

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, 9 May 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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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.

None.

NOTES:-

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

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 4 April 2017 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)
Councillor G.P. Handley (Vice-Chairman)

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

ALSO IN

ATTENDANCE: Councillors: Mrs L. Hurst and R.J. Jackson

209. APOLOGIES FOR ABSENCE

None submitted. All Members in attendance.

210. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Member/Officer

Agenda Item

Councillors: Mrs A.C. Brooks, G.P. Handley and D.R. Payne
Agenda Item Nos: 6 – Land at Gibson Crescent, Balderton (17/00217/FUL); 7 – Land Opposite 40-46 Wolfit Avenue, Balderton (17/00196/FUL); 10 – Land to the Rear of 12-16 Central Avenue, Blidworth (17/00194/FUL); and 11 – Land adjacent to 1 Whittaker Road, Rainworth (17/00193/FUL) Personal Interests as Directors of Newark and Sherwood Homes.

Councillor D.R. Payne
Agenda Item No. 14 – Land Adjacent to Newark R&M Cricket Club, Sports Ground, Kelham Road, Newark (16/02163/FULM) Personal Interest as Chairman of the Gilstrap & W.E. Knight Trustees.

Councillor J. Lee
Agenda Item No. 5 – Land to the Rear of Lowfield Cottages, Bowbridge Lane, Balderton (15/01250/OUTM) Personal Interest as family member had submitted an objection to the application.

211. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

212. MINUTES OF THE MEETING HELD ON 22 MARCH 2017

Minute No. 197 – Springfield Bungalows, Nottingham Road, Southwell (15/01295/FULM)

It was proposed and seconded that the following amendment be made to the fourth paragraph of the above minute.

First Line

Delete the wording "local ward Member" and replace with the wording "Acting Chair"

Fifth Line

Delete the word "himself" and replace with the word "his"

Delete the word "ongoing"

AGREED that, subject to the above amendment, the minutes of the meeting held on 22 March 2017 be approved as a correct record and signed by the Chairman.

(Having declared a Personal Interest in the following item, Councillor J. Lee left the meeting for the duration of Minute No. 213.)

213. LAND TO THE REAR OF LOWFIELD COTTAGES, BOWBRIDGE LANE, BALDERTON (15/01250/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 with all matters reserved for residential development of the site for 35 dwellings.

A schedule of communication was tabled at the meeting, which clarified that the error in the previously submitted Viability Table had been rectified and that a revised table had been circulated after the agenda had been published.

Councillor Mrs L. Hurst, representing Balderton Parish Council, spoke against the application in accordance with the views of Balderton Parish Council, as contained within the report.

Members considered the application with some Members commenting that they were unable to support it as there was not a need for the development given recent five-year housing land supply updates. It was noted that the proposed development did not include any affordable housing element, or the other essential developer contributions towards infrastructure. Some members commented that if the development was for commercial purposes they may be more supportive. There were concerns that new build form should not be permitted south of the new link road, which was determinative of the extension of Newark's urban area.

AGREED (with 11 votes for, 1 vote against and 1 abstention) that, contrary to Officer recommendation, outline planning permission be refused, for the reasons that the Council is confident of its 5-year housing land supply position in terms of the weighting to be attributed to its OAN and the delivery of housing to date. The proposed development was south of the new Southern Link Road to Newark and outside the residential and employment areas as defined in NAP2 of the adopted Local Plan. It was contrary to policies SP3 in respect of rural area development and also Policy DN8. The development would not provide for appropriate infrastructure required to mitigate the impacts of the scheme given the clearly very marginal viability position.

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

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

214. LAND AT GIBSON CRESCENT, BALDERTON (17/00217/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the erection of a pair of semi-detached two storey 3 bed properties detailed on the application form to be social rented dwellings.

Councillor Mrs L. Hurst, representing Balderton Parish Council, spoke against the application in accordance with the views of Balderton Parish Council, as contained within the report, referring to the size of the proposed dwellings and whether they could be reduced.

The Chairman of the Committee acknowledged the comments of Councillor Mrs Hurst and advised that the Committee could only consider the application as presented but that he would discuss the issue with the applicant.

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

215. LAND OPPOSITE 40–46 WOLFIT AVENUE, BALDERTON (17/00196/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for three single storey dwellings comprising of a pair of semi-detached bungalows and one detached.

Councillor Mrs L. Hurst, representing Balderton Parish Council, spoke in favour of the application in accordance with the views of Balderton Parish Council, as contained within the report. She commented that there was concern in relation to access for the emergency services but that overall the Parish Council did not object.

In considering the application, Members discussed the issues surrounding the location of the proposed dwellings. Some Members commented that the site was suitable for development and would not be detrimental to existing dwellings. Other Members commented that the proposed site would lead to a loss of greenspace and that the layout was cramped and would represent overdevelopment of the area.

A vote was taken and lost to approve the application with 5 votes for, 8 votes against and 1 abstention.

AGREED (with 8 votes for, 5 votes against and 1 abstention) that full planning permission be refused for the reasons of loss of greenspace and overdevelopment.

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

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

216. ROBIN HOOD VIEW CARAVAN PARK, MIDDLE PLANTATION, BELLE EAU PARK, BILSTHORPE (17/00147/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought retrospective planning permission to undertake works to the west of the existing caravan park in order to facilitate the siting of a maximum of 15 additional touring caravans.

Councillor Radford representing Kirklington Parish Council was in attendance at the meeting and sought clarification on a number of issues that were of concern to the Parish Council. He advised the Committee that there was an ongoing issue with the disposal and leaking of sewage into a field adjacent to the site; both the reception and Site Manager's caravans were for sale which would indicate that there would be no on-site supervision in the future; the distance between the pitches was closer than that recommended by the Caravan Club; and the provision for some of the caravans indicated that they were for permanent caravans and not tourers.

Members considered the application and were in agreement that there were a number of issues which required further clarification. These were in relation to the leakage of sewage and its control (with reference to the EA permit which was in force); whether there was a restriction on the original permission in terms of no. of caravans stored (as opposed to being there for holidays); whether there was a condition on the 1996 consent relating to landscaping as the hedgerow has been removed; whether external lighting on the site required planning permission; and whether the current permission or proposed conditions would allow for caravans to be permanently on-site (currently the proposed condition controls occupation not the fact that caravans could be there).

AGREED (unanimously) that the application be deferred pending clarification on the above matters.

217. LAND ADJACENT TO DALE HOUSE, 4 DALE LANE, BLIDWORTH (17/00124/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 a two storey dwelling.

A schedule of communication was tabled at the meeting, which detailed a proposed additional condition in relation to boundary treatments to be agreed with the LPA with the boundary treatment being installed on site prior to first occupation.

In considering the application Members raised no issues or points of clarification.

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

218. LAND TO THE REAR OF 12 – 16 CENTRAL AVENUE, BALDERTON (17/00194/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the demolition of the existing garage and the erection of one, two bed bungalow to be made available for the social rented (affordable) market.

A Member of the Committee commented that the proposed dwelling did not appear to make the best use of the site and requested that, as referred to previously in Minute No. 214, the Chairman pass the comments on to the applicant.

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

219. LAND ADJACENT 1 WHITTAKER ROAD, RAINWORTH (17/00193/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission for the demolition of the existing garage court and the erection of two, one bed bungalows to be made available for the social rented (affordable) market.

A schedule of communication was tabled at the meeting, which detailed a proposed additional condition in relation to required land levels (existing and proposed) to be agreed given the slope on site.

In considering the application some of the Members commented that the proposed location on Whittaker Road was not suitable. The road was not of a standard width and was frequently already to capacity with parked cars. There was little or no opportunity for residents to erect garages of their own and some of the properties were too small to accommodate a vehicle being parked on their front gardens.

One Member asked how many of the 13 garages proposed for demolition were being used to park a vehicle. In response, Members were informed that 10 of the 13 garages were used in this way. Members noted that no comments had been received from the Highways Authority.

A Member of the Committee considered that the location of the proposed scheme was adequate and that the application should be granted in line with Officer recommendations.

A vote was taken and lost to refuse the application with 6 votes for, 6 votes against with 2 abstentions.

A vote was taken and lost to approve the application with 5 votes for, 7 votes against with 2 abstentions.

AGREED (with 12 votes for and 2 votes against) that the application be deferred pending further information on the number of garages that were occupied by NASH tenants or sub-let; the number of off-street spaces already provided for at houses along the street; and further comments from the highway authority to confirm that they are aware that up to 10 no. vehicles will be displaced onto the public highway.

220. BILLERICAY, 124 HIGH STREET, COLLINGHAM (17/00283/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of two detached two-storey dwellings on garden land currently associated with the residential property Billericay.

In considering the application Members commented that there was cause for concern in relation to the access to the proposed development. Members were advised that the existing access had been revised to ensure that there was an acceptable sightline.

AGREED (with 12 votes for, 1 vote against and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

221. SUNRISE, 63 MAIN STREET, GUNTHORPE (17/00300/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit held prior to the meeting, which sought full planning permission to re-design and extend the current property.

Councillor R.J. Jackson, representing Gunthorpe Parish Council, spoke against the application in accordance with the views of Gunthorpe Parish Council, as contained within the report.

In considering the application some Members of the Committee commented that whilst the site required renovation the proposed design was not in keeping with the character of the neighbourhood. A differing opinion was put forward by a Member of the Committee, commenting that the property could act as a demarcation between the traditional character of properties in the location and those of a more modern character.

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

222. LAND ADJACENT TO NEWARK R&M CRICKET CLUB, SPORTS GROUND, KELHAM ROAD, NEWARK (16/02163/FULM)

The Committee considered the report of the Deputy Chief Executive which sought a change of use of agricultural land to recreational use to form a cricket pitch to be used in association with the existing pitch and pavilion.

A Business Manager informed Members that the proposal was for a new pitch and therefore Sport England were not a statutory consultee. The new pitch was agreed with the Cricket Club as a front loaded replacement provision given the potential loss of the cricket pitch at Bowbridge Road as a consequence of the proposed sports hub development.

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

223. APPEALS LODGED

AGREED that the report be noted.

224. APPEALS DETERMINED

AGREED that the report be noted.

The meeting closed at 6.40pm

Chairman

Application No:	17/00200/FUL	
Proposal:	Demolition of 15 garages and the development of 2 x 1 bed bungalows and 1 x 2 residential house	
Location:	Land To The Rear Of 76-78 Preston Road, Rainworth, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	6 February 2017	Target Date: 3 April 2017

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

The Site

The application site relates to two parcels of land serves by the same access from Preston Road. The larger of the two plots (known as Site 100) comprises an elongated rectangular area of land forming a garage court of 15 garages aligned to be facing each other. The site is surrounded by the rear gardens of two storey properties on Preston Road/Rugby Road and Cambridge Road and is accessed from Preston Road adjacent to no. 78 which has wrought iron gates and fencing to this boundary allowing views into the rear garden. Other boundary treatments comprise 1.8m high close boarded fencing. The remainder of the application site identified as Site 99 on the submitted plans relates to land on the corner of Preston Road and Rugby Road which currently forms part of the side garden serving no.74 Rugby Road.

Relevant Planning History

Site 100

An outline application for residential development was submitted under reference 04/02756/OUT but was subsequently withdrawn.

The Proposal

The proposal seeks planning permission for the erection of 2no.1-bedroom bungalows following the demolition of 15 garages.

The bungalows would be semi-detached and would replace the 15 garages currently located within the site. The semi-detached bungalows would have a horse-shoe layout with each bungalow having a footprint of approximately 68m². The bungalows will have an overall ridge height of 4.5m and will be of brick and tile construction. The site would be accessed via Preston Road with 2no. parking spaces provided for the site. A bin collection point is allocated to the NW of the site.

The application as submitted proposed a two-storey dwelling to the NE of the site on the land identified as Site 99. However following concerns raised by the Case Officer relating to the impact the proposed dwelling would have on the character of the area, this dwelling has been removed from the scheme. Amended plans have not been received at the date of writing this report, however this report and following assessment relates to the development of the garage site only and should Members be minded to approve the application, the permission will be tied to the amended proposed site plan which the applicant has assured will be submitted in due course.

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 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

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

Rainworth Parish Council – Object to the proposal and raise the following point:

- Loss of garages will put a huge strain on available road side parking on nearby roads
- Incentives should be put in place so that residents can apply for dropped kerbs to allow for parking on their own properties
- It is important to determine if there is a need to retain the garages
- Dwellings in the area need to be disabled friendly to avoid costly renovations at a later date
- Building on the original garage site could have a goldfish bowl effect for residents living in the proposed bungalows as they will be surrounded on all four sides by two-storey houses.

NCC Highways Authority – ‘The plan submitted, ref. 40860/ID99-100/004B, provides 1 parking space per unit. It is considered reasonable to expect that 2 spaces be provided for the 2 bedroom dwelling, to deter on street parking near the junction with Rugby Road.

There is also the concern that the parking space provided within the site directly adjacent Plot 002 has an inadequate turning area to enable a vehicle to manoeuvre and exit in a forward gear.

Therefore, it is recommended that the layout be altered to address the above issues and an amended plan resubmitted.’

NSDC Access and Equalities Officer – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Four letters of representation have been received from local residents, raising the following issues:

- Concern over the proposed boundary treatments surrounding the bungalows
- Loss of privacy
- Overshadowing
- Increased noise levels
- Difficulty accessing adjacent properties from the rear
- Impact upon property values
- Loss of habitats within and around the garages
- Safe removal of asbestos
- Rainworth is currently subject to two large residential schemes
- The new dwellings would be in a ‘goldfish bowl’ overlooked by surrounding two-storey properties
- Alternative provision of garages for those currently renting those within the site
- Impact upon highway safety and increased on-street parking
- Loss of garages will affect the gardens of adjacent properties as they currently form the boundary treatments for some adjoining properties.

Comments of the Business Manager

Principle of Development

The site is located within Rainworth which is defined as a Service Centre with a good range local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within service centres to help provide service provision for a large local population and a rural hinterland.

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. I am mindful of other housing developments within the village of Rainworth, all of which contribute to the Districts housing figures and are all located within the village envelope, which is considered sustainable. 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 a residential area which has two storey semi-detached dwellings which surround the site. Owing to the location of the site to the rear of and within relatively close proximity to existing dwellings, I consider that two-storey dwellings on the site would be inappropriate in terms of neighbour amenity. However it is my view that the proposed bungalows are considered acceptable as there is no defined house type within the vicinity; the two bungalows proposed sit neatly within the plot without resulting in the overdevelopment of the plot. Furthermore, the bungalows will be sat behind 78 and 80 Preston Road and therefore visibility from the wider public realm would be limited.

I am therefore 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. An adequate level of private amenity space is considered to be afforded to the proposed dwellings.

It is therefore considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area and as a result would comply with the aims of Core Policy 9 and Policy DM5.

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.

I note the comments received with regards to the impact on residential amenity in terms of loss of privacy and overshadowing. There is circa 11.8m separation distance between the flank elevation of the dwelling annotated as 001 on the submitted layout drawing and the rear walls of no. 78 and 80 Preston Road to the west and circa 12m separation between the dwelling annotated as 002 and the properties along Cambridge Road. There is a distance of around 18.5m between the front elevation of the bungalows and the rear elevations of dwellings on Rugby Road. Given these separation distances and the low ridge height of the bungalows, I am satisfied that the proposal would not result in any undue overbearing, overshadowing or overlooking impacts subject to appropriate boundary treatments. I am mindful that some of the garages currently act as a boundary treatment for the surrounding properties and therefore the loss of these garages could potentially leave the rear gardens of these properties open. I would therefore recommend that provision of suitable boundary treatments is conditioned should Members be minded to approve the application.

I also consider it reasonable, should members be minded to grant permission, to attach a condition requiring the bathroom windows on each bungalow to be obscurely glazed and top hung opening only to further safeguard neighbouring amenity.

I am mindful that a local resident has raised concerns with regards to noise impacts and I accept that the addition of 2 dwellings has the potential to increase the noise levels within the immediate vicinity. However, I am mindful that the existing use of the site for garaging of vehicles creates its own levels of activity and associated noise. The bungalows are 1-bedroom of residential use and therefore I am of the view that any noise increases are unlikely to be so significant as to warrant a refusal of the application.

Furthermore, each of the proposed dwellings has been afforded private amenity space in the form of rear gardens which I consider to be commensurate with the size of dwellings proposed.

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

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 some of the existing off street parking provided by the garages on the site. Parking on Preston Road 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 15 garages. However, it must first be noted that the dwellings will provide for an off street parking space for each dwelling. Such a level of parking is considered to be acceptable and commensurate with the size of the dwellings proposed.

Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons include the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook one's vehicle outside of their property 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.

Members will note the Highway Officer's comments regarding the maneuverability for vehicles parked within the site. I acknowledge that the site is tight however I am of the view that there is still sufficient space for vehicles to turn around to exit the site in forward gear but it will take longer than if more space was provided; in this instance providing a greater area would compromise the design and space available to the new dwellings and as such I consider that on balance the current space for vehicles is acceptable.

On the basis of the above, I am satisfied that the proposed scheme would not result in highway issues sufficient to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Issues

The public consultation has raised various issues relating to the impact of the development upon property values, alternative provision of garages and incentives for the provision of new dropped kerbs for residents; these issues are not material planning considerations in the determination of this application.

Furthermore, one local resident has suggested that there are bats roosting in the garages; this has not been confirmed however the developer will need to comply with separate legislation for the protection of bats whilst carrying out the demolition. This is the same advice that can be offered regarding the safe removal of asbestos.

I also note the Parish Council's comment that the dwellings should be made disabled-friendly; being one level, the bungalows will offer the chance to provide a level access; internal details will be considered by Building Control although the internal Access and Equalities Officer has offered advice on Building Regulations, full details of which can be found on the Council's Public Access system for planning applications.

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 that any impact on on-street parking in the area would not be such to result in highway safety issues warranting a refusal of planning permission in this instance.

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 (PLAN REFERENCE TO BE ADDED ON RECEIPT OF AMENDED PLAN REMOVING THE PROPOSED DWELLING ON THE CORNER OF PRESTON ROAD AND RUGBY ROAD)
- Proposed Plan and Elevations – drawing no. 40860/ID99-100/005B

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

No 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 dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- hard surfacing materials; and
- an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

- Class A - enlargement, improvement or other alteration of a dwellinghouse
- Class B - additions etc to the roof of a dwellinghouse
- Class C - other alterations to the roof of a dwellinghouse
- Class D - porches
- Class E - buildings etc incidental to the enjoyment of a dwellinghouse

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

08

The bathroom window openings on the side elevations of dwellings plan 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 protecting the amenity of occupiers of neighbouring properties in accordance with the aims of Policy DM5 of the Newark and Sherwood Alllocations and Development Management DPD (2013).

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which **must be made to the Council prior to the commencement of development** on CIL 4 form which is also available on the Councils 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 Nicolla Ellis on ex.5833.

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:	17/00376/FUL	
Proposal:	Erection of new dwellinghouse in garden ground	
Location:	Boundary House 2 Sandy Lane Edwinstowe Nottinghamshire	
Applicant:	Mr & Mrs C Roker	
Registered:	27 February 2017	Target Date: 24.04.2017

This application is being referred to committee as the officer recommendation differs to that of the Town Council.

The Site

The site is situated to the south of the centre of Edwinstowe on a private road with housing to the north, residential properties to the south and open agricultural fields to the west. The site forms the garden area for No. 2 Sandy Lane and is understood to have formally been used for vehicle parking as evidenced by the extensive areas of hard standing. No. 2 Sandy Lane is a two storey white painted brick property which has been extended multiple times with single & two storey extensions. The garden area for the property is partially to the side and extends to the north. Properties to the west of the site are of similar appearance to No. 2; the dwelling to the east is single storey and those to the south have garden areas which back onto Sandy Lane and are a mix of two storey detached and semi-detached dwellings. Generally properties on Sandy Lane are in generous plots with vehicle parking provided to the side with green frontages.

Relevant Planning History

07/01259/FUL – Two storey elderly persons annexe. Approved 2007

The Proposal

The proposal seeks planning permission for the erection of detached single storey bungalow on the land to the side (west) of No. 2 Sandy Lane. The property would face onto Sandy Lane with 2 parking spaces provided on the building frontage. A small amenity space is provided to the side of the parking area with a larger area to the side (east) of the property. The property would have a footprint of approximately 79m² measuring 8.9m x 10m with a ridge height of 6m. It is proposed that the property be finished in render with a slate roof and white uPVC window & doors.

Public Advertisement Procedure

Occupiers of 4 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 7 - Sustainable transport
Core Policy 9 – Sustainable design
Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD

DM1 – Development within settlements central to delivering the spatial strategy
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

Edwinstowe Parish Council – Support

NCC Highways Authority - Objection

This proposal is for the construction of a new dwelling within the existing garden/parking area of no. 2 Sandy Lane. The parking spaces for the proposed dwelling, as shown on the site plan, are positioned so that a vehicle would have difficulty manoeuvring into the space to the east of the site, i.e. as shown a vehicle would have to cross over the adjacent land of no. 2 to access/egress.

The parking space for no. 2 Sandy Lane, directly adjacent the dwelling, is positioned in such a way that a driver would have difficulty exiting the vehicle once parked.

Therefore, it is recommended that the site plan be amended to address these issues as the plan, as submitted, is unsuitable and may result in the parking spaces not being used.

Should the plan not be amended, the Highway Authority would not support this proposal as shown for the following reason:

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway.

NSDC Access Officer – the applicants attention is drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible and adaptable dwellings within the development.

Representations

One letter of support received

Comments of the Business Manager

Principle of Development

The site is situated within the defined Urban Area of Edwinstowe – a Principal village as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle. 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 is accessed from a private road which serves a handful of properties. The dwellings on Sandy Lane are generally set in well-spaced plots with green frontages and garden areas provided to the side & rear. The proposed development would introduce a single storey property into the area to the side of No. 2 which has been orientated so that the gable end approximately aligns with that of the neighbouring 2 storey dwelling to the west; No. 4. The dwelling would be set back in relation to No. 2 with two parking spaces provided to the front of the property. The land which forms the development site formally housed a number of structures believed to be used for vehicle parking which have since been demolished, albeit the concrete bases are still visible. Discussions have been had with the applicant to determine the location of the parking for the host dwelling and a revised block plan has been submitted which confirms that vehicles could be parked on the western side of No. 2 albeit 1 in front of the other. To facilitate this parking it would be necessary to demolish a section of red brick boundary walling and re-locate an existing street light.

The host dwelling would retain a large proportion of its rear garden with only the side (western) element proposed to form part of the development site. It is proposed that the new dwelling be afforded an area of garden space on the frontage adjacent to the proposed parking area and a small area to the east of the bungalow. The property would be closely aligned with the existing 6ft high mixed native hedging which demarks the western and north western boundaries of the site.

Concern is raised by officers that the proposed introduction of a dwelling to the west of No. 2 Sandy Lane would detrimentally impact upon the character of the immediate area. It is considered that the introduction of a new dwelling would represent a cramped form of development which would be out of keeping with the character of the immediate area. The property would have limited circulation space on both the western & northern boundaries which is out of character with the layout of neighbouring properties. Furthermore, the development would result in the replacement of the existing green frontage with an area dominated by vehicle parking for both the host and proposed dwelling which is considered to be a further erosion of the character of the immediate street scene.

In conclusion it is considered that the proposed dwelling would be obtrusive, out of character and cramped in relation to its boundaries. The development would also remove a section of hedging and red brick walling that is considered to offer some value in visual amenity terms by providing a green gap offering relief between the built forms and replace it with a vehicle dominated frontage which is considered to further erode the immediate character of the area.

For these reasons set out above I consider that the proposal to be contrary to Policy CP9 of the Core Strategy and Policy DM5 of the DPD.

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 dwelling gable would be approximately the same width as that of No. 4 and would be approximately aligned gable to gable. No details of boundary treatment for the proposed development have been provided with the exception that the existing mixed hedging on the north western boundary would remain. Some concern was raised in relation to loss of light to windows in the eastern gable end of the neighbouring property however from discussing the proposed development with the neighbour whilst on the site visit it was established that the ground floor window is a secondary window and the first floor one serves a bathroom. On this basis it is not considered that the proposed development would impact upon No. 4 by way of loss of light. Given the alignment of the property alongside the gable of the neighbouring property it is furthermore not considered that the development would result in overbearing or overlooking to No. 4.

The proposed dwelling would be approximately 9m at its closest point away from the host dwelling and whilst the side elevation of the property contains a number of doors & windows at ground floor level it is considered that the degree of separation is sufficient to ensure that no undue overbearing or loss of light to these openings would occur.

In relation to overlooking; some concern is raised in relation to the potential for overlooking to occur towards the private amenity space of the proposed dwelling from the host dwelling. Both openings are small in scale and whilst it is unclear what rooms these windows serve from reviewing old plans submitted in support of the previous application on the site it appears that one serves a bedroom and the other a dressing room. This raises concern in relation to the potential for overlooking to occur towards the private amenity space for the proposed bungalow given the separation distance of approximately 6m.

In relation to private amenity space for the proposed dwelling; an area is proposed to the front (south) and a further area to the side (west). Whilst the total private amenity space for the property would be in excess of 50m², which is considered to be sufficient for a two bed bungalow the functionality and privacy of this amenity space is questioned. The primary outdoor seating area to the east would be aligned with the proposed parking area for the host dwelling. Furthermore in terms of amenity for residents living within the property the proximity of the boundaries on the northern and western elevations raises concerns regarding outlook. Windows are proposed to the north to serve a sitting room, albeit secondary, given the presence of a proposed opening on the eastern elevation to serve the same room. However bedroom 1 would

be served by a window which would be in close proximity to existing boundary treatment. Notwithstanding the presence of a proposed roof light it is considered that the proximity of the dwelling to the boundary would result in a poor outlook for any future resident of the dwelling.

On this basis it is considered that the proposed development would experience potential overlooking towards the private amenity space from openings contained in the western elevation of the host dwelling, the functionality of the proposed outdoor space is also questioned given the proximity of the proposed vehicle parking area proposed to serve No. 2 Sandy Lane. Finally it is considered that given the proximity of the proposed dwelling to the northern and western boundaries the proposed development would result in a poor outlook for future residents. It is therefore considered that the proposal would fail to 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 concerns raised by colleagues at Nottinghamshire County Highways. Whilst the applicant has clarified the position of the proposed parking area for the host dwelling no further revisions to the parking/site layout have been provided. Officers mirror the concerns raised regarding the functionality of the proposed parking area and the potential for parking conflicts to occur, to the detriment of users of the lane. It is as such considered that the proposed development would fail to accord with Policy SP7 of the Core Strategy and policy DM5 of the DPD.

Conclusion

Taking the above into account I am of the view that the proposed development would result in an overly cramped vehicle dominated development which would have an unacceptable impact on the character of the area. Concern is also raised in relation to potential overlooking of private amenity space for future residents of the proposed dwelling from windows on the western elevation of No. 2 Sandy Lane and the poor outlook for future residents given the proximity of the boundary to the dwelling on the western and northern boundaries. The functionality of the proposed parking layout for the host and proposed dwelling are also questioned and concern is raised that the proposed layout could result in parking occurring to the front of the site which would be to the detriment of users of the lane.

RECOMMENDATION

Refuse for the following reason:

01

The proposal relates to the erection of a detached single storey dwelling in a plot previously utilised as amenity garden and parking area. Owing to the narrow width and depth of the plot, combined with the layout of the proposal, the development would represent an over intensive, cramped car dominated form of development both in plan form and from the street scene. The resultant impacts would also lead to a detrimental impact to neighbouring amenity through overlooking towards the private amenity space of the proposed dwelling from habitable windows contained within the western elevation of the host property. In addition, the proposal would result in a sub-standard of amenity for future residents of the property due to poor outlook from

windows proposed on northern and western elevations due to the proximity of boundary treatment on these aspects. The benefits of the development in terms of the delivery of a single dwelling are not considered to be sufficient to outweigh the aforementioned harm. The proposal is contrary to Core Policy 9 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material consideration. There are no other material planning considerations that would in the opinion of the Council outweigh such harm.

02

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway. The proposal is therefore considered to be contrary to Spatial Policy 7 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD.

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 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.

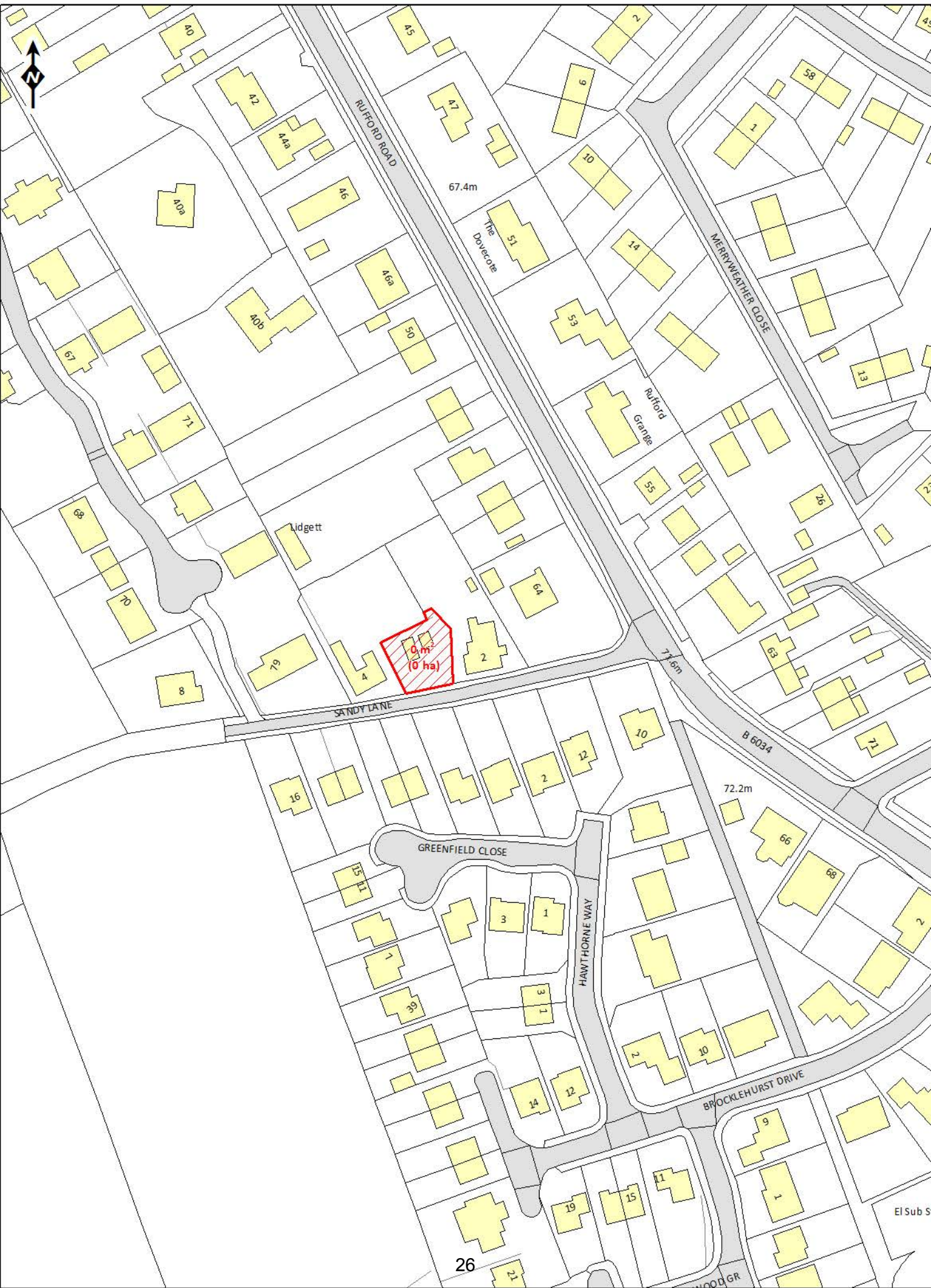
Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	17/00383/OUT	
Proposal:	The Erection of 3 Dwellings	
Location:	Brooklyn Lower Kirklington Road Southwell	
Applicant:	Twyford Estates Ltd – Mr Peter Burrows	
Registered:	24.02.2017	Target Date: 21.04.2017
		Extension of time agreed until 12.05.2017

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

Description of Site and Surrounding Area

The site comprises a modern chalet style bungalow (Brooklyn, the host property) set well back from Lower Kirklington Road and its extensive mature garden. The site is bound largely by mature hedgerows and there are a number of trees within the site, forming a wild orchard setting. The land rises gradually from the road and falls away again towards the south of the site.

Vehicular access to Brooklyn is currently taken from the eastern side of the frontage on Lower Kirklington Road which leads to a gravel driveway and plenty of off-street parking for the existing dwelling. Brooklyn has some outbuildings attached to its western side and there is a pergola/covered structure adjacent to its eastern side.

There is a dyke to the south of the southern site boundary. The site lies in an area where although not flood zones 2 or 3, has suffered from surface water drainage issues previously, albeit the site itself has apparently not been known to flood.

There is a mix of housing styles and types in the vicinity of the site, including both single and two storey development. Franklyn to the south-east is a property similar in design and style to Brooklyn whereas the new two storey dwelling constructed adjacent to Benaigh is contemporary in design and scale.

Site History

None relevant to the site but there is some history surrounding the development site;

13/01885/FUL – Erection of detached dwelling on Land adjacent to Benaiah (vehicular access is immediately east of Brooklyn) approved 13 March 2014. A non-material amendment was approved for this under 14/01150/NMA and conditions have been discharged under 14/00771/DISCON.

16/00373/FUL – Erection of new detached dwelling and forming new access on land rear of The Coach House (to the east of Brooklyn) was approved 10 August 2016

15/02179/FUL – Erection of 4 detached dwellings and alterations to existing access and driveway on Land to the rear of Franklyn (to the south-east of Brooklyn) was approved 6 July 2016.

Description of Proposal

Outline planning permission is sought for the erection of three new dwellings with access for approval and all other matters reserved. The access would be from Lower Kirklington Road to the west of the host dwelling Brooklyn. An indicative layout has been submitted with the application showing three detached dwellings sited to the south of Brooklyn.

Supporting information has been submitted by the applicant with regards to the size of dwellings. They have stated that due to the constraints of the site (its elongated form and the need to try and retain tree screening, etc.) they are only proposing 3 dwellings, which therefore represents a low density in order to comply with local circumstances. In terms of housing mix, the development could potentially yield 3, 4 or 5-bedroomed properties, which will clearly add to the housing mix within the area. They have stated that the site does not lend itself to the development of smaller dwelling units as this would not make an efficient or effective use of the land and would not be ideally suited to an edge of settlement location where access to facilities and services is more difficult. In their opinion, the development of larger dwellings on this site would be entirely appropriate in this location and would not be contrary to any policies. A development of only 2-bedroom properties on this site would not form a viable development and would not proceed.

Furthermore, they have stated that the development is restricted to no more than 3 new dwellings as a result of the requirements of the Highway Authority. In terms of the local character they have made reference to other development within the local area as well as the numerous other (windfall) properties that have been permitted over recent months/years in close proximity to this site which do not meet the Policy requirements of So/HN/1.

Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter

A site notice was posted on 09/03/17

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Development Plan Document

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 1 – Affordable Housing Provision

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Core Policy 13 – Landscape Character

Allocations and Development Management DPD, adopted 2013

Policy So/Ho/4 – Southwell – Housing Site 4
Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 - Developer Contributions
Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

The Southwell Neighbourhood Plan 2015-2026 (Adopted October 2016)

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy DH1 – Sense of Place
Policy DH2 – Public Realm
Policy DH3 – Historic Environment
Policy DH4 – Highways Impact
Policy TA4 – Parking Standards

Other Material Considerations

National Planning Policy Framework 2012
National Planning Practice Guidance PPG (March 2014)
Newark and Sherwood Affordable Housing SPD (June 2013)
Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Representations

One letter of representation has been received supporting the application on the following grounds:

- The generously proportioned plots offer an opportunity to self builders.
- The size of the plots allows for retaining some trees and space to plant more to help with the ecology
- The need for family homes could be met in part by these homes.

Consultations

Southwell Town Council – Unanimously agreed to object to this application for the following reasons:

This area was considered unsuitable by NDSC in the Allocations and Development Management Options Report. This application should be considered in conjunction with So/Ho/4 and So/Ho/5 to avoid piecemeal development.

An Overall development plan with respect for highways is needed so that safe access to/from the adjacent allocated sites of So/Ho/4 and So/Ho/5 is not compromised.

With reference to the Neighbourhood Plan the application does not comply with the following:

Policy E1 Flood Risk Assessments and Mitigation - Inappropriate and out of date flood maps have been used and there are no plans on how to resolve issues with the recent or historic flooding.

Policy E2 Flood Resilience Design - Rainfall drainage and run off. There is an unjustifiable assumption that ground drainage is suitable. There have been no percolation tests in this area and this must be performed prior to the award of any detailed permission. SUDS may be totally inadequate, as is the case in many parts of Southwell

Policy SP7 - Public transport into Southwell is not available and this will put additional pressures on Town parking, in contradiction of NP policy SP7

The committee also agree with the Civic Society comments regarding Policy E3 Green Infrastructure and Biodiversity

Severn Trent Water – No comments received

NCC Highways Authority – No objection

I refer to drawing 118.F02 Rev.B. This refers to another “Engineers drawing” that is currently unseen which allegedly shows details of crossover and sight lines.

Notwithstanding this, the principle of development of this type and size is acceptable. No objections are raised subject to the following conditions:

Details submitted pursuant to the application for approval of reserved matters consent shall indicate:

- (i) A minimum access width of 4.8 metres for the first 10 metres behind the public highway boundary (with an additional 0.5m if bounded by a wall, fence or hedge; 1.0m if bounded on both sides).
- (ii) A dropped kerb crossing of the existing footway.
- (iii) Visibility splays in accordance with the County Council’s current Highway Design Guide. *[It is noted that splays of 2.4m x 65m to the south east and 2.4m x 140m to the north east are submitted as being available and if achieved these are acceptable].*

Reason: In the interests of highway safety and convenience.

Environment Agency – We have reviewed the application which falls within **Flood Zone 1** and is considered a **Low Risk** site, there are no further comments we wish to add.

Trent Valley Internal Drainage Board – No objection

The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment.

There are no Board maintained watercourse in close proximity to the site.

The Board are aware of substantial flooding in Southwell in recent years which should be considered by your Authority and the Lead Local Flood Authority when determining the application.

Surface water run-off rates to receiving watercourse 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.

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

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

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

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

Southwell Civic Society – Object

This application is for land within the infill between the Newark and Sherwood District Council (NSDC) adopted development site So/Ho/4 and existing housing, to the east, in Southwell. The site along with others in the same location listed as X5 (117,291,404,408) was considered as "Non-Suitable (Residential) in the NSDC Allocations & Development Management Options Report.

The comments from the NSDC were:-“ The assessment of the site against Spatial Policy 9 notes that the site is completely constrained by trees. It also notes that the District Council holds records which indicate that parts of the site may have flooded in the past due to watercourse and drainage blockages and also notes that access constraints affect parts of the site. This site is also affected by highway constraints. The site is therefore considered unsuitable for development.”

After the statutory consultation period the NSDC summarised the comments on the site in the Allocations & Development Management Options Report, Southwell Comments Consultation Analysis.

The comments from the various landowners within the site were:- “that the trees are non-productive and in a state of decay” supported by evidence from a Probate Report and that drainage improvements had been carried out which rectified previous issues.”

It was also suggested that suitable access could be provided either through X5(So) or part of a wider site So/AS/2 (Note, now allocated as So/Ho /4) The fact that there were multiple owners was incorrect and should not be considered a constraint as the owners were related and in agreement.”

The NSDC rejected these submissions and did not adopt the site for development and this commitment was carried forward into the Southwell Neighbourhood Plan.

Objections to the Outline Planning Application 17/00383/OUT

After considerable consultation, the site with others around it, were considered unsuitable for development in the NSDC Allocations & Development Management DPD.

The Planning Statement for site 17/00383/OUT includes copies of correspondence between the applicant’s agent and NSDC Planning officers which shows the fear of the latter “that piecemeal development of the wider site would compromise “proper planning” and delivery of the housing allocation for that land.”

The Planning permission to allow development on Franklyn (16/00373/FUL), potentially this site and the neighbouring site The Vineries, calls severely into question the worthwhileness of any strategic planning undertaken in the Allocations & Development Management DPD or Neighbourhood Plan initiative. There remains only one parcel of land, the old allotments, accessed off Kirklington Road and adjacent to Brooklyn, to be offered for development before the NSDC and Southwell Neighbourhood Plan policies for the land in this area are completely subverted.

Despite reassurances by the owners of these various sites that they were related and in agreement and suitable access for all parcels could be provided either through X5(So) or part of a wider site So/AS/2 (Note, now allocated site Ho/So/4) this has not happened. Planning Applications continue to be made individually and randomly so that the piecemeal development of the wider site could well compromise “proper planning” and delivery of the housing allocations on So/Ho/4 and So/Ho/5.

Outline Planning Application 17/ 00383/ OUT states that it is only concerned with establishing the principle of access to the site yet also presents information to justify the layout of dwellings upon it.

The NSDC case officer confirms, however, that consultation comments on the acceptability of the provisions made within the application to deal with the constraints for the site and proposed layout will be taken into account when deciding on any permission for it. It is therefore important that these are recorded as follows:-

There is an overriding need for a holistic and integrated planning approach to all the development land at this gateway to Southwell and any effects this may have on Allocated Site So/Ho/5 also.

Highways and Site Access

Whilst Planning Application 13/00823/ FUL for a roundabout at the junction of Kirklington and Lower Kirklington Roads has expired something similar will be required if Allocated sites So/Ho/4 and So/Ho/5 are to be developed.

At present Nottinghamshire Highways appear to take the limited view that, because of this expired application, the access from the Brooklyn development (17/00383/OUT) may be acceptable.

It would be ironic if this is confirmed for 3 houses but then jeopardises the best access option for the allocated 100+ dwellings on sites So/Ho/4 and So/Ho/5!

Highways should be asked to comment on whether the access proposal for 17/00383/OUT will place constraints on any later proposals for access onto Kirklington Road from Sites So/Ho/4 and So/Ho/5.

Southwell Neighbourhood Plan

Application 17/00383/OUT does not take adequate account of the Southwell Neighbourhood Plan, particularly policies SD1, E1, E2 and E3

Flood Risk Assessments and Mitigation and Flood Resilient Design

The Flood Risk Assessment does not take into adequate account of the **Neighbourhood Plan Policy E1- Flood Risks Assessment and Mitigation**, particularly the need for consultation with the Lead Local Flood Authority.

The application does not recognise the Environment Agency map for Surface Water Flooding in Southwell nor offer any explanation as to how the concerns of the NSDC on historic flooding for the site have been resolved.

Whilst some elements of **Neighbourhood Plan Policy E2- Flood Resilient Design** have been taken into account, the solutions for possible surface water disposal are dependent on water percolation and soakaway potentials. No objective testing nor data for the feasibility of these solutions is presented.

The application suggests that further work needs to be undertaken on flood mitigation; if a SUDS is not viable then excess surface will be discharged to a water course but this is not identified, neither is the volume of potential overflow which Severn Trent are prepared to accept into its sewers.

The application should identify a definitive, evidence based system for surface water disposal at the site as this may have a material effect on any proposed layout.

Green Infrastructure and Biodiversity

An aerial photograph of the sites subject to planning applications at this location, including Brooklyn (17/00383/OUT) and Franklyn (16 00373/FUL) shows they contain a high population of trees. This confirms the original NSDC assessment against Spatial Policy 9 that the sites were completely so constrained by trees that they were unsuitable for development.

The applicant obviously recognised that the trees and habitat on site (17/0038/OUT) were potentially constraints to its development so commissioned Tree and Ecological Surveys for it.

The photographs included in the ecological and archaeological assessments for the site show that, in addition to mature trees, there is a significant amount of scrub and understorey present, all of which is potentially valuable to wildlife including bats, other small mammals, resident and migrating birds, including some on endangered lists.

The ecological report for the site concentrated on “Protected Species” on a one visit assessment in January and the author recognises this limitation. Further work needs to be done especially in terms of bat and bird use of the site.

The comments of the NSDC appointed Tree Officer are very pertinent to the Tree Survey undertaken for the site in that the assessment is overly pessimistic on the viability of some trees and vague in identifying those to be retained or newly planted.

The viability of trees on the site should be agreed with the NSDC appointed Tree Officer and for those to be retained or planted, proper measures put in place to protect them at/to maturity, without adversely affecting or being affected by development structures.

The overall biodiversity value of the site should then be determined in consultation with the Nottinghamshire County Council, Senior Practitioner Nature Conservation, using the biodiversity accounting offsetting metric referred to in the Southwell Neighbourhood Plan, **Policy E3 – Green Infrastructure and Biodiversity.**

If it is found that the development of the site will result in a net loss in biodiversity the proposal should include appropriate offsetting to create compensatory habitat elsewhere as outlined in the Neighbourhood Plan.

The archaeological report identified that the site along with those adjacent to it have been used historically as orchard. There is the possibility therefore that the mature fruit trees on the site are long standing and some of the few old orchard specimens still remaining in Southwell.

The archaeological report also indicates that the boundaries to the site and those adjacent to it may be of ancient origin.

The historic significance of the boundary hedges and the orchard trees needs to be confirmed with the NSDC Conservation Officer and where necessary, buffers and a long term maintenance plan agreed to protect them.

The constraints imposed by valuable habitat, landscape, amenity and historic vegetation may well influence the layout of the dwellings on site. The development layout should be driven by the tree and habitat constraints and not the reverse.

Archaeology

In addition to the hedgerow and orchard considerations the Archaeological Assessment for the site identifies the need for the Nottinghamshire County Council Archaeologist to be consulted on the proposal. This is essential to identify potential constraints to the access and layout for the site from subterranean archaeological artefacts.

Tree Officer – The submitted tree survey notes trees on the roadside and the majority of trees within the site as U category which in my professional opinion has significantly undervalued these trees. T1 appears to be condemned on the basis of unsupported suggestions of sewer problems and a single phone line within the canopy.

The submitted planning statement quotes NPPF with regard to para9 "improvements in the quality of the built, natural and historic environment" , paragraph 58 "...visually attractive as a result of good architecture and appropriate landscaping". And paragraph 601"... integration of new development into the natural, built and historic environment". It also quotes the Core Strategy 2011 Policy CP3 stating" the need to try and retain tree screening etc" and Policy DM5 -Trees and woodlands.

However, the submitted plan appears to indicate the loss of most of the trees on site with only indicative retained trees shown which are difficult to match up with those on the submitted tree survey and subsequently assess any impact on rooting areas. Plot 1 has a single tree noted directly adjacent to the dwelling as does plot 3 which also indicates a garage within the indicative area of another tree. The south boundary has vague areas of retained shrub vegetation. Indicative tree planting consists of rows of undefined trees on plot boundaries more likely to form hedging and a narrow strip of undefined shrub planting adjacent to the existing dwelling.

Given the sites setting at the edge of the village I would have anticipated a far greater use of existing landscaping and a full robust soft landscaping scheme that would result in a softening/screening of the development and far greater integration into the existing landscape.

Comments of the Business Manager

Principle of Development

Current 5 Year Land Supply Position

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

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (S106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who 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 to them (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see

<https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>).

The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be an Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

The proposal site is located in Southwell which is a Service Centre, as defined under Spatial Policy 1 of the Core Strategy (adopted 2011). The majority of the site does not form part of an allocated site but does lie adjacent to one, the site is therefore considered as a windfall site.

A small proportion of the site, on the southern edge, slightly encroached into an allocated housing site, Policy So/Ho/4. The section of the application site which falls within the allocated site is so minor that in my view this would not significantly impact on the ability to deliver housing on this allocated site.

Policy DM1 of the ADMDPD refers to proposals being supported for housing within the Service Centre that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Consequently, the principle of residential development on this site is considered acceptable and is central to meeting the settlements housing needs forming part of the identified 5 year housing land supply for the District.

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.

Housing Mix/Density/Design

The National Planning Policy Framework seeks to ensure sites 'deliver a wide choice of high quality homes....and.... plan for a mix of housing...'. Policy So/HN/1 seeks to address housing need issues within Southwell and reflects the need for smaller properties to accommodate an ageing population as well as young people wishing to stay in the area. Accordingly the policy, subject to local site circumstances and viability, seeks to secure the majority of new housing on allocated sites as one or two bedroom units in line with identified housing needs.

The application is in outline with only approval sought for access at this stage. The scale, layout, appearance and landscaping are reserved for future consideration. It is noted that the indicative block plan and application form suggests detached dwellings with more than 2 bedrooms arranged in tandem with a shared access point. The applicants has also provided a supporting statement setting out why they consider that the site lends itself to larger units and not 2 bed properties in line with the Policy requirement. Developing the site for exclusively larger/detached properties is not considered to be compliant with So/HN/1 as the policy requires that the majority of the dwellings should be 2 beds or less.

The applicant has pointed to the fact that the site is constrained by its size and elongated form which restrict the amount of dwellings which could be accommodated. The houses would need to be arranged in tandem due to the width of the site and the need to provide access and adequate amenity space. The density has been kept low in order to try and retain tree screening and therefore the impact on the visual amenity. Previously the highway authority have expressed some concerns with regards to development towards this end of the village with regards to numerous access points serving numerous multi-user junctions in close proximity of the site. I am also mindful of the density of properties built on neighbouring sites and the need for the development to reflect the character of the wider area.

The applicant also points to a more lenient approach being taken to the number of 2 bedroomed dwellings proposed on neighbouring sites, these will have been considered on their own merits and the planning context at that time, for example at land to the rear of Franklyn (application ref.15/02179/FUL) where only 1 of 4 dwellings was a two bedroomed unit. In the case of that application this was weighed against other factors including that the Council recognised full weight could not be attached to its identified OAN and a pragmatic stance was being taken to help boost housing supply in the District. Whilst it is still the case that the OAN and housing target for the District cannot attract full weight until after Development Plan examination, the Council is well advanced in its Plan Review and the Council considers it does have a 5 year housing land supply.

It is acknowledged that the site constraints identified reduce the ability to develop the site at a higher density. Equally, the plots lend themselves to dwellings with more than 2 bedrooms and there is a need to make effective and efficient use of land. The provision of 3 dwellings on the plots proposed would reflect the size of neighbouring plots and would be in character with the immediate setting. It is therefore a balance between delivering a small number of two bedroomed units that do not maximise the relative plots but comply with the Southwell Housing Need policy or delivering larger units which better utilise the plots available and correspond with the immediate context in terms of character but don't necessarily comply with the policy. On balance, it is considered that in this particular instance a deviation from the Southwell Housing Need policy could be justified with units that better utilise the plots available and reflect the immediate character of the area subject to final design.

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.

Scale, layout and appearance are reserved for future consideration. However, an indicative layout has been submitted showing detached dwellings arranged in tandem behind the host property, Brooklyn, with a shared access point. The form and layout is similar in scale and density to development to the east. I consider that a backland type of development in this location would be acceptable in principle as there is a precedent set adjacent and it would not harm the grain of character of the area if sensitively executed.

The site is considered of sufficient size to satisfactorily accommodate the proposed dwellings. The application is in outline for access only so no comment on design or layout can be made at this stage.

Overall, it is considered that three dwellings in this location, subject to detailed design, layout and scale, is acceptable and would not have a detrimental impact on the character and appearance of the area.

Impact on Residential Amenity

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

The application is in outline with only the access sought for approval at this stage. Scale, layout and appearance have been reserved for future consideration. To the west of the site are disused allotment gardens and there is open land to the south. To the north and east of the site are residential properties, the north being separated by Lower Kirklington Road and the host property itself and properties to the east separated by a private access drive. Due to the size of the plot and relationship to adjoining land I am satisfied that three dwellings could be designed so as not to have any adverse impact on adjoining properties.

It is not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to detailed design, layout and scale. As such the proposal accords with the provisions of the NPPF and Policy DM5 of the DPD.

Highway and Parking

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport.

The site is to be accessed from Lower Kirklington Road via a new access to the west of Brooklyn. The access would create an access drive which would serve the proposed dwellings which on the indicative layout submitted are shown with parking and turning areas within the plots and detached garages. Whilst layout and scale are reserved for future consideration I am satisfied that adequate parking and access arrangements can be provided within the site.

The highway authority has raised no objection to the proposal.

Comments have been made by the Town Council and the Civic Society with regards to piecemeal development and that the development should not compromise the adjoining allocated sites SO/HO/4 and SO/HO/5. This site, on the whole, does not fall within an allocated site, there is only a minor encroachment into an allocated site to the south, and each application should be determined on its own merits. This application proposes a single access point onto Lower Kirklington Road to serve three additional dwellings. It is not considered that this would lead to a significant material increase in traffic on this part of the highway and satisfactory access and parking provision can be provided. As stated above, the section of the application site which falls within the allocated site is so minor that this would not significantly impact on the ability to deliver housing on this allocated site. The comments of the highway authority should also be noted.

It is therefore considered that the development would not lead to any adverse impact on highway safety.

Flooding

It is noted that the Town Council and Civic Society have expressed concerns with regards to flooding and drainage of the site and have objected on the basis that the proposal is contrary to Policies E1 (Flood Risk Assessments and Mitigation) and E2 (Flood Resilient Design) of the Southwell Neighbourhood Plan.

The site lies in Flood Zone 1 and the Environment Agency have advised that the site has a low potential for flooding. The application has been accompanied by a Flood Risk Assessment which states that development would be acceptable subject to recommended drainage measures being implemented. The FRA states that all storm water run-off shall be dealt with by use of a SUDs percolation system and if in the unlikely event that SUDs systems are proved non feasible, outfalls to a watercourse and combined sewer are possible. The FRA goes on to state that a foul gravity system is feasible for the development and has been approved by Severn Trent Water.

On this basis, it is considered that the development poses a low risk to flooding and drainage and surface water run off can be controlled through a suitably worded condition.

Ecology and Trees/Green Infrastructure

Core Policy 12 includes that the Council will seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and Policy DM5 states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up to date ecological assessment. Significantly harmful ecological impacts should be avoided through design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off site measures), provided where significant impacts cannot be avoided.

Comments and concern have been expressed by the Civic Society, with reference to Policy E3 – Green Infrastructure and Biodiversity of the Neighbourhood Plan, and the Tree Officer over the redevelopment of the site.

A protected species survey, dated February 2017, has been submitted as part of the application. The survey confirms that ‘...The front garden and land immediately to the rear of the existing house have been intensively managed for a long period of time and contain lawns, borders and trees used for amenity purposes. The land further to the rear of the house has been less intensively managed as a ‘wild garden’ with a large number of trees being planted in this area.’ The survey states that no indication of protected species was found anywhere on the site but acknowledges the inspection was carried out during January which is outside the optimum survey season for species such as bats, reptiles and nesting birds.

With regards to the potential for bats on the site, no physical evidence or indication of actual roosting activity was identified during the inspection and none of the features identified in the survey were considered to have high potential for roosting bats. The potential for bats to be roosting in the garden area was considered in the survey to be sufficiently low that further emergence surveys are not recommended as part of the planning process. However, the survey recommends an emergence survey be carried out on specific trees identified should these be removed as part of the development and I consider that a condition could be attached to any permission requiring these surveys to be undertaken and results/any necessary mitigation to be submitted and approved before these trees are removed.

The survey also recommends that any vegetation clearance be undertaken outside the bird nesting season and a condition could again be attached to any permission to make this clear.

Considering the location of the garden and the fencing to all sides, the potential for badger and deer to access this land is rather limited. Further surveys for the presence of larger mammals are not recommended. A condition could be attached to any permission requiring any trenches to be covered or ramps provided and pipes over 200mm in diameter to be capped off overnight during construction. This would reflect conditions applied to neighbouring sites on recent planning permissions.

The survey identifies opportunities including appropriate planting and provision of bird and bat boxes. I consider it would be prudent to attach landscape conditions and nesting box condition to any permission to maximise opportunities for ecological enhancement within the development, in accordance with Paragraph 118 of the NPPF which states that such opportunities should be explored.

With regards to the trees on site, I am mindful that the site is not located within the Conservation Area, nor are trees on the site protected by a Tree Preservation Order although if there are opportunities to retain trees as part of the scheme this would have benefits for the biodiversity of the site and the appearance of the development.

The applicants have stated that the majority of the trees on the site are either fruit trees or self-seeded and are of no amenity value at all. Many of the trees are dead, or towards the end of their life and are with the lower categories as defined in the submitted BS5837 Tree Survey. The applicants have advised that they will attempt to keep most, if not all of the trees that are good specimens, unless their removal is required in order to provide access into the site (which cannot readily be re-sited). They also suggest that the comments made by the Council’s Tree Officer appear only to be a ‘desk-top’ appraisal of the proposal rather than a thorough and comprehensive assessment.

Whilst the loss of trees is regrettable with the site, the application is only in outline with landscaping reserved for future consideration. There may be opportunities at the detailed design stage to incorporate some trees as part of the landscape scheme and there is ample room within the site to include new planting and this can be controlled by means of a condition.

On this basis, I do not consider a refusal of planning permission basis of ecological impact or on the potential loss of trees could be substantiated. Conditions can be attached reflecting the recommendations of the ecology survey submitted as part of the proposal.

Conclusion

I note the issues raised during consultation, the different aspects of which are considered under the appraisal above. Overall it is considered that the site is capable of accommodating three dwellings without having an adverse impact on the streetscene and character of the area with no adverse loss of residential amenity subject to satisfactory details at the reserved matters stage. The proposal is also considered acceptable in terms of highway safety and suitable steps can be put in place through conditions to ensure issues relating to the ecology of the site are effectively managed. The reserved matters application will determine the final housing mix but it is considered in this particular instance that a scheme with no 2 bedroomed dwellings could be justified.

The principle of the proposal and the means of access are therefore considered to accord with the relevant local and national planning policies.

RECOMMENDATION

Approve subject to the following conditions;

01

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

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

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

02

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

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

03

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

Site location plan drawing no.18.F01 (Details of access point only to be read in conjunction with drawing no.2016.6848.184)

Proposed Access Layout and Details on drawing no._2016.6848.184

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

Reason: So as to define this permission.

04

Details submitted pursuant to the application for approval of reserved matters consent shall indicate:

- (i) a minimum access width of 4.8 metres for the first 10 metres behind the public highway boundary (with an additional 0.5m if bounded by a wall, fence or hedge; 1.0m if bounded on both sides).
- (ii) a dropped kerb crossing of the existing footway.
- (iii) visibility splays in accordance with the County Council's current Highway Design Guide. [It is noted that splays of 2.4m x 65m to the south east and 2.4m x 140m to the north east are submitted as being available and if achieved these are acceptable].

Reason: In the interests of highway safety.

05

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

Facing Materials

Bricks

Roofing tiles

Cladding

Render

Reason: In the interests of visual amenity.

06

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

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

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

proposed finished ground levels or contours;

means of enclosure;
car parking layouts and materials;
hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

07

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

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

08

No development shall be commenced until details of the means of foul drainage and surface water disposal 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: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

09

No tree/vegetation removal to facilitate the development shall take place during bird-breeding season, which runs from March to September (inclusive) unless a nesting-bird survey is carried out by a suitably qualified ecologist prior to works going ahead and that the results of any such inspection are recorded and retained for inspection on the request of the Local Planning Authority. If active nests are found then the vegetation clearance works shall be delayed until all chicks have fledged.

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM 5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

10

Before development commences, a scheme of ecological enhancements to be incorporated in to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include (but is not limited to) the installation of bird, bat and hedgehog boxes and shall detail the design, number and precise location of these on site. The approved scheme shall be implemented on site prior to first occupation of any dwellings on the site and shall be retained for the lifetime of the development.

Reason: In the interests of ecology compensation and to enhance biodiversity on the site in accordance with the aims of Paragraph 118 of the NPPF and Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

11

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

Reason: In the interests of protecting ecology on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM 5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

12

Before any trees are removed on the application site the results of a bat emergence survey in accordance with the recommendations at Paragraph 3.2 of the CBE Consulting Protected Species Survey dated 20 February 2017 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting protected species in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011) and Policy DM 5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Informatives

01

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

02

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

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

03

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

04

The applicant is advised that LPA is unlikely to support a reserve matters application for 3 x 4 bed properties as this would be contrary to Policy So/HN/1 of the Allocations and Development Management DPD which states that the majority of new housing on windfall sites within Southwell should be one or two bedroom units in line with the identified housing need.

Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	17/00042/FUL	
Proposal:	Demolition of garage court and the development of 2 No. 2 bed bungalows	
Location:	Garage Courts Adjacent, 27 - 29 Almond Grove, Farndon, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	12.01.2017	Target Date: 09.03.2017

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

The Site

The site is situated within the built up area of Farndon defined as an ‘other village’ in the Settlement Hierarchy under Spatial Policy 1 of the Core Strategy. The site comprises a level site currently occupied by 2 rows of garage units. The access road measures some 15m in length with no passing point and sits between side boundaries serving adjacent an end terrace two storey dwelling at nos.27 and a semi-detached bungalow at no.29 Almond Grove. These adjacent 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. The rear gardens of dwellings on Oak Avenue, Westfield Way and Jackson Court make up the site boundaries.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal originally included two 2 storey dwellings. It was considered that this gave rise to amenity issues which could not be mitigated. Following discussions with NASH the proposal has been amended and revised drawings have been submitted. A 7 day consultation period was instigated to seek the views of interested parties. The proposal now seeks planning permission for the erection of a pair of semi-detached 2 bedroom bungalows with a pitched roof design. The proposed dwellings would be located centrally within the site facing north west. Both dwellings would have a rear and side private garden and space for two parked cars each.

The approx. measurements of the dwellings would be:

8.5m deep
8.05m wide
2.48m to the eaves
5.86m to the ridge

Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter and a site notice was posted adjacent to the site on the 14th February 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 – No comment have been received regarding the revised scheme at the time of writing this report.

5/02/2107 “16/02168/FUL - Garage Units Adjacent 15-17 Almond Grove, Farndon - Demolition of garages and erection of 1 No. 2 bed bungalow 16/02174/FUL - Garage Court Adjacent 4-8 The Willows, Farndon - Erection of two dwellings 17/00042/FUL - Garage Courts Adjacent 27 - 29 Almond Grove, Farndon- Demolition of garage court and the development of 2 No. 2 bed dwellinghouse

Farndon Parish Council has considered the three applications before it for proposed development on garages located on Almond Grove and the Willows.

It considers that all three applications need to be considered as a whole and wishes to raise objection to all three as follows:

- to close the garages and remove from use will cause a huge impact on the surrounding narrow streets which already suffer from on-street parking on both sides of the carriageway. Closure of the garages will force more cars to park on the street and impact on highway safety by potentially restricting access by emergency vehicles and the local bus service. The village has already had one service removed from this route because of the inability to negotiate it due to parked vehicles narrowing the route.

- the proposed two storey properties put forward for 27-29 Almond Grove and The Willows, will impact on neighbouring properties by overlooking/loss of privacy and will impact on their visual amenity. If the developments are permitted, contrary to the views of the Parish Council, then the properties should be amended to bungalows to mitigate this impact."

NCC Highways Authority – 22/02/2017 "The application site is an existing garage site, and this proposal is for the construction of two dwellings, each with two parking spaces. The loss of off-street parking resulting in potentially more on-street parking could have a detrimental effect on the local bus service. Any resulting loss of this service would be detrimental to the provision of sustainable transport in the area and, and if that were to be the case, then the aims of Spatial Policy 7 would be compromised. It is suggested that consultation be carried out with the service provider. Alternatively the applicant should consider making replacement off-street provision. Notwithstanding the above, I understand that the demolition of the garage facilities is not in itself a matter that can reasonably be refused, despite its impact. No objections are therefore raised."

Trent Valley Internal Drainage Board "The site is within the Trent Valley Internal Drainage Board District. There are no board maintained water courses in close proximity to the site. Surface water run-off rates to receiving watercourse 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 risk authority and local planning authority. "

A number of written representations have been received in response to the revised scheme as below:

3 comments have been received raising concerns which can be summarised as follows:

- Concerned about the boundaries of surrounding properties as the rear of the garages forms the boundary and some adjacent gardens are on higher land.
- request the bungalows are turned around so there are no windows facing Westfield way or build a high boundary

1 objection has been received which can be summarised as follows:

- Objects to the increase in noise, dirt and dust caused by development and potential structural damage to surrounding properties – wants to know how this will be mitigated and requires details of redress if damage does occur & if development impacts become intolerable.

- Objection based on the loss of parking caused by developing the site and seeks information regarding access during and after development and how will the developer limit the number of vehicles to the two off parking spaces that are being provided.
- Raises issue with the pavement adjacent to the site and the boundaries between the site and neighbouring properties asking for dropped kerb to adjacent properties and the addition of coping stones to weather proof existing boundary walls.

A number of written representations were received in response to the original scheme which are summarised as follows:

- Bungalows would have less impact and boundary walls will be needed due to the garages forming boundaries now.
- The loss of the garages will impact an existing bad parking situation
- The land is part of a public right of way, is it legal to build on the land?
- Boundary wall should be brick as currently enjoyed
- Issues around drainage backing onto to individual properties
- The development will impact privacy and light of adjoining properties
- Concerns raised regarding the temporary boundary to the site during construction
- The loss of the garages will impact those that rent them

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, Oak Avenue to the north and Westfield Way to the south.

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 (even when considering the recent approvals for 3 other dwellings in the vicinity) 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 particularly as two off street car parking spaces would be provided for each dwelling.

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

The layout of the development has been designed such that the proposed dwellings are set in the centre of the site. This position will render views of the proposed dwellings to be limited to passing views from Almond Grove. An adequate level of private amenity space is considered to have been afforded to the proposed dwellings to both the sides and rear of the properties.

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

Overall, the dwellings are considered to reflect the character of surrounding built form and 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 properties will be single storey with a pitched roof design. 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 front and rear boundaries and C2m walls to the side boundaries. Furthermore I note the comments received regarding boundary treatment whilst work is ongoing and no details have been received regarding the potential interim boundary treatment arrangements following 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.

Based on the above and due to the proposed position of the bungalows within the plot, their single storey nature and the separation distances that would exist, I consider the adjacent dwellings located on Almond Grove, Oak Avenue, Jackson Way and Westfield Way which surround 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 2.5m the pitched roof of the bungalows would be of most concern regarding amenity but due to the proposed bungalows being located centrally within the plot all neighbouring dwellings referred to would be approx. 5-7m from the proposed dwellings. Due to this spacing between adjoining properties and the single storey nature of the proposal I do not envisage any significant 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 dwellings have both been afforded private amenity space to the sides and rear of the proposed plot which I consider to be commensurate with the size of the 2 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 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 24 garages. However, it must first be noted that the dwellings will provide for two off street parking spaces each, this is considered acceptable provision commensurate with the size of the dwellings proposed. Based on information provided by the applicant only 18 of the 24 garages are occupied and of those 18, 14 are used for the storage of vehicles. Whilst it is accepted that some of the garages to be removed may still be in use, the garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents on Almond Grove. In taking the above into account 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.

Further to the above I note that NCC Highways have not provided a further comment in relation to the revised layout. In comparing the original proposal and the new layout it is considered that the parking arrangements, access and turning space are not so materially different to expect any change in the Highways Authority's view.

In considering the comments of the Highway Authority in relation to the proposed development I note that although concerns are raised regarding the impact that may occur with regard to the bus service in the area I note that no objections are raised. I can afford limited weight to the concerns of the highways authority as although some increase in street parking may occur, it is not for the planning authority to control what would be inconsiderate parking and creating a highways obstruction to other road users be it a bus or other vehicle.

Overall it is considered that the proposal accords with Policy SP7 and DM5.

Other Matters

A number of matters have been raised regarding issues which I can afford little weight in determining this planning application due to the matters being less than significant material planning considerations. The issues raised refer to the dirt and noise caused during construction and potential damage to surrounding property and whether or not there will be any work completed to surrounding properties to make improvements e.g. requesting dropped kerbs to existing properties. With regard to the issues relating to noise and dust I would expect these matters to be dealt with under environmental health legislation if the issues do arise and constitute statutory nuisances. With regard to improving surrounding properties and any recourse with regard to damage I can only say that this the application is being assessed on its own merits and the development proposed is confined to the development site and issues regarding damage to property is not a matter to be addressed a part of this planning application; any damage would be a private legal matter to be addressed at the time by the land owners.

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. Although it is acknowledged that there may be some adverse impact on parking in the immediate surroundings due to the loss of the existing garages within the site, this is not considered sufficiently harmful to warrant refusal in its own right. The adverse impacts of the proposal in this regard must also be weighed against the benefits of the scheme in terms of the delivery of affordable housing units. It is therefore recommend that planning permission be granted subject to the conditions outlined below.

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-ID080-001B
- Proposed Site Layout (opt.2) - 40860-ID080-004G
- Proposed Plans & elevations- 40860-ID080-006B

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 dwellings hereby approved 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 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.

09

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than the 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 1 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 Councils 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).

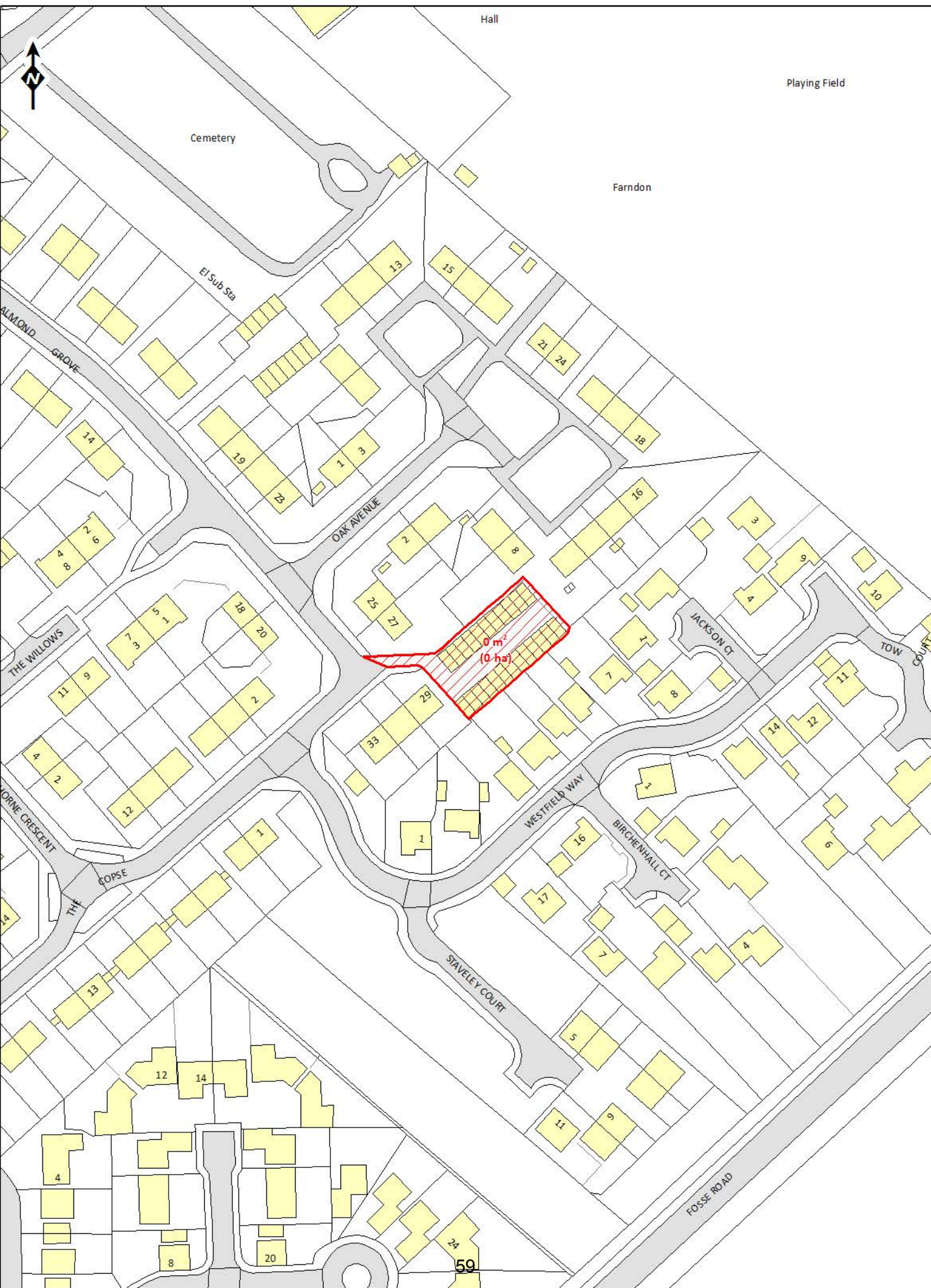
Background Papers

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



Application No:	16/01978/FUL	
Proposal:	Change of use from overgrown unused allotment to construction of new dwelling	
Location:	Land at Green Lane, Newark on Trent.	
Applicant:	Mr Levi Spratt	
Registered:	16 January 2017	Target Date: 13 March 2017
Extension of Time Agreed until 20 March 2017		

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

The Site

The site is located on Green Lane, an unmade access track leading off Albert Street. The site is currently an unused allotment with a dilapidated shed on it. The site area is approximately 500 sq metres and lies within a predominately residential area to the south of Newark Town Centre. The site is located off an access land which serves the rear of properties on Spring Gardens, Victoria Street and Boundary Road. The surrounding area is garden and allotments and forms part of a green wedge along Green Lane within a more densely built up urban area. There is a detached bungalow to the south east of the site with the remaining adjoining land being allotments, rear gardens or garaging. There are a number of trees along Green Lane which are protected by a Preservation Order.

Relevant Planning History

None relevant.

The Proposal

The application proposes the change of use of an unused allotment to construct a new dwelling. The dwelling proposed is one and a half storey and would accommodate a garage, kitchen, lounge, bathroom and two bedrooms at ground floor with two additional bedrooms and ensuite to the first floor. The footprint of the proposed dwelling would measure 13.2m by 10.12m and would have a height of 2.4m to eaves and a ridge height of 6.8m.

The property would be access from Green Lane to the north and parking would be provided in the form of an integral garage and frontage parking.

Departure/Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter.

Site Notice Posted 25/01/2017

Earliest Decision Date 27/03/2017

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 7 Sustainable Transport
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1 Development with Settlements Central to Delivering the Spatial Strategy
Policy DM5 Design
Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Consultations

Newark Town Council: No Objection was raised to this application with the proviso that access to the property via Green Lane doesn't result in tarmac being laid and the loss of an ancient 'green lane'.

NCC Highways: the Highway Authority is unable to support the proposal and so it is recommended that the application be refused for the following reasons:

1. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to users of the highway due to increased use of the existing access which is geometrically substandard in that the access is of insufficient width to accommodate a further increase in vehicular movements.
2. The proposed development would exacerbate the risk of pedestrian/vehicle conflict by reason of an intensification of use of an existing substandard access, leading to an increase in the likelihood of danger to other highway users.

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

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, step-free access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwellings from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

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

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

Tree Officer - Request full survey of trees on and adjacent to site in line with recommendations within BS5837-2012 in order to evaluate potential constraints on development.

On receipt of tree survey:

Submitted tree survey/constraints plan addresses previous comments.

However, the impact of the access and drive on trees T5 and T6 is likely to be bordering the 20% coverage recommended within BS5837-2012. This impact is likely to be exacerbated given the compaction of rooting area beneath the existing Green Lane.

Roadside trees will all require pruning to facilitate construction traffic, access and parking.

If approved this application is likely to result in successive applications for pruning to clear the drive/parking area.

Problems from tree debris and honeydew deposits are likely to be an issue for any cars using the designated parking area leading to requests for heavy reductions or tree removal.

Proposed layout and tree constraints leaves very little room for materials storage, construction works and associated traffic.

Final site is likely to be dominated by surrounding trees leaving little room for useable garden areas.

Although the submitted tree documentation demonstrates that a dwelling could feasibly fit within constraints imposed by trees I would unlikely to support this application given the likely future pressure on retained trees.

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

- Access to property should not be compromised in any way
- Loss of privacy
- Impact of surface water drainage

- Concerns regarding both the suitability of the ancient Green Lane as an access route for the proposed property and the preservation of the trees along Green Lane
- If this development goes ahead it is likely to set a precedent for further developments.
- Change character of Green Lane, ancient narrow unsurfaced lane
- Unsuitable for increased traffic.
- Loss of a site for local wildlife.
- The land has no right of access and no right to provision of any utility supplies
- Tree Preservation Order, works would require trees to be taken down and building works would damage the roots
- Loss of quiet land which provides a natural and unspoilt habitat for many creatures

Appraisal

Principle of Residential Development

The site lies within the Newark Urban Area as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle.

The site is within Newark (and thus residential development is acceptable in principle and the site is geographically sustainable) and it would provide a house towards the Council's housing land supply (a limited contribution but a contribution nonetheless) at a time where the Council has committed to taking a pragmatic approach in order to boost our housing land supply until such time as the OAN has been ratified through the Plan Review.

Impact on Visual Amenity and Character of the Area

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

The application site falls within a residential area and is surrounded by predominantly rear gardens and allotments. To the southeast is a detached dwelling which is accessed from Green Lane. To the north are the rear accesses from Green Lane to properties on Spring Gardens. The site forms part of a green wedge along Green Lane within a more densely built up surrounding urban area. In this regard the site and Green Lane is slightly unusual and has a different character to the surrounding area.

Green Lane forms a green wedge/break in a densely populated urban area and therefore makes a strong contribution to the character and form of the surrounding area. The development of the site would alter the character of the area but due to its location and siting directly northwest of an existing development it is not considered that the proposal would adversely impact on the character of the area. However, along Green Lane are a number of mature trees which are subject of a Tree Preservation Order. A survey of the trees has been undertaken and measures suggested with regards to protection of the roots and trees during construction and once the development

has been completed. The Tree Officer has expressed concern with regards to the proposal and the likely future pressure the development would have on the retained trees. The likely loss of any of the protected trees along the access and site frontage would alter the character of the area and would be detrimental to the setting of Green Lane and the contribution that this green wedge to the character of the wider area.

There is a detached dwelling to the southeast of the site and 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 dwelling to the south east.

Having regards to Policy DM5 and the NPPF it is considered that the proposed dwelling would be visually acceptable in this location, however, the future pressure the development would have on the protected trees to the site frontage would have an adverse impact on the character and appearance of Green Lane in terms of its local distinctiveness and established character and appearance of the area.

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.

To the north, east and west of the proposed site are rear gardens, allotments and garaging. It is not considered that the proposal would have an adverse impact to these adjoining land uses.

To the southeast of the site is a detached bungalow, No. 3 Green Lane. Adjoining the boundary with this existing property the property has been designed to have only ground floor windows facing No. 3 serving the kitchen and bathroom. These windows and side door would face the shared boundary, a 1.8m high close boarded fence. No. 3 has ground floor windows facing the application site which are themselves obscured by the current boundary treatment. The proposed dwelling would have a height of 2.4m to eaves and a ridge height of 6.8m. Due to the scale and design of the proposed dwelling and limited openings on the south east it is not considered that the proposal would be unduly harmful to the amenities of No. 3 Green Lane.

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.

Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport.

The proposed dwelling would be accessed from Green Lane, an unmade access road which serves rear parking and garden areas of surrounding properties. Green Lane accesses onto Albert Street to the east. An integral garage and hardstanding is proposed within the property to provide off street parking.

The Highway Authority have raised concern with regards to the application in that the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to users of the highway. This is due to an increased use of the existing access which is geometrically substandard in that the access is of insufficient width to accommodate a further increase in vehicular movements. The proposed development would also exacerbate the risk of pedestrian/vehicle conflict by reason of an intensification of use of an existing substandard access, leading to an increase in the likelihood of danger to other highway users.

Overall, it is considered the proposal would not provide an adequate access and would be contrary to the above policies and guidance.

Taking into account the comments of the Highway Authority it is considered that the development should be resisted on highway grounds.

Other Issues

Comments have been received with regards to the applicant's right of access to the site and the loss of access if the development goes ahead. This is a private legal matter and not a material planning consideration.

Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location. The proposal would be visually acceptable and would not unacceptably affect neighbouring properties. The proposal would, however, place pressure on the protected trees to the site frontage and the loss of these trees would have an adverse impact on the local distinctiveness and character of the area. The proposal would also result in an increased risk to highway users.

For the reasons stated above, the proposal is not considered to comply with relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION:

That outline planning permission is refused on the following grounds;

01

In the opinion of the District Council as Local Planning Authority, the proposed development would have a detrimental impact on the character of the area. The proposal would result in future pressure on the protected trees to the site frontage. Green Lane provides a natural green break within a dense urban area and the loss of any protected trees would have an adverse impact on the character and appearance of Green Lane in terms of its local distinctiveness and established character and appearance. The proposal is therefore contrary to the advice contained within Core Policy 9 of the Core Strategy, Policy DM5 of the Allocations and Development Management DPD and the NPPF which forms a material consideration.

02

In the opinion of the District Council as Local Planning Authority and the County Council as Highway Authority, the proposed development would result in an unacceptable increase in danger to users of the highway. This is due to an increased use of the existing access which is

geometrically substandard as the access is of insufficient width to accommodate a further increase in vehicular movements. The proposed development would also exacerbate the risk of pedestrian/vehicle conflict by reason of an intensification of use of an existing substandard access, leading to an increase in the likelihood of danger to other highway users. The proposal would therefore have a material impact on highway safety, contrary to the aims of Spatial Policy 7 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

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

02

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.

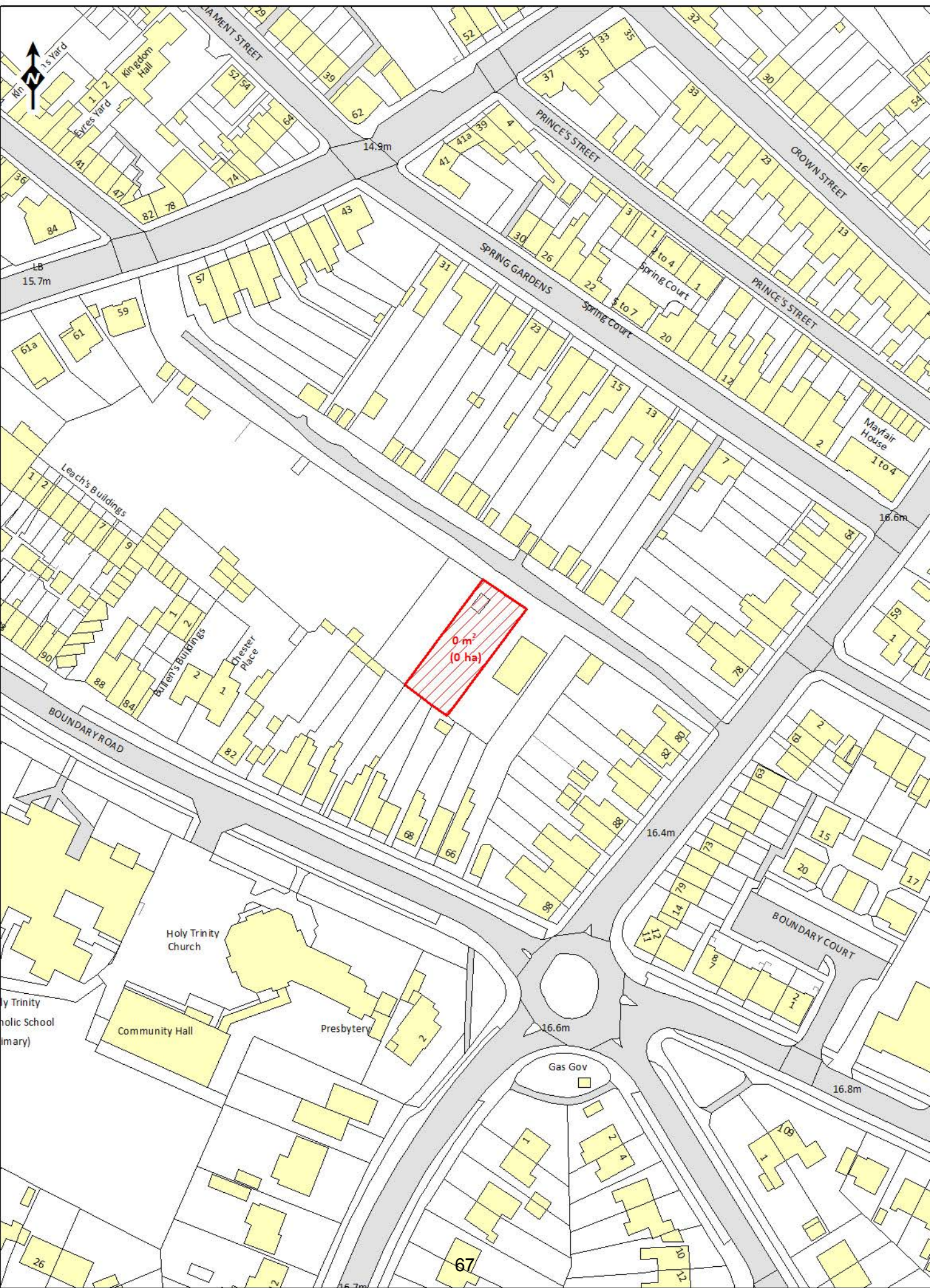
Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	16/02175/FUL	
Proposal:	Erection of three 2 Bed Dwellings	
Location:	Land To The Rear Of 46 To 52, Windsor Close, Collingham	
Applicant:	Newark and Sherwood Homes	
Registered:	23.12.2016	Target Date: 17.02.2017

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

At the time of print the Parish are yet to respond to amended plans, albeit it is considered by officers unreasonable for the scheme to be held back (given the original target date of February) and given that loss of car parking has been removed by full replacement provision being proposed.

The Site

The application site relates to a parcel of land containing a hard surfaced informal car park as well as 6 No. marked out car parking spaces. William Bailey House, a two storey block of apartments (sheltered housing) is located immediately to the east of the site. The application site is located within the main built up area of Collingham, a principal village as identified within Spatial Policy 2 of the Core Strategy. The site is level in nature, bound to the north by the gardens associated with the properties along Swinderby Road and to the south by the rear gardens associated with properties along Windsor Close. Vehicular access to the site comes via an existing drive between William Bailey House and 46 Windsor Close.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks planning permission for the erection of 3 No. 2 bedroom dwellings. The proposed dwellings would be two storey with a dual pitch roof design.

The proposed dwellings would form a terrace row and have a combined footprint of 14.17m in width and 8.88m depth with an eaves height of 4.73m and a ridge height of 8.2m.

There would be 2 off street parking spaces provided per dwelling, positioned in front of the principal elevations. Following negotiations with the applicant the scheme has been revised to provide for 6no. spaces to be used in association with William Bailey House.

A number of possible parking spaces have also been shown outside of the edge red application site. For the avoidance of doubt these spaces are not promoted as part of this application. Indeed a separate planning permission for these would be required, albeit it remains in the applicants give to do this at any time.

Public Advertisement Procedure

Occupiers of 24 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
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

Collingham Parish Council – No comments received at the time of writing this report. Original comments were “The Parish Council has been advised by Cllr Mrs Dobson that a number of alterations to this application have been discussed and a further set of plans will be sent for consideration. The Parish Council will make comment once the amended plans have been received.”

NCC Highways Authority – Generally this proposal appears to be acceptable. However, two points need clarification:

1. It is noted that the existing parking court has space for about 11 vehicles. It is uncertain whether all of these are allocated / required for the operational purposes of William Bailey House, and should therefore be retained.
2. Our public highway records suggest that the site's red line may not meet with the public highway boundary. The records currently show a boundary at the splayed mouth of the access. However, this may be an anomaly. Perhaps the applicant may have other records to suggest otherwise, or if appropriate amend the red line site boundary.

Subject to these issues being satisfactorily resolved, there would be no objections to this proposal, with no conditions recommended.

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

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. 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, suitably wide corridors etc. 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 dwellings together with suitable accessible WC and sanitary provision etc.

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

9no. of written representations in addition to a letter with 8 signatures have been received from local residents which can be summarised as follows:

- Objections to the loss of parking space for William Bailey House and lack of parking in the area generally and the potential impact on highway safety. NSDC has previously sent a letter to residents asking them to use driveways and existing parking facilities to prevent blocking of the road.

- Concerns over the loss of privacy and an overlooking impact.
- The properties will overshadow a neighbouring garden, blocking light and view.
- Concerns over construction traffic and safety while the new properties are being built.
- Objections based on access rights to the car park and rear of properties along Windsor Close that would be blocked by the development.

Comments of the Business Manager

Principle of Development

The site is located within Collingham which is defined as a Principal Village with a good range of day to day facilities and access to nearby employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing and employment should be focussed within the main built up areas of Principal Villages.

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

The layout of the development has been designed such that the proposed dwellings are set back slightly from the adjacent highway, with a small landscaped frontage. An adequate level of private amenity space is considered to be afforded to the proposed dwellings.

It is therefore considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area and as a result would comply with the aims of Core Policy 9 and Policy DM5.

Impact on Residential Amenity

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

The comments received with regards to the impact on residential amenity in terms of loss of privacy and overshadowing impacts are noted. There is circa 11m separation distance between the flank elevation of the dwelling annotated as 001 on the submitted layout drawing and nos. 46 and 48 Windsor Close to the south and circa 35m separation between the dwelling annotated as 003 and the properties along Swinderby Road. Given these separation distances and the orientation with the proposed dwellings being to the north of the closest neighbouring properties, I am satisfied that the proposal would not result in any undue overbearing, overshadowing or overlooking impact.

However I do consider it reasonable should members be minded to grant permission to attach a condition requiring the first floor bathroom window to the side gables to be obscure glazed and top hung opening only to further safeguard neighbouring amenity.

Each of the proposed dwellings has been afforded private amenity space in the form of rear gardens which I consider to be commensurate with the size of dwellings proposed.

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

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 some of the existing off street parking currently immediately to the west of William Bailey House and the on-street parking problems already experienced in the area. Parking on Windsor 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 5 existing public parking spaces. However, given that 6 public spaces will be reprovided I am of the view that the number of spaces lost would not be likely to have such a significant impact on on-street parking in the area when compared with the existing situation to justify refusal. In coming to this view I am also mindful that the Highway Authority have raised no objections to the proposal.

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

I am satisfied that the proposed scheme would not result in highway issues sufficient to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Matters

The concerns over disruption during construction of the dwellings and safety implications are noted, however as this disruption would be on a temporary basis and that there is other legislation in place in relation to construction site safety, it is considered that this matter cannot be given any significant weight in the determination of this application.

The concerns received in relation to the rights of access to the rear of properties on Windsor Close are noted, however the submitted layout plan does show the existing pedestrian footpath allowing access to these properties to remain in situ. This matter is also considered to be a private legal issue and sits outside of the planning remit in this instance.

The agent has also been asked to clarify the extent of the access to be included within the application site and where it adjoins the public highway. The remainder of the access currently outside the red line is shown to be within the Council's ownership and the plans are clear where access would be provided. Any change to the red line would be for clarity only and should the Council receive a revised site plan before Committee this will be reported as a late item.

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 that any impact on on-street parking in the area would not be such to result in highway safety issues warranting a refusal of planning permission in this instance.

In terms of the car parking area to the east of the site I can confirm that Officers have asked the applicant to formally apply for this as a change of use application asap.

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/ID047/003F
- Proposed Plan and Elevations – drawing no. 40860/ID047/004

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

Reason: So as to define this permission.

03

No development shall be commenced until precise 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 dwellings 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

The bathroom window openings on the side elevations of dwellings labelled 001 and 003 on plan Ref. 40860/ID047/003A 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 protecting the amenity of occupiers of neighbouring properties in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

09

Notwithstanding the provisions of the plans hereby approved no development shall take place until a scheme to replace the planting area shown adjacent to the existing access to the rear of no. 46 Windsor Close with an extension of the existing rear access has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard rear access to existing residential units.

Notes to Applicant

01

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

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

02

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

Background Papers

Application Case File.

For further information, please contact Gareth Elliott on ext 5836.

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:	16/02090/FUL	
Proposal:	Conversion of warehouse into 11 no. residential apartments	
Location:	Unit 2 and Land at George Street Newark	
Applicant:	HBW Developments	
Registered:	3 January 2017	Target Date: 4 April 2017
Extension of time agreed until 12 May 2017		

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

The Site

This application relates to a three storey former Malthouse building located on the south western side of George Street within the defined built up area of Newark, on the edge of the town centre. The building is identified as a Building Of Local Interest on the Nottinghamshire County Council Historic Environment Record.

The building has more recently been used for the storage of furniture associated with an antiques company which operated from a modern steel framed retail warehouse to the rear of the site. There is a large courtyard to the rear of the building which served as a parking area for customers and staff.

The building is predominantly adjoined by residential properties, being one of the last in the vicinity that has not been or is being converted to residential use.

The site also falls within Flood Zone 2.

Relevant Planning History

None

The Proposal

Full planning permission originally sought for the conversion of the building into 11 apartments with 9 no. off street parking spaces proposed to the rear of the building.

Revised plans have been received which now propose the conversion of the building into 9 apartments comprising:-

Ground floor 2 no. 2 bed apartments

First floor	3 no. 2 bed apartments 1 no. 1 bed apartment
Second Floor	2 no. 2 bed apartments 1 no. 3 bed apartment

Revised layout plans have been deposited which show 9 no. off street parking spaces

Proposed external works comprise replacement of the existing industrial roller shutter door to the George Street elevation with a timber glazed entrance screen, replacement metal doors to rear of the building with window, insertion of simple painted timber casement windows to serve the apartments and insertion of 3 no. rooflights to the George Street elevation.

A Design and Access Statement, Heritage Statement, Ecology Survey and Flood Risk Assessment have been deposited with the application.

Departure/Public Advertisement Procedure

Occupiers of 45 properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice posted.

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
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 – Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 14 – Historic Environment
 NAP1 – Newark Urban Area

Allocations & Development Management DPD

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 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
 National Planning Practice Guidance 2014

Consultations

For clarity any additional comments received with regards to the reconsultation on the revised proposal are italicised.

Newark Town Council – Members accepted that there was a need for 1 and 2 bedroomed properties within the town and would welcome the development in that respect but were concerned that parking would be an issue in an already congested residential area. The Town Council had objected to the two previous applications on George Street with concern over parking and Highway issues and it was felt that the same comments should be put forward for this application.

Once again, there doesn't appear to be a Traffic Impact Assessment with the application. The Town Council is concerned about the cumulative traffic impact of this application, taken together with the other two applications which have been submitted over the last year, on a road that already suffers from congestion and parking problems.

This application provides for nine parking spaces to cater for eleven residential apartments. If the number of parking spaces was commensurate with the number of apartments, this would be more acceptable.

Therefore an Objection was raised to this application on the grounds set out above.

No comments have been received at the time of writing this report with regards to the revised proposal. Any comments will be presented to planning committee as a late item.

Newark Civic Trust – Support the proposal

No additional comments have been received at the time of writing this report with regards to the revised proposal. Should any comments be received these will be presented to planning committee as a late item.

Newark Business Club – Support the proposal.

No additional comments are made.

NCC Highways Authority – The site plan shows the existing vacant building as being converted to 11 apartments with 9 associated car parking spaces. The rear of the site provides a warehouse with 4 car parking spaces.

The parking bays near the access point (shown as A1 and A2) are unsuitable as the vehicles are parked too close to the building wall, preventing the doors from being opened. These parked vehicles also reduce the access width to 4m, which is insufficient to allow two vehicles to safely pass each other.

It is considered that 1 space per unit should be provided for this development. There are 8 x 2 bedroom units proposed, and it is usual for 2 spaces to be provided for this size of unit. However, for this area 1 space is considered to be reasonable, whilst also taking into account the on street parking which already exists.

It has not been clarified in the information submitted how the warehouse at the rear of the site operates. Four parking spaces are provided, is this sufficient? Further information is needed relating to the number of deliveries per week, number of employees, visitors etc.

Therefore, the plan should be amended to address the above issues and further information submitted relating to the warehouse.

The applicant/agent has now submitted an amended plan and has confirmed that 9 apartments are now proposed, instead of the 11 originally proposed. The layout adjacent the access onto George Street has been amended and now provides a 6m width, enabling two vehicles to pass each other, with motorcycle parking now included.

There are 9 parking spaces for residents and 2 parking spaces for the warehouse. It is confirmed that the warehouse is currently vacant with the possibility of being rented out as a storage facility. Therefore, there are no highway objections subject to the following condition being imposed: 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 (TMA01 Rev B). The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles. Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

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

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

No additional comments are raised.

Environmental Health - Confirm that as Building Regulation consent will be necessary no comments are made.

No additional comments have been received at the time of writing this report with regards to the revised proposal. Should any comments be received these will be presented to planning committee as a late item.

Environment Agency - The site falls in Flood Zone's 1 & 2. Standing Advice can be applied and the LLFA consulted regarding surface water disposal.

No additional comments have been received at the time of writing this report with regards to the revised proposal. Should any comments be received these will be presented to planning committee as a late item.

NCC Lead Local Flood Authority - No objections are raised
No additional comments have been received.

NSDC Conservation Officer – ‘The application site a former Malthouse and while not a listed building or in Newark Conservation Area is a building of local interest/non designated heritage asset and is one which I would want to see retained and sensitively re-used.

Overall I have no objection to the proposed scheme and have the following comments.

The proposal actually entails a substantial amount of new openings, which ordinarily would be something to avoid. However, maltings are frequently seen with long linear rows of repeating small windows, and the proposed elevations are not in themselves out of character.

I have also considered the logistics of converting the building without extra openings - considering the depth of the building, coupled with the relatively small window sizes rooms would have to be rather deep compared to their width, would be lacking in natural light and the actual number of usable rooms would be reduced. This would make many new uses for the building, and not just residential, difficult. As such I think it is acceptable here to allow the proposed new openings as shown, and I appreciate how they are carefully spaced and sized to keep the overall pattern of the elevations.

What I did wonder is if there is some way to subtly indicate which were new opening, probably by using a slightly different header and/or sill detail perhaps?

I do appreciate that other converted Maltings on George Street have rooflights, but I cannot see any real justification for those proposed at this site as the rooms they serve have natural light already. This would be a better scheme if removed.

I also wonder if the former door opening on the ground floor of the south elevation could be treated slightly differently, rather than inserting a window and sill to match those around make this more clearly a treatment for a former door, perhaps with simply a fully glazed opening?

I cannot see a structural report for this building, are we to presume no major repair are required?

The south facing elevation will no doubt end up being cleaned and it would be important to condition the extent and specification for cleaning.

I would also suggest conditioning the extent of and specification for repairs and repointing, all joinery details including sills and headers and colour of windows and doors, any new bricks and tiles required, meter boxes, vents, flues etc.

The applicant has confirmed that the proposed rooflights are proposed to give additional natural light to the second floor apartments given the small window openings serving these units and that there are no major structural alterations required. The conservation officer has subsequently verbally confirmed that on balance no objections are raised subject to the suggested conditions.

Nottinghamshire Wildlife Trust – No observations have been made.

Nottinghamshire County Council – Outline the policy context regarding waste and minerals, transport healthy communities education highways and flood risk management.

Transport and Local Travel Services

It is requested that that an obligation be added should permission be granted requiring enhancements to two nearby bus stops prior to the development being brought into use.

Ecology

A Protected Species Survey has been carried out in support of this application, which included a bat scoping survey of the building affected by the works. This found no evidence of roosting bats, and no further bat survey effort was recommended. However, as a precaution, it is stated in section 4.1 of the report that: "If any part of the roof is to be removed, modified or disturbed, including felt, ridge capping or tiles, the work is to be undertaken by hand and in the presence of an experienced, licenced ecological consultant." This should be conditioned.

In addition, an informative should be attached to any decision notice, advising the application what to do in the unlikely event that bats are discovered during works. This informative should be based on the wording found at section 4.2 of the report.

Developer Contributions

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

Conclusion

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

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments.

No additional comments have been received at the time of writing this report with regards to the revised proposal. Should any comments be received these will be presented to planning committee as a late item.

Nottinghamshire County Council Education - In terms of education; a proposed development of 11 dwellings would yield an additional 2 primary and 2 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £22,910 (2 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education the development is within the catchment of The Magnus C of E Academy for which any contributions would be covered under CIL regulations.

It is understood that the number of residential units proposed has decreased from 11 to 9. On this basis I can confirm that the County Council would no longer be seeking developer contributions for education provision as this is below the threshold for which contributions would be sought.

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

NSDC Strategic Housing - At 11 units it is just over the requirements for delivering affordable housing. Therefore we would normally be seeking 3 on site units. As these are apartments it is unlikely that an RP or the Council would be interested in securing these. We would therefore normally seek a commuted sum.

No additional comments have been received at the time of writing this report with regards to the revised proposal. Should any comments be received these will be presented to planning committee as a late item.

NSDC Parks and Amenities- There are 3no 1bed apartments and 8no 2bed apartments. 1bed apartments are not normally counted for children's playing space so would suggest that no contribution is required.

The application has been reduced to 9 dwellings. On this basis there is no public open space requirement. However should the number of dwellings revert back to 10 or more then there will be a requirement to cover the provision of open space for children and young people.

NSDC Community Sports and Arts Development - I have no objection to this proposed development assuming that a suitable Community Facilities contribution is agreed in accordance with the current Supplementary Planning Document. Such contribution would be utilised for improvements to community facilities in the area. Further details can be provided on request but could potentially be allocated to Bridge Community Centre or Lincoln Road Sports Facility.

The revised development does not hit the threshold for a community facility contribution as defined within the current SPD. Therefore no comments are raised.

NSDC Access Officer - As part of the consideration of access to and use of the building, with particular reference to access and facilities for all people including disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations which contains useful standards in respect of 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.

To this end it is recommended that inclusive access to, into and around the proposals be carefully examined from the edge of the site and any car parking together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use. Carefully designed approach, level flush thresholds, generous doorways, horizontal and vertical circulation etc., should be carefully considered and designed to facilitate easy access and manoeuvre on all floors. Switches and sockets located at suitable heights and design to assist those whose reach is limited to use a dwelling together with suitable accessible WC and sanitary provision etc. are useful provisions. It is recommended that the developer make separate enquiry regarding Building Regulations matters.

No further comments are raised.

NSDC Community Safety - from a Community Safety perspective, there are no comments or observations.

No additional comments have been received at the time of writing this report with regards to the revised proposal. Should any comments be received these will be presented to planning committee as a late item.

NSDC Emergency Planning – Considering the flood risk assessment although no objections are raised the following observations are made:

The expected flood levels for FZ2 in this area are 11.96m and the proposed slab level of the ground floor is to be 12.16m making the proposed build higher than the anticipated flood level.

If the flood level were to rise it would result in minor flooding to ground floor properties.

This is in a small area of the FZ and towards the unaffected area, those who are able bodied should be able to self evacuate with minimal difficulty.

The majority of residents would be unaffected save for access and egress.

A block of 9 flats would put additional pressure on emergency services, however as previously stated the majority would be able to "invacuate" or self evacuate.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

- There is a lack of parking which will increase traffic congestion;
- The proposal will exacerbate existing highway issues given that George Street is a narrow road used as a rat run;
- There is an existing building to the rear of the site. Will this still operate;
- There is also a 3rd commercial building to the rear but outside of the application site boundary line. The users of this building have Right of Access over the yard;
- The additional windows to the north elevation will overlook principle room windows on the residential properties opposite which would result in loss of privacy – opaque glazing may resolve this issue;

- The proposed parking layout will prevent access particularly with fork lift trucks to the commercial unit outside of the boundary of the application site;
- The incorrect certificate has been served – there is an unfettered Right of Access over the land and this third party has not been served any notice. The application is therefore invalid;
- The existing Rights of Access prevent the proposed car park being laid out as proposed;
- The proposed car park will prejudice third party Rights of Access to the adjoining business impacting on employment;
- The adjoining business utilises the area immediately adjacent to the southern elevation for storage purposes which would impact on the amenity of future occupiers of the ground floor apartment;
- The proposed conversion would result in complaints about the operation and use of land by the adjoining business that has Rights of Access over the land;
- *There has been no consultation on revised plan;*
- *Previous objections are reiterated with regards to the proposed use prejudicing the operation of the adjoining business and employment provision, inability to lay out the car park as proposed, the incorrect certificate being served and the validity of the application;*
- *The loss of a ground floor apartment does not eliminate residential amenity issues as the adjoining business can still store material immediately adjacent to the building;*

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 site is located within the Newark Urban Area (NUA) as set out in the Settlement Hierarchy defined by Spatial Policy 1. This provides that new housing and employment growth should be focussed in the NUA as it is considered to be a sustainable location for new development. The new dwellings would also contribute positively to the 5 year housing land supply for the District.

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

Heritage Impact and Impact on Character of the Area

Paragraph 135 of the NPPF relates to impact of a proposal on the significance of a non-designated heritage asset. This states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm to or loss and the significance of the heritage asset.

Policies CP14 of the Core Strategy and DM9 of the Council's Allocations and Development Management DPD Adopted July 2013, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. One of the key issues to consider in proposals for new development affecting heritage assets include proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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.

I note the comments of the Conservation Officer. Having discussed the concerns raised with regards to the proposed rooflights and door on the southern elevation, they have verbally confirmed that on balance these would not have such a significant impact on the character and appearance of the building to justify refusal in this instance.

Overall subject to conditions regarding the submission of the extent and specification for cleaning, repairs and repointing, all joinery details including sills and headers and colour of windows and doors, any new bricks and tiles required, meter boxes, vents, flues etc. I am of the view that the proposal would secure a viable use of this building of local interest and the proposed use and alterations would not unduly impact upon its visual or historic character and appearance or its contribution to the immediate streetscene or the wider setting.

The proposal therefore accords with the aims of Core Policy 14 and policies DM9 and DM5 of the DPD.

Impact on Residential Amenity

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

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

As the proposal does not involve any increase in footprint or height of the existing building, I do not consider that it would result in any material overbearing or overshadowing impacts on neighbouring properties.

I note the comments received with regards to overlooking and loss of privacy. There is a maximum separation distance of some 19 metres between the George Street elevation and the elevations of the dwellings on the opposite side of the road. I have given very careful consideration to this level of separation and am of the view that any impact on amenity would be so minimal that it would not justify refusal on these grounds. Furthermore given the tight urban grain of the location of the

application site it is not unusual for residential properties to face each other across narrow streets and I am therefore of the view that this would not be such an incongruous situation within an urban setting to justify refusal.

In considering the windows to the front elevation of the building and whether these should be obscure glazed, I am of the view that this would result in principle rooms of the building having no outlook to the detriment of the amenity of the occupiers. Notwithstanding that, principle room windows facing each other across a highway within such an urban grain is not an unusual situation, the separation distances are considered to be such that the proposal would not result in overlooking to justify obscure glazing or refusal on these grounds.

Following negotiations revised plans have been deposited which reposition the first and second floor windows and rooflight on the eastern elevation 1m further towards George Street and obscure glazing is proposed to the second floor. Although the first floor window faces the gable wall of no. 11 George Street and serves a bedroom, there is some 1.5m separation between the two buildings which would allow natural light to this room. Although the second floor window would be obscure glazed, there is also a roof light serving this bedroom. Overall and on balance I am of the view that the proposal would provide an acceptable level of residential amenity for future occupiers of the building and would not result in any undue overlooking of neighbours given relative heights and angles to main habitable windows and amenity areas on neighbouring properties.

Comments have been received with regards to impact on amenity from storage of materials at the neighbouring site up to the southern elevation of the building which would face ground floor windows. The revised plans show these windows to serve a storage area and would therefore not impact on amenity.

Taking these considerations into account I am satisfied that, on balance, 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. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

I am mindful that the site is located on the fringe of the town within walking distance of the town centre with good public transport links.

Notwithstanding this I note the comments received with regards to the proposed level of parking which would result in additional traffic on a narrow street which is already congested. I am also mindful of the initial comments received from the Highway Authority and the issues raised in relation to the proposed layout, the number of parking spaces provided for both the apartments and the existing warehouse to the rear and the access width.

However, following the submission of revised plans which now show a reduction in the number of proposed residential units to 9 in total together with a revised layout indicating 9 parking spaces to serve the development and two to serve the existing warehouse building to the rear, the

Highway Authority now raise no objections to the proposal. The suggested condition with regards to the provision of the car park prior to the development being brought into use and it not being used for any purpose other is considered reasonable should members be minded to grant permission.

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

Flooding

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

The NPPF states within para 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

Para 104 of the NPPF states that applications for minor developments and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site specific flood risk assessments.

I note the comments of the Environment Agency and the Lead local Flood Risk Authority both of which have raised no objections to the proposal.

I note that the Environment Agency have referred to their standing advice. Standing advice for vulnerable development within flood zone 2 requires development proposals to follow advice on surface water management, access and evacuation and floor levels. The Flood Risk Assessment confirms that floor levels will be raised by 200mm in line with standing advice.

I note from the submitted Planning Statement that the site is located within an area identified (from the Environment Agency Flood Risk Map) as having a very low risk of surface water flooding and that the proposed conversion would not change the surface water run-off from the site.

Given the above, the proposal is considered to not result in any material impact on the risk of flooding at the site or wider locality, in accordance with the aims of the NPPF, Core Policy 9 and Policy DM5.

Developer Contributions

It is noted that the original proposal sought planning permission for a total of 11 residential units. Revised plans have now been received which reduce the total number of residential units to 9 which falls below the threshold whereby developer contributions in relation to affordable housing, education, open space, community facilities or highways would be triggered.

Other Matters

Land ownership Certificates and matters

I note the comments received with regards to the certificate signed and deposited with the application and Rights of Access issues. Certificate B had initially been signed as being C/O the estate agents marketing the site. No clear evidence was put forward by the agent that the notice had been forwarded to the actual and unnamed/named owner of the site at least 21 days before the application was submitted. As a consequence a new Certificate B has been completed by the agent which specifically names the previous owner and a copy of the correspondence that has been sent to them deposited with the Council. In terms of serving notice on the person with any right of access to or on the site, having sought advice from the Council's Legal department, I am of the view that the statutory requirement is that notice has to be served on the owner of land or building in question. "Owner" is defined to mean freehold owners and persons with leasehold interest where there is 7 years left to run. Someone with the benefit of a right of access is not an "owner" as defined in section 65 of the Town and Country Planning Act 1990. Notwithstanding this, the person with this right of way has been made aware of the application as part of the Council's consultation procedure.

I also note that issues have been raised with regards to windows opening over boundary lines and overhanging guttering. The agent has confirmed that all windows will be inward opening only.

Taking the above into account I am therefore satisfied that due process has been carried out with regards to this matter.

In relation to the Rights of Access, this would in itself be a private legal matter between the interested parties and as such would fall outside of the planning remit.

Ecology

The ecological survey deposited with the application concludes that there is no evidence of bats being present, the proposal does not raise any ecological issues.

Contamination

The comments of the Environmental health department regarding the potential for contamination at the site are noted. An informative attached to any grant of planning permission relating to this issue is considered appropriate.

Conclusion

Paragraph 14 of the NPPF provides a clear presumption in favour of sustainable development provided that the benefits of issuing planning permission are not outweighed by significant and demonstrable harm. Taking the above into account it is considered that the principle of residential development at the site accords with the Development Plan and all other relevant material considerations. The proposal would deliver housing in a sustainable location and would not harm the character and appearance of the application building or wider locality. It would not result in any undue impact on the amenity of the occupiers or users of adjoining properties and would not result in any significant harmful impact upon the highway. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

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

01

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

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

02

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

Revised Site and location plans drg. no. 01 Rev B

Revised floor plans and elevations as proposed drg. no 03 rev B deposited on 24th April 2017

Unless otherwise agreed in writing by the Local Planning Authority through the approval of a nonmaterial amendment to the permission.

Reason: For the avoidance of doubt and in order to define the permission.

03

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 (TMA01 Rev B). The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.

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

04

Development shall not be commenced in respect of the details identified below until the following such details at a scale of not smaller than 1:20 (or as may be otherwise agreed) 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.

Joinery details

All types of external window and doors and their immediate surrounds (including, sills and headers, colours of doors and windows and if necessary for clarification, notes on glazing)

Rooflights

Rainwater goods

Meter boxes

Vents

Flues

Boundary treatments

Reason: To ensure that the details (including where appropriate the materials used) are satisfactory for this building in the interests of visual amenity and heritage.

05

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

Any new or replacement bricks

Any new or replacement roofing tiles

Reason: In the interests of visual amenity and heritage.

06

Development shall not be commenced in respect of the details identified below until the following such details 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.

Details and specification for repairs and repointing

Details and specification for any cleaning of the external fabric of the building

Reason: In the interests of visual amenity and heritage.

07

Any new doors and windows shall open inwards only.

Reason: For the avoidance of doubt.

08

If any part of the roof is to be removed, modified or disturbed, including felt, ridge capping or tiles, the work is to be undertaken by hand and in the presence of an experienced, licenced ecological consultant.

Reason: In the interests of maintain and enhancing biodiversity.

09

Before first residential occupation of the building, the internal ground floor level of the building shall be raised by 200mm in accordance with the Flood Risk Management Measures detailed at Section 6 of the SCC Flood Risk Assessment submitted as part of this application.

Reason: In order to ensure flood risk mitigation measures are implemented to make the building safe for occupiers in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Note to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

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

03

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

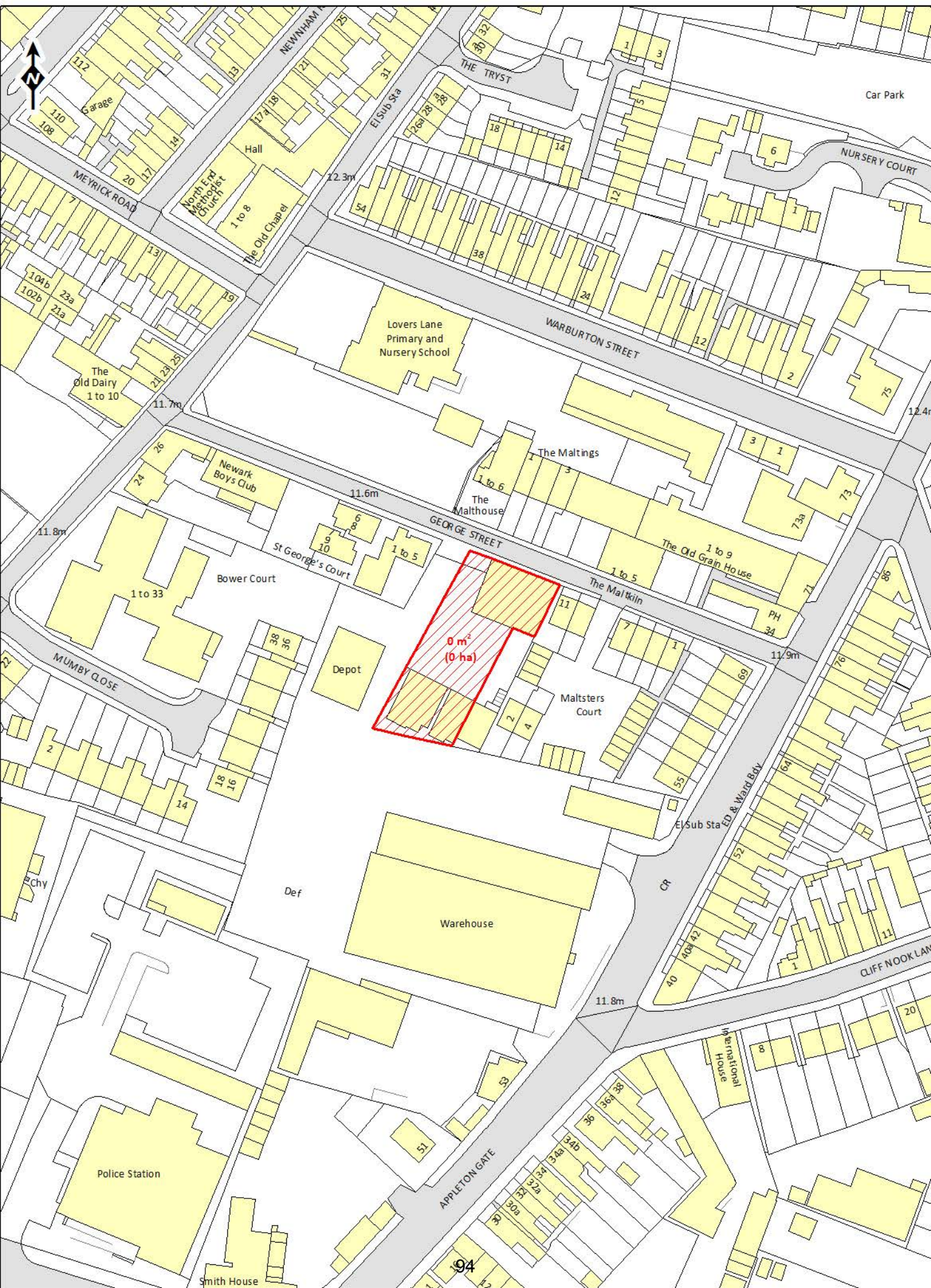
Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	17/00147/FUL	
Proposal:	Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective)	
Location:	Robin Hood View Caravan Park Middle Plantation, Belle Eau Park, Bilsthorpe	
Applicant:	Mr J Kennedy	
Registered:	25 January 2017	Target Date: 27 March 2017
Extension of time agreed until 7 April 2017		

This application was deferred from the 4th April 2017 Planning committee. The reasons for deferring the application were:

- **To obtain clarity in terms of whether there was a restriction on the original permission in terms of no. of caravans stored (as opposed to being there for holidays), whether there was a condition on the consent relating to landscaping as the hedgerow has been removed.**
- **Seek clarification from the Environment Agency regarding any permit for the septic tanks as there are concerns about sewage in adjacent fields.**
- **Possible concerns regarding external lighting.**
- **Need to look again at the wording of the conditions as Members were concerned that a caravan could remain on site permanently which is contrary to the touring nature (currently only currently controls occupation not the fact that caravans could be there)**

The updates are provided in bold text within the report.

The Site

The site occupies a hill top location within the undulating open countryside which is accessible via a single track private driveway which leads through Belle Eau Park industrial estate. The wider site is generally open in character and contains 2 large agricultural buildings to the south east of the site. Overall the wider existing touring site comprises c2.41 ha. There is a residential dwelling house located to the north-west corner and an amenity building for the caravan site close to the entrance.

The wider site is presently in use as a holiday park for 30 holiday caravans and for the storage of caravans, subject to a planning permission granted in 1997. The site is partly enclosed by an earth bund along the southern boundary of the wider site and the application site.

The site is visible from the main A617 (Kirklington Road) highway due to its elevated position.

The red line of the application site is located to the west of the original caravan park and comprises c0.56 hectares. This was formerly scrubland and is bound by a deciduous hedgerow to the west, mature trees to the north and east (which are still in situ).

The site is within the Open Countryside and is designated as being within the Sherwood Forest Regional Park.

Relevant Planning History

46911253 – Establishment of a holiday caravan park (25 vans)

FUL/961279 (96/50813/FUL) – Replacement office with reception and toilet facilities and use of land for touring caravans and storage of caravans, a condition was imposed restricting the siting to 30 holiday caravans. **The permission authorised the use of the area to the south of the site, which is currently being used for caravan storage, for this use. There was no restriction placed on the numbers of caravans that may be stored. A condition was imposed that required details of a landscaping scheme. The scheme was required to be retained for a period of four years. There are no details on the file as to whether a scheme was submitted. Regardless, the period for retaining any such scheme would now have expired.**

10/00261/FUL - Proposed use of land for the siting of 30 timber cabins (caravans) for tourist use plus reception/site managers accommodation. Refused by LPA but approved by appeal. This was instead of the caravan use (not in addition) but was never implemented. The permission has now time expired.

16/00180/ENF – A complaint was received regarding the provision of additional caravan pitches at the site and was duly investigated. The applicant was advised that the only way in which the proposal may be acceptable would be to apply for permission so that appropriate mitigation and controls could be secured on the site in the event that permission was forthcoming. No such application was submitted and therefore the visual harm identified could not be secured. Officers therefore had no choice but to issue a planning enforcement notice in September 2016 alleging to following breach(s);

- A. Without planning permission, development consisting of works to alter the level of land shown hatched on the attached plan
- B. Without planning permission, development consisting of the material change of use of land shown hatched on the attached plan to use for the stationing and positioning of caravans.
- C. Without planning permission, development consisting of works to create an earth bund along the South boundary of the land shown edged blue on the attached plan (the annotated plan shows the general position of the earth bund and may not be the exact line as it may be subject to distortions in scale).

Then enforcement notice was subsequently appealed, however prior to a decision being issued the application being considered was submitted and the enforcement notice was therefore withdrawn pending the outcome of this application.

The Proposal

Planning permission is sought to undertake works to the west of the existing caravan park in order to facilitate the siting of a maximum of 15 additional touring caravans. The applicant is marketing this particular part of the site as an adult only section to cater for couples who prefer quieter pitches with the remainder of the site catering for families with children.

The proposed works include alterations to the ground levels, creation of an earth bund and areas of landscaping to separate the 'pitches'.

The application is retrospective in that all 15 pitches are laid out with hard standing. In doing so the land has been levelled and the earth bund extended across its southern boundary. It is understood that the works were undertaken approximately one year ago.

Departure/Public Advertisement Procedure

Occupiers of nineteen properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 13: Landscape Character

ShAP1: Sherwood Are and Sherwood Forest Regional Park

Allocations and Development Management DPD Adopted July 2013

Policy DM5: Design

Policy DM7@ Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Landscape Character Assessment SPD, December 2013

Consultations

Kirklington Parish Council – Object to the proposal with the following concerns:

Over intensification of the site - It is felt that the proposed numbers would be too great for the site, which is a Health and Safety concern as well as a practical one. It doesn't appear that the initially proposed 30 caravans are in place so it does not seem wise to extend numbers further without being able to see if these are effectively placed. Previous comment/advisory from Environmental Health stated that plans showed only 3m separation, instead of 6m, and that site roads were not wide enough – attention to this would need to be demonstrated.

Environmental Concerns

It is felt that insufficient information was provided about waste management – occasions of sewerage draining onto a surrounding field already poses a problem which would only be exacerbated with in increase in site usage. Further details would be needed to show how the site would effectively and safely manage waste. For example, information was not available to show that the required consent to discharge permissions had been granted. Additionally, mains water pipes are exposed and open to the elements in places which could have an impact on the safety of the water to the site.

Insufficient information has also been provided about the safety of materials used on, and around, the site. Buildings that have been pulled down and/or buried may have contained asbestos which could continue to be hazardous in the event of contaminated land being moved. There is also uncertainty with regard to how local hedges have come to be in a poor state of health – it is possible that substances have been applied to them. In both cases, further research into the safety of the land within the boundaries would provide additional facts, and reassurance.

The website states that it is a secluded environment, however, the removal of trees and hedges in/around the site, along with its raised profile, means screening is inadequate and the can be seen from some distance away. Visitors may not get the privacy/seclusion they're expecting and the removal of vegetation does not enhance the local area in terms of visual aspect or provision of food/shelter for local wildlife.

Accessibility

The road to the site is narrow, with few passing places, and is not suitable for increases in traffic volumes that greater visitor numbers would bring. It is also likely to bring practical problems in terms of transporting cabins (even in sections).

Unproven Demand

The demand for the increase has not been evidenced – the site, historically, does not appear to have been fully utilised and information provided does not demonstrate how the predicted numbers have been reached.

Bilthorpe Parish Council - Bilthorpe parish council discussed the above application at their meeting on Monday 13 February and voted to no objections. However due to further information that has come to light and that we understand this application should have gone to Kirklington Parish Council, Bilthorpe Parish council at their meeting last night (13/3/17) would like to request that their no objections be withdrawn.

Cllr P Rainbow, the Local Ward Member has formally requested that the Robin Hood caravan park application is 'called in' and go before the planning committee on the basis of:

"Concerns are much the same as those of Kirklington Parish Council.

Over intensification of the site.

Environmental concerns, including health and safety and lack of maintenance.

Access issues.

Unproven demand."

NCC Highways Authority – This is a retrospective application for the siting of up to 15 additional caravans for holiday use. This is not expected to have a significant effect on the public highway, therefore, there are no highway objections.

Environmental Health – Currently this site benefits from a caravan site licence for holiday use from Environmental Health. The site has recently been inspected and it was noted that there is a new adults area which provides additional pitches.

It appeared with these that there were more pitches at the site than permitted caravan numbers allowed under the licence – although the site was not fully occupied due to the time of year.

Otherwise the site appeared in good order, with modern facilities and was generally compliant with the other licence conditions – inspection form attached.

Support this proposal to regularise the additional pitches to allow the permitted licence numbers to increase.

Trent Valley Internal Drainage Board – The site is outside of the IDB district but within the board's catchment. There are no IDB maintained watercourses in close proximity to the site.

The suitability of soakaways should be ascertained and should be designed to an appropriate standard.

Access and Equalities officer - It is recommended that the developer be advised to give consideration of inclusive access to and around the site. Access to available facilities and features should be carefully considered, particularly pedestrian routes

Representations have been received from 48 local residents/interested parties (many of whom appear to be customers providing positive testimonials for the adult only section of the site) which can be summarised as follows:

- Concerned about the impact of additional pedestrians from the new pitches.
- Considers that a former chicken unit/ storage building has been demolished elsewhere onsite.
- A wooded area has been removed to the South West of the site
- Considers that the works undertaken exceed the previous planning consents.
- Considers that some of the caravans onsite are being permanently resided - which would be a breach of the 2010 permission.
- Part of the access lane/ track falls outside of the applicant's ownership.
- Concerned about the potential for noise disturbance from the new area of the site.
- Concerned about additional waste from the site and how this will be kept within the margins of the site.
- Consider that the land may be contaminated.
- Question why no hours of opening have been submitted and concerned about the effect of hours of operation.
- Request that a tree survey be submitted as consider that a large number of trees have been removed from the land.
- Requests that should planning permission be granted, conditions are imposed to require details of parking provision as consider that this is currently lacking.
- Does not consider that the proposed earth bund is a satisfactory screen for the site and requests further planted screening.
- Concerned about flood risk from the works that have been undertaken.
- Does not consider that the proposal will comply with the local plan in regard to the impact of the proposal on the character and appearance of the site.
- Requests that the application be refused as considers that a lack of detail has been submitted.
- Requests that the application be determined by the planning committee.
- Considers that the additional space provides a positive extra area to the site for people without children.
- Comments that the land was previously infested with vermin and the works are therefore a benefit.
- Consider that the works to the new area are a benefit aesthetically.

- Supports the 'adults only' element of the site.
- Considers that the proposal has boosted the local economy by increasing tourism to the area.
- Notes that there are now less vermin on the adjacent industrial estate.
- Comments that there have been improvements in the access track leading up to the site.

Appraisal

Preliminary Matters

The 1997 planning permission for the caravan site (96/1279) appears to relate to the entire site (including this application site) albeit the quantum of pitches was restricted to the amount that was applied for 30, which were laid out elsewhere on the site. Therefore in essence this application seeks retrospective consent to increase the number of caravans from 30 to 45 and the retrospective alterations to the land to accommodate the addition pitches.

Principal of Development

Policy DM8 accepts that within the Open Countryside, as in the case of the application site, tourist accommodation will be supported where it is necessary to meet identified tourist needs, it constitutes appropriate rural diversification, including the conversion of existing building, and can support local employment, community services and infrastructure. In addition all proposals need to satisfy other relevant Development Management Policies, take into account of any potential visual impact they create and in particular address the requirements of Landscape Character. This is mirrored by the NPPF which that in order to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy DM5 requires parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

CP7 states that tourism and visitor based development, including new good quality over-night accommodation will be supported provided that "The extension of existing tourist accommodation is of a scale appropriate to the sites location and where the extension helps to ensure future business viability."

It is noted that the vast majority of interested parties, including some local businesses that have taken the time to make representations, have supported the proposals. Regarding 'need' for the tourist accommodation, the applicants agent has commented that the applicant is an experienced holiday caravan park operator, running two well-established touring caravan parks in Nottinghamshire. They content that there has been rapid growth in recent years of 'adults only' holidays in general, and 'adults only' caravan parks in particular. There has also been significant growth in holidays being taken in the UK. The agent has identified that although there are 12 touring caravan sites in Nottinghamshire which are either wholly or partly 'adults only', 8 of these are small 'Certified Location' sites with minimal facilities. The existence of these 'adults only' sites clearly shows the demand for such facilities to be available in the County. The applicant's comments have been noted. I am mindful that the scheme is retrospective and therefore one can assume there is a need to expand the site given the applicants investment in undertaking the works, which presumably they wouldn't have done unless there was a need. Allowing the reasonable expansion of an existing rural based tourism development is advocated by the NPPF.

Impact upon the Character of the Area

Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD seek to protect the open countryside from inappropriate development.

Policy DM8 advises that tourist accommodation would be considered as being an appropriate use within the Countryside, taking into account any potential visual impact they create and address the requirements of Landscape Character in accordance with Core Policy 13. This is mirrored by the NPPF which supports rural tourism developments that benefit businesses in rural areas and which respect the character of the Countryside.

The site lies in the landscape character area Mid Nottinghamshire Farmlands Policy Zone 27 'Kirklington Village Farmlands' where landscape condition is described as very poor and with moderate sensitivity giving a policy action of create according to CP13. The Landscape Character Appraisal suggests that taking the opportunity to create new hedgerows and restore existing where feasible, containing new development within historic boundaries and creating new areas of planting in order to minimise the impact of industry on the character.

In assessing the visual impact of the scheme I am mindful that the wider site comprises an existing caravan park which is confined physically by hedgerows on three sides and an earth on the southern boundary. It is proposed to increase the number of caravans but by utilizing a modest existing section of the site within the wider confines. The proposal therefore does not constitute any further encroachment into the countryside and indeed will simply make more efficient use of the land. In my view this will not be to the detriment of the visual appearance of the site, given that there is a substantial and mature existing hedgerow to the west particularly and mature trees to the north and east. Further the existing earth bund has been extended alongside the southern boundary of the application site. The retrospective bund does not fully screen the pitches. However in considering whether the visual impact can be mitigated I conclude that with a robust landscaping scheme to be secured by condition would adequately screen the development from views and I consequently find no visual harm with the proposal. Indeed requiring the additional planting would also accord with the create policy action of CP13.

I note that the character of the site is currently that of a touring caravan park and therefore the proposal would not be an alteration to this. In terms of the appearance of the site within the wider area, I note that some trees may have been removed from the site in addition to scrub growth. This has resulted in the site being visible from land to the South as well as partial views from the A617 highway due to the sites elevated position. However it is important to note that the trees removed were not protected and could have been removed at any time without reference to the planning department.

The proposal is partially visible from the crest of the access track during times when the deciduous hedge along the western boundary is not in leaf. I therefore acknowledge that there will be some limited visual impact on the landscape character however I consider that this could be overcome by a condition requiring a suitable landscaping scheme to be submitted and implemented. Subject to this I conclude that the visual impact would be acceptable in line with the identified policies,

Design and Layout of the Site

National and Local Policy states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments.

In this regard I note that colleagues in Environmental Health support the scheme and have indicated that should planning permission be granted the necessary license would likely be issued. Environmental Health who issue the caravan site license have confirmed that the current site license (which was transferred to the applicant in 2016) has conditions restricting the number of caravans permitted on the existing site to 30 and also specifies the density and spacing of the numbers of caravans onsite. I therefore consider that these issues will be enforced outside of the remit of the planning application.

Other issues

Hours of Use

I note the comments that have been made concerning no hours of use having been specified on the application forms. However, as the use of the site is existing, and taking into account the distance to the closest residential properties I do not consider that a condition that restricts the hours of use would be reasonable in this instance, particularly as the use by its very nature is a 24 hour use.

Amenity and Noise

It is noted that concern has been raised that this section of the site could generate noise. However it appears that the pitches have already been in situ for a year and over the summer period of 2016 which is likely to be the busiest season. I note that our Environmental Health Officers have not raised concerns regarding noise or that they have received complaints. Further given the distances involved to the nearest dwellings I do not consider that this is a matter that could be substantiated. I believe that the proposal would meet the needs of privacy and preserve the amenity of residents in the wider locality.

Removal of Trees

With regards to the vegetation that may have been removed from the site during the creation of the caravan siting area, it appears that much of this was of poor quality and therefore I would repeat my previous comments that a soft landscaping condition could assist with screening the development from views of the site and may result in a positive contribution to the overall character of the area.

Land Ownership

I note the comments that have been received with regards to issues of ownership of the access track. I am satisfied that the applicant has without prejudice served notice on the owners of all of the adjacent parcels of land. Should the occupiers of any of the surrounding land or access track refuse access then this would be a private legal matter between the interested parties.

Drainage/Flooding

I have contacted the agent concerning the drainage on the application area and have been advised that no additional drainage provision is to be provided as the area has been surfaced using rolled crushed stone which is designed to be permeable. Surface water falling on the ground will be soaked into the sub-soil, as before the development was commenced as it is considered that there will be any additional runoff. Given the site lies within a low risk flood zone (zone 1) and is not identified within an area noted to suffer from surface water flooding I conclude that this should not cause any harm.

With regards to foul drainage the agent has commented that the additional spaces will be accommodated by the existing toilet block and chemical toilet disposal point.

Since the 4th April Planning Committee I have contacted the agent who has confirmed that the caravan park is served by 2 septic tanks which together have sufficient capacity to serve the existing and proposed sites. The septic tanks are emptied and transferred directly to Severn Trent Water in Mansfield by waste disposal operatives (Renascor Waste Disposal Services, Bilsthorpe) every 6 months as required. The septic tanks themselves rarely reach full capacity. The agent claims that no effluent output from the septic tanks drains or leaks anywhere on the site or near neighbouring land as it is stored inside the tanks and removed and disposed of away from the site. When waste disposal operatives visit the site to empty and remove waste from the septic tanks, they also inspect the tanks to ensure that they are in good working order. The septic tanks continue to operate as required, are well maintained and have no visual faults. I have contacted the Environment Agency who have confirmed that although the site does not have a permit for the septic tanks, a permit is not required providing that the operator meets the 'general bind rules'.

Waste Disposal

Waste would be stored within 1100 litre 'wheelie bins' for collection by a private waste haulage contractor. If additional bins/collections are required the applicant will make arrangements with the contractors. At most times, the freighter usually visits the site once a fortnight. At peak times, it may be necessary to have the freighter visit the site once a week. The agent has commented that it is particularly important to the applicant and to his guests that the site is kept clean and tidy and free of vermin.

External Lighting

The external lighting within the application area consists of a number of small solar powered ground lights and a string of LED lights. These are located on the inside of the newly erected earth bund. The agent has provided photographs of the lights at night and I am satisfied that there would be no adverse impact from the lighting which would be visible from outside of the site. Nevertheless, I am of the opinion that the current lights would not be development in their own right owing to the nature of the lights which have effectively been self-mounted/pushed into the ground and are not connected via a mains power source.

Caravans in Storage

With respect to concerns raised over whether caravans stationed in the storage area of the site (rather than on the designated caravan pitches) are occupied, the agent has confirmed that the caravans kept in the storage area are not occupied. The agent confirms that the caravans that Members raised concerns about are stored in a compound where they can be easily accessed and towed out of the storage compound because they are regularly rented out by the applicants. When these caravans are not occupied, they are towed back into the storage compound in order to be cleaned and aired out. This involves keeping the windows and doors open during the day, as well as hoovering and cleaning in preparation for when they are next rented out. What members saw was the caravans in the process of being cleaned and aired in preparation.

Conclusion

The approved use of the site relates to a wider site that is already successfully operating as a touring caravan site. When approval was granted for this in the 1990's the quantum of pitches was restricted by the fact that the applicant applied for 30 pitches and this features in the description of the development at that time. The approved layout showed the pitches were sited elsewhere on the site with this part of the site remaining undeveloped.

However this application seeks to include an additional 15 pitches specifically to cater for an adult only market. The pitches are already in situ and the earth bund proposed has also been created. In my view this proposal constitutes the reasonable expansion of an existing tourism business which is contributing to the local rural economy as advocated by the NPPF and in my view this represents sustainable rural tourism. Further the expansion has taken place within the confines of the existing site and does not encroach into the open countryside. The visual impact that this scheme would have by virtue of its elevated position can be mitigated by a condition to require soft landscaping.

I have concluded that there is no other demonstrable harm. Overall it is considered that there are no material considerations why planning permission should not be granted.

RECOMMENDATION

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

01

Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) full details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. 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

Reason: In the interests of visual amenity and biodiversity.

02

The approved soft landscaping shall be completed during the first planting season following the approval of details, 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. Any hard landscaping shall be carried out to an agreed timescale.

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

03

Within the application site (as identified by the Site Location Plan referenced RHR-LP) there shall be no more than 15 pitches provided and these shall be laid out in accordance with the approved Block Plan, plan reference RHR-BP.

Reason: for the avoidance of doubt and in the interests of sustainability and amenity.

04

The pitches hereby permitted for ~~use as~~ holiday use shall not be occupied by the same person or persons, **nor by the same caravan or motorhome**, for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the pitches are not occupied for residential purposes in a location where new residential development would not normally be permitted.

05

The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

Notes to Applicant

01

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

02

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

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

Background Papers

Application case file.

For further information, please contact Richard Marshall on ext 5801.

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:	17/00193/FUL	
Proposal:	Demolition of 13 garages and the development of 2 x 1 bed bungalow	
Location:	Land Adjacent 1 Whittaker Road, Rainworth	
Applicant:	Newark and Sherwood Homes	
Registered:	01.02.2017	Target Date: 29.03.2017
Extension of time agreed until 10.04.2017		

This application was deferred from 4 April 2017 planning committee. The reasons for deferring the application are:

- **To look at how many garages are rented by tenants and how many are rented by the other individuals including post codes of those other individuals.**
- **Request a survey of the whole road to look at how many properties could achieve parking within their curtilage frontages and the number of existing properties with garages on length of Whittaker Road**
- **Officers to seek clarity on the applicants stance particularly in relation to 10 cars being displaced by the garage loss.**
- **Members also wanted assurance that level access/easy access for less mobile occupiers given topography could be achieved.**

The report is as originally reported with additional information and amendments made in bold within the report.

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 comprises 13 garages arranged in a courtyard fashion off Whittaker Road with an area of hard standing adjoining the road. The garages are flat roofed with up and over doors with the rest of the site being laid with hardstanding.

There is a retaining wall to the south east of the site where the garden areas to properties on Preston Road are elevated to the site. The site is surrounded by residential development, predominantly two storey with some single storey properties to the south on Preston Road.

The application site is located within the main built up area of Rainworth, a Service Centre as identified within Spatial Policy 2 of the Core Strategy. Vehicular access to the site is from Whittaker Road via an existing access.

Relevant Planning History

No relevant planning history.

The Proposal

Full planning permission is sought for the demolition of the existing garage court and the erection of 2 no. 1 bed bungalows to be made available for the social rented (affordable) market.

The proposed bungalows would be semi-detached and sited set back from Whittaker Road slightly behind the building line. Parking would be provided to the frontage of the site with a rear garden area to the southeast of the plot.

The approximate measurement of the bungalows would be 16.98m (with each dwelling having a 8.49m frontage) by 8.54m deep, 2.5m to the eaves and 5.69m to the ridge-line.

Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter and a site notice posted.

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
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

Rainworth Parish Council – Object and would like the following points to be taken into consideration prior to the final decision being made:

- Whittaker Road has already lost one set of garages, losing a further 13 will put a huge strain on available road side parking spaces on Whittaker Road, this could lead to parking disputes.
- Incentives should be put in place so that residents can apply for dropped kerbs to allow for parking on their own properties should they lose garage space.
- Are the garages well used, is there full occupancy? It is important to determine if there is a need to retain the garages.
- Any dwellings upon the area need to be built to be disabled friendly from the outset to avoid costly renovations later.
- Historically flooding has occurred in the area as it sits on a slope.

NCC Highways Authority – This proposal is for the construction of 2 x 1 bedroom bungalows following the demolition of the existing garages. Each dwelling is to have one parking space and the existing vehicular access is to be used, with no alterations proposed.

Therefore, there are no highway objections to this proposal.

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

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, ‘step-free’ access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. 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, suitably wide corridors etc. 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 dwellings together with suitable accessible WC and sanitary provision etc.

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

Representations have been received from 11 local resident which can be summarised as follows:

- Use the garage to park car in and keep it safe
- The garages are well used and some properties don't have off street parking
- Individual tenants were not notified
- Money has just been spent on new roofing to the garages
- The road layout is archetypal and parking is hard and limited
- Danger to highway and pedestrians
- Increasing on street parking will have an impact on visibility
- The road surface is not the best quality
- Concern over the impact on road safety and parking
- Restrict and limit access to delivery vehicles, refuse collection and Emergency vehicles.
- Feel overcrowded
- Already knocked down a set of garages on the street
- Would welcome the opportunity to purchase all of the Garages and access area should that become an option, giving us responsibility for all future maintenance.

Since deferment of the report from the 4th April Planning Committee a further 2 letters of representation have been received from local residents which can be summarized as follows:

- Garage user have been moved from garage on address twice before
- Parking is always a problem because of street size and layout, emergency services struggle to negotiate any sort of movement be it entering parking or turning
- All the garages are in use and there is nowhere else to keep vehicle safe
- If garage lost the will be seeking a dropped kerb for free and a secure high quality storage shed for motorcycle.
- How would refuse collection etc access street
- Dropped kerbs should be provided for free to provide off street parking

Comments of the Business Manager

Principle of Development

The site is located within the built up area of Rainworth which is defined as a 'Service Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Service Centres should act as a focus for service provision for a large local population and a rural hinterland.

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 a residential area which is predominantly two storey but there are some single storey dwellings to the south east on Preston Road.

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

The layout of the development has been designed such that the proposed dwellings are set back into the site, with a small landscaped frontage and parking area. An adequate level of private amenity space is considered to be afforded to the proposed dwellings.

The site is slightly elevated to Whittaker Road and the rear of properties on Rugby Road, however, properties to the south and south-east are sited above it. The application proposes single storey dwellings with a height of only 5.69 metres, so whilst the site is elevated to the highway the properties would not appear out of character or over dominant within the streetscene.

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 and as a result would comply with the aims of Core Policy 9 and Policy DM5.

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 single storey dwellings are to be sited to the rear of properties fronting Rugby Road and Preston Road and to the east of No. 1 Whittaker Road. The application proposes the demolition of the two blocks of garaging that currently occupy the site.

To the east and south of the site are semi-detached properties and bungalows on Rugby Road and Preston Road. The proposed dwellings would be sited to the centre of the site and would be separated from the rear of No. 62 and 64 Rugby Road by 10 metres. The garages currently form the boundary to the site along with a low brick wall and fencing. The properties have been designed to have a single bathroom window on the side elevation which can be conditioned to be obscurely glazed. To the south are properties on Preston Road which are sited approximately 14 metres away and at an angle, further to the south east No. 85 & 87 Preston Road, single storey properties, are some 28 metres away.

Adjoining the western boundary is No. 1 Whittaker Road which would be at an angle and further forward within the streetscene to the proposed dwellings. The side flank wall of No. 1 has first floor windows overlooking the site and is separated by a flat roof garage. The front elevation of the dwellings would be 5 metres, at the closest point, from the side of the main dwellinghouse and the front aspect would be angled to the north-west overlooking the front parking area and site of the garage. The properties would be single storey and with suitable boundary treatment would not have an adverse impact on No. 1.

Given these separation distances and the size and scale of the properties proposed, I am satisfied that the proposal would not result in any undue overbearing, overshadowing or overlooking impact.

Each of the proposed dwellings would have a private rear garden area of an appropriate size commensurate to the dwelling itself. No details of the boundary treatments have been provided. I am mindful that the existing garages form the rear/side boundaries with some of the surrounding properties and once the garages are lost this may expose gardens to a building site. I therefore consider that a condition to deal with this and to control the new finished boundary treatments would be appropriate.

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

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.

Parking on Whittaker Road 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 13 garages. However, it must first be noted that 2 off-street parking spaces would be provided and this level of parking is considered to be acceptable and commensurate with the size of the dwellings proposed.

Regarding the loss of the garages, the applicant has advised that they are trying to establish if there are any other garages within the locality that could be offered out as an alternative. 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. **Clarification has been sought from the applicant who have confirmed the following with regards to the current usage of the garages;**

14 garages

14 Occupied

0 void

10 used for cars

4 Used for storage

4 rented to NSDC tenants

10 rented to non-tenants

13 live within Rainworth postcode

1 lives outside of postcode: Whittlebury, Towcester NN12 8XP

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.

A survey of Whittaker Road has been undertaken to establish which properties can park off the highway and which properties have garages. The survey has revealed that out of the 20 properties on Whittaker Road 13 properties have some form of off street parking in the form of hardstanding or driveway and 3 properties have use of garaging. 7 properties have no off street parking or garaging. This has been marked up on an OS Plan for clarity.

Taking these issues in to consideration and the fact that the Highway Authority raise no objections to the scheme subject to conditions, I consider that the loss of the garages as parking spaces is acceptable and that the proposed scheme would not result in highway issues to justify refusal on these grounds. In those circumstances the proposal would be considered to accord with Policy SP7 and DM5.

Other Matters

Drainage

Concern has been expressed with regard to flooding. The site lies within an area of low risk from flooding. Given the scale of the development and the relatively low risk from flooding this is not a matter that the Lead Local Flood Risk Authority would offer comments upon. However surface water run-off in terms of its impact on the highway would be controlled via condition to ensure these are satisfactory.

Ecology

The aims of Core Policy 12 and Policy DM7 seek to ensure proposals conserve and enhance the biodiversity of the District.

I was unable to obtain access into any of the garages during my site visit but overall given that the garages are located within an urban area, are single storey with a flat roof and are relatively well maintained, I consider it unlikely that there would be any birds or other protected species such as bats utilising the buildings. I therefore do not consider it necessary or reasonable to attach any conditions (in any case wildlife is afforded protection by separate legislation) to safeguard against harm.

5 Years Housing Land Supply and Affordable Housing Stock

This proposal will make a small but nonetheless positive contribution to the Council's 5 year housing land supply and a valuable contribution to the affordable housing section through social rent. It should be noted that a scheme for 2 dwellings would not require any affordable dwellings albeit this is welcomed. However given that the scheme is acceptable in any event, I do not consider that it is necessary to secure the housing as such as this does not need to be weighed in the balance.

Access/Easy Access

At the request of Members clarification has been sought as to whether level access/easy access for less mobile occupiers could be achieved to the site given the sites topography. The applicants have confirmed that the units will be built to Building Regulations so at least one door will have the relevant level access/easy access for less mobile occupiers

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 that any impact on on-street parking in the area would not be such to result in highway safety issues warranting a refusal of planning permission in this instance.

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/ID101/003B
- Proposed Plan and Elevations – drawing no. 40860/ID101/004

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

Reason: So as to define this permission.

03

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

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

boundary treatments; and

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

05

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.

06

The window openings on the north-east side elevation and on the south-west elevation of the building 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 occupiers of neighbouring properties

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).

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 development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes to Applicant

01

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

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

02

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

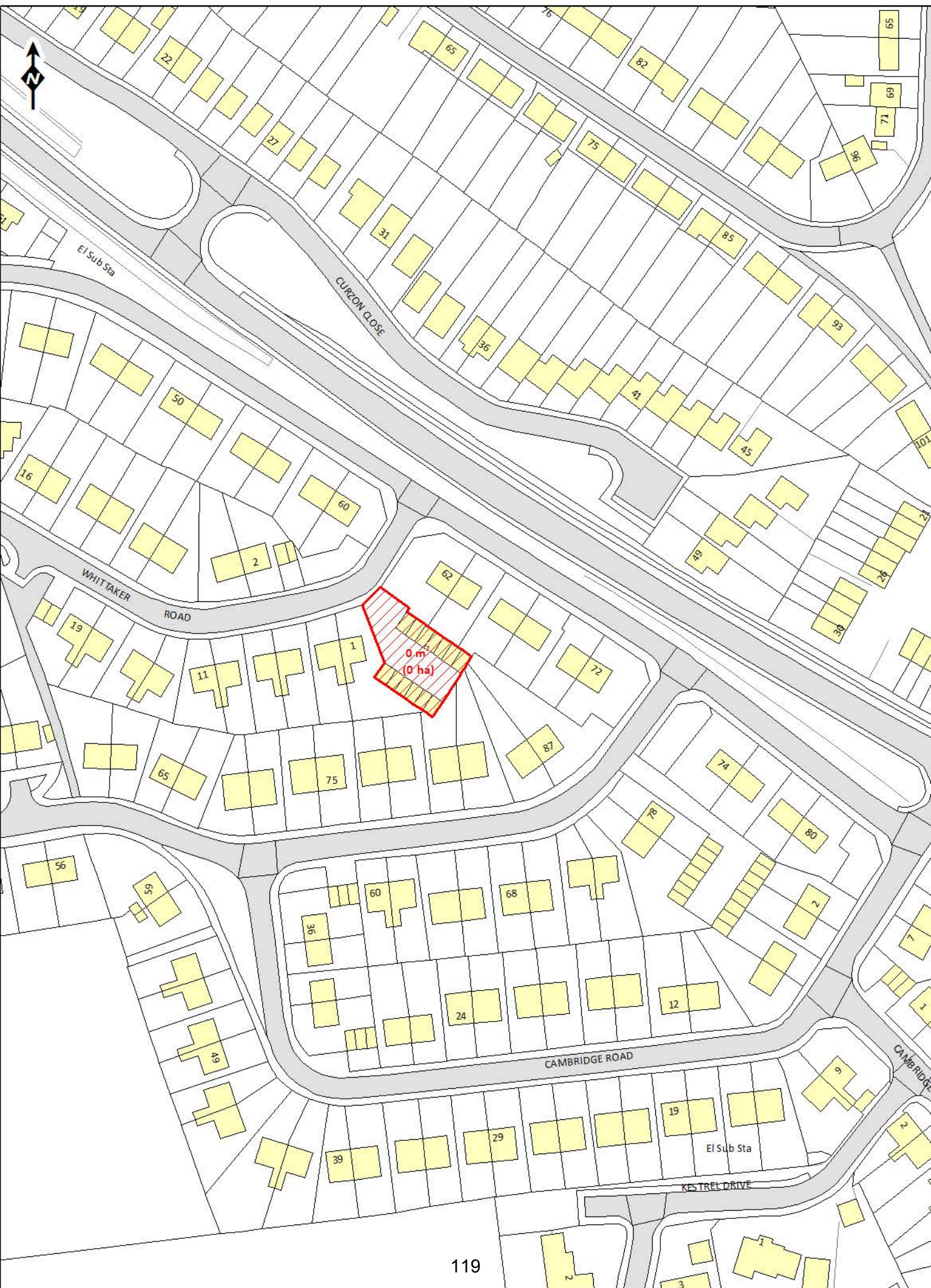
Background Papers

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive



Application No:	17/00382/FUL	
Proposal:	Proposed New Dwelling (including proposed demolition of existing pre-fabricated garage)	
Location:	Gable House, Middle Lane, Morton, Nottinghamshire, NG25 0UY	
Applicant:	The Winser Family	
Registered:	27 February 2017	Target Date: 24 April 2017

This application has been referred to Planning Committee because the Officer recommendation is contrary to the view of Fiskerton-cum-Morton Parish Council.

The Site

The application site contains Gable House which is a substantial and attractive period dwelling with garages positioned to rear. The site is located within the settlement of Morton and is situated within the Conservation Area. The site is located on the north side of Middle Lane with the dwelling and associated garages being located close to the eastern side boundary of the site. The remainder of the site (to the west and north of the dwelling) forms the private garden of Gable house which is mostly covered with grass.

There is one existing vehicular access off Middle Lane (which abuts the southern boundary of the site) which serves the dwelling and associated outbuildings to the rear. To the east of the site lies the Public House 'The Full Moon Inn' and its associated car park. The site is bound to the north and west by surrounding residential properties and gardens located on Church Lane and Manor Drive. To the south, the site is bound by Middle Lane, where access into the site exists. Hedgerows provide the boundaries to all sides, with some tree planting to these boundaries. There are also a number of trees or various sizes within the site alongside more hedging.

Relevant Planning History

10/00757/FUL - Householder application for erection of single storey extension – Permitted 08.07.2010

The Proposal

The proposal seeks planning permission for the erection of a 4-bedroom dwelling to the rear of Gable House. The main dwelling will be two-storey in height with a ridge height of 7m with a single storey element with a ridge height of 5.2m. The dwelling will have a footprint of 166m², resulting in a floorspace of 261m². The dwelling will be constructed of brick and pantile with timber frame windows and doors. At ground floor, the dwelling would provide a lounge, study/dining room, utility room and an open kitchen/dining area, with 4 bedrooms and bathroom at first floor.

The application also proposes the creation of a new driveway accessed via Middle Lane with the division of the land associated with Gable House to provide a separate curtilage for the proposed dwelling.

Additionally, the application proposes a detached carport with workshop/store. The garage will measure approximately 6m in width, 9m in length and 4.8m in ridge height.

Public Advertisement Procedure

Occupiers of 11 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 Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD

DM5: Design

DM6: Householder Development

DM9: Protecting & Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Fiskerton Parish Council – Support the proposal

NSDC Conservation Officer – *Gable House and the proposal site falls within Morton Conservation Area (CA). The Church of St Denis to the east is Grade II* listed.*

Land within the proposal site is identified as being of archaeological interest on the County Historic Environment Record (HER).

We have previously provided advice on a proposal to redevelop this site (ref PREAPP/00260/16). The submitted scheme has sought to address the concerns and issues raised during these pre-application discussions. The revised scheme submitted on the 5th April 2017 is broadly consistent with that advice.

Legal and Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 requires the LPA to pay special regard to the desirability of preserving listed buildings and their setting. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as '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. Key issues to consider in proposals for additions to heritage assets, including new development affecting conservation areas are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting.

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

There are individual heritage assets within the site identified on the HER, including areas or features of archaeological interest. In accordance with Annex 2 of the NPPF, areas of archaeological interest 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 the Heritage Asset(s) Affected

Gable House is an attractive 19th century house set in large grounds at the heart of the CA.

The special character and appearance of Morton CA is summarised within the adopted CA Appraisal (adopted 2003). The grid of lanes within the village reflects the older layout of the settlement, and results in an attractive arrangement of properties. The Gables is identified within the Appraisal as a positive building within the CA due to its Victorian age and architectural appearance. The Appraisal reminds us that Middle Lane has a distinct character, noting that Gable House is the only property on the east side, which is otherwise characterised by green hedges and occasional trees.

The earthworks identified on the HER run northeast of Gable House and back onto the pub car park. The earthworks extend around the church and other parts of the settlement, including a Scheduled area to the south of the village. These earthworks are thought to relate to Iron Age/Romano-British settlement, and as such have a degree of regional significance.

Assessment of Proposal

The proposal seeks to construct a new dwelling in the rear orchard of Gable House. The proposal also seeks to remove a modern pre-fabricated garage, as well as create a new driveway with a 3m access to the west of the existing entrance.

The pre-fabricated outbuilding is of no historic interest and its removal will not harm the character and appearance of the CA.

There is clear potential for archaeological interest within the site. The submitted desk based assessment gives a comprehensive summary of the site's potential. Further advice should be sought from an archaeologist on whether the potential terracing identified is commensurate to the scheduled areas nearby, whether further investigation is needed pre-determination, or whether this can be addressed via suitably worded conditions.

The new dwelling references historic farmstead character in its scale and form, comprising a mock threshing barn with a perpendicular single storey range. Due to its layout and appearance, the proposal will appear as an ancillary component to Gable House, and glimpses of the proposal from Middle Lane and the Full Moon Inn will suggest a subservient outbuilding range similar to other historic building arrangements in the wider area. Whilst the development will interrupt the spacious historic orchard area, the proposed building line of the new dwelling is broadly consistent with the Gable House curtilage, ensuring that the open areas preserved on the western side of the site maintain a sense of the space.

Due to landscape screening and distances from relevant receptors, the proposal is not considered to be unduly prominent within the parish setting of the Church of St Denis.

The new access arrangements have been designed so as to minimise highway disruption with a modest break in the hedge line. When seen in aspect from further along the lane, the new entrance will not be unduly prominent.

On balance, the proposal is considered to sustain the significance of the CA and cause no harm to its character and appearance. The proposal is not considered to be harmful to the setting of the listed Church of St Denis furthermore.

Summary of Opinion/Recommendation

The proposal causes no material harm to the character and appearance of the Morton CA or the setting of the Church of St Denis, a Grade II listed building. The proposal therefore accords with the objectives of preservation required under sections 66 and 72 of the Act. The proposal is also considered to be compliant with heritage advice contained within DM9 of the Council's LDF DPD and section 12 of the NPPF.*

If approved, and without prejudice to any further archaeological advice, the following matters should be addressed via suitably worded conditions:

- *All facing materials to be agreed;*
- *Pantiles to be natural red of a non-interlocking variety, sample of which is to be submitted and agreed;*
- *All external joinery, including windows and doors, to be timber (to be retained), the design, specification, opening method and external finish to all be agreed in the form of scaled drawings, sections and product literature;*
- *Further details of the mock barn non-standard elements (notably the full height glazed opening and the car port design), and more generally, further details of verges, eaves, headers, sills, ridge tiles, rainwater goods, conservation roof lights, and any other external accretions (such as meter boxes, vents, flues, extractors etc);*
- *Further details of all boundary treatments, the garden wall and gates;*
- *Sample panel of the brickwork to be shown on site. Panel of no less than 1 metre square showing brick, bond, mortar and pointing finish; and*
- *PD to be suitably restricted, including alterations to any prominent roof.*

NSDC Access and Equalities Officer – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

NCC Highways Authority – *It is not envisaged that this proposal will severely compromise highway safety. Therefore there are no highway objections subject to the following conditions:*

1. *Occupation of the proposed dwelling shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.*

Reason: *To prevent deleterious material/surface water from being discharged to the public highway, in the general interest of highway safety.*

2. *Occupation of the proposed dwelling shall not take place until a vehicular crossing is available for use and constructed in accordance with the Highway Authority's specification.*

Reason: *To ensure that drivers can cross the verge in a safe and controlled manner.*

Note to Applicant

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

NCC Archaeology – No comments received

Environment Agency – The site lies within flood zone 1 and is therefore low risk

Trent Valley Internal Drainage Board – No objection to the proposal

Three letters of representation have been received from local residents, raising the following issues:

- The development would reduce the level of privacy for neighbouring properties and increase noise disturbance from both the dwelling and associated vehicular movements
- Impact upon trees within the site and along its boundaries.
- It is difficult to comprehend an objective conclusion to the development when further residential development could be proposed on the site, therefore to consider the application in isolation to the overall intentions gives a false and misleading representation
- Impact of the removal of existing natural surface drainage area upon neighbouring properties
- Impact of additional vehicles upon the public highway.

Comments of the Business Manager

Principle of Development

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

Five 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.'* 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.'*

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will also be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who 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 to them* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>). The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be a Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

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

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 located within existing built form along Middle Lane, Manor Drive, Church Lane and Main Street therefore I am satisfied that the site lies within the main built up area of the village.

However, Morton's local services are very limited. The submitted Design and Access Statement lists the services available in the village including a public house; Church and associated rooms; and sports ground and pavilion. Notwithstanding these, proposed occupiers would likely be reliant on private cars to many services, including schools and local shops for day to day provisions. I note the applicant makes reference to a bus route that serves the village, however this runs twice daily (once outbound to Newark, once inbound) on weekdays only and therefore in my view is not a service which would enable the proposal to be considered sustainable. Furthermore, whilst Fiskerton is within walking distance (approx. 1km), there is no pedestrian friendly route that the occupiers could safely use all year round, owing to vehicular traffic on the road and a lack of lit public footpath; I am mindful that in a rural location the LPA would not encourage the latter but this is not a reason to conclude that a walk along a public footpath in the dark could be considered safe.

Until such time as a housing requirement figure has been tested and found sound, the Council will take a pragmatic view on planning applications for residential development and consider development on sustainable sites which fall within 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. However, in this instance I am of the view that the proposal does not constitute sustainable development owing to the limited services available within the locality without the need to use a private car and the current situation with regards to the Council's 5 year housing land supply does not outweigh this unsustainable location.

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, a matter on which the Highway Authority has raised no concerns.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. The site lies within flood zone 1 and is therefore within an area at low risk of flooding. Issues relating to surface water have been raised during the consultation period, and the Highway Authority have sought for drainage to be conditioned should members be minded to approve the application. No details of how surface water is proposed to be disposed within the site have been submitted, but providing there is sufficient drainage within the site, I am of the view that the proposal is unlikely to result in an increased flood risk to the local area; the Environment Agency and Internal Drainage Board have raised no objection to the proposal.

Impact on the Character of the Area

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 Policies DM5 and DM9, which confirm the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

The design ethos references historic farmstead character in its layout and form, and whilst there are modern domestic elements, these are generally not prominent to the public realm. The proposal has been amended during the course of the application to ensure that the overall design reflected the character of the conservation area.

Given the location of the site within the conservation area comments from the conservation officer have been sought and are available in full above. The scheme has been amended during the course of the application process following concerns raised by the internal Conservation Officer; the full comments above are based on these revisions, which include removing some domestic features, such as dormer windows to create a dwelling that references historic farmstead in character. The design of the building has been much improved through revisions, reflecting the rural character of the area. The dwelling is considered to sit subservient to Gable House, an assessment I would concur with, along with the agreement that the dwelling reflects the character of the local area and is unlikely to have a harmful impact upon Conservation Area.

To ensure that the proposal is constructed to a high quality, the Conservation Officer has recommended various conditions seeking materials and details to be agreed prior to the commencement of development, as detailed in the consultations section of this report. I consider these requested conditions to be important in ensuring the development respects the character of the area and would therefore recommend that these conditions are imposed should Members be minded to approve the application.

Additionally, Gable House is located within an ample plot which has capacity for an additional dwelling without compromising the space available for the principal dwelling. The two plots would each have sufficient amenity space and the development would not result in the overdevelopment of the plot.

Policy DM7 confirms that, in line with the requirements of Core Policy 12, new development should protect, promote and enhance green infrastructure. The Arboricultural Survey Report confirms that the majority of the tree stock recorded in the survey area is in good or fair condition and category B or C. Many of the trees form components of existing boundaries. The majority of trees within the site are proposed to be retained, except for a few smaller trees within the middle of the plot and along the new driveway.

The report recommends tree protection and retention plans as part of the development, although no details have been submitted with the report and only indicatively on the proposed block plan. I am minded to agree with the conclusions of the report that there are very few trees on the site that should constrain development, although I would recommend that Members look to include a tree protection condition should they be minded to approve the application.

Need for Development

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need. No supporting information as to how the proposed development would meet an identified need as the applicant understood that there was no longer a requirement to prove a local need. A draft Housing Needs Survey has been written for Fiskerton-cum-Morton which has concluded that there is a need for 1-3 bed dwellings within the area. This application seeks a 4-bedroom dwelling.

In any event, in the context of the above discussion and on the basis of the Council's current position on housing supply, the Council need to take a pragmatic view in relation to the need element of policy SP3 can be reached. Whilst the need criteria remains as part of SP3, the approach the District Council has taken since June 2016 is that this is being relaxed until such time as the 5YHLS issue has been ratified through the Plan Review.

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.

I note the comments received relating to the impact of the development upon the privacy of neighbouring properties, along with increased noise disturbance. It is considered that, based on the submitted block plans, the separation distances from neighbouring properties and the existing and proposed boundary treatment are sufficient to limit the overall impact upon neighbouring properties in terms of privacy, overshadowing and overbearing impacts.

With regards to noise disturbance, I appreciate that a new dwelling would create additional noise expected from a residential property and this would extend to noise created by additional vehicular movements. However, one additional dwelling is unlikely to result in a significant increase in disturbance, particularly owing to the separation distances between properties and the location of the driveway which is approximately 35m from 2 Manor Drive which borders the driveway and 30m across the highway from Ivy Cottage.

On the basis of the above, I am of the view that the proposal is unlikely to have a detrimental impact upon the amenities of surrounding land uses.

Impact on Highway Safety

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

The Highway Authority are of the view that the proposal is unlikely to severely compromise highway safety, subject to conditions relating to the surfacing of the driveway, surface water drainage and a new vehicular crossing. I am therefore satisfied that the proposed scheme would not result in highway issues sufficient to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Matters

It has been identified by both the Conservation Officer and the applicant that there is potential archaeological interest within the site. The archaeologist at NCC has been consulted on the application however no comments have been received to date. In order to ensure that an archaeological interest is protected and recorded, should members be minded to approve the application I would recommend that a condition requesting a programme of archaeological works including written scheme of investigation, to be submitted to the LPA prior to the commencement of development.

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, although the site is considered to be within the main built up part of Morton, Morton is not considered to provide adequate facilities for residents and reasonable public transport connections to facilities in nearby larger settlements. As such the proposal is considered to fail the locational criterion of this policy.

This application relates to a new dwelling and is considered to be small scale development and appropriate for the overall settlement of Morton. It is not considered that the proposal would have an adverse impact in terms of excessive car borne traffic, upon local infrastructure or have such an adverse impact on residential neighbours that this would warrant a reason for refusal.

No proven local need has been demonstrated as part of this application, and limited weight can be given to the draft housing needs assessment which identifies a local preference for 1-3 bed dwellings within the settlement not a 4-bedroom dwelling.

In terms of design, issues raised by the internal Conservation Officer have been addressed and as such, the appearance and scale of the dwelling is considered appropriate for the setting, remaining subordinate to Gable House and will not be overly prominent within the public realm.

However, in this instance, the benefits of the scheme are not considered to outweigh the issues regarding Morton's rural location and limited services available to provide a sustainable location for a new dwelling. As such, on balance, the application is recommended for refusal.

RECOMMENDATION

The application is refused for the following reason;

01

Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Morton, this falls within the category of an "other village within Newark and Sherwood." This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3. The Council is of the opinion that it has a demonstrable 5 year land supply against its Objectively Assessed Need (yet to be tested via full plan review) and that on this basis the issue of need as a material planning consideration should carry significant weight, particularly within a village such as Morton which itself has limited local services.

The proposal represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF). There are no material considerations that outweigh the harm; the Council is satisfied that it has 5 year housing land supply which identifies suitable locations of dwellings across the district on more suitable and sustainable sites. Therefore the Council is not in an intensified position to allow dwellings in such unsustainable locations where there is a proven supply of adequate land in other locations throughout the district.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

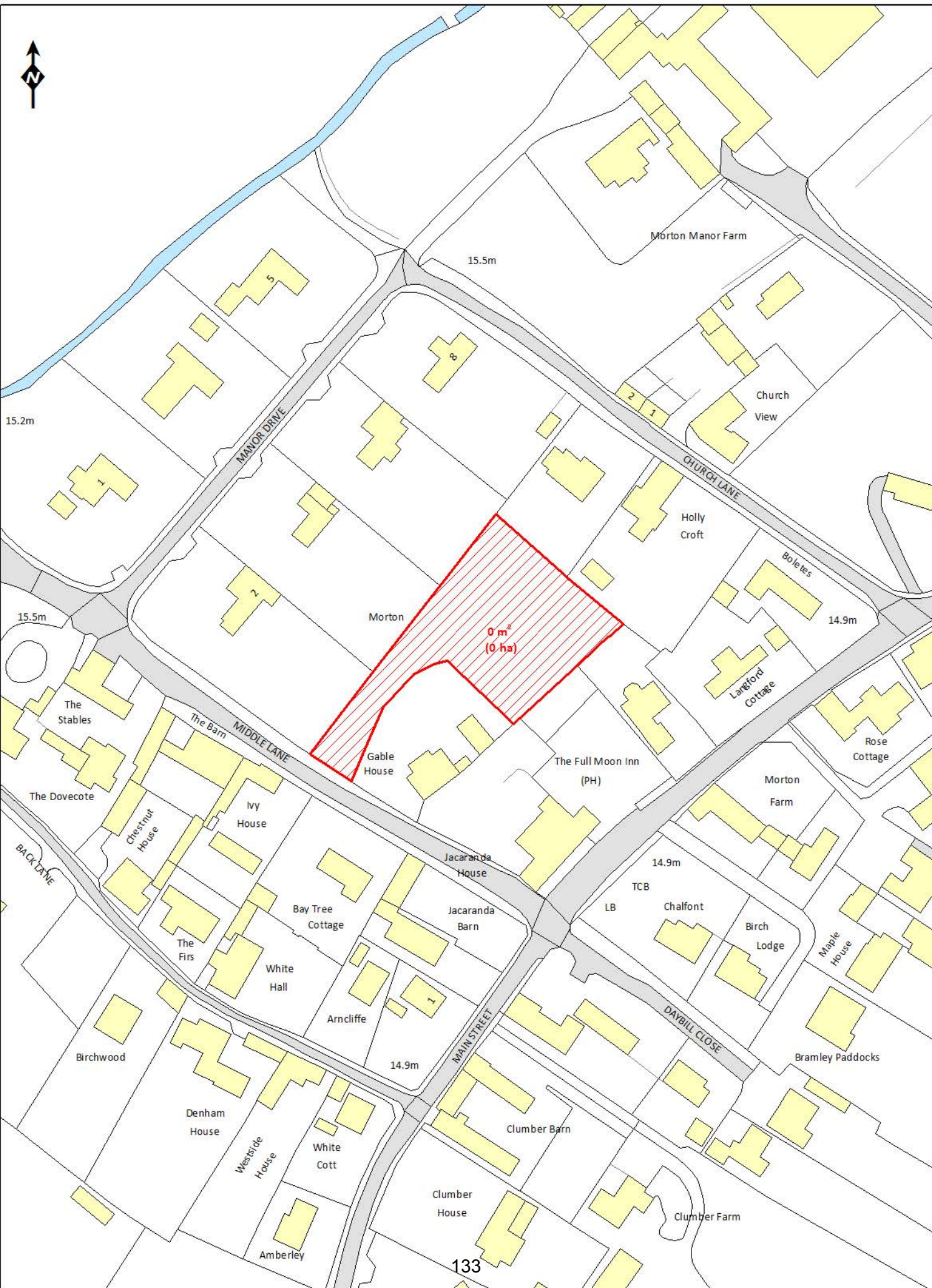
Background Papers

Application case file.

For further information, please contact Nicolla Ellis on ex.5833.

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:	17/00280/OUT
Proposal:	Erection of up to 3no Bungalow type dwellings with all matters reserved except access.
Location:	Janandra, Station Road, Harby, NG23 7EQ
Applicant:	Mr C Medley
Registered:	6 March 2017
	Target Date: 1 May 2017

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

The Site

The application site is an agricultural field/grazing paddock of approximately 0.16 hectares located to the north of the settlement of Harby. The site is located between residential properties to the south and the existing Queen Eleanor County Primary School to the north.

The site has an existing gated vehicular access to the east to link the site to Station Road. The site is delineated by a substantial hedgerow to the eastern boundary, a metal 2m high fence to the northern boundary with some mature trees, the boundary to the south has been removed and only 1m high metal posts are in situ. The western boundary is clear of demarcation and rolls out to open ploughed fields.

The site is largely uneven and has had material deposited on it with a pile of rubble located close to the northern boundary.

The rear half of the site is located within flood zone 2 as defined by the Environment Agency data maps. The front half is located within flood zone 1.

Relevant Planning History

PREAPP/00184/15 - Proposed development - 2 x 3 bed end terraces and 1 x 2 bed mid terrace – 08.09.2015

13/00645/FUL - New Pre-School Nursery on Existing Farm Land – Approved 23.07.2013

The Proposal

Outline planning permission is sought for the erection of three bungalows on former agricultural land. The application is in outline form with only access a consideration and matters of Appearance, Landscaping, Layout and Scale all reserved. The layout as submitted with the application is purely for indicative purposes to show how the dwellings could be arranged on the site and is not for formal consideration.

Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter and a notice has been displayed at the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural areas
Spatial Policy 7 – Sustainable Transport
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations and Development Management DPD (adopted July 2013)

Policy DM3 – Developer Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
Planning Practice Guidance 2014
Landscape Character Assessment SPD 2014

Consultations

Harby Parish Council – Support proposal

Nottinghamshire County Council – Highway Authority – 20.03.2017 - This is an outline application with access details to be determined at this stage.

For this proposal to proceed it would need to be demonstrated how vehicular access could be achieved that offers 2.4m x 43m visibility splays in both directions. A previous permission for this site (13/00645/FUL) was required to provide the same and that application had to include some of the frontage of 'Janandra' to achieve this.

Failure to provide satisfactory visibility splays would raise highway safety concerns and a recommendation to refuse would be submitted. However, the applicant may wish to consider this further and submit the required details.

29.03.2017 - Further to comments dated 20 March 2017, revised drawing 1452M/002D has been received which satisfactorily addresses the visibility splay issue.

No objections are raised subject to the following conditions:

- 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 5m back from the nearside edge of carriageway

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

- The shared private driveway shall be laid out to a width of not less than 5 metres for at least 10 metres back from the nearside edge of carriageway and shall provide for vehicle parking and turning areas in accordance with details first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway; ensure that adequate off-street parking provision is made, and; enable vehicles to enter and leave the site in a forward direction, all in the interests of highway safety.

- No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority 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 part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 1452M/002D are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25m metres in height.

Reason: In the interests of highway safety.

Note to Applicant:

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 01159772275 to arrange for these works to be carried out.

Environment Agency - Two of the dwellings fall in Flood Zone 2 and as such standing advice should be applied to those plots.

NSDC Environmental Health (Contamination) - Aerial photography and anecdotal evidence suggests that some building rubble may have been recently stored at the application and there is the possibility for building rubble to contain asbestos.

Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the development phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in Environmental Health at Newark and Sherwood District Council on 01636 650000.

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at:

<http://www.hse.gov.uk/asbestos/regulations.htm>.

For further information on this subject please visit our website at:

<http://www.newark-sherwooddc.gov.uk/asbestos>

NSDC Strategic Housing - The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. There is no requirement on the proposed site (Janandra, Station Road, Harby) as the proposal is under the threshold. (The threshold for the Harby area is 10 units and above).

Housing Need

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

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

Harby Parish Council underwent a Parish Housing Needs Survey in 2012. The survey established a picture of housing need in the parish of Harby and concluded that:-

"Our conclusion is that there is currently insufficient evidence that a development of affordable dwellings is required. However, there is evidence that Harby suffers from a lack of low cost housing, particularly for first time buyers. The Parish and District Councils may want to take note of this evidence and take action in order to encourage a sustainable future for Harby".

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general, local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social/affordable rented or shared ownership. Harby demonstrates housing that is above the national average where many people are unable to secure housing that is affordable. For market housing, reference is made to a

preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Harby has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 x 3 bedroom properties (1 x 3 bed bungalow) on the open market for sale that would meet this demand.

I conclude that there is no 'local' evidence of housing need. I acknowledge that residents however, comment that there is a lack of low cost housing. The applicant has not demonstrated that the proposed properties will be low cost and therefore will not be meeting the local preference for low cost housing.

NSDC Equalities and access officer - Observations

Neighbours/Interested parties – One letter of support has been received on the submission stating they fully support the building of the bungalows and the waste parcel of land would be tidied up and the village desperately needs more housing to keep the school sustainable.

Comments of the Business Manager

The main planning considerations in the assessment of this application are; 1) principal of development, 2) the impact on highway safety, 3) the impact on flood risk.

Principle of development

Current 5 Year 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.’* 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.’*

Members will be aware of the recent published Housing White Paper, which also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighborhood planning as part of this is also noted.

Members will be aware that NSDC has for many years been committed to ensuring that the plan-led system prevails. We were the first Council in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). NSDC were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011).

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). By their very nature, these have taken longer to be brought to market. Land South of Newark now has 2 no. national housebuilders involved, the first of which is expected to receive reserved matters consent to allow a start in March 2017. Consent will shortly be issued to a national housebuilder for the Fernwood SUE for 1800 houses (\$106 awaiting execution). NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable.

In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper.

Members will be aware that in January 2016 an Appeal in Farnsfield was dismissed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who 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 to them* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This is underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>).

Moreover, this Council has now set out its preferred approach for spatial development. The issue of housing targets, which follows the OAN is set out at paragraphs 3.2 to 3.33 of NSDC's Local Development Framework Plan Review - Preferred Approach Strategy July 2016 (see <https://consult.newark-sherwooddc.gov.uk/consult.ti/PRPreferredApproachStrategy16/consultationHome>).

The Council has produced an OAN with its neighbouring authorities as is required. The contents and findings have been reviewed. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure.

NSDC is well advanced with its Plan Review (I emphasise review as opposed to a wholly new plan and spatial strategy) and it is expected that there will be an Plan Examination this year. Whilst I acknowledged that the OAN and housing target for the District cannot attract full weight until after Development Plan examination the evidence base and national direction of travel is clear in the role that a properly procured, professionally produced, and cooperated OABN should have. I am satisfied that the Farnsfield Inspectors decision has been superseded by new information and is now a material planning consideration to which significant weight should not be attached. On

this basis the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making. Notwithstanding this until the OAN and housing target is adopted NSDC will continue to adopt a pragmatic approach for development which is acceptable in all other technical and environmental effects and which will boost housing supply in the short term (including imposing shorter timeframes for implementation). To allow inappropriate development that would cause planning harm has the potential to totally undermine confidence in a plan led system and this will accordingly be resisted.

Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Spatial Policy 1 and 2 does not include the settlement of Harby as one which is capable of supporting additional growth with its nearest Principal Village identified as Collingham. The application site is located within the rural area and therefore Spatial Policy 3 applies. The site constitutes a greenfield parcel of agricultural land which has not been previously developed on but also forms a gap site between existing ribbon development of residential properties and the primary school to the north.

Spatial policy 3 of the Adopted Core Strategy states that housing should be provided for in settlements with an identified local housing need and housing will be focussed in sustainable accessible villages. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. This is Location, Scale, Need, Impact, Character.

Location

The application site is located within the main built up area of the village although to the fringe of the settlement. Harby does have some limited facilities to offer new development of a Primary School, Pub and village hall however it does not have very good public transport access to other Service Centres or Principal Villages. Travel Wright provide the no.67 bus service between Newark and Saxilby (Lincoln) and although there is one stop in Harby (Low Street) the earliest bus from Newark is 12:40 and Collingham at 12:58 which arrive in Harby at 13:35. There is 1 subsequent bus which stops at both Newark and Collingham which departs Newark at 14:03 and arrives in Harby at 15:05. There are 4 busses which depart from Collingham however the earliest is 12:58 and the latest is 17:35. An extract of the bus timetable is provided in Table 1 below. Harby is close to the settlement of Saxilby which is located within Lincolnshire and does provide for more local facilities, however the bus service to Saxilby is inferior than from Newark or Collingham with Harby identified as a 'Demand Responsive Area' and therefore the bus does not automatically stop in Harby and the stop has to be booked in advance with the bus company. However there is one scheduled route from Saxilby to Harby which leaves Saxilby at 13:50 and arrives in Harby at 14:00.

Newark - Collingham - Saxilby

Show all stops

Newark Bus Station (Bay A)	07:40	09:03	10:03	11:03	12:03	12:40	13:03	14:03	15:48	17:08	18:08			
Newark Bus Station (Bay AE)	06:40													
Newark, opp Kirk Gate	06:42	07:42	09:05	10:05	11:05	12:05	12:42	13:05	14:05	15:50	17:10	18:10		
Newark, opp Lincoln Street	06:45	07:45	09:08	10:08	11:08	12:08	12:45	13:08	14:08	15:53	17:13	18:13		
Newark, adj Gainsborough Drive	06:47	07:47	09:10	10:10	11:10	12:10	12:47	13:10	14:10	15:55	17:15	18:15		
Winthorpe Demand Responsive Area	06:52	07:52	09:15	10:15	11:15				14:15	16:00	17:20	18:20		
Winthorpe, opp Holme Lane						12:50								
Langford, opp Elmtree Farm	06:56	07:56	09:19	10:19	11:19	12:19	12:54	13:19	14:19	16:04	17:24	18:24		
Collingham, adj The Green	07:00	08:00	09:23	10:23	11:23	12:23	12:58	13:23	14:23	16:08	17:28	18:28		
Collingham Braemer Road (N-bound)									14:27					
Collingham, adj Queen Street	07:02	08:02	09:30	10:30	11:30	12:25	13:00	13:25	14:30	16:10	16:13	17:30	17:35	18:30
Collingham, opp The Hemplands	07:05	08:05	09:32	10:32	11:32	12:28		13:28	14:32	16:13	16:15	17:33	17:38	18:33
South Scarle Demand Responsive Area							13:04		14:34		16:17		17:42	
Besthorpe, adj Trent Lane									14:38		16:21		17:46	
Besthorpe Demand Responsive Area						13:08								
North Scarle Demand Responsive Area							13:09		14:39		16:22		17:47	
Girton Lane (opp)									14:40		16:23		17:48	
Girton Demand Responsive Area						13:10								
Spalford Demand Responsive Area							13:15		14:45		16:25		17:53	
South Clifton Demand Responsive Area							13:19		14:49		16:27		17:57	
North Clifton Demand Responsive Area							13:21		14:51		16:29		17:59	
Thorney Demand Responsive Area							13:28		14:58		16:38		18:06	
Wigsley Top Road (SE-bound)							13:32		15:02		16:40		18:10	
Harby Low Street (N-bound)							13:35		15:05		16:43		18:13	
Saxilby Demand Responsive Area						13:45								
Saxilby, adj Thonock Drive									15:15		16:53		18:23	

Table 1: Bus route Newark - Saxilby

On the basis of the above information I am not satisfied that the settlement of Harby, locationally has sufficient facilities to support further development in its own right and is reliant on the day to day facilities provided in other more sustainable settlements both within the Newark and Sherwood District area and beyond. The transport links to these settlements are inferior and thus new residents would be reliant on the use of their own car to access shops and other services which are not provided for in the existing settlement. I therefore consider that locationally the proposal fails to accord with Spatial Policy 3 of the Core Strategy.

Scale

The proposal is sought for three single storey residential bungalows on a site which is approximately 0.16ha in area. At the last Census in 2011 the number of properties in Harby was 128, the Council has received notification of 10 completions to properties since 2011 with 2 commitments which haven't yet been constructed. The proposal constitutes a 4% increase in the total number of properties in Harby which I consider to be of low scale in comparison to the overall number of properties within the settlement.

Need

In general, local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. Harby demonstrates housing that is above the national average where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Harby has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 x 3 bedroom properties (1 x 3 bed bungalow) on the open market for sale that would meet this demand.

The settlements of Harby, Thorney and Wigsley have in 2015, published a Community Led Plan for the period of 2015-2025, which illustrates their vision for new development within the communities. This plan stated that within Harby the highest demand was for detached family homes (58% of respondents) on individual plots, however there was also a high demand for affordable/shared ownership properties (46%), bungalows (47%) and semi-detached properties (50%).

Whilst it is clear that substantial work has gone into producing the document, it only shows the preferences of those surveyed. Whilst this carries some weight as an aspiration, the results in the Community Led Plan alone do not demonstrate a proven local need as required by Policy SP3. Identified proven local need is not just a question of what the demand is but also needs to include an analysis of the current housing stock to help identify what is required. The Council's Spatial Policy 3 Guidance Note states '*Housing need should not be confused with the state of the housing market in a particular settlement at a particular point in time*' and that '*Assessments should be based on factual data such as housing stock figures where the need relates to type of housing or census data where the need relates population groups.*' A Housing Needs Assessment, which is the identified route for providing a clear needs assessment has not been produced for Harby and thus whilst the Community Led Plan is a useful document it represents a desire and aspiration for development and not a proven local need. I therefore consider that the document carries very little planning merit and thus there is no identified proven local need identified within Harby and the proposal fails to accord with the Need criterion of Spatial Policy 3.

Comments have been received from the Council's Strategic Housing officer who states that in 2012 Harby Parish Council underwent a Parish Housing Needs Survey which sought to establish a picture of housing need in the parish. It concluded that there is insufficient evidence that a development of affordable housing is required within the parish but there is evidence that the parish suffers from a lack of low cost housing, particularly for first time buyers. I therefore consider that as no formal needs survey has been submitted subsequent to this in 2012 then again there is no identified housing need proven for the parish. Furthermore, the applicant has not demonstrated that the proposed properties will be low cost and therefore will not be meeting the local 'preference' as stated in 2012, for low cost housing.

Impact

I consider that a scheme could be designed so it does not have a detrimental impact upon nearby residents. The proposal is for 3 properties, which is low scale, and the level of car-borne traffic caused by the development whilst unsustainable in locational terms is unlikely to be overly excessive in terms of impact due to the proximity to the neighbouring more sustainable settlement of Saxilby.

Character

The erection of three dwellings is considered low scale and the application is only in outline form with layout to be considered as a reserved matter. The site lies to the north of a row of ribbon development comprising of single storey bungalows which are set in wide fronted plots. The layout as proposed, whilst only illustrative, shows how 3 properties would integrate on the site and as 3 properties are proposed it would seem to make the most logical sense. However this illustrated layout and the number of properties proposed would introduce an alien layout with backland development which I consider is out of character with the immediate locale. I therefore consider the proposal would fail to accord with the character criterion of Spatial Policy 3.

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

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

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

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

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

Therefore whilst the Council is taking a pragmatic approach to new development in this period of transition in the current housing supply, it has not been proven to the satisfaction of the LPA that an identified local need is established within Harby. The Community Led Plan, whilst a useful tool is only an aspiration and carries little weight within the planning balance. I am also unconvinced that the site and settlement of Harby is adequately served and serviced by existing facilities or public transport and thus the proposal is located within an unsustainable location.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

Access is a matter which is to be considered with this application and not at reserved matters stage. Initially the proposal received concerns from the Highways Officer due to the unsatisfactory visibility splay which was shown on the plans. However the submission of an amended access arrangement sought to satisfy those concerns and the proposal is now considered acceptable from a highway safety perspective, subject to the imposition of suggested conditions.

I therefore consider the proposal to be acceptable with regards to highway safety and accords with Spatial Policy 7 of the Core Strategy, Policy DM4 and DM5 of the ADMDPD.

Impact on Flood Risk

The site is located within flood zones 1 and 2 as defined by the Environment Agency's data map which is at low to medium flood risk. The front section of the site to approximately 35m within the site being within flood zone 1 and the rear section, approximately 23m being within flood zone 2.

New dwellings are classed as more vulnerable development according to the Environment Agency and in such locations their Standing Advice applies.

Paragraph 93 of the NPPF states that *"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."*

Paragraph 100 of the same document states *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."* A sequential test approach to new development should be applied in the first instance and then following this the exception test should then be applied.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

From the submitted indicative layout, one dwelling is located within flood zone 1 with the remaining 2 dwellings located in flood zone 2 which is at medium risk from flooding. It has been established that there is no identified housing need within Harby and when applying the Sequential Test in this instance it is necessary to apply it District wide. The provision of 3 dwellings could be applied or sited in any settlement which is at lower risk from flooding and within a more sustainable location and as there is no housing need within Harby the dwelling tenure or type is not specific to Harby. The Council has produced an Objectively Assessed Need (OAN) report which although it has not been through full examination, states the Council has sufficient housing land supply to provide dwellings across the District and is therefore not reliant on the provision of dwellings within unsustainable locations such as Harby.

As such I do not consider the proposal, due to the location, successfully meets the Sequential Test as set out by the NPPF and PPG. As such it is not necessary to apply the Exceptions Test; however for completeness I have assessed the submitted information for acceptability against the Exceptions Test for Members information.

The Exceptions test is a method used to demonstrate and ensure that flood risk to people and property will be managed satisfactorily, whilst allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The site is located within an area identified by the Environment Agency as having issues with Surface Water Flooding, however the management of surface and foul water through drainage and appropriate surfacing of the areas could be managed at Reserved Matters stage and by condition should Members resolve to approve the application.

The EA standing advice states that ground floor levels should be a minimum of whichever is higher of 300mm above the general ground level of the site, 600mm above the estimated river or sea flood level. The submitted Flood Risk Assessment (FRA) states the minimum finished floor levels for all three bungalows are set at 0.15m (150mm) above the existing ground level at the front of the site which is within Flood Zone 1. This is below the minimum requirement of 300mm for existing ground levels and the level has been taken from flood zone 1 which is at lowest risk from flooding and not flood zone 2. No details of the general site levels have been provided and thus I am unconvinced that the proposals will result in acceptable conditions for the occupiers especially those residing in flood zone 2. In addition in the event of a flooding episode the applicant has not demonstrated that there is safe access and egress for emergency services. The EA standing advice states that if floor levels cannot be raised above the estimated flood level then extra flood resistance and resilience measures should be stated, this has not been shown with the FRA.

I therefore consider that even if the Sequential Test had been passed as acceptable the finished floor levels of the site have not been adequately explored across the site and a true ground level assessment of flood zone 2 has not been shown. The FRA is insufficient and the proposed finished floor levels are not acceptable to ensure the safety of the potential occupiers of the site or safe access/egress of occupiers or emergency services in the event of a flooding episode. As such the proposal is considered to fail to accord with Core Policy 10 of the Core Strategy.

Housing Mix

Whilst housing type, design and layout are not for consideration at this stage, the applicant has stated that the general mix is a 2, 3 and 4 bedroomed bungalow. I consider this mix to be acceptable in general terms and would provide a variety of housing scale across the site. I therefore consider the proposal to accord with Core Policy 3 of the Core Strategy.

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.

The nearest impacted neighbour would be Janandra. This is a single storey bungalow located close to the northern boundary of the application site. Whilst no details have been submitted on the appearance of the bungalows and the layout submitted is only indicative, I am unable to

determine a true impact from the development. Nonetheless the buildings, given they would only be single storey, would be likely to have limited impact upon the amenities of nearby occupiers and indeed the main impact would be upon the increased vehicle movements caused by the development and the siting of the driveway. The driveway is proposed along the northern boundary of the site to which Janandra is sited on. With up to 2 vehicles per property this would significantly increase the noise already experienced in the area. However I do not consider the number of properties proposed and the associated vehicle movements as a result of those dwellings to significantly harm the amenities of nearby occupiers. If the buildings proposed were greater than single storey or had rooms which could be occupied in the roofspace then I consider the proposal could have unacceptable impacts on the amenities of the surrounding occupiers due to the increased potential for overlooking and overbearing impacts. Therefore should Members resolve to approve the application I suggest that a condition should be imposed to restrict the scale of the buildings to single storey only with no accommodation within the roofspace.

As it stands I do not consider the proposal at Outline stage to cause significant harm to the amenities of neighbouring occupiers and I am satisfied that a suitable scheme could be designed to address the impact to amenity to neighbouring occupiers. As such the proposal accords with Core Policy 9 of the Core Strategy and policy DM5 of the Allocations and Development Management DPD.

Impact on the Landscape and Ecology

The site is identified within the Council's Landscape Character Assessment SPD as being located within the East Nottinghamshire Sandlands Policy Zone ES PZ 02: Wigsley Village Farmlands with Plantations. The landscape condition is defined as being of moderate condition with a very low impact to sensitivity. As such the outcome is to create landscape features in new development such as new hedgerows and restore existing, enhance existing tree cover and landscape planting and promote biodiversity. The proposal does not include measures for landscaping only those shown indicatively on the submitted layout plan. The site is currently a greenfield site and would provide a degree of biodiversity and ecological value however this has not been demonstrated through the submission of an ecological survey. Nonetheless the site is not identified within a protected area for ecology and thus I consider it to provide a low ecological value.

Core Policy 12 of the Core strategy and policy DM7 of the ADMDPD states that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The indicative layout allows the provision of a new hedgerow around the site with some indicative siting of trees. I consider that despite this layout the site does have capacity to increase the biodiversity of the site through the planting of hedgerows and native trees which I consider would accord with Core Policy 12 and policy DM7.

The erection of 3 dwellings I consider would have limited impact upon the character of the wider landscape area due to the low scale nature of the development and the presence of existing built development to the north and south. Therefore the proposal is considered to adhere to Core Policy 13 of the Core Strategy and the Landscape and Character Assessment SPD.

Conclusion and Planning Balance

The site is located within a rural area and not within a sustainable settlement as identified with the Core Strategy. The settlement of Harby has limited facilities to support further development and the public transport to and from the settlement is sporadic and limited, therefore new residents would be reliant on the use of a private car for everyday facilities. Harby does not have an identified housing needs survey which objectively assesses the current housing position and the future aspirations for housing in the village. Whilst Harby and neighbouring settlements have produced a Community Led Plan, this is not a recognised housing needs survey and only constitutes an aspiration for housing need and carries little, if any planning weight overall. I therefore consider that the proposal does not meet an identified housing need established in the settlement. Support has been received to the proposal as it would provide potential support for the local primary school, however I do not consider this an overriding reason to seek to approve the application as the catchment for the school is greater than the settlement of Harby and no further details have been provided to show the school is low on numbers or indeed suffering due to a low intake of pupils.

The site would provide acceptable vehicular access to the site to the satisfaction of the Highway Authority subject to imposition of conditions. As this is the only matter for consideration at Outline stage and due to the comments from the Highways Authority I do not consider the access to be inappropriate.

Members will be aware of the current 5 Year housing land position currently faced by the Council, however the Council feels as though, due to the OAN, it is in a stronger position with regards to its housing position and is not therefore reliant on approving development in unsuitable and unsustainable locations.

Members will note from the above report that the site is not acceptable sequentially due to the flood risk capabilities of the site and even if the sequential test had been passed as acceptable, the FRA is deemed insufficient to pass the Exceptions Test due to the stated floor levels and the levels taken on the site do not take in to account the levels within flood zone 2.

On balance, I therefore consider that although the Council is being pragmatic to housing development outside of defined settlements identified in Spatial Policy 1 and 2, the site and settlement is unsuitable to support additional residential development and the benefits of providing 3 bungalows, which is low scale, does not outweigh the harm caused when taking in to account the flood risk on the site and the sustainability of the area to accommodate new dwellings. It is recommended that planning permission be refused for the reasons stated below.

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

Spatial Policy 3 of the Newark and Sherwood Core Strategy DPD states that, beyond principal villages, proposals for new development will be considered against a number of criteria including need and location. In the opinion of the Local Planning Authority the provision of 3 dwellings would not enhance or maintain the vitality of the village to such a degree that warrants development in this location. Harby does not have Local Needs Assessment with clearly identifies a proven local need for new housing within the identified settlement and whilst Harby has limited facilities, new residents would be reliant on the use of a car to access other essential day to day facilities due to the poor public transport network.

The proposal therefore fails to comply with the location and need criteria of Spatial Policy 3 and would thus represent the promotion of an unsustainable pattern of development, contrary to the key aims of the National Planning Policy Framework, the Newark and Sherwood Core Strategy 2011 and explicitly Spatial Policy 3.

02

The rear half of the application site is located within Flood Zone 2 as identified by the Environment Agency Data maps which would make this parcel of the site at medium risk from flooding. The proposal is not providing housing for any identified proven local need within the settlement and the proposal could be provided in more sustainable locations elsewhere in the District on land at lower risk from flooding. The proposal has therefore been determined to fail the sequential test as set out in the National Planning Policy Framework and Planning Practice Guidance and Core Policy 10 of the Core Strategy DPD.

Notes to Applicant

01

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

02

You are advised that as of 1 December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

Background Papers

Application case file.

For further information, please contact Lynsey Tomlin on ext 5329.

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

Kirsty Cole
Deputy Chief Executive



SCHEME OF OFFICER DELEGATION – PLANNING APPLICATIONS FOR GYPSY AND TRAVELLER SITES

1.0 Purpose of Report

- 1.1 To consider amending the scheme of delegation to allow delegated decisions with respect to Gypsy and Traveller applications in circumstances where the Officer recommendation accords with the views of the Parish Council.
- 1.2 To consider amending the scheme of delegation in order to ensure that any comments from a Parish Council that would trigger a requirement to go to Planning Committee constitute a material planning consideration.

2.0 Background

- 2.1 The Councillors' Commission at its meeting on 27 April 2017 considered the current scheme of delegation and recommended to the Planning Committee that the scheme of delegation be amended as detailed at Appendix A to allow delegated decisions with respect to gypsy and traveller applications in circumstances where the officer recommendation accords with the view of the Parish Council and, further, to amend the scheme of delegation in order to ensure that any comments from a Parish Council that would trigger a requirement to go to Planning Committee constitute a material planning consideration.
- 2.2 The current Planning Committee Scheme of Delegation (reproduced at **Appendix A**) does not allow for Officer delegation to determine planning applications relating to Gypsy and Traveller sites, irrespective of whether the Officer recommendation is agreed by all consultees involved, including the relevant Town or Parish Council. Delegation decision making in respect of Gypsy and Traveller pitches is expressly excluded in section 1.
- 2.3 Section 2 of the Scheme of Delegation allows Officer delegation in certain circumstances, including where the recommendation is in accordance with the views of the relevant Town or Parish Council. Gypsy and Traveller applications (which are categorised for the avoidance of doubt as DCLG code 17) are not included. This is not the case for all other residential development whereby Officers can exercise delegated authority if their recommendation is in accordance with the views of the relevant Parish or Town Council. The reasons for the exclusion of Gypsy and Traveller applications from this section are unknown albeit this has been the case for at least 10 years given that previous DCLG codes are referred to.
- 2.4 It is recommended that the scheme of delegation be revised in order to ensure that planning applications for Gypsy and Traveller pitches are treated the same way as any other residential planning application in that Officers be permitted to determine the application under delegated powers in circumstances where that decision is in accordance with the wishes of the relevant Town or Parish Council. Suggested changes to the current scheme of delegation are detailed at **Appendix A** using underlined text.

- 2.5 With respect to Parish or Town Council comments, the current scheme of delegation requires that certain planning applications be determined by the Planning Committee in circumstances where the Officer recommendation is different to the views of the relevant Town or Parish Council. The vast majority of Town or Parish Council comments do focus on material planning considerations, albeit this is not always the case (e.g. the parish do not want any more houses, or the parish feel that there is a better alternative use for a site). Elected Members are required to cite a material planning reason in order to reserve a particular application to a Planning Committee. It is recommended that Parish and Town Councils should be required to do the same, as detailed in the bold text detailed in **Appendix A**.
- 2.6 It is acknowledged that the proposed amendment to the Scheme of Delegation will need to be communicated to Parish and Town Councils. It is therefore recommended that the Business Manager - Growth and Regeneration write to all Town and Parish Councils/Meetings to explain the change and set out examples of what can and cannot be considered as material planning considerations in accordance with the list attached at **Appendix B**.
- 3.0 RECOMMENDATIONS that:**
- (a) the scheme of delegation be amended as detailed at Appendix A; and**
 - (b) the proposed amendment to the scheme of delegation in respect of comments/objections from Parish Councils be communicated to Parish and Town Councils and that the Business Manager - Growth & Regeneration writes to all Town and Parish meetings to explain the changes and to set out examples of what can and cannot be considered as a material planning consideration as set out in Appendix B.**

Background Papers

Nil

For further information please contact Matt Lamb on extension 5842.

Kirstin H Cole
Deputy Chief Executive

SCHEME OF DELEGATION

UNDERLINED TEXT DETAILS RECOMMENDED CHANGES

NOTE:

Some of the functions set out above are delegated to officers (see Section 6 post). However, for the avoidance of doubt, the following functions are expressly reserved to committee for determination and cannot be discharged by an officer:

1. Planning applications which involve a significant departure from the statutory development plan.
2. Applications submitted on behalf of the Council or where the Council has an interest in the development save for any applications submitted on behalf of the Council or where the Council has an interest in the development as part of its HRA housing development programme which shall be determined in accordance with the Planning Committee Scheme of Delegation.
3. Matters of significance to the district or which may potentially give rise to significant financial consequences except in cases of extreme urgency.

The Planning Committee has approved the following Scheme of Delegation. It outlines which applications are normally determined at Planning Committee and which are determined by an Authorised Officer of the Council.

Below are the details of the Scheme of Delegation operated by the Council. The Authorised Officer(s) of the Council may determine the following planning and related applications without reference to Planning Committee:

1. **Applications for smaller developments (DCLG Codes 14-27 excluding 17 Gypsy & Traveller Pitches)[*previously codes 10-19*], and applications for prior notification in relation to agricultural works, telecommunications, tree and hedgerow removal works** can be dealt with under delegated powers by the Authorised Officer of the Council having considered comments received in relation to the application.
2. **Minor or major applications for residential (including Gypsy and Traveller Pitches), office, industrial, storage, distribution or retail developments (DCLG Codes 1-13 and 17)[*previously codes 1-9*] can be dealt with as follows:**

An application will be reported to Planning Committee when:

- The recommendation is contrary to the response received from the Town or Parish Council, **provided such a response is based on material planning considerations***; or
- The recommendation is contrary to the response received from a statutory consultee; or
- The relevant planning application has been submitted by a community or voluntary organisation, a town or parish council or a social enterprise and could in the opinion of the Authorised Officer, in consultation with the Chairman and Vice-Chairman of the Planning Committee, result in a significant community benefit and would otherwise be recommended by officers for refusal.
- The relevant planning application involves a commercial proposal which could potentially deliver significant employment opportunities (the determination of “significant” to be decided by the Authorised Officer, in consultation with the Chairman and Vice-Chairman of the Planning Committee (significant to be determined according to local circumstances) and the application would otherwise be recommended by officers for refusal.

An application may be determined under delegated powers by an Authorised Officer of the Council when:

- The decision is in accordance with the representations received from all consultees;
- The decision accords with representations from statutory consultees and the Town/Parish Council (**provided such a response is based on material planning considerations*¹**) but is contrary to representations from non-statutory consultees, such as neighbours;
- The decision is for refusal based on The Environment Agency's representation whether or not other consultees are supporting the application;
- The Highways Agency direct refusal of an application;
- Representations raise only non-planning matters.

3. **Applications which have been submitted by District Councillors, Senior Officers* or Officers who may otherwise have a direct involvement in the determination of the application** or where Councillors or Officers have a direct interest in the application, will be determined by Planning Committee.

*(*Senior Officers shall be defined as Chief Officers and Deputy Chief Officers as defined by the Local Government and Housing Act 1989 (currently members of the Corporate Management Team and Business Managers)*

4. **Enforcement Notices (including requisitions for information, stop and temporary stop notices), and Notices under Section 215 of the Town and Country Planning Act 1990 (as amended) relating to untidy land may be served by an Authorised Officer and the matter pursued through to prosecution at magistrates court when:**

- consultation has first taken place with the Ward Member(s)
- Officer/Member can refer the case to Planning Committee to determine enforcement action where significant or controversial*.

*to be agreed by the Authorised Officer in consultation with the Chairman of Planning Committee.

Where an Authorised Officer has delegated powers he or she may refer the matter to Planning Committee for determination rather than exercise that delegated authority themselves particularly where, in their judgement, the specifics of an application warrant determination by the Planning Committee.

Local Members can request that planning applications in their Ward be determined by Planning Committee rather than the Officers acting under delegated powers.

- A) Local Members may request that a planning application in their ward be referred to committee rather than being determined by officers acting under delegated powers provided that:-
- A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.
 - The request sets out clear planning reasons behind the referral request.
 - The recommendation of officers is different to the opinion of the local member having regard to the interests of their ward area.
- B) A Member in a ward immediately adjoining the ward in which the application is situated may request that an application be referred to committee rather than being determined by officers acting under delegated powers provided that:-
- A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.
 - The request sets out clear planning reasons behind the referral request.

* The determination of what constitutes a material planning consideration should be determined by the Business Manager, Growth and Regeneration in consultation with the Chairman of Planning Committee.

- The recommendation of officers is different to the opinion of the member having regard to the impact of the proposed development on their ward.
- The relevant ward member(s) has/have been notified prior to the referral request being made.

C) A Member may request that any application be referred to committee rather than being determined by officers acting under delegated powers where, in their opinion, the application will have a material impact on the whole or part of their ward provided that:-

- A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.
- The request sets out clear planning reasons behind the referral request including a requirement to demonstrate how it is likely to materially impact on the whole or part of the ward area of the member making the referral request.

The recommendation of officers is different to the opinion of the Member having regard to the impact of the proposed development on their ward and/or the District as a whole or part, having regard to the nature of the development or for the reason that the application will set a precedent for the whole or part of the District.

- The relevant ward member(s) has/have been notified prior to the referral request.
- The Group Leader of the relevant group of the Member making the referral request has agreed to the referral.

All requests for matters to be referred to committee as set out in A, B and C above shall be determined at the discretion of the Authorised Officer in consultation with the Business Manager – Development Control and the Chairman and Vice-Chairman of the Planning Committee.

5. The “Authorised Officer(s)” for the purposes of this part of the Constitution shall be the Chief Officer whose remit for the time being includes responsibility for planning, the relevant Business Manager with responsibility for the discharge of the development control function or an Officer authorised in writing by them to act on their behalf.

Appendix B

MATERIAL

- design and visual impact
- privacy/daylight/sunlight
- noise, smell, pollution
- access/traffic
- health/ health and safety
- ecology, landscape
- crime (and fear of)
- economic impact
- planning history / related decisions
- fallback position e.g. PD
- cumulative impact

NOT MATERIAL

- the applicant
- land ownership
- private rights (e.g. access)
- restrictive covenants
- property value
- competition
- loss of view
- “moral” issues
- numbers of objections
- change from previous scheme

APPEALS A

APPEALS LODGED (received between 20 March 2017 and 24 April 2017)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION

That the report be noted.

Background Papers

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager - Growth & Regeneration

Appeal Reference	Application Number	Address	Proposal	Procedure
APP/B3030/W/17/3171949	16/01153/FUL	The Roost Barnby Road Balderton Nottinghamshire NG24 3NE	Change of use of annexe to an independent dwelling including the provision of a new vehicular access and change of use of agricultural land to form separate garden	Written Representation

APPENDIX B: APPEALS DETERMINED (between 20 March 2017 and 24 April 2017)

App No.	Address	Proposal	Decision	Decision Date
15/00457/FUL	Land At Junction Between Wellow Road And Newark Road Wellow Nottinghamshire NG22 0EH	Proposed traveller site including short term transit pitches and utility block	ALLOW	05.04.2017
16/01600/FUL	East View Fosse Road Brough Newark On Trent Nottinghamshire NG23 7QE	Householder application for erection of a two storey extension to dwelling house	ALLOW	12.04.2017
16/01194/FUL	Amarillos Tex-Mex Ltd 2 London Road Newark On Trent Nottinghamshire NG24 1TW	Retrospective Application to Timber Clad existing Shop Front	NOT DETERMINED	11.04.2017
16/00571/FUL	Harlow Fields Station Road Edingley NG22 8BY	Conversion of an existing blockwork rendered and tile outbuilding to form dwelling, including small rear extension	DISMISSED	20.03.2017

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 & Regeneration

Appeal Decision

Hearing held on 9 November 2016

Site visit made on 9 November 2016

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th April 2017

Appeal Ref: APP/B3030/W/16/3152355

Newark Road, Wellow, Nottinghamshire, NG22 0EH

- 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 William Calladine against the decision of Newark and Sherwood District Council.
 - The application Ref 15/00457/FUL, dated 15 March 2015, was refused by notice dated 12 February 2016.
 - The development proposed is described as a traveller site including short term transit pitches and utility block.
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Decision

1. The appeal is allowed and planning permission is granted for a traveller site to include eight gypsy and traveller pitches including six short term transit pitches, a utility block, a play area, an access road and hardstanding areas at Newark Road, Wellow, Nottinghamshire, NG22 0EH in accordance with the terms of the application, Ref 15/00457/FUL, dated 15 March 2015, subject to the conditions attached to the schedule at the end of this decision.

Procedural matters

2. The appellant submitted landscaping proposals during the appeal process which were not considered by the Council when it made its decision. However, as those plans simply provide more detail, they do not prejudice the interests of any of the parties and I have considered the appeal on this basis.
3. It is clear from the plans and application details that the proposed development includes eight gypsy and traveller pitches including six short term transit pitches, a utility block, a play area, an access road and hardstanding areas. For clarity, I have included those elements of the proposal in the formal decision.

Main Issues

4. The main issues in this case are:-
 - the effect of the proposed development on the character and appearance of the surrounding area, including the Wellow Conservation Area and other heritage assets;
 - whether the proposal would dominate the nearest settled community;
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- if any harm arises, whether it is outweighed by any other material considerations, including any identified need for sites for gypsies and travellers in the area, the alternatives for the appellant and any personal circumstances.

Reasons

Background

5. The appeal site is located adjacent to an existing, authorised gypsy and traveller site which has been occupied by the appellant and his extended family for the last seven years. The proposed development is for eight pitches, of which six would be transit pitches and two would be for his two sons who are both in their twenties. The Council has not disputed the gypsy status of the intended permanent occupants and I have no reason from the evidence provided to disagree with that. The appellant was initially approached by the Council with a view towards submitting an application and the application was refused contrary to officer recommendation.

National planning policy

6. Government guidance referred to by the parties includes the National Planning Policy Framework ("the Framework") and Planning Policy for Traveller Sites (PPTS). The Framework sets out the three dimensions of sustainable development. These are economic, social and environmental. Paragraph 8 of the Framework states that the three sustainability roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. Paragraph 14 sets out a presumption in favour of sustainable development which means approving proposals that accord with the development plan and where the plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole, unless specific policies in the Framework such as those relating to heritage assets, indicate that development should be restricted.

Character and appearance and heritage assets

7. The development plan includes the Newark and Sherwood Core Strategy (CS) (2011) in which the appeal site lies outside any settlement boundaries. Spatial policy 3 seeks to ensure that proposals provide support for rural services and protect the countryside and permits only uses that require a rural setting. Policy DM8 in the Council's Allocations and Development Management Development Plan Document (DPD) (2013) defines the types of development that may be permitted in the countryside. It does not include gypsy and traveller sites. PPTS seeks to facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community. It seeks to ensure that sites are sustainable and whilst it says that sites in open countryside away from existing settlements or outside areas allocated in the development plan should be very strictly limited, it does not exclude all sites outside settlements, as the Council acknowledged at the hearing. It is clear then that the local policies referred to above do not accord with national policy and are out of date and should carry limited weight in this appeal. Since the hearing, I have been told that the Council's 'Preferred Approach Sites and

Settlements' consultation document (January 2017), which forms part of the CS Review, includes a policy to assess the suitability of sites. As the CS Review is at an early stage and the Council does not anticipate that it will be examined until late 2017 I have given that emerging policy very limited weight.

8. In considering proposals for planning permission, the duty imposed by section 72 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 Conservation Areas. Paragraph 132 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. It goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Core Policies 5 (a criteria-based policy for gypsy and traveller sites) and 14 and DPD policy DM9 seek, amongst other things, to protect the historic environment and Core Policy 9 aims to ensure that development is appropriate to its context. In this respect those policies accord broadly with the heritage protection objective of national policy and are relevant to this appeal. Importantly, however, the Framework also says that any harm should require clear and convincing justification. This requires that a further balancing test is carried out should any harm be found and policy DM9 accords with the Framework in this regard too.
9. The appeal site lies within the Wellow Conservation Area (CA), designated in 1978 and last reviewed in 1993. The historic and architectural significance of the CA derives from its medieval origins. The CA boundary covers a wide area, extending beyond the historic core of the village. The appeal site lies on the edge of the CA outside the historic core. The appellant's very detailed heritage statement considers that the site has no special architectural or historic interests to relate it to the CA. The Council considers that the site is in a prominent location and serves as a green gateway into the village, forming an important part of its setting.
10. At my visit I saw that the site is broadly triangular and sits between a disused railway embankment and two roads adjacent to a wide, busy junction. The site itself is unremarkable and appears as a field bounded mostly by mature trees and shrubs. The CA also includes the following areas of land which are close to the appeal site. Opposite the site to the east is the Wellow Dam and Wellow Green which form historic common land with an attractive, open setting. It is screened from the appeal site by a high roadside hedge. The land opposite the site to the south west has historic associations with the Rufford estate and includes Chailey House, a grade II listed building which is set back and only glimpsed from the road (the Council raises no objection in terms of the setting of the listed building and for the reasons given below I would agree) and a pair of prominently sited inter-war semi-detached houses on the corner opposite the junction. The grounds of Wellow House School also extend to the junction. The latter two areas are characterised by a rather more formal landscape setting than the informal planting around the appeal site. Consequently and as the appeal site slopes down away from the junction and is well screened from those areas either by trees and hedges within the site or within the other areas, it feels visually detached from them. Rather than the railway embankment marking the change between the village and the land beyond to the north as the Council contends, it is the junction that marks that change. The presence of the houses on the corner, the wide junction, highway signs,

tall street lighting and the railway bridge beyond the site over Newark Road reflect a more recent era of development in contrast to the medieval origins of other parts of the CA. For these reasons, the site makes no contribution to the historic or architectural significance of the CA.

11. The Council considers that harm would arise from a departure from the existing physical characteristics of the site and from the proposed access, lamp posts, roofs to amenity blocks, hardstanding and the stationing of caravans but it maintains that the harm would be less than substantial. The Parish Council considers that the harm would be of a greater magnitude.
12. Whilst some views of the site are possible from the A616 through small gaps in the otherwise heavily planted boundary, this is a busy main road elevated above the site. Any views would be from cars passing at some speed or from the footway looking down into the site and it would not be unduly prominent from there. The site is partially screened by existing planting set back behind a deep grass verge along its frontage onto Newark Road but there are wide gaps in the planting through which the site can be seen clearly.
13. The appellant's comprehensive landscaping proposals show that although some trees would be removed from the centre of the site and around the proposed new access, the most significant trees would remain and there would be a significant amount of new, native extra heavy standard tree or hedge planting along the frontage, within the grassed play area which extends from the centre to the front of the site and between the pitches.
14. PPTS does not require that sites are completely screened from view but instead seeks to ensure that they have adequate landscaping that rather than isolating them, increases their openness. Although the new planting would take some time to become fully established, there is sufficient existing planting to filter views into the site without it appearing overly dominant in the short term and the site would retain a green, leafy appearance in its centre and along its boundaries. As the new access would replace an existing access the impact from this would be very limited. The scheme does not propose any lighting. Any future lighting would be seen in the context of the surrounding highways lighting and could be controlled by condition. Hardsurfacing areas have been kept to a minimum to allow vehicular access and would not be unduly dominant given the extent of soft landscaping. The amenity block is sited in the furthest corner of the site from Newark Road and its appearance could also be controlled by condition. Caravans are lower in height than most dwellings and the siting of all but one of the pitches away from the Newark Road frontage would reduce their impact to an acceptable degree.
15. I was also told at the hearing that the site is also in the vicinity of Wellow Park, a large unregistered park and garden outside the CA some distance to the north east of the site and to Rufford Abbey Country Park, a large registered park and garden to the south west whose main entrance is some distance away. I am satisfied that given the distance of the site from the main interest of those areas, the proposed development would not harm their significance.
16. The site also lies within a wider landscape of moderate sensitivity as defined in the Council's Landscape Character Development Plan Document, adopted in 2013. The Council has not sought to claim that this gives it any additional protection. There are several gypsy and traveller sites in the area to the north of the appeal site which are outside the Conservation Area. The proposed

development would therefore be absorbed within the wider landscape character of an area of traveller sites in landscaped settings between two settlements. Thus any views from Wellow Park would be at some distance and would not be clearly perceived.

17. I have noted that the Council's Archaeologist's response referred to an interesting radial field pattern in the area which includes the site although I saw no evidence of any remaining field boundaries on the site. The proposal would have a very low impact in terms of any below ground archaeology which could, in any case, be suitably protected by means of a condition if the appeal is allowed.
18. I conclude then that whilst there would undoubtedly be a change to the character and appearance of the site from an unused field to a developed area of caravans, hardstandings and a utility building, as I have found that the site makes no contribution to the significance of the CA and given the carefully considered landscaping proposals, the site levels and the siting and low height of the caravans, the proposed development would not harm the significance of the CA or the other heritage assets or the character and appearance of the wider area. Having regard to the statutory duty, the character and appearance of the CA would be preserved. The proposal would, therefore, accord with Core Policies 5, 9 and 14 and DPD policy DM9. As I have concluded that there would be no harm in heritage terms, there is no need for me to carry out a further balancing exercise in relation to this matter.

Effect on the settled community

19. PPTS seeks to ensure that traveller sites do not dominate the nearest settled community. It also seeks to promote peaceful and integrated co-existence between sites and local communities. The Council's Core Policy 9 accords with this insofar as it seeks to ensure that new development contributes to a compatible mix of uses. There are a number of other gypsy and traveller sites in the area which I saw during my visit. These amount to between 36 pitches (according to the appellant) and 43 pitches according to the Council and the Parish Council. I was told by the Parish Council that with the eight proposed pitches this would equate to one pitch to every four dwellings in the village. Whilst the figure may be higher than the national average, this clearly reflects a historic preference for the area and this ratio does not strike me as one of dominance given that the gypsy and traveller population would still be significantly outnumbered by the settled population.
20. Furthermore, given that some of those sites are closer to the edge of Broughton than they are to Wellow and that nearby Ollerton and Broughton offer a wider range of services and facilities than Wellow, it is likely that the demand for services and facilities would be spread between the three settlements. Although local residents and the Parish Council have referred to the strain on education, health and other facilities, I have insufficient compelling evidence that the proposal would significantly worsen this and consider it unlikely given the relatively small scale of the development and as most of the occupants would be there for a temporary period only. I have been told that relations between the two communities are good and see no reason why this should not continue. I conclude, therefore, that in this respect, the proposed development would not have a harmful effect on the settled community and would comply with Core Policy 9 and PPTS.

Other matters

21. PPTS seeks to ensure that sites provide access to school and health and other services and reduce the need for long-distance travelling. Core Policy 5 has a similar requirement and accords with PPTS in this respect. The appeal site is some 200m from Wellow village and 450m to the south of Broughton with the urban boundary of Ollerton some 450m to the west which provide a good range of services and facilities. A footway on the opposite side of the road provides a safe walking route between the site and Wellow and Broughton and the Council's officer report identifies that there is public transport to a town centre and other facilities. Therefore the site's location would enable access to school and health services and would reduce the need for long-distance travelling through the provision of six transit pitches. The appeal site is, therefore, in a sustainable location and in this regard the proposal would accord with Core Policy 5 and PPTS.
22. Natural England have confirmed that the Wellow Park SSSI some 400m away does not represent a constraint in determining the proposal. There are local wildlife sites in the area and the site is also centrally located within the ppSPA for nightjar and woodlark. Natural England raised no objection to the proposal and the Nottinghamshire Wildlife Trust was generally satisfied with the appellant's Extended Phase 1 Survey and recommended a number of conditions or mitigation measures, some of which have been incorporated in the appellant's landscaping proposals and are necessary in the interests of protected species or biodiversity. Despite the Parish Council's anecdotal reference to great crested newts and emails from the Forestry Commission and Jonathan Roe regarding wildlife sightings and past survey data at Ollerton Pit Wood, Wellow Park and Wellow Dam, I have insufficient information regarding the role of those sources or their level of expertise. I therefore have no compelling evidence that would lead me to conclude that the proposal would cause any harm in respect of the wildlife identified and am satisfied that it would not result in adverse impacts on protected species or biodiversity.
23. PPTS also seeks to ensure that traveller sites are economically and socially sustainable. The proposal would provide some economic contribution to the area from the proposed transit pitches. The appellant and his family's seven year occupancy of the adjacent site indicates that they are already integrated into the community and are capable of managing a well-run site. The proposal would, therefore, fulfil the socially and economically sustainable aspects of national policy.
24. PPTS identifies a national need for traveller sites and seeks to ensure that local planning authorities develop strategies to meet the need for sites in appropriate locations, to address under provision and maintain an appropriate level of supply (including a five year supply) of sites. I have not been referred to a specific need for transit pitches but despite the appellant's concerns regarding the methodology and findings of the Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2016, which will in any case be tested as part of the forthcoming CS Review, both parties agreed at the hearing that the Council does not have a five year supply and that there is a need for at least 20 pitches in the district to 2021. The Parish Council and local residents have disputed the Council's need figure and claim that during the summer there were vacancies on nearby sites. However as travellers often travel during the summer months and the occupiers would be entitled to return at any point, it is

likely that those were not permanent vacancies or available for short term transit pitches. I therefore have no compelling reason to disagree with the parties agreed figure.

25. Since the hearing, I have been told that the Council's 'Preferred Approach Sites and Settlements' consultation document (January 2017), which forms part of the CS Review, includes an assessment of pitch requirement up to 2028 and an approach to addressing need which includes the suggested allocation of a site at Quibells Lane. Given that the CS Review is at an early stage and the Council does not anticipate that it will be examined until late 2017, I have given very limited weight to that document. There have been a substantial number of objections to the Council's preferred approach and to the suggested allocation of that site. It is unlikely that the site, even if it progresses to an adopted allocation, would be available in the near future.
26. Notwithstanding the very limited weight I have given the consultation document and whatever the precise need figures are, the evidence before me suggests a significant and urgent need for pitches in the district and the Council continues to accept that it is not yet in a position to demonstrate a five year supply of pitches. This carries significant weight in favour of the proposal.
27. As I have found that no harm would be caused in terms of the significance of the CA or any other matters, there is no need for me to consider the alternatives for the appellant or any personal circumstances.

Conditions

28. The Council has suggested a number of conditions should the appeal be allowed. I have amended or combined some of those in the interests of brevity and to meet the requirements of the Planning Practice Guidance. In addition to the standard time limit condition, a condition specifying the approved plans and the landscaping proposals is necessary for certainty.
29. Although the appellant and his family's gypsy status is not disputed, a condition to tie the occupation of the land to gypsies and travellers is necessary as six of the pitches would be occupied by others.
30. A condition to restrict the number of permanent pitches, the number of transit pitches and the length of time that the transit pitches can be occupied by the same person/s will ensure that the site meets the specific needs of gypsies and travellers who are in transit. The requirement for an occupancy register will ensure that this condition can be enforced by the Council. Whilst annual submission of that information may make enforcement easier it is not necessary and would not be reasonable. For the same reasons, requiring the site to be clear of caravans for a period would not meet the tests of the Planning Practice Guidance or the needs of gypsies and travellers in transit.
31. To protect the character and appearance of the area, the following conditions are necessary: the limiting of the number of pitches to eight and the number of caravans on each pitch to one; the timing and replacement of landscaping proposals; details of the proposed utility block; the restriction of commercial activities and storage; the restriction of vehicles over 3.5 tonnes.
32. A condition requiring a scheme for archaeological mitigation is necessary as recommended by the Council's Archaeologist in the interests of any potential archaeological interest.

33. Conditions for details of any lighting, a biodiversity leaflet in relation to woodlark and nightjar, for details of nesting boxes and bat roosting boxes, for vegetation removal in relation to birds and for checking of badger setts and Japanese knotweed are necessary in the interests of biodiversity and as recommended by the Nottinghamshire Wildlife Trust.
34. Conditions requiring the provision of the new access and details of its surfacing materials and blocking up of the existing access are necessary in the interests of highway safety.
35. As I have excluded from the plans condition the arboricultural plans because they show a different site layout as discussed at the hearing, I have added a condition for tree protection details.

Conclusion

36. I conclude that as the proposed development accords with the relevant policies of the development plan, it would accord with the development plan as a whole. There are no other material considerations that would indicate otherwise. There is, therefore, no need to consider any human rights implications for the appellant and his family. For the reasons stated above and taking into account all other matters, the appeal should be allowed.

Sarah Colebourne

Inspector

APPEARANCES

FOR THE APPELLANT:

Angus Murdoch	Planning Consultant
Nichola Burley	Heritage Consultant
Rhodri Crandon	Landscape Consultant
William Calladine	Appellant
M Fury	Appellant's family member

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Ellis	Planning Consultant
Oliver Scott	Conservation Officer

INTERESTED PERSONS

Pam Axworthy	Chair, Wellow Parish Council
Carrie Young	Wellow Parish Council
Andrew Young	Wellow Parish Council
Linda Tiff	Wellow Parish Council
G J Nall	Local resident

DOCUMENTS

1. Signed Statement of Common Ground, dated 8/11/16.
2. Appeal decision APP/A3010/W/15/3129847.
3. Photograph taken from Wellow Dam.
4. OS map of Wellow Dam and common land.
5. Emails from Forestry Commission and Jonathan Roe re wildlife sightings and past survey data at Ollerton Pit Wood, Wellow Park and Wellow Dam.
6. Wellow Village Heritage booklet.
7. Emails from Appellant's agent dated 3/3/17, 9/3/17, 23/3/17 and 28/3/17 re transit occupancy condition and 'Preferred Approach Sites and Settlements' consultation document.
8. Emails from Council dated 7/3/17, 23/3/17 and 29/3/17 re transit occupancy condition and 'Preferred Approach Sites and Settlements' consultation document.
9. Emails from Wellow Parish Council dated 8/3/17 re transit occupancy condition and 'Preferred Approach Sites and Settlements' consultation document.

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 410-104-2 (Proposed site layout); TDA.2230.01 (Site layout and detailed landscape proposals).
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG '*Planning policy for traveller sites*', dated August 2015 or any document that supersedes it.
- 4) There shall be no more than eight pitches on the site and no more than one caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on each pitch at any time.
- 5) The number of transit pitches on the site shall not exceed six and the number of permanent pitches on the site shall not exceed two. On each of those six transit pitches hereby approved no more than one touring caravan per pitch shall be stationed at any time. The occupation of any of the six transit pitches hereby approved shall not be occupied by the same person, group of persons or family for a continuous period of more than three months in any calendar year. Following departure, occupiers of the transit pitches shall not use the site again until at least two months have elapsed. The site owners/managers shall maintain an up-to-date register of the names of all occupiers of the individual transit pitches on the site and the subsequent dates of occupation and shall make that information available upon request to officers of the local planning authority.
- 6) The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 7) No development shall take place until details of the design and materials of the proposed utility block have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No commercial activities shall take place on the land including the storage of materials.
- 9) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 10) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 11) Details of any lighting shall be submitted to and approved in writing by the local planning authority before the pitches are occupied and these works shall be carried out as approved.
- 12) No development shall commence until a sample information leaflet outlining the ecological value of the local area and the sensitivities of woodlark and nightjar to dog walking during the breeding season shall be submitted to and approved in writing by the local planning authority. The leaflet shall be produced in consultation with the Nottinghamshire Wildlife Trust. The approved leaflet shall be distributed by

the site owner or manager to any new residents thereafter unless otherwise agreed in writing by the local planning authority.

- 13) Before development is commenced precise details of nesting boxes and bat roosting boxes to be incorporated into the development shall be submitted to and approved by the local planning authority. Once approved the nesting and bat roosting boxes shall be provided before the development is first occupied.
- 14) Any scrub, hedgerow and tree clearance must be undertaken outside the bird breeding season (March to August inclusive) unless the clearance works are conducted with a suitably qualified ecologist on site in accordance with details first submitted to and approved in writing by the local planning authority.
- 15) Immediately before development is commenced, a suitably qualified ecologist shall check for any active badger setts on the site and (if possible) within 30 metres of the site. Should any badger setts be discovered, this should be reported to the local planning authority for further advice before any works are undertaken. Written confirmation from the ecologist appointed, confirming that the check has been undertaken should be kept and should be made available for inspection following a request from the local planning authority. Any trenches should be covered overnight during the working phase.
- 16) Before development is commenced, site workers should be made aware of the potential for Japanese knotweed or other invasive flora species to be found on the site. In the event that any invasive flora species are found during the development phase, works to remove any invasive flora species should cease immediately and an appropriate treatment plan with timescales for removal of the invasive flora species shall be submitted to and approved in writing by the local planning authority. Once approved in writing the invasive flora species shall then be removed in accordance with the approved details.
- 17) No part of the development hereby permitted shall be brought into use until the proposed site access shown on plan 410-104-2 is constructed in accordance with details to be first submitted to, and approved in writing by, the local planning authority. Such details shall include measures to prevent the unregulated discharge of surface water from the private access to the public highway and vice versa.
- 18) 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 and as shown on plan 410-104-2 is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the local planning authority.
- 19) No development related works shall take place on the site (including demolition and clearance) until tree protection details, to include the protection of hedges and shrubs, have been submitted to and approved in writing by the local planning authority. These details shall accord with BS 5837: 2012 and shall indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out in accordance with the agreed details.

End of conditions.

Appeal Decision

Site visit made on 3 April 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 April 2017

Appeal Ref: APP/B3030/D/17/3169639 East View, Fosse Road, Brough NG23 7QE.

- 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 Marc Greenfield against the decision of Newark & Sherwood District Council.
 - The application Ref 16/01600/FUL, dated 29 September 2016, was refused by notice dated 20 December 2016.
 - The development proposed is a two storey extension to dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to dwelling house at East View, Fosse Road, Brough NG23 7QE in accordance with the terms of the application, Ref 16/01600/FUL, dated 29 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan, 16/009 P14, 16/009 P13 and 16/009 P15.

Main Issue

2. This is the effect of the extension upon the character and appearance of the area.

Reasons

3. The appeal site comprises a two-storey dwelling occupying an isolated position on the western side of Fosse Road. Although the property is attractive and well-proportioned in relation to its plot, I do not find anything inherently sensitive about it in architectural terms that would preclude the principle of an extension. The appeal property addresses the road with an open aspect across the surrounding agricultural landscape to the front and rear. The surrounding area is lightly settled and unmistakably rural. Where built development exists it tends to be set out in a loose linear form along Fosse Road.
 4. The Council refer several times to the prevailing character of the area but fail to set out exactly what that is. As I saw when I conducted my site visit, the area has a spacious and bucolic character. Nonetheless, there is little uniformity in the style of dwellings, their age, size or even their relationship to
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- Fosse Road. Consequently, it cannot be said that the area displays any defining characteristics that ought to be reflected in the proposed extension.
5. Core Policy 9 of the "*Local Development Framework: Core Strategy*" (the CS) seeks a high standard of design that reinforces local distinctiveness. Collectively Policies DM5 and DM6 of the "*Local Development Framework Allocations & Development Management*" (the DMP) support house extensions provided they meet a range of criteria, which includes, respecting the design, materials and detailing of the host dwelling as well as the character of the area.
 6. There is little doubt that the proposed two-storey extension would significantly increase the size of the existing dwelling. The sub-text to Policy DM6¹ states, amongst other things, that development which is subservient can be accommodated without detriment to the surrounding area. It does not go as far to say that extensions should always be subservient in scale as suggested by the Council. Irrespective of the precise wording of the supporting text, there is no reference to subservience within the text of the policy itself.
 7. In this instance, the extension, although large and set forward of the existing dwelling, would still be set back comfortably from the front of the plot and Fosse Road. The Council argue that the dwelling would have an appearance akin to a pair of semi-detached dwellings. Even if I were to accept that proposition, there is a pair of semi-detached dwellings to the south of the appeal site and therefore I fail to see how this could be said to be out of character.
 8. The design of the extension in terms of its detailing and materials would closely reflect those of the host dwelling. Its proportions and layout including the large projecting gable would fundamentally change the appearance of the host dwelling but not in a way that could reasonably be categorised as harmful given the varied style and orientation of dwellings in the locality. In any event, Policy DM6 acknowledges a degree of change is inevitable.
 9. Overall, there would be a material change to the appearance of the host dwelling and some modest change to the character and appearance of the area. However, for the reasons given above, I find that this would not be at a level to cause unacceptable harm or to bring the proposal into conflict with the development plan. Accordingly there would be no conflict with Core Policy 9 of the CS or Policies DM5 and DM6 of the DMP.

Conclusion

10. For the reasons given above and taking into account all other matters, I conclude that the appeal should succeed. The Council has not suggested any conditions I have therefore imposed a condition specifying the approved plans as this provides certainty.

D. M. Young

Inspector

¹ Paragraph 7.33