding, are acknowledged. These matters were considered in the case officer's report and I support the view that the concerns raised do not warrant the refusal of the scheme. Consequently, these matters were not determinative in the conclusion I reached.

Conclusion and Conditions

13. For the above reasons and having regard to all other matters raised I conclude that, subject to appropriate conditions, the appeal should be allowed.
14. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 206 of the Framework.
15. In addition to the standard time limit condition (1), a condition requiring development to be carried out in accordance with the plans is necessary for the avoidance of doubt and in the interests of proper planning (2).
16. Conditions relating to the use of building materials, the replacement hedge and potential replanting are necessary in the interests of protecting the character and appearance of the local area (3-5).
17. Conditions relating to the provision of a new verge crossing, hard landscaping, surface water drainage system and visibility splays are necessary in the interests of maintaining vehicular and pedestrian safety (6-7).

CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2016-101 REV A.
- 3) The development hereby permitted shall be implemented according to the submitted details.
- 4) The dwelling shall not be occupied until details of the height of the proposed beech hedge shown on the approved plan (Ref: 2016-101 REV A) has been submitted to and approved in writing by the local planning authority. The hedge shall be maintained in accordance with the approved details and retained thereafter.
- 5) All planting shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants that die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with trees or plants of a similar size and species.
- 6) A means of access for vehicles and pedestrians shall be constructed in accordance with a specification submitted to and approved in writing by the local planning authority. This shall include details of a dropped vehicular verge crossing, all bound surfaces and a drainage system that will prevent unregulated discharge of surface water onto the public highway. No other development shall occur until these works have been completed in accordance with the approved details. They shall be retained thereafter for the lifetime of the development.
- 7) The dwelling shall not be occupied until the visibility splays shown on the approved plan (Ref: 2016-101 REV A) have been provided. The area within the defined splays shall be kept free of all obstruction, structures or erections exceeding a height of 0.6 m for the lifetime of the development.

Appeal Decision

Site visit made on 6 February 2017

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

Decision date: 17 February 2017

Appeal Ref: APP/B3030/W/16/3164759

**Newark and Sherwood Play Support Group, Edward Avenue,
Newark on Trent NG24 4UZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Stephanie Worthington on behalf of Farndon Farmshop Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00992/FUL, dated 19 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is change of use of premises from B1 offices to A1 (retail) to include a butchery & tea room.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of premises from B1 offices to A1 (retail) to include a butchery & tea room at Newark and Sherwood Play Support Group, Edward Avenue, Newark on Trent NG24 4UZ in accordance with the terms of the application, Ref 16/00992/FUL, dated 19 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; CDD/16/069/01; CDD/16/069/02; CDD/16/069/04.
 - 2) Notwithstanding condition 1, within 3 months of the date of this permission a scheme of hard and soft landscape works, including details of boundary treatments and landscape planting to the Edward Avenue frontage, shall have been submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season following the receipt of approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
 - 3) The use hereby permitted shall not be open to customers and deliveries and vehicle movements to and from the site directly related to the approved use shall not take place outside of the following times:

0800 - 1700 hours on Mondays to Saturdays.
-

Procedural Matter

2. At the time of my visit, the building was in use as a butchery and tea room, removal of leylandii trees on the road frontage had taken place and the car parking area within the site had been laid out. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of Newark Conservation Area, and;
 - the effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, disturbance and parking.

Reasons

Character and appearance

4. The appeal site lies within the Newark Conservation Area which covers a large area, comprises a mix of designs and styles of buildings and includes part of the historic town centre and riverside that makes a significant contribution to its significance. The site is located on the eastern side of Edward Avenue and to the west of Victoria Terrace in a predominantly residential area consisting of a variety of buildings that make only a limited contribution to the significance of the Conservation Area.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
6. The areas of hardstanding, low density and modest height of detached buildings within the site, together with the similar character of neighbouring land to the south, are inconsistent with the surroundings of taller two storey terraced rows and larger modern buildings in the compact street network. Consequently, the established presence of the building and hardstanding within the site offers little contribution to the significance of the Conservation Area.
7. The change of use of the site with limited external alterations to the building that have taken place has benefitted the appearance of the building and immediate surroundings. This is reflected in bringing the vacant site back into use, preventing the building falling into disrepair and removal of a shipping container, which would have been an incongruous feature. However, the leylandii trees would have previously provided a more verdant appearance to the Edward Avenue frontage and a degree of screening to mitigate the stark contrast of the site with the predominantly residential character of its surroundings.

8. There is no indication that the leylandii trees were subject to Tree Preservation Order, however, given their location in the Conservation Area they were subject to protection from indiscriminate felling. In this respect, a tree survey undertaken in accordance with BS 5837: 2012 was provided with the application, which categorised all of the trees as 'C', which are described by the British Standard as unremarkable trees of low quality with very little merit. In such circumstances, the leylandii trees were not suitable for long term retention and were suitable for removal. However, the loss of the trees has had an adverse effect upon the character and appearance of the Edward Avenue frontage of the site. To mitigate the impact of the tree loss and prevent permanent harm to the character and appearance of the Conservation Area, a condition is necessary to secure replacement landscaping.
9. It is reasonable to consider that the activity in terms of comings and goings of vehicles and pedestrians to the site consists of an increase when compared with the previously vacant site. However, the evidence before me indicates that a fallback exists whereby a range of lawful B1 uses could be re-established with no control relating to hours of use or associated activities. Furthermore, there is precedent of commercial uses at an adjacent property to the south and a school nearby to the west of Edward Avenue. Associated activity within the surrounding area in terms of pedestrians and vehicles is a feature of the locality during 0800-1700 hours on Mondays to Fridays which reflect the opening and delivery hours proposed. The proposal, therefore, does not have a significant effect on the patterns of activity and established character of the surrounding area during those periods.
10. During the proposed opening hours of 0800-1700 hours on Saturdays, non-residential activity in the immediate surroundings of the site would be less common. However, I must take into account that there is a fallback position of an unrestricted B1 use operating at the site during that period of time. Consequently, if opening hours and deliveries of the proposal are appropriately controlled by condition, there would be no adverse effect on the character of the Conservation Area in terms of activities associated to the use proposed.
11. Having regard to all of the above, I conclude that the development, subject to the imposition of the previously stated condition, would preserve the character and appearance of Newark Conservation Area. The development would not, therefore, conflict with Policies CP9 and CP14 of the Newark and Sherwood Core Strategy (CS), adopted March 2011, and Policies DM5 and DM14 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (AM&DM), adopted July 2013. When taken together the policies seek to ensure the continued preservation and enhancement of the character, appearance and setting of heritage assets and the historic environment, including conservation areas. The policies are consistent with the Framework.

Living conditions

12. Policy DM5 of the AM&DM 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 uses are not detrimentally impacted.
13. The site has a single access from Edward Avenue that leads to the main entrance of the building on the facing elevation, a car parking area within the

site and an additional area of hardstanding to the east of the site where delivery vehicles were parked during my visit. On the main elevation of the building facing the main car park, there is an additional customer entrance, together with sliding doors located further towards the rear of the site which is used for deliveries.

14. The building is single storey and there are no changes proposed to existing windows. There are significant boundary treatments between Nos. 43-47 Edward Avenue located to the north and Nos. 5-9 Victoria Terrace to the east which prevent any significant overlooking or loss of privacy. Furthermore, there is also no adverse effect on the properties opposite on Edward Avenue in that regard given the closer relationship of the existing highway and associated footways to those properties.
15. Edward Avenue and Victoria Terrace are predominantly residential in character. However, as previously mentioned, there is an existing commercial use to the south of the site and a school immediately to the west of Edward Avenue. In addition, the site although recently vacant has had a historic commercial use and retains a fallback position of such uses being re-established. In such circumstances, the residential surroundings of the site are likely to experience activity and noise in terms of pedestrians and vehicles for much of the day, particularly on Mondays to Fridays.
16. It is reasonable that the use of the premises as butchery & tea room would result in an increase in vehicle and pedestrian activity when compared to the previously vacant site or a predominantly office use. However, given the small scale of the proposed use there is no substantiated evidence before me that such an increase would be significant relative to the established pattern of activity in the local area. Due to the location of on-site parking, customers arriving in vehicles would have only a short distance to walk to the premises, which would likely restrain levels of external noise and activity. Any increase in noise generated within the building, by the stopping and starting of vehicle engines or the opening or shutting of vehicle doors would not be significant when compared with the fallback position of the established use, which could open earlier in mornings, later into evenings and for longer periods at the weekend than proposed.
17. With regard to the above, the noise generated by customers visiting the appeal premises on foot and by car and deliveries would not be unduly disturbing for residents if opening and delivery hours are suitably restricted. The proposed opening hours and delivery times of 0800-1700 hours on Mondays to Saturdays if secured by condition would appropriately reflect times of closure in the early mornings, evenings and all day on Sundays when a quieter living environment for residents would reasonably be expected. Subject to such restrictions, when taken individually or in cumulative with existing uses, I do not consider that the change of use would result in an adverse impact on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.
18. Turning to parking arrangements, the provision of 13 car parking spaces (including 2 disabled spaces) is an adequate level of off street parking available to serve the scale of the proposed use which is restricted by the floorspace available within the building. Furthermore, I observed that Edward Avenue is subject to resident permit holder parking restrictions between 0800-1800 hours on Monday to Saturday, periods which include the opening hours of the

premises and delivery times which would be restricted by condition. In such circumstances, there is no evidence before me that the development would have an adverse effect on local parking arrangements or result in undue pressure on residents parking. If overspill parking is necessary to serve the development, it would be necessarily dispersed to the wider area where short stay parking on-street is available.

19. Interested parties have raised additional concerns with respect to the butchery use, waste and related issues of odour and vermin. However, the Council's Environmental Health section offered no objection to the proposal and separate legislative controls exist with respect to food safety and waste. The presence of butchery uses in close proximity to residential properties is not an uncommon relationship. Furthermore, there is no evidence that the use would result in significant cooking odours and no ventilation system in proposed.
20. I conclude that, subject to the imposition of a condition to limit the opening hours of the premises and times of delivery, the proposal would not harm the living conditions of occupiers of neighbouring properties. The proposal would not, therefore, conflict with Policy DM5 of the AM&DM. The policy is consistent with the Framework's core planning principle of seeking a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

21. The site is located outside of Newark Town Centre, but is a sustainable location within walking distance of the town centre. The small scale of the proposal is well below the threshold in Policy DM11 of the AM&DM which discourages out of centre locations for retail provision exceeding 2 500 sq.m. There is no local or national policy requirement for a development of the scale proposed to demonstrate a need for the specific retail use.
22. The Council's Highways Authority offered no objections with respect to highway safety and I have no reason to take a different view. There is no substantiated evidence that the increase in vehicle movements or level of parking demand arising from the development would have a residual cumulative impact that would be severe in terms of traffic or highway capacity on Edward Avenue or surrounding streets. Furthermore, the existing access is safe and suitable to serve the development.

Conditions

23. The Council's evidence contained a suggested list of conditions, including provision of landscaping, together with restrictions on opening and delivery hours which I have previously mentioned as reasonable and necessary. Where appropriate, the wording has been slightly amended to accord with paragraph 206 of the Framework and to require the submission and agreement of landscaping and implementation of the agreed scheme within the first planting period thereafter.
24. As the development has commenced a condition to limit the time period of the planning permission is not necessary. However, a plans condition is included to provide certainty in terms of the permission granted.

Conclusion

25. For the reasons given above and taking all other matters in account, I conclude that the proposal would accord with the development plan and the Framework as a whole. Accordingly, the appeal should be allowed and planning permission granted subject to conditions as set out below.

Gareth Wildgoose

INSPECTOR