

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, 4 April 2017 at 4.00 pm.**

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Planning Committee held on 22 March 2017	To Follow

PART 1 - ITEMS FOR DECISION

5. Land to the Rear of Lowfield Cottages, Bowbridge Lane, Badlerton (15/01250/OUTM) (Site Visit: 12.05pm – 12.15pm)	3 - 49
6. Land at Gibson Crescent, Balderton (17/00217/FUL) (Site Visit: 11.50 am – 12.00pm)	50 - 60
7. Land Opposite 40 – 46 Wolfit Avenue, Balderton (17/00196/FUL) (Site Visit: 11.40am – 11.45am)	61 - 74

8.	Robin Hood View Caravan Park, Middle Plantation, Belle Eau Park, Bilsthorpe (17/00147/FUL) (Site Visit: 9.35am – 9.55am)	75 - 86
9.	Land Adjacent to Dale House, 4 Dale Lane, Blidworth (17/00124/FUL) (Site Visit: 10.25am – 10.35am)	87 - 96
10.	Land to the Rear of 12 – 16 Central Avenue, Blidworth (17/00194/FUL) (Site Visit: 10.15am – 10.20am)	97 - 107
11.	Land adjacent 1 Whittaker Road, Rainworth (17/00193/FUL) (Site Visit: 10.00am – 10.05am)	108 - 118
12.	Billericay, 124 High Street, Collingham (17/00283/FUL)	119 - 134
13.	Sunrise., 63 Main Street, Gunthorpe (17/00300/FUL) (Site Visit: 11.05am – 11.15am)	135 - 143
14.	Land Adjacent to Newark R and M Cricket Club, Sports Ground, Kelham Road, Newark (16/02163/FULM)	144 - 151

PART 2 – ITEMS FOR INFORMATION

15(a).	Appeals Lodged	152 - 153
15(b).	Appeals Determined	154 - 169

PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS

None

PART 4 - EXEMPT AND CONFIDENTIAL ITEMS

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

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.

Application No:	15/01250/OUTM	
Proposal:	Development of brown-field site to construct road and 35 new houses	
Location:	Land to the Rear of Lowfield Cottages, Bowbridge Lane, Balderton	
Applicant:	Kenilworth Estates Ltd.	
Registered:	16.09.2015	Target Date: 16.12.2015
		Extension of time agreed in principle.

This application was on the committee agenda on 22nd March 2017 but was withdrawn by Officers following a late query raised with regards to the viability information that was not able to be resolved by the start of the meeting. This matter will be clarified for Members as part of the late items schedule and/or verbally. There were no previous late items and therefore the reports remains as previously published as follows:

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

The Site and Surroundings

The application site comprises land on the east side of Bowbridge Lane and is located to the south and outside of the Newark Urban Area. The application site is irregular in shape and measures some 1.32 hectares. The strategic site ‘Land South of Newark’ which covers a large area to the south of Newark includes the site as ‘green infrastructure’ within the Core Strategy although the outline planning permission for the strategic site (planning application no.14/01978/OUTM) does not incorporate the land in this application and therefore the site is surplus to the development requirements of the strategic site and therefore sits within open countryside. Two storey terraced dwellings known as Lowfield Cottages adjoin the site to the north and rear with a two storey detached dwelling known as Lowfield House adjoining the site to the north east.

The site is currently characterised by soft landscaping including grass and scrub vegetation. The land has an industrial past including use as a plaster works, gypsum quarry, gasworks waste lagoon and scrapyard. The site was remediated for industrial purposes in 1993 and has remained vacant since, returning over time to its current more natural appearance.

A Local Wildlife Site is situated immediately to the east of the site on land at the Balderton dismantled railway with substantial areas of grassland and scrub which now has the Sustrans path. This land is currently being remodelled and a footbridge is being constructed as part of the approved development to construct the Southern Link Road which forms part of the planning permission relating to the strategic site. The nearest listed building is located some 317m to the south of the site at the Grade II listed ruin Gypsum Grinding Mill.

Relevant Planning History

10/00760/OUTM Erection of industrial unit (Extant Permission 07/00759/OUTM) – permission 16.07.2010

07/00759/OUTM Erection of industrial unit – permission 07.09.2007

04/00302/OUT Industrial unit – permission 24.06.2004

00/01079/OUT Construction of 25 light industrial units and convert existing bungalow to office use and create 192 car parking spaces – refused 20.01.2003

02/00193/OUT Residential development – refused 19.07.2002

97/50032/OUT Construction of 25 light industrial units and conversion of existing bungalow to office use and create 192 car park spaces – permission 20.10.1997

93/50027/CMA Waste to energy incineration plant for medical waste – decision by County 15.07.1994

93/50028/OUT Construction of 25 light industrial units and conversion of existing bungalow to office use and create 192 car parking spaces – permission 26.04.1994

93/50026/CMA Engineering and other operations to reclaim and reinstate land to render suitable for new development – decision by County 09.07.1993

03900956 Construct 25 light industrial units, convert bungalow to office, create 192 car parking spaces – permission 21.11.1990

03891392 Construct 41 light industrial units, 192 car parking spaces, convert bungalow to office use – refused 20.03.1990

03890435 Car repair and dismantling business – permission 22.06.1989

03881223 Construction of 16 no. light industrial units and associated car parking – permission 15.06.1989

03870529CM Retain two portable office units – decision by County 10.08.1987

03870002 Change of use of land for parking of HGV trailers and tractor units – refused 24.02.1987

03840954 Change of use of land for commercial vehicle dismantling and storage – refused 11.12.1984

03840134 Erection of tool shed/store, storage building and weighbridge – permission 21.09.1984

0381245 Use land for light industrial and warehouse development – permission 21.07.1981

0381244 Use land for scrap recovery and associated uses – refused 21.07.1981

038145 Temporary residential caravan – permission 30.06.1981

038144 Extension of scrap yard – permission 30.06.1981

038143 Bungalow – permission 30.06.1981

03791253 Amendment of permitted work hours – permission 24.04.1980

0380126 Bungalow and garage – permission 27.03.1980

03791202 Change of use of storage shed to vehicle repairs and maintenance – permission 15.01.1980

03791201 Residential chalet – permission 15.01.1980

0378826 Scrap Metal yard (extension) and security fence and storage shed – permission 15.08.1978

03771125 New office, mess room and toilet – permission 28.02.1978

0377917 Scrap Metal yard security fence – permission 03.12.1977

The Proposal

Outline planning permission is sought with all matters reserved for residential development of the site for 35 dwellings.

The Design and Access Statement accompanying the application confirms that a variety of forms and levels of accommodation would be provided including a single storey dwelling for people with disabilities.

Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has been displayed at the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 3 Rural Areas
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy DM3 Developer Contributions and Planning Obligations

- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM8 Development in the Open Countryside
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Consultations

Balderton Parish Council – ‘Object to the proposal. Members consider the area to be unsuitable for development owing to the area flooding and being so low lying. Land contamination is also a concern in that vicinity.’

Planning Policy – Planning Policy Context

National Planning Policy Framework

Confirms that the Framework has not changed the statutory status of the development plan which is the starting point for decision making, detailing that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development which conflicts should be refused unless other material considerations indicate otherwise.

In relation to housing the Framework requires Authorities to maintain a supply of specific deliverable sites to deliver a five year supply, as at 1st April 2014 the District has a supply of 6.83 years.

In terms of the location of future development the active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and the focussing of significant development in locations which are or can be made sustainable is a Core Planning Principle. This is supplemented by the emphasis on an integrated approach to considering the location of housing, economic uses and community facilities and services which the Framework holds as central to the promotion of healthy communities. Accordingly it is set out that local planning authorities should avoid new isolated homes in the countryside with rural housing being provided where it would enhance or maintain the vitality of rural communities unless special circumstances are demonstrated.

In terms of the consideration of brownfield land as part of decision making, provided that it is not of high environmental value then the Framework sets out that its effective re-use should be encouraged.

Development Plan
Core Strategy DPD
Spatial Policies 1&2:

In line with the approach to the location of future development and patterns of growth within the NPPF Spatial Policy 1 'Settlement Hierarchy' identifies the settlements which are central to the delivery of the Council's spatial strategy and what their roles will be. Flowing from this Spatial Policy 2 'Spatial Distribution of Growth' sets out the distribution of growth across the District's settlements. Through this approach Newark Urban Area has been identified as the Sub-Regional Centre with 70% of overall housing growth (9913 dwellings) to be accommodated by the settlement over the plan period (2006-2026).

NAP2A – Land South of Newark:

The site falls within the boundary of the Land South of Newark strategic site allocated through the Core Strategy with NAP2A 'Land South of Newark' setting out the policy approach for the site. In terms of the distribution of development across the site, indicatively illustrated in Figure 5, the Southern Link Road (SLR) provides the southern limit to the extent of residential development, whilst the new employment development is located to the south east of the residential element (south of the 'Jericho Works'). The site which pre-application advice is being sought on is located to the south of the SLR and is outside of both the residential and employment areas - in an area indicatively identified as 'green infrastructure'.

Spatial Policy 3 Rural Areas:

National planning policy seeks to locate rural housing where it would enhance or maintain the vitality of rural communities, accordingly Spatial Policy 3 'Rural Areas' sets out a detailed approach for dealing with proposals within the main built-up areas of villages. Proposals beyond these main built up areas, and outside of the Green Belt, are within the open countryside and the Spatial Policy details that development in such locations will be strictly controlled and restricted to uses requiring a rural setting. The Spatial Policy defers to Policy DM8 'Open Countryside' within the Allocations & Development Management DPD for the detailed consideration of such applications.

Allocations & Development Management DPD

Policy DM8 'Development in the Open Countryside':

Policy DM8 sets out that development in the open countryside will be strictly controlled. In the case of new housing development planning permission will only be granted where the dwellings are of exceptional quality or innovative design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.

Planning History

The site has a long planning history and was remediated around 20 years ago via a government grant. Subsequently there have been a number of planning permissions for industrial development none of which have been implemented. Over time the planning context of the area has changed significantly and the Council has allocated a strategic site which covers a large area to the south of Newark including the site. As was explained to the applicant on numerous occasions during the period that they had an extant permission, this allocation would not stop them from implementing their permission.

Subsequently the outline permission covering the site lapsed on the 16th July 2013 and Officers have met with a planning agent acting on behalf of the applicant on a number of instances, as I understand to discuss the potential for employment development. The applicant was advised that the formal pre-application process should be entered into for the District Council to provide a professional opinion on the likelihood of a positive response on the development of the site for employment purposes.

Land South of Newark now benefits from outline consent and I note that the land to the rear of Lowfield Cottages falls outside of the permissions extent.

Assessment

The site is located within the boundary for the Land South of Newark strategic site and is situated within the area indicatively identified for green infrastructure. I note that the strategic site is now subject to outline consent and that the boundary of the permission excludes land to the rear of Lowfield Cottages. However until such a time as reserved matters are agreed and the permission implemented it remains appropriate to consider the likely impact of any future application on the delivery of the strategic site in line with the policy objectives of NAP2A.

In my view given that the extent of Green Infrastructure (GI) shown on Figure 5 is indicative, the small size of the proposal relative to the overall level of GI broadly identified, the sites location towards the periphery of the strategic site boundary and that a suitable arrangement not requiring the land has been arrived at through the outline consent would lead me to conclude that the release of the land for an appropriate use, other than that envisaged through NAP2A, is unlikely to prejudice the delivery of the green infrastructure to support Land South of Newark.

Although the site is located within the boundary for Land South of Newark it is outside of the Urban Boundary for the Newark Urban Area, which is tightly defined around the proposed built form, and as a result is in planning policy terms within the open countryside.

As set out above national and local planning policy seeks to avoid the creation of new isolated dwellings in the open countryside, and in my view given its location the proposal would quite clearly result in this undesirable pattern of development. Indeed the position of the site in relation to the proposed route for the SLR would only serve to exacerbate the lack of connection with the Newark Urban Area. Whilst Policy DM8 would in some cases allow for new dwellings within the open countryside, where they are of exceptional quality or innovative design etc., this should by definition be an exceptional occurrence where the quality of the dwellings outweighs the harm from development taking place in what is an inherently less sustainable location.'

The above comments were made in September 2015 and went on to set out the housing supply position at that time. The current housing land supply position is set out in the appraisal later in this report.

Notts County Council (Archaeology) – No comments received.

Notts County Council (Highways) – 'This is an outline application with all matters reserved. It is not clear from the application plans whether the applicant is both aware of and has considered the impacts of the proposed Newark Southern Link Road and associated alterations proposed to Bowbridge Lane immediately adjacent to Lowfield Cottages and possibly impacting directly upon the proposed site access. It should also be noted that Bowbridge Lane to the south of the

proposed access is to be closed to through traffic such that all vehicle access to the proposed development can only be gained in a northerly direction.

The first phase of the proposed Newark Southern Link road is currently under construction. The applicant will need to demonstrate how the proposed access arrangement can be satisfactorily accommodated with the alterations currently being made to Bowbridge Lane as part of the Newark Southern Link Road scheme. Equally the applicant will need to consider and report on the vehicular access restrictions imposed by the closure of Bowbridge Lane to the south of the application site.

The visibility from the proposed access has not been shown on the site layout plan. The visibility splays should be demonstrated on the plan as being achievable within land within the applicant's control to ensure a safe access can be provided.'

Following the receipt of a plan showing the proposed access arrangements with visibility splays, the following further comments have been provided:

'The applicant/agent has now submitted drawing no. 05C, demonstrating the visibility splays on the proposed road layout of Bowbridge Lane, upon completion of the Newark Southern Link Road. These are acceptable to the Highway Authority.

It is assumed that the development is to be adopted by Notts. County Council, as Highway Authority. There is currently a grass verge in place along the site frontage and a footway is required to be provided to link up with Lowfield Cottages.

As this is an outline application with all matters reserved, there are no highway objections to this proposal subject to:

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking/turning facilities, access widths, surfacing, street lighting and drainage (hereinafter referred to as reserved matters) in accordance with the County Council's current Highway Design Guide (6C's).'

Notts County Council (Flood Team) – 'Acceptable subject to conditions.

- 1 The following comments are based upon the source-path-receptor flood risk appraisal method to determine the potential flood risk both to and from a development.
- 2 The information submitted would appear to adequately address the flood risk on the site however we would ask that the following conditions be placed on any planning permission for the site.
 - 2.1 The development of the site is to be in general accordance with the flood risk assessment.
 - 2.2 The dwelling floor levels are to be 300mm above existing ground levels or the 100yr + climate change fluvial flood level whichever is the higher value.
 - 2.3 Any development within the flood plain that results in a loss of flood plain storage volume is to be balanced either on site (or nearby off-site) with an equivalent volume at a similar level.
 - 2.4 The surface water drainage system should manage all rainfall events on the site upto a 100year return period + 30% allowance for peak rainfall intensity increases due to climate change.

- 2.5 The site drainage system for the development is to be modelled and demonstrate compliance with the following requirements:
- 2.5.1 No surcharge during a 1 year event,
 - 2.5.2 No flooding during a 30 year event,
 - 2.5.3 No flooding off-site or to new dwellings on the site during a 100year + 30% climate change event.
 - 2.5.4 Management of all exceedance flows during a 100year + 30% climate change event for durations from 15minutes to 24 hours. All exceedance flows should be directed away from the site boundaries and dwellings and towards the attenuation system.'

The County Council were consulted on the issue of the section of Bowbridge Lane at the access to the site being located within Flood Zone 2 but advised that given the issue related to flood evacuation, they were not the relevant body to provide advice.

Notts County Council (Education) – Can confirm that the proposed development of 35 units would yield an additional 7 primary and 6 secondary places.

Based on current projections, the primary schools are at capacity and cannot accommodate the additional 7 primary places arising from the proposed development on Bowbridge Lane, Balderton.

County Education therefore wish to seek an Education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

County Education assume that any requirement for secondary provision will be covered by CIL.

Notts County Council (Policy) – Comments can be summarised as follows:

County Planning Context

Waste

The proposed site was allocated for waste use in the Waste Local Plan (adopted 2002), however this has now lapsed. In terms of the Nottinghamshire and Nottingham Waste Local Plan: Part 1 – Waste Core Strategy (December 2013), there is a cluster of waste management uses to the south west of the site, but it is not considered that the proposed development would cause any concerns in terms of safeguarding these existing facilities (as per Policy WCS10).

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

Minerals

The site lies within a Mineral Safeguarding and Consultation Area for gypsum (surface). In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these areas. Allocations in District Plans (see Local Planning Context) are excluded from the provisions of Policy DM13, provided that the

mineral resource was considered during the allocation process. The County Council are unsure if this is the case in this instance.

The proposed site is surrounded to the east, west and south by historical gypsum workings and all current extraction lies further to the south at Bantycok Quarry. Current reserves are currently expected to be adequate until 2035. The adopted Minerals Local Plan includes an allocation for a southern extension (i.e. in the opposite direction of the proposed site from the quarry). However, due to the level of permitted reserves it is not proposed for this allocation to be taken forward in the replacement Minerals Local Plan.

Due to the historic working of the surrounding area for mineral extraction and the allocation of the proposed site as part of the 'South of Newark' allocation (see Local Planning Context) the County Council would not raise any objection with regards to mineral safeguarding. The possibility of prior extraction could be explored in consultation with British Gypsum.

Strategic Planning Issues

Highways

See comments above under NCC Highways.

Travel and Transport

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network.

Although there are a number of commercial bus services operating along the nearby London Road corridor, the walking distance to the closest bus stops is approximately 1.2 miles which is further than the recommended distance in the 6Cs design guidelines.

Due to the size of this potential development, at this time it is not envisaged that contributions towards local bus service provision will be sought, however the local planning authority may wish to consider a planning obligation which will require some form of public transport contribution to serve the site as part of the larger local development.

Infrastructure

Due to the size of this potential development, at this time it is not envisaged that contributions towards local bus stop infrastructure provision will be sought, however the local planning authority may wish to consider a planning obligation which will require some form of public transport contribution to serve the site as part of the larger local development including the provision of bus stop infrastructure.

Further information can be supplied through developer contact with Transport & Travel Services upon receipt of the full planning application.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey. This indicates that the site supports semi-improved grassland of moderate diversity, and provides potential habitat for reptiles.

The report recommends that further surveys are carried out in relation to reptiles, for this reason. If such surveys have already been completed, it is requested that these are submitted; if they have not, then they should be commissioned as soon as possible, noting that September is an optimal survey period for reptiles, with October suboptimal; beyond this, it would not be possible to complete surveys until next April. Without this information it is not possible to comment fully on the ecological impacts of this application.

In addition, whilst some recommendations are made in the Extended Phase 1 Habitat Survey, no firm mitigation is proposed for the loss of habitat that would arise from the proposals (amounting to more than 50% of the existing habitat area). It is noted that the undeveloped part of the site would be retained as 'New Public Open Space (for ball games etc.)'; the retention and enhancement of existing habitat in this area would go some way to mitigating for the net loss of habitat (noting that further, bespoke mitigation may be required should reptiles be found at the site); development as an 'amenity area' would therefore not be desirable. Further details relating to mitigation for the loss of habitat are therefore requested (such as an indicative landscaping scheme).

Landscape and Visual Impact

NB comments on 'Landscape and Visual Impact' received prior to the submission of the applicant's LVIA and subsequent assessment by the County Council as independent consultants.

Given the isolated location of the proposed development, away from the built edge of Newark, the County Council do not support this application. However, should the development obtain outline permission we recommend the following:-

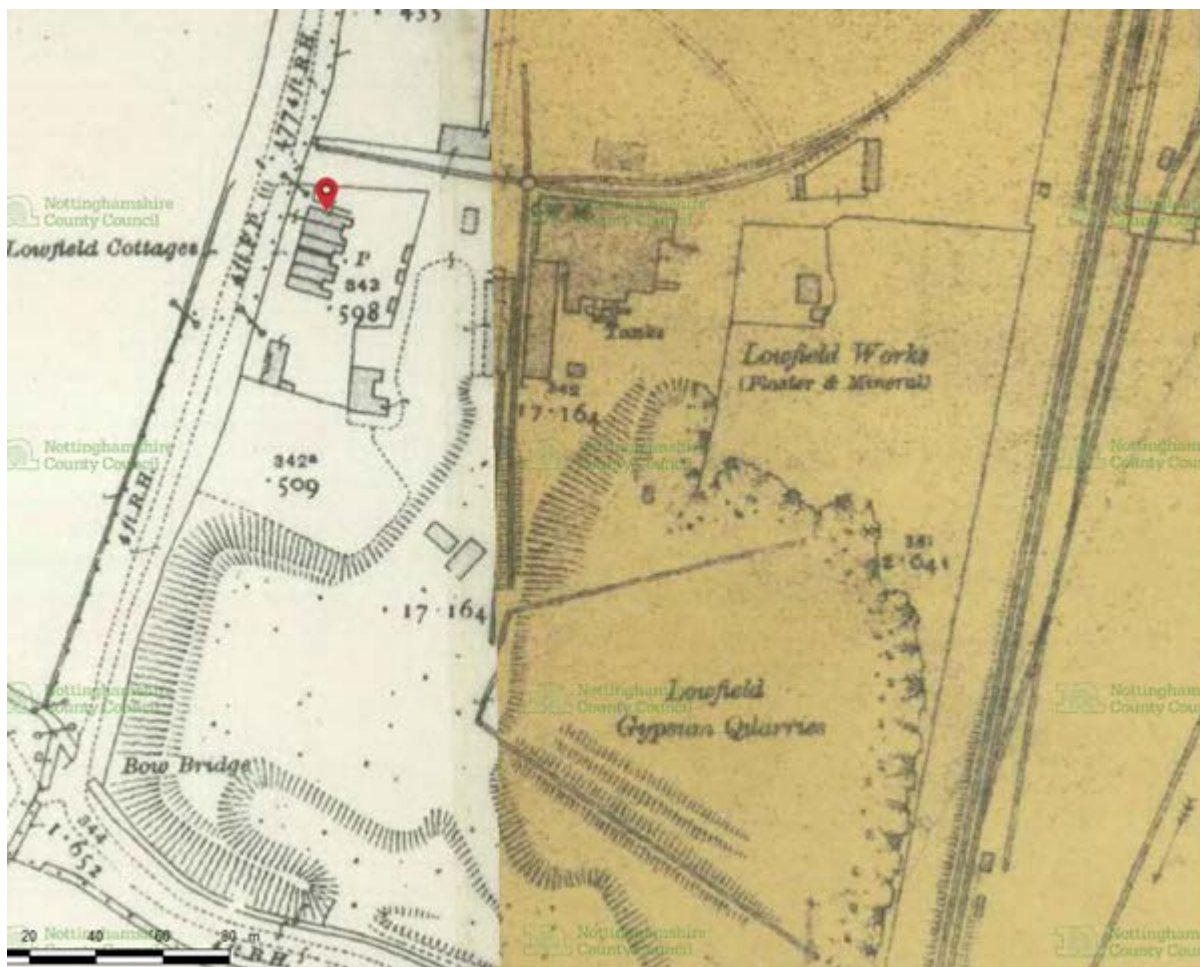
1. Prior to detailed design of the site layout a landscape and visual impact assessment should be submitted along with proposed mitigation measures to minimise the visual impact on adjacent properties. In particular the location of properties ref 18 and 19 shown on drawing O2D should be reconsidered.
2. Vegetation removal should take place outside the bird nesting period (1st March – 31st July inclusive).
3. Any boundary trees and hedgerows to be retained should be protected during construction to BS 5837: 2012.
4. Detailed proposals should be submitted for landscaping, to include areas of species rich grass to the south east of the site and native planting to enhance the boundary with the adjacent SINC.
5. Planting plans for the native tree and hedgerow planting should be submitted, including species, size at planting, spacing, rabbit protection and proposals for establishment/future

management. Species should be as recommended for the South Nottinghamshire Landscape Character Area.

Reclamation

Contamination Impacts

The previous use of the site and the demolition of the buildings give rise to the potential for contamination of the ground at the site. The map extract provided below indicates the extent of the quarry and works at the turn of the previous century.



Given the location and history of the site it is concluded that there is potential for the site to be contaminated.

Conclusions and Recommendations

A conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site. Reference should be made to the Environment Agency's Model Procedures for the management of land contamination CLR11 and BS10175:2011+A1:2013, Investigation of potentially contaminated sites: Code of Practice. Within this document clause 6 refers to a desk study and site reconnaissance. The BS document also refers to the development of a conceptual site model to assess the potential for risk from contamination and the development of an investigation strategy to assess those risks.

Once the phase one desk study has been completed a site investigation can be designed to investigate the identified pollutant linkages. The investigation could also be integrated with the geotechnical investigation required for ground condition assessment for foundation design.

The geo-environmental site investigation must be comprehensive and enable: -

- i. the conceptual site model to be refined;
- ii. a Phase II Risk Assessment to be undertaken relating to soil and on site and off site associated groundwater and surface waters that may be affected, and ground gas and vapour.
- iii. a Method Statement to be developed detailing the remediation requirements.

The County Council will be pleased to comment upon the documents once they are provided.

Rights of Way

The Design and Access statement refers to the creation of a new pedestrian and cycle links on the site and these are shown on the site layout plans. These will provide good links to the Sustrans cycle track to the east of the site. The development itself does not affect any recorded public rights of way, although there may be paths used on the ground by local people which are not recorded. However, the provision of NMU access may well mitigate any complaints about loss of access. The County Council would also advise that the routes provided by the developer are included in the s38 adoption along with the estate roads. A specification suitable for the intended use should be discussed and agreed with NCC Highways Development control.

Developer Contributions

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 Newark and Sherwood District Council to ensure all requirements are met.

Education

The County Council wish to seek an Education contribution of £80,185 (7 x £11,455) (See above)

Overall Conclusion

In terms of Strategic Highways, the applicant will need to demonstrate how the proposed access arrangement can be satisfactorily accommodated with the alterations currently being made to Bowbridge Lane as part of the Newark Southern Link Road scheme. Equally the applicant will need to consider and report on the vehicular access restrictions imposed by the closure of Bowbridge Lane to the south of the application site.

The County Council do not have objections to the proposed development from a Minerals or Waste perspective.

In relation to Nature Conservation, the County Council would request that additional surveys are carried out, as set out in detail above.

In relation to Reclamation, a conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site.

The development itself does not affect any recorded public rights of way, although there may be paths used on the ground by local people which are not recorded. However, the provision of NMU access may well mitigate any complaints about loss of access. The County Council would also advise that the routes provided by the developer are included in the s38 adoption along with the estate roads. A specification suitable for the intended use should be discussed and agreed with NCC Highways Development control.

The County Council would wish to seek an Education contribution of £80,185 (7 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Nottinghamshire Wildlife Trust – Initial comments:

The Trust were pleased to see that an ecological survey of the site had been carried out (Extended Phase 1 Habitat Survey, Total Ecology September 2015) which allowed an assessment of the potential ecological impact of the development.

The Trust reviewed the above report and were generally satisfied with the methodology. Habitats on site were considered potentially suitable to support a range of species, with mitigation recommendations given to ensure impacted are minimised.

Birds

Suitable habitat for nesting birds is present on site. The Trust would wish to see this retained where possible, in particular along site boundaries which would maintain commuting and foraging habitat. Where vegetation clearance is required, the Trust recommended a suitably worded condition to protect breeding birds:

“No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Badgers

No signs of badger activity were noted, however the Trust supported the recommendation in Section 5.3 for a pre-commencement walkover survey to ensure that the situation has not changed with respect to badgers. The Trust advised that this survey could be conditioned.

Best practice methods during construction should be followed to protect any animal which may enter any excavations. Trenches should be covered overnight, or a ramp or other means of exit should be provided. Pipes over 150mm in diameter should be capped off.

Reptiles

Section 5.3 of the report states that suitable reptile habitat is present on site, reptiles records are known from the vicinity of the site and that offsite habitats provide good ecological connectivity.

Further reptile survey work is recommended, however the Trust cannot see any evidence that this has been undertaken. All reptile species are protected from intentionally killing, injuring or selling under the Wildlife and Countryside Act 1981. The report recommends that further, more detailed reptile survey work is undertaken to ascertain whether reptiles are present on site. The Trust recommended that the LPA requested this survey work is carried out and the report is submitted for review before the application is determined

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

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

Local Sites

The site is immediately adjacent to Balderton Dismantled Railway South Local Wildlife Site. Local Wildlife Sites are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas. With this in mind the Trust requested that a condition be placed on the application should it be approved that requires the applicants to ensure that building materials and machinery are kept as far away from the LWS as possible at any time prior to or during works.

Landscaping

The Trust were pleased to note that the proposed Site Layout Plan appears to indicate tree and hedgerow planting as well as Public Open Space which could help to buffer the adjacent LWS to the east. The Trust recommended that native, locally appropriate species are used wherever possible to maximize the nature conservation value of the proposal. The species list for South Nottinghamshire Farmlands should be consulted for a list of appropriate species. The Trust would also recommend that existing habitats including the grassland are retained where possible, and potentially enhanced. Appropriate ongoing management should be considered. Detailed Landscaping and Management Plans should be secured by way of condition.

Ecological Enhancements

Paragraph 109 of the NPPF states that the planning system should look to provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, the Trust advised that they would welcome plans for biodiversity enhancements on and around the development site. As well as planting and managing new habitats, consideration should also be given to installing bat and bird boxes and creating habitat piles or hibernacula. Additional enhancements may be informed by completion of the outstanding reptile survey work.

In the absence of the further reptile survey work required, the Trust confirmed that they wished to object to this application as there is insufficient information with which to consider the impact on protected species.

The applicant subsequently advised that they had a conversation with Nottinghamshire Wildlife Trust and that it was agreed that as reptiles would be in hibernation until March next year (2016), a detailed reptile survey would be conducted then if the planning application is acceptable. I contacted the Trust who then advised as follows:

‘We have previously recommended that the LPA requests the required reptile survey work to be carried out before the application is determined, which is in line with planning policy regarding protected species. NWT have been contacted by the applicant to discuss this position. In order to fully understand the use of the site by reptiles, we would still recommend that further survey work is undertaken - ideally this should take place prior to determination to ensure that all material considerations have been addressed. However, this application is in outline and we understand that the applicant would be willing to accept a condition requiring that the surveys are carried out to inform the reserved matters application.

Whilst it is true that reptiles hibernate over winter months and survey during this time is not possible, the timing of the application is not reason enough to deviate from planning policy requirements.

However, the current site layout plan indicates that the eastern side of the site, which is adjacent to the most suitable connected habitat for reptiles, would remain undeveloped. With this in mind, should a population of reptiles be present, the currently proposed layout could accommodate suitable habitat for retention of the population. We would therefore accept under these specific circumstances that the required reptile survey work could be secured through a planning condition attached to the outline application which requires it to be undertaken as soon as possible (bearing in mind survey timing constraints) and the recommendations incorporated into any reserved matters application.’

Natural England – No comments to make.

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

Should soakaways prove to be unfeasible the applicant has indicated that surface water would be discharged to the Middle Beck Main River. In this case the outfall construction and discharge rate must be agreed with the Environment Agency.

The design, operation and future maintenance of site drainage systems, and any off site drainage systems required to convey flows to the Middle Beck Main River, must be agreed with the Lead Local Flood Authority and Local Planning Authority.

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and overland flows”.

The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. The Board note the presence of a bund to the rear of Lowfield Cottages and consideration should be given as to if the bund affords any protection to Lowfield Cottages and flows emanating from the development site.

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

Community, Sports and Arts Development – No objection to this planning application in principle. Given that the proposal is for 35 residential units there should be a contribution towards Community Facilities as per the Developer Contributions SPD of £1,337.08 per dwelling fixed at May 2015 plus appropriate uplift through indexation at the point of payment. If further information is required about what the contribution will be used for further information can be provided.

Environmental Services (Contaminated Land) – This application is for residential development on land that has a long legacy of industrial uses. These previous uses, including plaster works, gypsum quarry, gasworks waste lagoon and scrapyard are known to be potentially contaminative.

Numerous site investigations have been carried out on this site in the past and have identified that elevated levels of contamination remain. We are aware that some remedial works were carried out in the mid 1990s but the effectiveness of the work has not been verified. Furthermore, this remedial work is likely to have been carried out to ensure that the site was suitable for the use at the time and not for the requirements of modern day standards for residential dwellings with private gardens, which are highly sensitive.

The information accompanying the planning application fails to address our concerns regarding the proposed residential use on a site with such a complex history in terms of contaminative uses and we are surprised that there is no supporting study with the application i.e. desktop report. Prior to development, there would be the requirement for a robust site investigation, to take into account the works that have already been carried out to date and to identify what the current levels of contaminations are at the site to identify the method of remedial work, this we believe will be technically and economically challenging given the proposals. It is essential that our full phased contamination condition is attached to any planning consent given.

Following these comments, the applicant advised as follows:

'This site was remediated with the aid of a DOE derelict land grant. The removal of contaminants was supervised by Nottinghamshire County Council and the Environment agency. The 18 month program was finally signed off by both Notts (letter attached) and the DOE to their satisfaction. It should be noted that Newark and Sherwood had no involvement whatsoever and I believe this would explain their caution. In the event NSC were to give this planning application their approval we would expect to carry out further tests and prepare a report for the LA on further works necessary for the site to meet residential criteria. We have made an allowance for this in our viability statement. However as has been accurately assessed this would mostly amount to ensuring gardens and landscape areas are sufficiently top soiled.'

The Environmental Services team then provided the following further comments:

Environmental Health has no objection to the matters relating to remediation being dealt with by condition at a later stage.

Contrary to the agents comments, Environmental Health expect that the contamination issues at this site could be complex and investigation and remediation is likely to be far more challenging and costly than the developer may have considered. The matters to be addressed by any further investigation must include the following:

- Although aware of numerous site investigations and limited remedial works in the past, any improvement at the site remains to be validated so it is not known how effective this work has been. It is known that the stream to the South of the site (Middle Beck) continued to be affected by elevated contamination for a substantial period after the remedial works were carried out; however the neighbouring land parcels may also have contributed to this.
- The site was formerly landfill (the licence remains active and was never surrendered) and prior to this was a lagoon used for the disposal of liquor for the coal carbonisation industry, these are highly contaminative previous uses. Houses with gardens are a very sensitive use and there is a lack of investigation and validation information to current standards. Hence Environmental Health would expect that robust site investigation work (and remediation and validation) is still required. Environmental Health do not consider that simply placing topsoil in gardens/landscaped areas will be sufficient.
- Finally Environmental Health ask how will the contamination, that is known to exist in neighbouring land parcels that were not subject to the remediation grant, be controlled and be prevented from affecting this development site?

Parks and Amenities – ‘As a development of over 30 dwellings this scheme will need to make allowance for public open space in the form of children’s playing space and amenity open space. I note that the site layout plan appears to show an area of public open space of around 0.6ha in area which is greatly in excess of the requirement for a development of this size. The layout plan also describes this public open space as being for ‘ball games, etc.’ and as such it could be described as children’s playing space. However I note that the majority of this area is described in the Flood Risk Assessment as flood plain and would thus question its suitability as children’s playing space and suggest that the applicant be asked to justify how it would be made usable as such. If it cannot be properly used as children’s playing space then an off-site contribution may be justified.’

Severn Trent Water – No comments received.

The Environment Agency – ‘We have no objections in principle to the proposed development. We would however require a detailed site investigation and risk assessment to be carried out prior to any development being undertaken. We are aware that this site has an industrial past and is likely to be contaminated.’

If planning permission is granted, we would recommend that the following planning conditions are included on the decision notice.

Condition

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - The site has an industrial past and the risks that any contamination remaining at the site poses to controlled waters (both groundwater and surface water) must be assessed prior to commencement of development.

Condition

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that any risks to controlled waters are appropriately remediated as per the agreed strategy, prior to the occupation of the development.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - It is likely that residual contamination may remain at the site. As such, it must be ensured that any on site drainage does not act to provide preferential flow pathways for contaminants into the ground, or the mobilisation of residual contamination.

Advice for LPA/Applicant

The Environment Agency has been based on the current best available data. Studies are currently underway that may change the flood mapping in this area but it is not yet known how. The Environment Agency would also be reluctant to support any development in the area to the East which is currently defined as floodplain in the location plan.

With regards to the surface water at the site the Environment Agency believe it would be more appropriate for the Lead Local Flood Authority to comment on this application.

Severn Trent Water Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.'

The Environment Agency were consulted on the issue of the section of Bowbridge Lane at the access to the site being located within Flood Zone 2 but advised that given the issue related to flood evacuation they would refer to advice being given by the Council's Emergency Planner. They advised that the developer should look at the potential flood depths and carry out a topographical survey to demonstrate that there is safe means of vehicular access in times of flood (in particular for emergency vehicles) and that this information should be provided up front and not conditioned as required by the NPPF.

Strategic Housing – 'The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Balderton is part of the Newark sub area (1) and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 266 flats, the highest demand for any type of property.
- Property size: 1 and 2 bedrooms account for the highest level of need. 234 households require 1 bedroom and 458 require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Balderton: 1,123 households preferred Balderton for their future location preference. This is highest level of demand after Newark
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need Council therefore considers that in developing new affordable housing will deliver council priorities in terms of housing needs there is a breadth of evidence to support'

'Affordable Housing Provision

The Council's Core Strategy sets the affordable housing targets for any suitable site at 30% and applies the following dwelling threshold for Newark:

10 or more dwellings / 0.4 hectares irrespective of the number of dwellings.

The present proposals amount to 35 dwellings in all. This amounts to 10 units of affordable housing on this site as detailed below:-

	Social/Affordable Rent	Intermediate Housing	Total
1 Bed 2p flats	2	0	2
2 Bed 4p houses	4	2	6
3 Bed 5p houses	0	2	2
Total	6	4	10

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

NSDC Emergency Planner – Following the applicant’s provision of anticipated flood depths turning right onto Bowbridge Lane from the application site, the Emergency Planner confirmed that this would not cause a great issue. The depths are 10 – 20 cm and although the Emergency Planner cannot say that any vehicles can go into flood waters due to hidden dangers, they do not believe this would be unreasonable in this instance.

That being said, the estimated depths turning left on to Bowbridge Lane do show levels of up to 60cm which would cause issues and vehicles would not be able to pass easily. The Emergency Planner does not see an issue with this provided the site is made right turn only at all times in event of flooding.

Neighbours/Interested Parties – 2no. written representation has been received objecting to the proposals and raising the following issues:

- Is there any point commenting as they are already surrounded.
- A neighbour had an application refused for a dwelling as it would ‘spoil their house’, yet they have a road (SLR) with footbridge over at the end of their garden.
- The proposal would be too close to existing properties. Existing properties would be overlooked when the new development could be further away to protected the privacy of existing residents in this small rural community.

1no. written representation has been received in support of the proposal.

1no. written representation has been received querying whether the application has already been either withdrawn or refused as current highway works have a direct impact on the application.

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 District Council adopted its Core Strategy in 2011 outlining which settlements are central to

the delivery of Newark and Sherwood's Spatial Strategy over the plan period to 2026. Spatial Policy 1 sets out the Newark Urban Area as being a sub-regional centre as being the Newark Urban Area which is the main focus for new housing with Service Centres and Principal Villages also identified and Spatial Policy 2 identifies these areas as being those where housing growth in the district is to be accommodated.

The 1.32Ha application site sits outside the Newark Urban Boundary identified on the Proposals Map in the Allocations and Development Management DPD. The site is identified within the Core Strategy as siting within the strategic site 'Land South of Newark' and is annotated indicatively as being for 'Green Infrastructure'. Outline planning permission has since been granted for this strategic site (most recently in January 2015 under planning application ref.14/01978/OUTM) and the approved parameter plans for that application confirm that the necessary land for green infrastructure and flood mitigation does not include this site. The application site is therefore, as a matter of fact, beyond the Newark Urban Area as defined within the ADMDPD and is within open countryside.

Policy DM8 is clear that development in the open countryside will be strictly controlled and limited to certain types of development listed in the policy. The third item of the list refers to new dwellings stating that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area. This policy approach is in full accordance with the NPPF which advocates as one of the core planning principles the need to recognise the intrinsic character and beauty of the countryside.

It is not lost on me, however, that the site is on the very edge of Newark, close to the most significant piece of infrastructure currently under construction within the District (in the form of the Southern Link Road). There are existing residential properties adjacent in the form of Lowfield Cottages, commercial uses to the South, and the residential development associated with the Strategic Site Extension to the north of the SLR. 2 no. recent appeal decisions nearby which allow for further development beyond the main built up area of Newark must also be weighed in consideration, albeit these were in a commercial context (Ref APP/B3030/W/15/3140973 and APP/B3030/W/15/3140050). The latter appeal decision concluded that factors 'on the ground' were of sufficient weight to outweigh any harm by reason of being located south of a defined settlement boundary. An extract of that appeal is detailed below:

- '8. Although the Development Plan is the starting point for my decision, I am also required to give weight to other material considerations. In that regard, the presence of other commercial uses and the accessibility of the site to the highway network are factors that weigh in favour of the proposal. The Council acknowledges that the appeal proposal would not prejudice any proposals for the strategic site development, and I have no reason to disagree with that assessment. Furthermore, the proposed use would have little impact on the character or appearance of the area because of the close proximity and nature of the other commercial uses in the locality.
9. In addition, the construction of the new relief road would ensure that much of the traffic generated by the appeal proposal would have good access to the wider highway network, without having to travel through parts of the existing built-up area.'

All matters must be very carefully balanced in this case.

Delivery of Housing Need

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

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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 (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 OAN 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.

Thus proposals for development beyond the main built up area, as is the case with this application (for the avoidance of doubt this site sits sequentially south of the SLR (which forms the urban area of Newark as in the ADMDPD), the Eastern Park provided by the SUE, Lowfield Cottages and Lowfield House, being immediately adjacent to the latter), will need to be considered in the context of the individual harm which a scheme would cause. I go on to assess each issue in turn.

Previous Use of Site

The description of the proposal states that the site is brownfield land on the premise that there is a clear presumption in favour of the use of previously developed land in the NPPF. The definition of brownfield in Annex 2 of the NPPF is as follows:

‘Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.’

Having liaised with Nottinghamshire County Council, they have confirmed the most recent planning history of the site from their perspective as being a 1993 permission to reclaim and reinstated the land to make it suitable for importation of fill material. This work then had to be completed by 31st January 1994. A letter submitted as part of this application (letter from NCC dated 1995) indicates this remediation was signed off in 1995. Permission was also granted in July 1994 for the erection of a waste to energy incineration plant and in 2010 for the erection of an industrial unit. However, these permissions were never implemented and therefore the site has been in its current state since 1995.

It is clear on site that, in the 20 years since remediation was signed off by the County Council, the site has recovered to a more natural state. It is noted that the remains of a small building (former cottage) are evident to the north east of the site adjacent to the boundary with Lowfield House. However, this small building occupies a very minimal proportion of the site and would have a comparably small curtilage and it is clear that the remains of previous industrial use of the site have blended into the landscape in the process of time.

Having regard to the above facts and the definition of previously developed land in the NPPF, I consider the site should not actually be considered as brownfield. The reference in the description of the proposal to the site being brownfield should be removed and should therefore carry no weight in the determination of this application. This position has been confirmed through legal advice. We are thus in a position where there is a lengthy history and intent to develop the site but intent has not turned into action, leaving a site fallow for 20 years.

Sustainability of location

As stated above, until such time as a housing requirement figure has been tested and found sound, the Council will consider residential development on sustainable sites which fall immediately adjacent to main built up area boundaries and village envelopes which meet the relevant requirements of the Development Plan in all other respects, and have the capacity to positively contribute to boosting the supply of housing within the District in the short term.

The site sits adjacent to Lowfield Cottages and approximately 160m south of the nearest residential element of the strategic site ‘Land South of Newark’. The associated infrastructure for Land South of Newark includes 2 new schools, 2 local centres and public open space, all of which

would be in relatively close proximity to the application site. Phase 1 of the Southern Link Road (SLR) which is currently nearing completion and a new road link with footpath is being provided from a roundabout on the SLR to Lowfield Cottages and the land subject of this application. While I consider that the site lies within open countryside (where new housing would usually be resisted) I am conscious that given the above context it is difficult to maintain that the site is locationally unsustainable, as was borne out by the recent Quarry Farm appeal.

Given the current Housing land supply position set out above (and the current inability to attach full weight to the OAN figure, the only figure which would offer a current 5YLS), the fact that any figure is a minimum, and the 'on the ground' context, I consider that there is potential for this site to make a contribution to the provision of housing in the form of 35 dwellings. I say this in the context of Newark, which is an identified sub-regional centre that will take the majority of growth, as defined in the Council's adopted settlement hierarchy. For the avoidance of any doubt my view may be different in a different context or settlement.

In my view one can only attach weight to the ability to contribute to boosting growth if there is a realistic prospect that this scheme will not only happen, but that it will happen sooner rather than later. I say this given that stalled progress on the Strategic Urban Extension sites is likely to progress with house completions within the next 18 months. Should Members be minded to approve this application it is my opinion that any permission granted be framed such that there is a short timeframe for implementation. This would ensure that any application does achieve what is intended (i.e. Boost housing growth in the short term). Any concerns that a material start on site could be made with the site being 'sat on' would be alleviated in some way in my view by the fact that any material start would attract a CIL receipt.

Whilst an appropriately framed planning permission, alongside other factors, would mean that weight in planning terms should be afforded to the delivery of housing it remains necessary to assess whether the proposals meet the requirements of the Development Plan in all other respects.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need.

Core Policy 3 also states that the Council will seek to secure new housing development which adequately addresses the housing need of the District namely:

- Family housing of 3 bedrooms or more
- Smaller houses of 2 bedrooms or less
- Housing for the elderly and disabled population.

The development proposes up to a maximum of 35 dwellings on the application site and the indicative schedule of accommodation is for a mix of 2, 3, 4 and 5 bedroomed dwellings heavily weighted towards three bedroomed dwellings which are anticipated to account for 29 of the dwellings proposed. 23no. of the proposed dwellings would be either semi-detached or terraced with the remainder being detached. Whilst this mix and type of dwellings is only given to

demonstrate how the site might be delivered and is not fixed it demonstrates how such development might be accommodated on site and the housing mix includes family housing of three beds or more and a 2 bed bungalow both of which accord with Core Policy 3. The final mix would be influenced by the Council's relevant development plan policies and the housing market when any reserved matters application is submitted. However opportunities can be explored in any reserved matters application to ensure an appropriate mix.

35 dwellings would result in a net density of 27 dwellings per hectare on a site of 1.32 hectares. A wider site is shown on the indicative plan with land to the west utilised for new public open space with new footpath and cycle links to the Sustrans route (although this land is outlined in blue on the submitted site plan). Clarification has been sought from the applicant as to the extent of land which would be provided as open space. A revised red line plan has been submitted showing the proposed Public Open Space to have an area of 1671 sq m – The minimum amount of open space required to serve the development is set out in the section relating to developer contributions below, this would be secured on-site on a formula basis in any S106 Agreement should Members be minded to approve the application. The area of public open space now being promoted is slightly in excess of the requirement for a development of this size. Furthermore, whilst net densities are slightly below the requirement in Core Policy 3, I am mindful of the characteristics of the site which sits within open countryside and the need to try and assimilate any development into the surroundings. Any reduction in the usual density requirements would only assist in helping to reduce the visual impact of the proposal in this setting and may provide further opportunities for mitigation such as buffer landscaping.

On balance, I am satisfied that the indicative layout and house mix gives an indication as to what the site could deliver. I consider that a development based on these principles provides scope to ensure the housing mix, type and density meets the overall objectives of Core Policy 3.

Impact on Landscape Character

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA).

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

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

Given the sensitive nature of this application with the site located outside existing urban boundaries, the Council has sought independent landscape advice to assess the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant and to provide further advice if there are omissions in the landscape work undertaken by the applicant's representatives. The advice received confirms that the methodology followed in the applicant's LVIA and accompanying viewpoint photography are accepted as best practice for LVIA and the size of the study area with a 2km radius is acceptable.

In assessing the site's characteristics, regard has been given to the public rights of way within the study area, the closest residential properties at Lowfield Cottages, the wider context including the Southern Link Road (SLR) and bridge to take the Sustrans route and bridleway over the SLR and the large industrial buildings at the gypsum works and Lowfield works. Regard has also been given to the scale of development proposed including that the development will be 35 dwellings in a variety of forms but mainly two-storey in height, that boundary hedging and trees are to be retained to the perimeter of the site in addition to new landscape treatment which is yet to be defined. The independent advice is in agreement with the applicant's LVIA that the physical effects of the development on the fabric of the landscape will be minor adverse and concurs that the landscape sensitivity of the site is low.

The Council's Landscape Character Appraisal (LCA) provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The application site is situated within South Nottinghamshire Farmlands Policy Zone SN07 'Elston Village Farmlands' which is defined as having a moderate landscape condition, moderate landscape sensitivity and a policy action to 'Conserve and create'. East Nottinghamshire Sandlands Policy Zone ES06 'Bowbridge Lane Farmlands' is located immediately to the north of the site and is defined as having a good landscape condition, low landscape sensitivity and a policy action to 'Reinforce'. The applicant's assessment of landscape sensitivity is low due to construction activity associated with the SLR and construction activity associated with Land South of Newark years 1 – 10. The independent advice received accepts this conclusion and that the landscape sensitivity of Policy Zone PZ SN07 will continue to be downgraded due to these adjacent construction projects. The independent advice also agrees that the development would have a low magnitude of impact over the study area as a whole.

The applicant's LVIA includes an assessment from 8 viewpoints which concludes that there are no important adverse visual effects (that is impacts above moderate adverse which would constitute an 'important effect' in the terms of the Environmental Assessment Regulations). The independent advice agrees with his conclusion but considers there are some omissions. The Viewpoints considered in the applicant's LVIA are:

- Viewpoint 1 – Bowbridge Lane, adjacent to Lowfield Cottages
- Viewpoint 2 – Bowbridge Lane, adjacent to 'Collect a Wreck' car breakers yard.
- Viewpoint 3 – National Cycle Route 64, adjacent to Hawton Lane
- Viewpoint 4 – Hawton Bridleway 1, just off Grange Road
- Viewpoint 5 – Hawton Bridleway 3, just off Cotham Lane
- Viewpoint 6 – Entrance to the Tawny Owl pub on William Hall way
- Viewpoint 7 – Grange Lane, close to Balderton Grange
- Viewpoint 8 – Newark on Trent cemetery

The independent advice considers that further viewpoints should have been included to consider views of recreational receptors from Hawton Bridleway 6 to the west of the site, Balderton footpath 11 to the north of the site and the potential view from the proposed Sustrans overbridge that will pass immediately to the north east of the site. Furthermore the timescale of the assessment meant that a winter survey with trees without leaf cover was possible and therefore viewpoints 3, 5, 6, 7 and 8 were not carried forward in the assessment as vegetation restricts views towards the site. The independent advice received disagreed with this approach as it does not follow the accepted methodology for visual assessment. The independent advice takes into consideration the viewpoints considered in the applicant's LVIA and carries out its own assessment of the viewpoints not carried through due to existing vegetation and the additional viewpoints

identified from recreational receptor points through a mix of site visit analysis and desk based analysis. The independent assessment concludes on assessment of all viewpoints that whilst the applicants visual assessments includes some instances where the impact has been underestimated, overall none of the amended visual impacts are above moderate adverse which is the level at which any visual impact would become significant. There are moderate adverse visual impacts for a small number of residents in properties adjacent to the site (Lowfield Cottages and Lowfield House) and potentially for users of the elevated section of the Sustrans cycleway where it crosses the Southern Link Road to the north east of the site. Overall the independent assessment agrees with the Newark and Sherwood Strategic Land Availability Assessment (March 2010) which concluded that the application site should not be developed in isolation due to the level of separation from the existing settlements of Hawton and Balderton. However, if the site is developed and seen as part of the larger Newark Growth point development the development could be supported in visual impact terms.

In terms of the potential for mitigation for the level of impact identified, the independent assessment acknowledges a detailed landscape proposals drawing as not been provided at this stage but recommends conditions to ensure vegetation removal is undertaken outside the bird nesting season, protection of any boundary trees and hedgerows to be protected during construction including that providing screening to neighbouring residential properties, detailed landscape proposals to include species rich grassland to the south of the site and native planting to enhance the boundary with the adjacent SINC, planting plans for native tree and hedgerow planting and that such conditions will help to meet the objectives of landscape Policy Zones PZ SN07 and PZ ES06 such as reinforcing hedgerows and enhancing visual unity and softening surrounding built development through landscape planting.

The residential development would alter the existing character of the site through the built form of the dwellings and the internal infrastructure such as the road network and boundary treatments between dwellings. However, the scheme would be seen in context with existing dwellings to the north and the strategic site infrastructure and dwellings at land south of Newark which would be in close proximity to the site. Having regard to the LVIA assessment submitted as part of the application and that the independent assessment of the LVIA concludes that the overall visual impact would not exceed moderate adverse, I am satisfied that the visual impact of the proposed development would not be so significant to warrant a refusal of planning permission in this instance. Any reserved matters application would need to be accompanied by full landscape plans which would need to incorporate the mitigation measures recommended in the independent advice received.

Impact on Ecology

The paragraphs under Section 11 of the NPPF relating to 'Conserving and enhancing the natural environment' are relevant.

Core Policy 12 and Policy DM7 relate to 'Biodiversity and Green Infrastructure' and seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The nearest Local Wildlife Site (LWS) is situated immediately to the east on land at the Balderton dismantled railway with substantial areas of grassland and scrub which now has the Sustrans path. This land is currently being remodelled and a footbridge is being constructed as part of the approved development to construct the Southern Link Road which forms part of the planning permission relating to the strategic site.

I note the comments received from Nottinghamshire Wildlife Trust and the County Council's Ecologist which note that an Extended Phase 1 Habitat Survey has been carried out and submitted as part of this application and includes mitigation recommendations to ensure impacted are minimised.

The applications relating to Land South of Newark and the associated footbridge over the SLR include conditions to ensure mitigation including habitat creation is incorporated into this neighbouring development. I note the Wildlife Trust's requested condition should this application be approved that requires the applicants to ensure that building materials and machinery are kept as far away from the LWS as possible at any time prior to or during works. It would be reasonable to attach such a condition should planning permission be forthcoming.

Any planning permission could include conditions requiring the precise details of landscaping to be provided as a reserved matter to retain as much of the existing boundary planting as possible assist in maintaining habitat for bird species on the site. The suggested condition requiring any vegetation clearance to be carried out outside the bird nesting season could also be attached. The suggested walkover survey for badgers and best practice methods during construction to protect any animal which may enter any excavations could also be conditioned.

With regards to the additional reptile survey work required, whilst it would usually be best practice to request this survey work be submitted prior to determination of the application, I note the further comments of the Wildlife Trust who are happy for this requirement to be conditioned in this particular instance having regard to the fact that the current submission is an outline application and furthermore that the illustrative layout plan indicates that the eastern side of the site most suitable connected habitat for reptiles, would remain undeveloped and therefore has the potential to accommodate suitable habitat for retention of the population. I therefore consider that the suggested condition is reasonable in this particular instance and any planning permission can also include the advisory note regarding the protection of reptile species provided by the Trust.

I am also mindful of Paragraph 118 of the NPPF which encourages new developments to incorporate biodiversity in and around developments. A condition relating to the details of landscaping could be attached to any planning permission requiring native, locally appropriate species to be used in addition to an advisory note referring to the species list for South Nottinghamshire Farmlands. Opportunities for enhancement of the grassland can also be explored once the final landscaping details are submitted as part of a reserved matters application. Appropriate ongoing management is considered under the section relating to developer contributions below.

I also consider it reasonable to attach a condition requiring details of bat and bird boxes to be incorporated in to the development. Opportunities for the creation of habitat piles or hibernacula can also be considered as part of the final landscape scheme submitted under reserved matters which should be informed the additional reptile survey work required.

On balance, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Design, Layout and Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement to present the site opportunities and constraints and to explore potential design solutions for the site. In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

The indicative layout shows 35 dwellings with associated private amenity space. Properties are positioned along the spine road entering into the site with further properties set around a cul-de-sac branching northwards. Land to the eastern portion of the site is shown to be utilised as public open space with new footpath and cycle links to the Sustrans route to the east. The indicative schedule of accommodation is for a mix of 2, 3, 4 and 5 bedroomed dwellings heavily weighted towards three bedroomed dwellings which are anticipated to account for 29 of the dwellings proposed. 23no. of the proposed dwellings would be either semi-detached or terraced and the Design and Access Statement states this mix is intended to provide local distinctiveness and a sense of place. A simple palette of brick and tile/slate would be used with some contrasting materials. In the majority of cases on the indicative plan, hedges and gates are shown to the front gardens of properties. Such principles could be carried forward to the reserved matters to ensure the development is sensitively designed to reflect the generally rural location.

Whilst the finer detail would be considered by way of the reserved matters should planning permission be granted, the indicative plan and Design and Access Statement help to provide a vision of what could be achieved on the site. The mix of property sizes which are predominantly terraced or semi-detached draws on some of the character of the existing terraced properties at Lowfield Cottages and also allows for higher densities to be achieved on the land at less risk of flooding. More thought would need to be given to creating more of a feature of properties at key locations on the site, for example on corner plots. The indicative plan shows the first property on entering the site to be positioned side on and set in from the boundary with Bowbridge Road and this may subject to precise details help in reducing the prominence of the site from the main road which in this particular instance may be desirable given the open countryside location.

Front curtilage space will provide opportunities off street parking space, however, this would need to be carefully designed to ensure swathes of hard surfacing is interspersed with soft landscaping, and this will require particular attention in areas where terraced units may be proposed given curtilage space is more limited here.

Rear gardens range from 8.0m – 12.5m in depth to the north of the spine road and are mainly rectangular in shape. Gardens to the south of the spine road are generally larger save for the single proposed bungalow on the site and some of these gardens are more irregular in shape and may benefit from work to reconfigure rear spaces (e.g. Plot 30) were a similar scheme to come forward at the reserved matters stage. However, overall the indicative layout shows development at this density could be achieved without unduly impacting on the interface distances between the proposed properties as in the majority of cases properties do not back on to each other. There is one instance at plots 19 and 24 where space between properties is constrained, however given this is an exception I consider this could be easily designed out at the reserved matters stage.

Properties are also shown to site with side elevations facing existing properties, other than plots 2 and 3 facing Lowfield Cottages and plot 18 facing Lowfield House. In these instances, if a similar scheme were to be put forward under the reserved matters, careful consideration would need to be given to the location of main first floor windows in order to ensure there are no undue overlooking. I am satisfied that the plan also shows properties could be laid out to ensure no undue overbearing or overshadowing impacts would result from the proposals other than plot 18 which could be overbearing depending on final design given its layout and siting adjacent to the boundary of Lowfield House. Again, I consider there is likely to be scope to design this out on any future layout plans for the site.

Given the site will occupy a gateway location and would be visually distinct from the Newark Urban boundary; I consider it will be imperative that any final design helps to manage the transition into the main built up area. I therefore consider that the development should be no higher than two storeys, as is the intention in the Design and Access Statement provided, and where possible the provision of buffer planting is incorporated to the external boundaries of the site. Any reserved matters application relating to layout will need to demonstrate that suitable landscape buffers can be delivered and details of future maintenance also needs to be confirmed by condition to ensure the long term retention of the buffer landscaping.

With regards to other landscaping issues to be considered, whilst this is a reserved matter any hedgerows to the external boundaries of the site which form part of residential curtilage will need to be carefully managed and controlled by condition on any reserved matters application to ensure the integrity of buffer planting is not compromised through the management of individual plots

The final location of open space(s) clearly falls to be determined at reserved matters stage, however, whilst the wider concept plan is indicative only, it shows how this could be provided on site and provide links to the existing footpath/cycle network and provides a guide for the detailed layout in any reserved matters application.

Whilst there are a number of outstanding issues regarding the site layout itself, which will require further discussion at reserved matters stage, the position of the site access points indicated on the layout plan are considered acceptable as considered in further detail below under 'Highway Matters'.

On balance, I am satisfied that the indicative layout shows there is scope for the development to be designed to sympathetically in order to reduce any impact on the character of the open countryside and in order to ensure the amenity of existing dwellings and proposed dwellings is protected. The proposals therefore have the ability to ensure the objectives of Policy DM5 can be achieved.

Impact on Highways Network

Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

The application has been submitted in outline with all matters reserved. However, the indicative plan provided includes how access might be provided to the site. The Highway Authority raised concerns as to whether the applicant was aware of the impacts of the proposed Newark Southern Link Road and associated alterations proposed to Bowbridge Lane and also requested a plan to demonstrate that adequate visibility could be achieved. The applicant has now provided a plan which demonstrates this and the Highway Authority has confirmed that this is acceptable subject to details provided as part of any reserved matters application showing suitable parking and turning facilities, access widths, surfacing, street lighting and drainage in accordance with their Highways Design Guide.

The proposal would also have strong pedestrian and cycle links due to its proximity to the new road arrangements and associated footpaths.

On the basis that the Highway Authority have raised no objections to the scale of the development and have confirmed suitable visibility for access and egress can be achieved, I am satisfied that the proposal would have an acceptable relationship with the highway in accordance with the aims of Core Policy 9, Spatial Policy 7 and Policy DM5.

Flood Risk and Drainage

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk Flood Zones.

The Flood Risk Assessment (FRA) (dated April 2015) submitted as part of this application assesses the wider site measuring approximately 2.4Ha. The FRA concludes that the majority of the site is located within Flood Zone 1 and therefore at low risk of flooding but acknowledges that the Environment Agency have confirmed that previous studies have identified that the site is at risk of flooding from local watercourses. The applicant's consultants have reviewed the hydraulic modelling carried out for the development at Land South of Newark which demonstrates the site lies partially within Flood Zone 3. However the FRA states all residential development and its access would be located within Flood Zone 1 and therefore the risk of flooding to properties and people is considered to be low in the FRA. Mitigation measures including raising finished floor levels by 300mm and through reprofiling in any on site landscaping to ensure surface water is directed away from properties is also recommended. Use of infiltration techniques such as soakaways is recommended in the FRA subject to site investigation. Should this not be possible, drainage through a new pipework to the local watercourse (Middlebeck) is suggested.

A FRA addendum was provided (submitted July 2016) which referred to the up to date position with regards to the works being undertaken to implement the development at Land South of Newark and states that as a result of the development land to the east of Bowbridge Lane will be removed from the floodplain. The EA's up to date flood map layers (April 2015) on the Council's mapping system also show the vast majority of the site to be located in Flood Zone 1 with a very small portion to the front western corner shown to be in Flood Zone 2 (where plot 1 is positioned on the indicative plan). As Members would expect the applicants for the Land South of Newark

scheme are continuing to work with the EA to model and design works associated with the Land South development.

A further FRA addendum was provided (submitted 17th November 2016) to provide an update to the FRA, which referred to the Southern Link Road (SLR) and Newark Future Development, for which work has now commenced. The FRA addendum recommended that a topographical survey covering the full extent of Bowbridge Lane be carried out prior to the detailed design stage to confirm likely flood depths and demonstrate that occupants can safely evacuate the development. The addendum stated that in the event that occupants could not safely evacuate the development site via Bowbridge Lane, a new raised footpath would be provided to the east of the development providing access on to the Sustrans route. Following the receipt of this information the Lead Local Flood Authority and the Environment Agency were consulted, however both advised that they were not the lead on providing advice relating to evacuation relating to flood risk and the Environment Agency advised that the Council's Emergency Planner should be consulted. The Emergency Planner requested details on the location and parameters of the suggested pedestrian path, advised that order to confirm whether suitable vehicular access can be provided, in particular to allow emergency services to safely reach the development, submission of topographical surveys of Bowbridge Lane and a comparison with potential flood levels was required. The requested details were provided on 9th February 2017 and a revised site layout confirming the location and size of public open space and position of footpath and cycle links to the Sustrans route was provided on 28th February 2017. The Emergency Planner has confirmed that the depths turning right out of the site are not unreasonable. With regards to the Emergency Planner's comments relating to potential flood depths turning left on to Bowbridge Lane, I am mindful that given Bowbridge Lane south of the site is to be closed as part of the wider works relating to the Southern Link Road and Land South of Newark, that access and egress will be to turn right out of the site in any event.

I note that Notts County Council as Lead Local Flood Authority have raised no objections provided that any development within the flood plain that results in a loss of flood plain storage volume is balanced on site with an equivalent volume at a similar level. With regards to the comments of the Parks and Amenities Officer raising concerns about any open space being located in the floodplain, given the land available within the applicants ownership and that the current open space proposed being slightly in excess of that required for a development of this scale, any reserved matters application can provide comfort that this space can be profiled to ensure open space in line with the developer contributions SPD is provided and designed to reduce flood risk. I would note that open space can be acceptable in areas at risk of flooding, subject to the extent of flooding and drainage intervention required.

I note the comments of the Internal Drainage Board and their comments can be attached as a note to any planning permission and used to inform the final drainage design.

Land Contamination

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Policy DM10 which requires development proposals with the potential for pollution to take account of and address their potential impacts in terms of health, the natural environment and general amenity.

The site has a long legacy of industrial uses including plaster works, gypsum quarry, gasworks waste lagoon and scrapyards which are known to be potentially contaminative. I note the Environmental Health Officer's comments that whilst remediation has previously been carried out following the cessation of these uses numerous site investigations have been carried out on this site in the past and have identified that elevated levels of contamination remain. I note the comments at the lack of supporting information with the application and concur that a robust site investigation will be required to fully establish the extent of remedial work required for residential use of the site. The comments of the Environment Agency are also noted in this regard and they recommend a similar condition to deal with any contamination on the site. The Environmental Health Officer's full phased contamination condition can be attached to any planning permission and the Environment Agency could be consulted as part of any Discharge of Condition application.

On this basis, whilst the contamination issues at this site are likely to be complex provided the condition is complied with, I am satisfied that the development will comply with the aims of the NPPF and Policy DM10.

Other Matters

I note the comment received with written representations with regards to planning permission being refused for a dwelling on a neighbouring site. A full planning application has not been received for a new dwelling on this neighbouring site and any informal advice given would have been based on individual site circumstances and would also have been relevant to the housing land supply situation at that particular time.

Developer Contributions

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability appraisal has been submitted by the applicant and the Council appointed an independent viability assessor to scrutinise the findings. The conclusions reached are set out below. However I consider it first useful to set out the contributions requested:

Open Space

The Council's Parks and Amenities Officer has confirmed that children's' open space and amenity open space would be required for a development of 35 dwellings in accordance with the SPD. Using the formula in the SPD I have calculated that for Children's playing space at 18m² per dwelling 630m² of children's playing space would be required and at 14.4m² per dwelling 504m² of amenity open space would be required. This therefore totals 1,134m² of open space which is significantly below the area shown on the indicative layout plan. The revised indicative layout plan shows an area of public open space measuring in the region of 0.1671Ha to the west of the site. This area has been clarified following a query to the applicant as the original plan showed an area of Public Open space significantly over that which would usually be expected for a development of the scale proposed. The area of Public Open Space proposed is therefore now slightly above the SPD requirement but roughly proportionate to this requirement.

There is a balance to strike in open space provision set out between what is qualitatively required and what is being offered in quantitative terms. The applicants have only offered amenity open space and not any children's play space (and its associated equipment, the level of which would be expected to meet the SPD). They have, however, offered more amenity space that one would normally seek.

The Council would wish to see any open space on the site maintained by a management company or via a separate agreement with the Town Council (which the Council would be willing to broker should the applicant pursue this option). Consequently maintenance costs would not be sought in this instance.

Education

I note the County Council's response and their confirmation that a contribution of £80,185 equating to 7 primary school places would be required to accommodate the additional pupils generated from this development. However, given the situation in respect of viability (see below), it is considered the development could not afford to make a full contribution in this particular instance. The viability appraisal suggests that a contribution of £30,000 could be achieved, which would provide for 2 places (totalling £22,910). In this respect the development fails to mitigate harm by reason of insufficient infrastructure.

Affordable Housing

I note that Strategic Housing have suggested that 30% of the housing should be affordable housing in line with the Core Strategy and the Developer Contributions DPD and that this would equate to 10 units of affordable housing on the site. The ability to make this contribution in light of the viability situation is considered further below and concludes that the development cannot support any contribution towards affordable housing.

Community Facilities

I note the comments received during consultation. The SPD states a contribution of £1,337.08 per dwelling would be required for a development of 35 units and therefore a total of £46,797.8. I am mindful of the viability situation set out below and that information has not been provided from the Community Facilities Officer as to where such a contribution might be spent. I also note that within close proximity to the site a considerable contribution towards community facilities has been secured through the legal agreement relating to the strategic development at Land South of Newark. Given the rule of 5 in terms of developer contributions secured for a specific purpose within a defined area and that any contribution in this instance is likely to be significantly reduced, I do not consider it would be appropriate in this instance to request a contribution be made having regard to the viability situation set out below.

CIL

The site is situated within the Newark Growth Point Community Infrastructure Levy Zone where residential development is charged at £45m².

Turning to the S106 again it is clear that the applicant has only limited room for negotiation given the viability assessment undertaken has demonstrated the site will only viable for the proposed

development, when factoring in costs including CIL and further remediation of the site, if very limited S106 contributions are made.

Viability

The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

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

The key assumptions for assessing viability of the proposed development are set out in the table below:

GENERAL		
Net Developable Site Area		1.2Ha
Total Unit Numbers		35
AREAS		
Net Residential Sales Area	Houses	3285qm
	Apartments	0sqm
Gross Construction Area	Houses	3285sqm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	Houses	£2152qm
	Apartments	NA
CONSTRUCTION COSTS		
	Houses	£1047sqm
	Apartments	NA
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Costs		£485,000
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£806,911
Existing Land Use Value		£200,000
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£523,425
OTHER FEES & COSTS		
Professional Fees		8.0%

Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		3.0%
Contingencies		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL		Circa £178,965
Planning Obligations	Policy Based Requirement	£213,041
FINANCE COSTS		
Interest		5%
Arrangement Fee		1%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		20%

Assumptions Comments

The sales value and construction cost assumptions of the applicant have been broadly accepted by the independent viability assessor. The standard fee and cost assumptions adopted by NSDC have been used in the appraisal.

Section 106 Infrastructure contributions of £213,041 towards Education, Community Facilities and Open Space have been requested on the site based on the requests set out above. I have already rehearsed above that Community Facilities (£46,797.8) could not be reasonably sought in this instance. Equally if open space is provided on site with a quantitative improvement offer (with a management company to ensure maintenance costs are adequately provided for) this figure would further reduce by £86,058.7, leaving a residual of the education contribution, which can only be met by providing for 2.6 out of the 7 required primary places.

Indexed CIL charges of £178,965 have been applied.

The independent assessor has confirmed that the most significant element of the appraisal that impacts on the viability of the scheme overall are the abnormal construction costs associated with the site. For the purpose of the appraisal the applicant's allowance of £485,000 for site remediation has been made. The applicant has submitted that historic remediation costs related to the previous industrial use of £985,000 should be allowed within the appraisal. It is considered that these should be discounted in any assessment of a new proposed use for the site and these have not been allowed in the independent assessment.

Viability Results & Conclusions

The independent viability assessor has confirmed that the development could not deliver the policy target of 30% Affordable Housing. Even with no Affordable Housing the development demonstrates negative viability of -£192,473 based on a standard development profit return of 20% on Gross Development Value. The applicants have argued that given the monies already spent on previous remediation (and the need to recover some costs) that a return lower than 20% is one they are willing to absorb. Based on the assessments to date the return would be in the region of c17%.

In conclusion it is considered that it is not economically viable for the scheme to deliver any Affordable Housing, though it should be recognised that the development will contribute £178,965 of Community Infrastructure Levy subject to indexation rates and has potential to deliver approximately £30,000 of infrastructure contributions (subject to further analysis of abnormal costs). In considering this final aspect I am mindful that Environmental Health expect that the contamination issues at this site could be complex and investigation and remediation is likely to be challenging and costly. On this basis and in the interests of not putting the applicant to additional time and considerable expense to enable a definitive cost on remediation to be defined before outline planning permission is granted, I consider a legal agreement to secure a management company to manage the final agreed area of open space and £30,000 to be provided towards primary education is reasonable in this instance based on the considerations set out above.

Overall Conclusions and Planning Balance

The proposal has been submitted at outline stage for the provision of 35 dwellings on a site which, whilst originally identified within the strategic site Land South of Newark, is surplus to the requirements of the urban extension and is open countryside.

In usual circumstances residential development in the countryside would be resisted. The site is beyond the defined urban area for Newark, it fails as a matter of fact to provide for adequate required infrastructure in terms of primary education, and would not provide for affordable housing (albeit a viability exercise which has been independently assessed supports this position, as does the NPPG in terms of requiring Local Planning Authorities to be “flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability.” (NPPG, Paragraph: 019 Reference ID: 10-019-20140306).

Balanced against this is the fact that on the ground factors make it difficult to present a sustainability argument in terms of proximity of the site to a combination of the SLR, existing residential units, existing employment uses and that other land south of the SLR is limited in terms of development potential given the potential flood risk issues. Also of relevance are 2 no. recent appeal decisions nearby (in a commercial development context), the fact that the site is close to the sub-regional centre, the focus for growth across Newark and Sherwood and the need at the present time to boost housing supply in the short term until the OAN and housing target is adopted.

This case is very finely balanced and professionally has split opinion. If the position on the OAN and the Council’s housing target was a matter to which full weight could be attached the recommendation set out below may indeed be different. However, in attaching weight to a scheme which would boost housing numbers locally, which is acceptable in most other respects (save for education and affordable housing, the latter of which Local Planning Authorities are encouraged to be flexible upon seeking where viability is an issue) I am minded, in this particular context, to recommend a balanced approval. This is subject to a time appropriate condition for implementation to make clear that it is the housing numbers issue which in my view is now more balanced than ever and just tips a balance in this instance.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement for a management company to be set up for maintenance of an area of open space and a financial contribution towards primary school place provision.

01

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

The development hereby permitted shall begin not later than 9 months from the date of approval of the last of the reserved matters to be approved.

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

02

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

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

03

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

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

04

The development hereby permitted authorises the erection of no more than 35 dwellings.

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

05

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

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

06

No development shall be commenced until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall incorporate:

- Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Management of all rainfall events on the site up to a 100year return period + 30% allowance for peak rainfall intensity increases due to climate change.
- Modelling of the site drainage system for the development to demonstrate compliance with the following requirements: no surcharge during a 1 year event, no flooding during a 30 year event, no flooding off-site or to new dwellings on the site during a 100year + 30% climate change event.
- Management of all exceedance flows during a 100year + 30% climate change event for durations from 15minutes to 24 hours. All exceedance flows should be directed away from the site boundaries and dwellings and towards the attenuation system.
- Responsibility for the future maintenance of drainage features.
- A timescale for implementation of the scheme.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

07

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: It is likely that residual contamination may remain at the site. As such, it must be ensured that any on site drainage does not act to provide preferential flow pathways for contaminants into the ground, or the mobilisation of residual contamination.

08

The development hereby approved shall be completed in general accordance with the Flood Risk Assessment dated May 2015, Flood Risk Assessment Addendums received July and November 2016 submitted and additional information submitted in February 2017 relating to flood depths along the site access submitted as part of this application and any plans submitted as part of the reserved matters detailed under condition 2 of this planning permission shall demonstrate the following:

- Dwelling floor levels are to be 300mm above existing ground levels or the 100yr + climate change fluvial flood level whichever is the higher value.
- Any development within the flood plain that results in a loss of flood plain storage volume is to be balanced either on site (or nearby off-site) with an equivalent volume at a similar level.

Reason: To prevent the increased risk of flooding in accordance with the aims of Core Policy 10 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

09

Prior to the commencement of development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting shown to be retained and future management thereof shall be submitted to and approved in writing by the Local Planning Authority. The details shall include for the retention of existing boundary planting other than that required to be removed to facilitate provision of the visibility splay to serve the vehicular access point unless otherwise agreed at reserved matters stage. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced during the next available planting season by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

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

010

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

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

011

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved in writing by the local planning authority prior to vegetation clearance commencing during the specified period in this condition.

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

012

Details submitted pursuant to the first application for approval of reserved matters consent shall include the further reptile survey work recommended in the Total Ecology Extended Phase 1 Habitat Survey dated September 2015. Should the additional survey work find evidence of reptiles on the site, details of suggested mitigation to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed mitigation shall be carried out prior to the occupation of the first dwelling on the site and retained thereafter.

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

013

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless

otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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

014

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

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

015

No development shall be commenced until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and machinery
- iii. Storage of plant and materials used in constructing the development in areas away from the boundary with the adjacent Local Wildlife Site)
- iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposal of waste resulting from demolition and construction works

Reason: In the interests of residential amenity.

016

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

017

No development shall be commenced until a pre-commencement walkover survey for evidence of badgers on the application site has been undertaken as recommended in Section 5.3 of the Total Ecology Extended Phase 1 Habitat Survey dated September 2015. A report on the walkover survey shall be submitted to and approved in writing by the local authority prior to commencement of works with details of any mitigation measures should any evidence of badgers be found. Once development commences, best practice methods during construction shall be followed to protect any animal which may enter any excavations. Trenches shall be covered overnight, or a ramp or other means of exit should be provided. Pipes over 150mm in diameter shall also be capped off.

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

Informatives

1.

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.

2.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a

new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

3.

You attention is drawn to the attached comments of the Trent Valley Internal Drainage Board dated 1st October 2015.

4.

The Environment Agency comments provided as part of this application have been based on the current best available data. Studies are currently underway that may change the flood mapping in this area but it is not yet known how. The Environment Agency would also be reluctant to support any development in the area to the East which is currently defined as floodplain in the location plan.

5.

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).

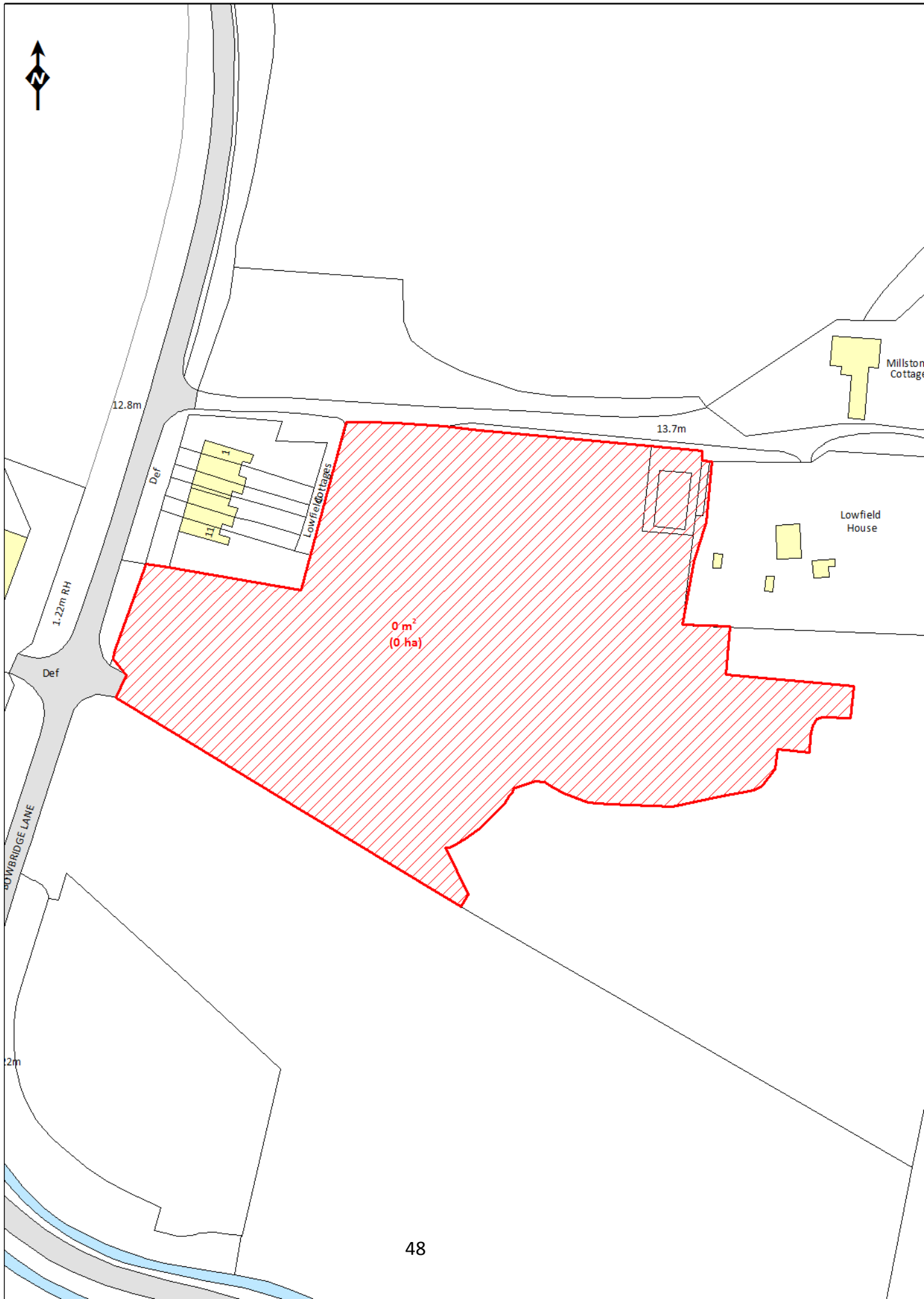
Background Papers

Application case file.

For further information, please contact Martin Russell on ext. 5837.

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:	17/00217/FUL	
Proposal:	Demolition of 20 garages and the development of 2 x 3 bed residential dwellings	
Location:	Land At Gibson Crescent Balderton, Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	02.02.2017	Target Date: 30.03.2017

This application was presented to the Planning Committee for determination on 22nd March 2017. However Members resolved to defer the application to allow for a site visit. There have been no late representations received and the report that follows remains as previously presented.

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 lies within the defined urban area of Newark and Balderton, a 'Service Centre' 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 situated close to the corner of Gibson Crescent & Bakewell Close and is formed of a court of 20 single bay timber doored garages with mono pitched sheet metal covered roofs. Boundaries to the site are composed of brick walling of approximately 2m in height.

The area is characterised by a mix of dwellings with two storey dwellings adjacent to the west, single storey properties to the east & south and a three storey block of flats further to the south west. Properties in the vicinity generally have green frontages, with on street parking, albeit a number of properties on Gibson Crescent have vehicles parked on the frontage.

Relevant Planning History

No relevant planning history

The Proposal

The proposal seeks planning permission for the erection of pair of semi-detached two storey 3 bed properties detailed on the application form to be social rented dwellings. For clarity the application form does detail 3 units; however it is clear from the block plan that only 2 are proposed. The dwellings would be set back from the frontage with parking to the front and garden areas to the rear. The proposed dwellings would be located centrally within the plot orientated north to south. Bin storage would be provided to the sides of the properties.

The approx. measurements of each dwelling are:

8.88m deep
5.73m wide
4.73m to the eaves
8.23m to the ridge

Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

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

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Balderton Parish Council – Objections are raised. It is considered that the proposal would be excessive use of land for social housing needs and would be better used to create smaller dwellings which would be better in keeping with Gibson Crescent.

NCC Highways Authority – No objection

There are no highway objections to this proposal, as it will have very little impact on the existing highway network. A street lighting column will require relocation as part of this application. This will be at the applicant's expense.

From the information submitted, the Highway Authority would not wish to raise objection to the proposed development subject to suggested conditions in relation to the closure of the existing garage site access and the reinstatement of the access as footway, the provision of dropped vehicular footway crossings and drainage. The applicant should also be advised to contact the Highway Authority with regards to undertaking works in 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

None received

Comments of the Business Manager

Principle of development

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

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

Impact on the Character of the Area

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

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

Notwithstanding the comments received from the Parish council I am satisfied that the design and layout of the proposed dwellings is acceptable and that in terms of appearance the proposed development would sit well within the context of the adjoining dwellings particularly in terms of scale in relation to the two storey dwellings to the east and the wider residential setting.

The layout of the development has been designed such that the proposed dwellings are set back from the adjacent highway following the building line established by the bungalows to the east. Small landscaped areas are provided to the front alongside sufficient space for 2 vehicle parking spaces per dwelling. Private amenity space is afforded for the proposed dwellings in the form of rear gardens which are relatively expansive.

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

Impact on Residential Amenity

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

The proposed properties will be two storeys in height with a dual pitched roof. No detailed information regarding boundary treatments has been submitted as part of the application and as such 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 east, west and northern boundaries.

The properties within closest proximity to the proposed dwellings would be 15 Bakewell Close to the west and 20 Gibson Crescent to the east. In relation to 15 Bakewell Close; the property is two storey in height with the rear garden area for the dwelling abutting the existing rear elevation of the garages. The proposed westernmost dwelling would be set in from the boundary by 4m which creates a degree of separation from the rear of 15 Bakewell to the side elevation of the proposed dwelling of 14m which is considered to be acceptable to ensure it does not result in overbearing or loss of light. In relation to overlooking; only an obscure glazed window is proposed at first floor level in the side elevation and this would serve a landing. A condition would be added to any consent to ensure this remains obscure for the lifetime of the development. Windows are proposed on the front and rear elevations of the proposed dwellings at first floor, however given the separation to other dwellings it is not considered that these openings would result in any loss of neighbouring amenity through overlooking.

In relation to 20 Gibson Crescent; the side elevation of the easternmost dwelling would approximately align with that of the neighbouring property a single storey bungalow. At present the rear wall of the garage block forms the western boundary for No. 20. The proposed dwelling

would be set in from the boundary by approximately 2m increasing the degree of separation between the properties to approximately 5.5m. A window is located within the side elevation of No. 20 which serves a bedroom. The proposal would introduce a two storey dwelling within close proximity to the side elevation of No. 20 but increase the degree of separation to 5.5m. It is considered that whilst the window in the side elevation to No. 20 is considered to be a habitable room, weight is given to the increased separation, the current relatively poor outlook from the window and that as a bedroom it is unlikely that significant periods of time are spent in the room other than at night.

As such it is not considered that the proposed dwellings would have a detrimental impact and I am therefore satisfied that the proposal will have an acceptable relationship with neighbouring dwellings.

The proposed dwellings have been afforded extensive private amenity space to the rear (north) of the proposed plots which I consider to be commensurate with the scale of the dwellings proposed.

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

Impact on Highway Safety

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

I note that no objection has been raised by NCC Highways Authority in relation to the proposed development subject to the addition of a number condition to any future permission.

In relation to existing parking arrangements on Gibson Crescent; parking 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 the street. Notwithstanding this I am mindful that the proposal would result in the overall loss of 20 garages. However, it must first be noted that the proposed dwellings will provide for two off street parking spaces per dwelling. Such a level of parking is considered to be acceptable and commensurate with the size of the dwellings proposed. Whilst it is accepted that some of the garages to be removed may still be in use, it is unclear which of these are used for the parking of vehicles and which are used for storage. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the vicinity. It is therefore considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration I consider that the loss of the garages as parking spaces is justified and that the proposed scheme would not unduly result in significant highway issues to

justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Other Matters

It is not considered that the proposed demolition would likely result in any land contamination issues. It is understood from the submitted desk top study that prior to the construction of the garages in the 1970's the land was undeveloped. The current structures constructed of brick, metal sheeting and timber are unlikely to result in any concerns in relation to contamination of neither the site nor the wider area.

Conclusion

Taking the above into account I am of the view that the proposed development would have an acceptable impact on the character of the area and neighbouring amenity and recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site location plan Ref: 40860/ID069/001A
- Proposed site layout opt 5 Ref: 40860/ID069/008A
- Proposed plans & elevations type E Ref: 40860/ID069/009A

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

Reason: So as to define this permission.

03

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

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

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

hard surfacing materials; and
an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

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

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

08

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with plan 40860/ID069/008A. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the existing garage site access that has been made redundant as a consequence of this consent and as shown on plan (rg+p plan -48060/ID069/008A) is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety.

10

No development shall be occupied on any part of the application site until both dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority's specification on Gibson Crescent as shown for indicative purposes only on the attached plan (rg+p plan -48060/ID069/008A) to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

12

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

13

The first floor window openings in the eastern & western elevations 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 they installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's 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).

03

In order to carry out the off-site works required the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works the

applicant will need to enter into an agreement under Section 278 of the Act. Please contact David Albans (0115) 804 0015 for details. The relocation of the street lighting column will be at the expense of the applicant. Tel: 0300 500 8080 for further details.

BACKGROUND PAPERS

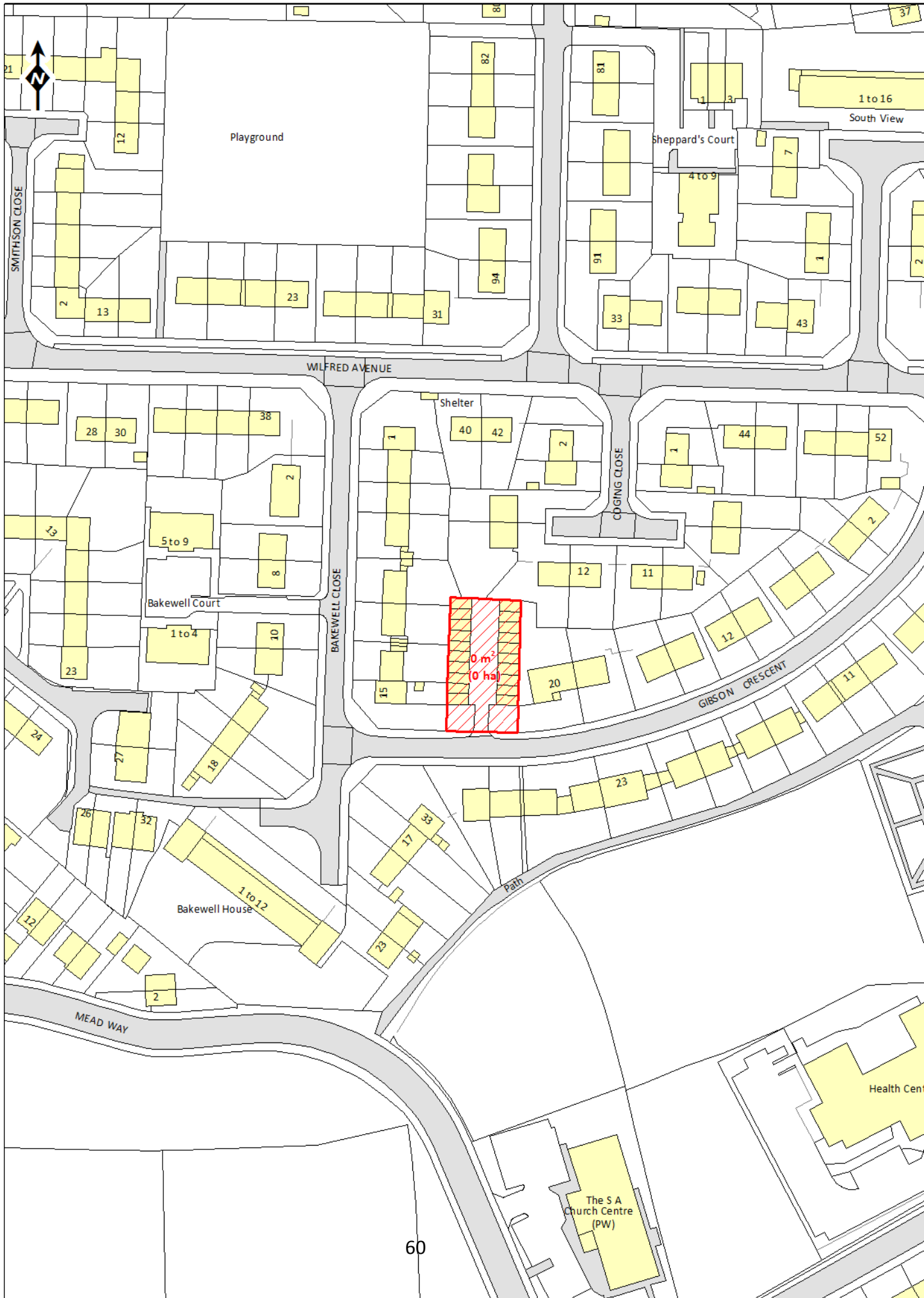
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00217/FUL



Application No:	17/00196/FUL	
Proposal:	Development of 3 x 2 bed residential bungalows	
Location:	Land opposite 40-46 Wolfit Avenue, Balderton	
Applicant:	Newark and Sherwood Homes	
Registered:	3rd February 2017	Target Date: 31st March 2017
	Extension of Time Agreed until 5th 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 on 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.

This application has been called to the Planning Committee by Cllr J Lee on the grounds of loss of green space, loss to on-street parking spaces and concerns regarding access for emergency vehicles.

The Site

The site comprises a triangular shaped parcel of land between comprising c 0.08ha. Comprising open landscaping, the site is surrounded by pairs of two storey semi-detached dwellings to the north, south and west with the road forming the eastern boundary. The site is laid with grass and there are no formal boundaries with the back edge of footways. There is a central area planted with a tree (an evergreen species is similar to a Holly tree) with some bushes planted around it. There are other deciduous trees within the site. A network of informal footways (not formal rights of way) cross the site linking to the wider estate.

Two storey properties to the north and west all front onto the site and have windows at ground and first floor level. No. 1 Gaitskell Way to the south is dual aspect and fronts the site and the road frontage to the east.

The site is located within an ex-local authority housing estate. Surrounding properties include two-storey houses with pitched roofs and bungalows, built from buff brick and concrete tiles.

The site lies in an area prone to surface water flooding and within the Newark Urban Area.

Relevant Planning History

No relevant planning history.

The Proposal

Full planning permission is sought for 3 single storey dwellings comprising a pair of semi-detached bungalows and one detached. Each of the 2 bedroom properties would be made available for the social rented (affordable) market.

The pair of semi-detached bungalows would be sited to the south of the site. The building would measure c17m (8.5m per bungalow) across by c8.5m deep and have an eaves height of 2.33, rising to c5.7m to the ridge.

The detached bungalow which would be located to the north. This would measure 8.5m across its frontage by c9m in depth with a height of 2.33m to eaves and c5.7m to the ridge.

Originally the scheme proposed a single off-street parking space per plot adjacent to the dwelling. However following concerns expressed by the Highways Authority the scheme has been amended and now includes a total of 7 off-street parking spaces.

Four of these parking spaces are provided between Plots 1 and 2 and would serve these dwellings whereas Plot 3 has one space located directly adjacent to its frontage. Two further visitor spaces are provided to the north, adjacent to Plot 1.

Public Advertisement Procedure

Occupiers of 19 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
NAP1 – Newark Urban Area

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

Balderton Parish Council – Support the proposal with the following comments:

“Members trust that the new dwellings will not affect for emergency vehicles to neighbouring/adjacent properties, particularly Everest Court.”

15/03/17 – Support the amended plan: “Members still trust that the new dwellings will not affect access for emergency vehicles to neighbouring/adjacent properties, particularly Everest Court.”

NCC Highways Authority – Comments as follows:

27/02/17 – “The applicant is proposing to erect 3 two bedroomed bungalows with one parking space per dwelling. A similar two bedroom residential proposal on the same avenue (17/00195/FUL), and in close proximity, is providing two parking spaces per dwelling. Taking into consideration that there is high demand for on street parking in this area and that Wolfit Avenue is part of a designated bus route, there is the concern that only providing one parking space for each property will result in an increase in on street parking increasing the danger to all users of the highway. Therefore, it is recommended that the layout be amended to address this issue, as the Highway Authority cannot support this proposal as submitted.”

15/03/17 –Comments on amended site plan 40860/ID063/004C – ‘The layout has now been amended to provide 7 parking spaces, which is an improvement to that previously submitted. However, it has been noted in the past with previous developments that residents prefer to park their vehicle adjacent their property. The concern is that the residents of Plot 003 only have 1 parking space adjacent, which will result in further on street parking in the area, instead of using the parking spaces provided. It is recommended that the layout be amended to show 2 parking spaces adjacent each dwelling to avoid this.’

22/03/17 - Site plan 40860/ID063/004C - “Whilst it is preferred if two parking bays are positioned adjacent each dwelling, the layout does provide adequate parking provision, i.e. 7 spaces, for this size of development. Therefore, there are no highway objections to this proposal subject to the following...”

They then go on to give two conditions and a note to applicant which are included verbatim in the recommendation section of this report.

NSDC (Access and Equality Officer) – Makes general observations.

NSDC Emergency Planner – Advice was sought from the emergency planner in response to concerns raised by local residents:

“On the whole I don’t see a huge issue; the distances don’t look so far as to cause an issue for fire equipment and Ambo tend to be able to take their equipment across even further distances with relative ease. The only things I would suggest is a pathway from roadside clearly marked with the fact foot access is available for Emergency services to get access quickly. The walkway is a reasonable width so that should be fine. Having been in the emergency services before properties isolated from the road network usually suffer in a response due to the length of time locating them.”

Nine representations were received from interested party/neighbours in relation to the original plans. Six of these object whilst the other two support but with concerns. Their comments can be summarised as follows:

- This would cut off vehicular access to some properties on Everest Court;
- Would leave the residents of Everest Court without emergency vehicle access and persons could be put at risk in the event of a fire/requiring an ambulance. Deliveries of heavy items could be rendered impossible as companies will refuse to deliver these items if there is no ease of vehicle access;
- Issues with parking of vehicles on Wolfit Avenue, as many residents of Everest Court and Hillary Way currently use this area of road for parking. This would lead to congestion of the road and traffic issues especially during school drop off and pick up times as parents also use this area for Chuter Ede primary school during these times;
- Insufficient off-street parking;
- Loss of privacy;
- Overshadowing;
- Overbearing impact;
- Not addressed flood risk/there are already problems with existing drains and the pressure from the development will exacerbate these problems;
- Demand on water supply;
- Caution should be made regarding car parking space for existing property owners and possible new ones;
- Wolfit Avenue has already seen new houses built further down the road;
- Area of lovely grass is popular areas for young children which would be lost;
- We should be protecting our trees for birds and wildlife;
- Hope that all paths will be replaced;
- Lorries and equipment should be aware of safety and any mess from the construction should be returned to its previous state;
- Concern during the construction period given previous experiences such as early morning starts, pavement blocking machinery and nowhere to park in the area;
- Application form is incorrect as states there would be no loss of trees and hedges;
- Loss of green space would have detrimental impact on surrounding area;
- Has the applicant consulted the bus companies that operate around the estate as buses have difficulty getting round due to inconsiderate parking;
- Original development on this part of Wolfit Avenue was open plan with no fences or hedges on the front boundaries of all the houses;
- Plans show rear boundary hedge and (and possibly untidy) gardens would now be the outlook for existing houses at Hillary Way;
- If the development goes ahead this will reduce the amount of parking space. The cars will have to be parked further away;
- Photos on file were taken during the day and do not show parking issues in their true light;

- Find it difficult to believe that the application would ever be refused given its made by the District Council.

In response to the amended plans, five neighbours have made comments/objections summarised as follows:

- Amendments do not address the lack of regarding emergency access for the 7 bungalows on Everest Court and other properties close by and the concerns/objections remain;
- Questions where residents of Hilary Way and Everest Court will park if these properties are built;
- The land would be better used for parking for existing residents to reduce existing parking problems on Wolfit Avenue;
- Ridiculous idea to build on the land and the thought of the development is making residents ill;
- Concerns relating to loss of amenity;
- Concerns at overcrowding to on-street parking and more will make it dangerous;
- No room for visitors of existing dwellings to park on road;
- Disruption of noise and water drain is worrying;
- Will adversely affect residents quality of life.

Comments of the Business Manager

Principle of development

The site is located within the built up area of Newark and Balderton which is defined as a 'Sub Regional Centre' as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy which states that Newark should be the focus for new housing growth in the district.

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

Impact on the Character of the Area

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

The application site is bound to the north-west, west and south-west by two storey dwellings with pitched roofs which chimneys, constructed of pale buff bricks (some with cream rendered panels) and concrete roof tiles all having a fairly uniformed appearance.

The proposed dwellings are single storey of a modest scale with pitched roof with gabled feature above the main frontage window which provides interest by breaking up the roofspace. There are other single storey bungalows in the vicinity and these would not be out of keeping. The

bungalows are reasonably attractive and would provide a frontage to the roadside and assimilate well with the existing dwellings in the vicinity and I find that the design is acceptable. Clearly the loss of the open landscaped area would change the character and appearance of the area, but this in my opinion is not so detrimental that it should be a constraint to the development.

The loss of the central tree and surrounding planting is unfortunate but these are not of high amenity value and do not in my opinion warrant protection. I note that other trees within the site are shown as being retained which is welcomed although not totally necessary as new planting would equally be acceptable.

Conditions are recommended to ensure that the external materials, boundary treatments and landscaping proposals are appropriate. However subject to these, 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 in accordance with the identified policies.

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.

In assessing the scheme, careful regard has been given to the amenity of existing residents. The dwellings to the north-west comprises semi-detached dwellings that front onto the site with a footway (Hillary Way) immediately in front of their properties. This footway would be retained allowing access to the wider estate to be retained.

The proposed detached bungalow would be located to the north of the site and its nearest neighbour is 27 Wolfit Avenue to its north-west. The new bungalow would be arranged at an angle with the neighbour and its side elevation (featuring patio doors) would be just over 10m from the nearest part of the frontage of no.27. The distance between it and no. 2 Hillary Way is between 12.4m and c15m away and the distance between the pair of semi's and properties to its west is between c18m and 26m.

The property to the south-west (1 Gaitskell Way) is two storey and is dual aspect. The elevation facing the site has a front door and windows at both ground and first floor level presumably serving habitable rooms. The side elevation of the proposed bungalow (which would contain a secondary lounge window) would be c10m from the corner of No. 1. Other properties are further away such as those on the opposite side of the highway.

I consider that all of these relationships and distances are acceptable when taking into account the orientation of the dwellings (including the location of their private amenity spaces) the low height of the bungalows and the angles at which they are laid out which would all avoid direct overlooking, unacceptable overshadowing and them being overbearing.

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 albeit the layout indicates this would be heavily reliant on soft planting. I consider that this is

appropriate given that the rear boundaries would enclose the footway and would be a new outlook for those dwellings to the north-west which should be as attractive as possible. This is a matter that can and should be controlled by condition and a note setting out expectations is suggested as a note to the applicant.

Overall I am satisfied that the scheme would not have unacceptable impacts on the amenity of existing occupiers and it accords with the identified policies.

Highway and Parking Impacts

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.

Existing issues of inconsiderate parking on Wolfit Avenue have been flagged as part of the consultation period by local residents. As Members will be aware it is not the role of this application to rectify existing problems but rather to ensure these are not made worse. In any event the existing site is not a parking area but is open green space and therefore there should be no displacement of cars onto the highway.

The original scheme for 3 x 2 bedroom bungalows made provision for 3 off-street parking spaces (one per dwelling) and the Highways Authority raised concerns that this would not be sufficient and would encourage on-street parking on a road where parking is not currently restricted and one that is a bus route. The applicant sought to rectify this and submitted amendments which now shows 7 off-street parking spaces, with two allocated spaces for Plots 1 and 2, one allocated space for Plot 3 and 2 additional visitor spaces located to the north of the site.

In response the Highways Authority acknowledge this is an improvement on the previous plan but suggest that in their experience that owners prefer to park their vehicles adjacent to their property. They go on to point out that Plot 1 has only one allocated parking space and they have a concern that it would result in further on street parking in the area, instead of using the parking spaces provided. They recommend that the layout be amended to show 2 parking spaces adjacent each dwelling to avoid this.

The applicants did put forward a potential solution which involved setting Plot 3 further away from the road and having two spaces in front of it but is also lost the visitor spaces. However whilst this may have addressed the Highway concern, it was in my view a less favourable scheme in terms of the impact on residents amenity and reduced the number of parking spaces from 7 to 6. My advice to the applicant has been to proceed with the first amended plan on that basis that the Highways Authority have stopped short of raising an objection, that even if two of the parking spaces are not adjacent to Plot 1, occupiers would likely choose to park off street only 35m away from their dwelling rather than on a busy road and that overall this scheme delivers more benefits by having more off-street parking.

Indeed the application has commented:

“We are providing 7 spaces for 3 dwellings, so it is in excess of 200%. We would allocate the other space to the dwelling and manage the parking from a Housing Management Team involvement. This is the same approach as adopted with the 5 unit scheme on Grange Rd Newark. We are not

able due to capacity of the programme to reduce numbers and the site has the physical site area to accommodate.”

On the basis that the Highways Authority have not raised an objection and that the scheme will deliver 7 off street parking spaces for 3 bungalows, I consider that the scheme is acceptable. I do not consider that it would be reasonable grounds to refuse the application on the basis that this would lead to more on-street parking as a result of the development and is not one that could be sustained at appeal and it accords with SP7 and DM5. The Highways Authority have now qualified their position as no objection and have recommended conditions which are included in the recommendation section of this report.

Other Matters

Emergency Access

The concerns of many local residents who have taken the time to comment on this scheme relate to the loss of what they see as being an emergency means of access to their properties in an emergency situation.

Some properties in the vicinity have no direct vehicular access, for example those on Everest Court to the south-west. Residents are concerned that the loss of the green space which some use as access for large deliveries etc. would put residents at risk if there was a fire or if a resident required an ambulance.

The Council's Emergency Planner has been consulted on the matter and whom states:

“On the whole I don't see a huge issue; the distances don't look so far as to cause an issue for fire equipment and Ambo tend to be able to take their equipment across even further distances with relative ease. The only things I would suggest is a pathway from roadside clearly marked with the fact foot access is available for Emergency services to get access quickly. The walkway is a reasonable width so that should be fine. Having been in the emergency services before properties isolated from the road network usually suffer in a response due to the length of time locating them.”

Taking these comments into account I am satisfied that the safety of residents would not be compromised by this development. I recommend that an informative is added that requests the provision of signage as suggested. I have considered whether this should be a condition but consider that it would be overly onerous and wouldn't meet the tests of the NPPF or the CIL Regulations.

Construction Matters

It is noted that some residents have raised concerns regarding the construction stage of the development stating that lorries and equipment should be aware of safety and any mess from the construction should be returned to its previous state. Comments have been made that this stems from their previous experiences of development on this road including early morning starts and machinery blocking pavements. Given the low numbers of dwellings it is not considered to be proportionate or necessary to impose a construction method statement condition or construction hours given that concerns such as statutory noise nuisances could be dealt with by our

Environmental Health Officers if they became an issue. However a note to the applicant to be mindful of these concerns is suggested for awareness.

Drainage

The site lies within a wider area prone to surface water run-off. 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 I consider that a condition to provide details of both surface water discharge and foul sewerage disposal would be prudent to ensure the details area satisfactory.

It should be noted that an existing water supply pipe will need to be rerouted as part of the scheme and to a degree has dictated where development can be placed on site. The parking for units 2 and 3 are currently shown as over the line of the diverted pipe and allows for appropriate easement.

Ecology

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

The loss of the tree and bushes on site is unlikely to cause harm to nesting birds or other protected species and 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 3 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.

Planning Balance and 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, wildlife, flood risk and upon neighbouring amenity. Whilst it is noted that the Highways Authority have raised a concern regarding the parking for one of the plots, this plot would have access to adequate parking off street within the site and there would be provision for additional visitor parking. The applicant has tried to accommodate the concerns of both local residents and the Highways Authority in amending their plan. The Highways Authority have stopped short of raising an objection and on balance it is not considered that the highway comments are sufficient to warrant a reason for refusal.

I have been assured that the proposal would be highly unlikely to have a negative impact in terms of safety of residents and I do not consider the loss of the green space to be unacceptable. This proposal would deliver much needed affordable housing which is meeting a local identified need

and would positively contribute to the Council's 5 year housing land supply which weigh in favour of the scheme. As such I recommend that planning permission be granted.

RECOMMENDATION

That full planning permission is approved subject to 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 – drawing no. 40860/ID063/004C
- Proposed Plan and Elevations Type CC– drawing no. 40860/ID063/005
- Proposed Plan and Elevations Type C– drawing no. 40860/ID063/006
- Site Location Plan - 40860-ID063-001B

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

Reason: So as to define this permission.

03

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

- Facing Materials
- Bricks
- Roofing tiles

Reason: In the interests of visual amenity.

04

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

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

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

boundary treatments; and

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

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 B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof 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).

07

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning

Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

08

No part of the development hereby permitted shall be brought into use until 3 dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveways to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

Notes to Applicant

01

It is recommended that the applicant should consider erecting a signpost or similar which alerts the emergency services to the fact that pedestrian access is available to those properties in the vicinity that do not have direct vehicular access to assist with them being able to respond quickly should the need arise.

02

Representations from local residents have been received highlighting concerns they have regarding the construction phase of the development. Specific concerns raised are that lorries and equipment should be aware of safety and any mess from the construction should be returned to its previous state. Comments have been made that previous experiences of development on this road have included early morning starts and machinery blocking pavements and the applicant is requested to be mindful of these comments.

03

The applicant is advised that the landscaping scheme required by Condition 4 should be designed sensitively as indicated on the layout plan with soft landscaping to form the boundary treatments where possible and minimizing the use of high fences to avoid large expanses of fencing visible in the public realm and alongside the retained footways.

04

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

05

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).

06

The development makes it necessary to construct 3 vehicular crossings, 2 double crossings and 1 single, over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

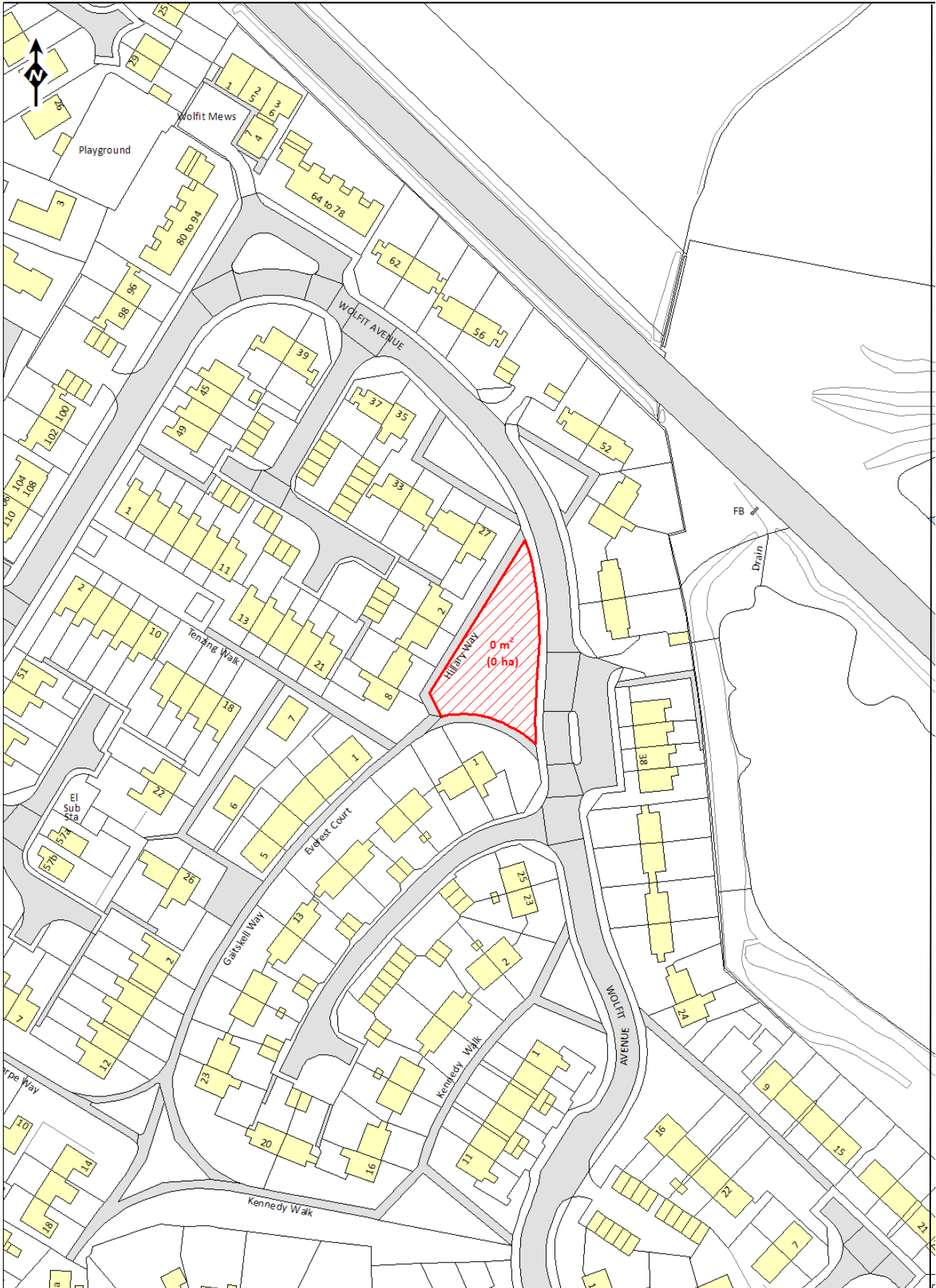
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00196/FUL



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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:	25th January 2017	Target Date: 27th March 2017
	Extension of time agreed until 7th April 2017	

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.

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 within 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 boards 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.

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.

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 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

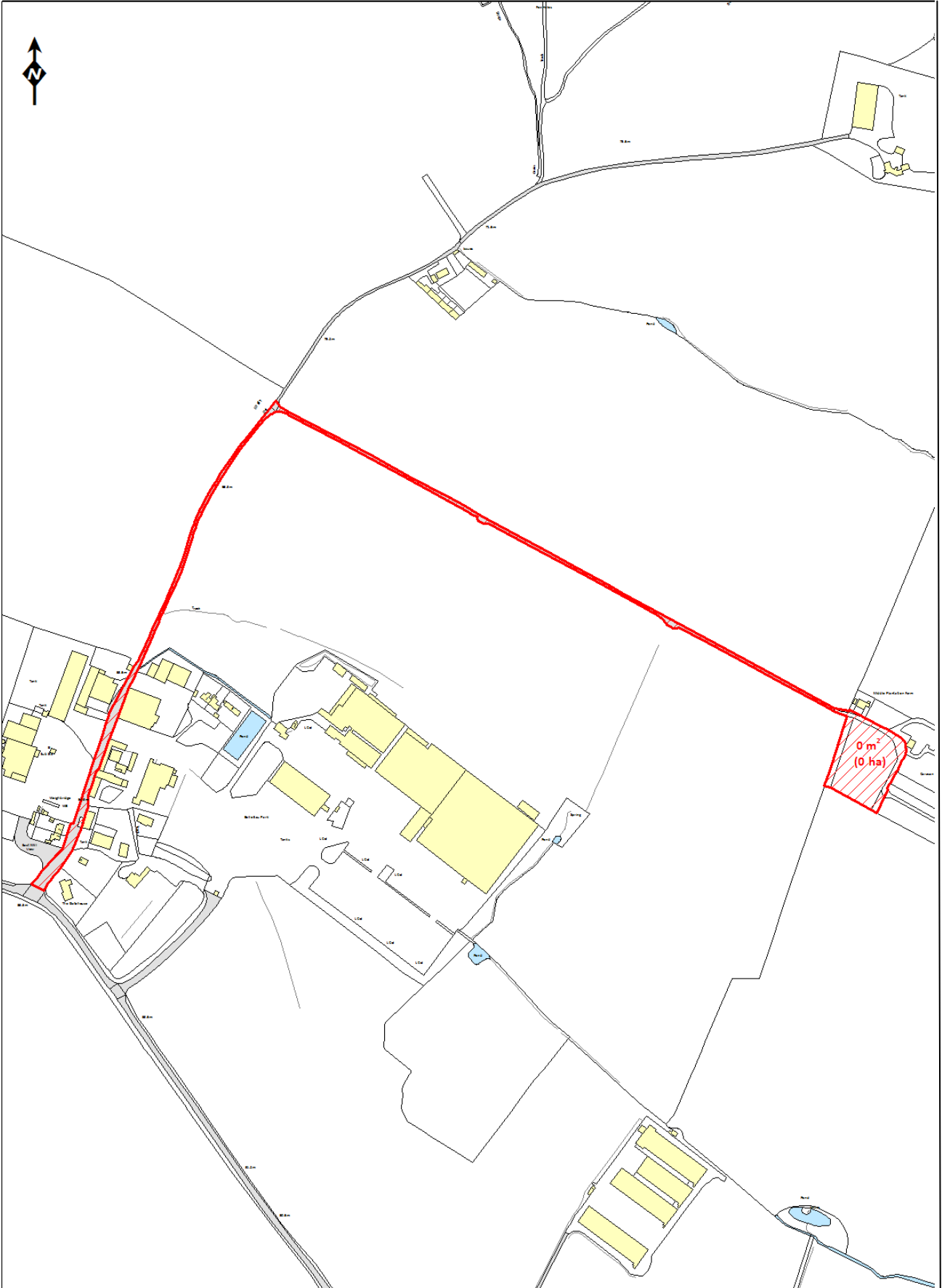
Application case file.

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

Committee Plan - 17/00147/FUL



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Application No:	17/00124/FUL	
Proposal:	Proposed two storey dwelling	
Location:	Land Adjacent to Dale House, 4 Dale Lane, Blidworth, NG21 0TG	
Applicant:	Mr Colin Young	
Registered:	24 January 2017	Target Date: 21 March 2017

This application is before Members for consideration because the Parish Council’s view on the scheme differ from the professional officer recommendation.

The Site

The site comprises a wedge shape parcel of land to the eastern side of Haywood Oaks Lane with housing set adjacent to the south-east (terrace of three properties) which is side onto the application site. Further housing that backs onto the site is to the south and these terraces front onto Hillside Road. The host dwelling is to the north-west, fronting onto Dale Lane. This property is a two storey detached house finished in cream render and has a number of outbuildings along the boundary, adjacent to and within the application site. It currently benefits from two vehicular access points off both Dale Lane and Haywood Oaks Lane.

Relevant Planning History

Detailed history includes:

05/0012/FUL Replace fence to side of property – Permitted.

08/01430/FUL Demolition of attached garage and erection of 2 no. detached garages – Permitted.

The Proposal

The application is for the erection of a two storey dwelling. The proposed footprint of the building would be 8.6 metres by 6.3 metres, with an additional 2.5 metres by 2.4 metres on the ground floor only, at the front of the proposed property. The dwelling would have a height to the eaves of 5.3 metres and 7.2 metres to the ridge. The accommodation would provide a hall, w.c., living room and kitchen on the ground floor and 3 bedrooms, one en-suite and a family bathroom to the first floor.

It is unclear from the plans as to whether the proposal seeks to retain the existing outbuilding on the site. The block plan doesn’t appear to show this retained but it appears from the aerial photograph submitted that there is an outbuilding that could stay. Clarification has been sought from the agent regarding their intentions and they have confirmed its proposed demolition.

Departure/Public Advertisement Procedure

3 neighbours notified by letter and site notice posted.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

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

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1 Development with Settlements Central to Delivering the Spatial Strategy
Policy DM3 Developer Contributions and Planning Obligations
Policy DM5 Design
Policy DM7 Biodiversity and Green Infrastructure
Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Consultations

Blidworth Parish Council: Object on the grounds of over-intensification/parking subject to neighbours.

Highway Authority: This application is for the construction of a 3 bedroom dwelling served by an access from Haywood Oaks Lane. There is a 1.8m high wall to the site frontage at present. This is to be demolished as part of this proposal. The existing vehicular crossing will require alteration, i.e. to be moved further south east to accommodate the proposed layout. As such, there are no highway objections to this proposal subject to conditions (repeated in full as Conditions 4-7 inclusive at the end of this report) and a note to applicant.

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. 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 dwelling 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 vehicular free access to the proposal. In particular, 'step-free' access to and into the dwelling is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is important to and into the dwelling 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 matters.

One representation has been received from a local resident/interested party objecting on the grounds that the proposed windows on the first floor would look directly towards the rear of 2 Haywood Oaks Lane and would affect the ground windows on the side of the house. It also appears to overlook the rear garden removing the privacy that is currently enjoyed. This would not be an issue with a single storey building on the plot.

Comments of the Business Manager

Principle of residential development

The Core Strategy outlines the settlement hierarchy of the District identifying Bilsthorpe as a 'Principal Village', defined as settlements that have a good range of day to day facilities or access to nearby employment and complement the role of Service Centres. The function of such villages is to act as a secondary focus for service provision in each area. Specifically, Blidworth has been identified to accommodate 25% of principle village growth over the Development Plan period.

The site occupies a location in a predominantly residential area with dwellings adjacent and is within the established boundary of the settlement. It is therefore considered the principle of residential development on the site can be supported subject to a site specific assessment.

Furthermore, the proposed dwelling would be a small three bedroom unit and as such would contribute to the general requirement for smaller units contained within policy CP3 as well as contributing in a minor but nevertheless positive way to the Council's 5 Year Housing Lane Supply.

Policy CP3 seeks a density of between 30-50 units and development falling below this will need to be justified, taking into account individual site circumstances. The site can reasonably only occupy a single dwelling and the proposed density is therefore acceptable.

Impact on Visual Amenity and Character of the Area

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

The site current comprises part of the garden serving the host dwelling with a prominent tall wall boundary treatment alongside the highway boundary. This would be demolished as part of the proposal giving an open frontage.

The proposal would site a dwelling towards the north-western boundary nearest the host dwelling and would comprise a relatively narrow gable fronted two storey dwelling. The area is characterized by a mix of housing styles which are generally two storey. Whilst the proposed plot is notably smaller than the host dwelling, its siting between the host property and the adjacent terraces means that it is read visually as being corner plot which doesn't in my view appear as incongruous. Rather, the proposed dwelling would fit well into this street scene, maintaining spaces to the north-west and south-east.

It is unclear from the plans as to whether the proposal seeks to retain the existing outbuilding on the site. The block plan doesn't appear to show this retained but it appears from the aerial photograph submitted that there is an outbuilding that could stay. Clarification has been sought from the agent regarding this and they have confirmed it is their intention to demolish the outbuildings. My view is that retention of the garage together with the dwelling would amount to an over intensive development. Consequently whilst the intention to demolish is noted, to secure this I recommend that a condition is imposed that requires the outbuilding to be removed prior to first occupation of the dwelling in order to safeguard the visual amenity of the area.

Subject to this, no objection is raised on visual grounds and the proposal would comply with the above policies and guidance.

Impact on Residential Amenity

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

To the north-east the site borders the highway with no immediate neighbouring properties opposite. To the east and south-east the side elevations of the neighbouring terrace run parallel with the site boundary. This neighbouring dwelling has no first floor windows in the side elevation and would be set well away (by c12m) from the site boundary and proposed dwelling. First floor side facing windows in the proposed dwelling would be limited to a small bathroom window which can be obscure glazed. Although there would be rear facing bedroom windows these would look towards this neighbouring property at an oblique angle and would have no undue adverse impact.

To the south the dwelling would be set in close proximity to the rear boundary with separation distances of between approximately 3 and 7 metres. The rear elevation would have two bedroom windows at first floor level. However, although there would be some overlooking to the land at the rear of Dale House this part of the host garden accommodates large scale outbuildings which would block much of the potential loss of privacy. Furthermore, the proposed dwelling would be angled away from Dale House and no overlooking between the rear elevations of the properties would ensue. This relationship is considered acceptable.

There are further dwellings to the south-west; the nearest would be some 20 metres from the rear elevation of the proposed dwelling and set an angle. This oblique angle coupled with the separation distance would ensure overlooking would not be unduly significant.

To the north-west the side elevation would not have any habitable first floor windows and although the two storey side wall would be in close proximity to the boundary the dwelling would be set well away from Dale House. As such, there would be no undue adverse impact.

The objections are acknowledged and have been taken into account in this assessment. However for the reasons set out above it is not considered the proposal would lead to undue overlooking or loss of privacy. There would also be no overbearing impact of loss of daylight/sunlight which is demonstrated by the massing plan provided. The proposed development is deemed acceptable in terms of residential amenity and would not lead to undue overlooking and loss of privacy. Taking into account the above considerations it is considered the proposal would comply with the amenity criteria under Policy DM5.

Highway Safety

Spatial Policy 7 and Policy DM5 both seek to ensure adequate access and parking is provided for development. The application seeks to utilise an existing vehicular access to the site from Haywood Oaks Lane whilst the host dwelling would retain its existing access from Dale Lane. There would be sufficient parking made available for both dwellings within the site and the Highway Authority raise no objections subject to conditions. As such the proposal complies with the above policies.

Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location and there is no demonstrable harm arising from the scheme. The proposal would be visually acceptable, would have no unacceptable impacts upon residential amenity and causes no highway harm. As such permission is recommended.

RECOMMENDATION:

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

Conditions

01

The development hereby permitted shall not begin later than 3 years from the date of this permission.

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

02

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

- 1610-300
- 1610-301
- 1610-302
- 1610-303
- 1610-304
- 1610-307

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with dwg. no. 1610-301.

Reason: In the interests of highway safety.

05

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

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway.

07

No part of the development hereby permitted shall be brought into use until the visibility splays shown on dwg. no. 1610-307 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

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

08

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

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

09

Prior to first occupation of the dwelling hereby approved, the existing outbuildings within the application site shall be demolished and the materials removed from the site.

Reason: To ensure that the resultant development is not over-intensive development of the site in the interests of visual amenity.

010

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

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

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

011

The side facing first floor windows serving the stairs/landing and bathroom 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: In the interests of residential amenity.

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 hereby approved as the development type proposed is zero rated in this location.

02

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

03

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 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. Depending upon the site topography and practicality to achieve, step-free access to and into the dwellings is an important consideration and a 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.

External pathways and pavements to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable access around the development. Any danger to pedestrians, particularly children, elderly or visual Impaired people, being required to walk along vehicular access routes and roadways should be avoided by providing a 'traffic free' network of separated pavements and footpaths throughout together with tactile warnings and dropped kerbs at road crossing points as appropriate. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre are important considerations with inclusive internal circulation carefully considered on all floors. 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 matters.

04

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 977 2275 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00124/FUL



Application No:	17/00194/FUL		
Proposal:	Demolition of 1 garage and the development of 1 x 2 bed bungalow		
Location:	Land to the Rear 12 – 16 Central Avenue, Blidworth		
Applicant:	Newark and Sherwood Homes		
Registered:	02.02.2017	Target Date:	30.03.2017
	Extension of time agreed 10.04.2017		

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 lies to the rear of properties fronting Central Avenue and Forest Road and is accessed via a private driveway to the northwest of the site alongside No. 16 Central Avenue. The site is currently occupied by a single garage and provides a right of access to the rear of No. 12, 14 and 16 Central Avenue and No. 1 Forest Road. The site is partially hard surfaced to the access, garage and rights of access with the remainder of the site left to grass. The existing garage is concrete prefabricated with timber doors.

There is a concrete slab fence along the north boundary of the access road which then becomes a close boarded fence. The remaining boundaries are a variety of fencing and hedgerows which separate the site from the surrounding residential properties. The site is surrounded by residential development to the south, east and west. The area to the north is open space.

The application site is located within the main built up area of Blidworth, a Principal Village as identified within Spatial Policy 2 of the Core Strategy. Vehicular access to the site is from Central Avenue via an existing access road.

Relevant Planning History

No relevant planning history.

The Proposal

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

The proposed bungalow would be sited to the north east of the site and accessed from Central Avenue via an existing access drive. Land to the east and southeast of the dwelling would provide a garden area for the property and the area to the west would retain the rights of access to properties on Central Avenue and Forest Road. Parking for two vehicles is provided to the north of the bungalow.

The approximate measurement of the bungalow would be 8.65m by 8.54m deep, 2.33m to the eaves and 3.36m 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

Blidworth Parish Council – Object. The site would be subject to over intensification, would restrict access and egress and would be difficult for large vehicles. There has also been poor communication for residents of this area.

NCC Highways Authority – 03/03/17 - ‘This proposal is for the construction of a 2 bedroom bungalow, following the demolition of the existing garage. The dwelling is to be served by an existing access onto Central Avenue.

The information held by the Highway Authority indicates that an approximate 15m length of carriageway and footway/grass verge of Central Avenue leading up to the application site is not public adopted highway. It is unclear whether this piece of land is owned by Newark and Sherwood DC. Could this be clarified.’

24/03/17 – “It has been confirmed by email dated 23/03/17 that the length of carriageway/footway, previously referred to in my comments dated 03/03/17, leading to the application site is owned by Newark and Sherwood DC. The proposal is for one dwelling and replaces one garage. As such, 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 4 local resident which can be summarised as follows:

- Restricts right of access for current residents
- Over-estimation of the plot size and the ability for the access rights
- Regularly used the area for the parking of a vehicle, reducing vehicle congestion on the main street,
- Concern regarding the access of large vehicles, such as fire engines and dustbin lorries, to the proposed premises.
- It would compromise rights to privacy, particularly as we have small children.
- The garage is rented from NSDC and is used daily
- Loss of privacy created by overlooking of bedrooms to the rear
- Overshadowing of rear garden and loss of privacy
- Require 24 hour unrestricted access to the rear of Forest Road
- Deliveries during construction will impede access
- Concern over security and privacy

Comments of the Business Manager

Principle of Development

The site is located within Blidworth 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. This provides that 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 is predominantly two storey on Central Avenue but dwellings on Forest Road to the south and east and Boundary Crescent to the west are single storey.

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 dwelling is proposed to be sited to the north east of the plot to the rear of properties on Central Avenue and Forest Road. Views from the surrounding area will be restricted by the surrounding properties and the existing boundary treatment to the north. The layout of the

development has been designed such that the proposed dwelling has a designated parking area and an adequate level of private amenity space to the side and rear.

Due to the size and scale of the proposed dwelling and the restricted public views of the site the proposal would not appear out of character or over dominant within the street-scene.

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 dwelling would be sited to the rear of properties fronting Central Avenue and Forest Road. The application proposes the demolition of a single garage which currently occupies the site. This is dilapidated in appearance and there is no objection to its loss.

To the west of the plot are the rear elevations and gardens to No 12, 14 & 16 Central Avenue. The front elevation of the proposed bungalow will face the rear boundaries of these properties. The front aspect would have a bedroom window and kitchen/dining window as well as the front door. The frontage of the dwelling would be separated from properties fronting Central Avenue by 15 metres and there would be an access drive and rear boundary treatments separating the properties.

The eastern boundary of the site adjoins the rear gardens of No. 3 & 4 Forest Avenue, which are single storey dwellings. There would be a separation distance of over 14 metres from the rear aspects of the properties and there is an existing boundary separating the site. The proposed dwelling would be single storey and there would be no overlooking or overbearing impact created to the adjoining properties to the east.

To the south of the site is the rear of No. 1 Forest Road, again this is a single storey property, which has a right of access to the rear from the site. The right of access is to be retained and the proposed dwelling would be some 30 metres from the rear of No. 1. To the north is an area of open space.

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

The access to the proposed dwelling would be to the side of No. 16 Central Avenue which has the side wall adjoining the access. There is currently a first floor window on this elevation. The site is already in use for garaging and access to the rear of properties surrounding the site. It is not considered that the creation of a single two bed dwelling and the traffic movements associated with this would have any greater impact on the occupants of No. 16 than the current usage of the site.

I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of vehicular disturbance, overlooking, overbearing or overshadowing impact to justify refusal in this instance and it 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.

The site lies off Central Avenue via a private access drive to the side of No. 16 Central Avenue. The removal of the existing garage and creation of a two bed property with sufficient parking spaces is not considered to be an intensification of this access.

Regarding the loss of the garage it is not considered that the loss of this garage would have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration and the fact that the Highway Authority raise no objections to the scheme, I consider 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.

Right of access/Existing Parking

Comments have been raised with regards to existing rights of access across the site and that the area is currently used as car parking. The rights of access to the rear of No's 12, 14 & 16 Central Avenue and 1 Forest Road are to be retained. These rights of access are to the rear of the properties only and not for the parking of vehicles on the site. The applicants have stated that the area to the rear should not be used for parking; therefore those parking there are legally trespassing.

There is currently a garage on the site which is rented to a tenant. Notice will be given to the tenant with regards to the removal of the garage. It has also been drawn to my attention that a further garage to the rear of No. 14 Central Avenue extends into the site. The applicants have again stated that they are looking into the legalities of this garage and its location.

This matter is also considered to be a private legal issue and sit outside of the planning remit in this instance.

Other Matters

Construction Phase

The concerns over disruption during construction of the dwellings 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.

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 the garage during my site visit but overall given that the garage is located within an urban area and in constant use, 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 a single dwelling 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.

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/ID106/006B
- Proposed Plan and Elevations – drawing no. 40860/ID106/007

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

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

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

06

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).

07

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

Reason: In the interests of neighbouring amenity and site safety.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's 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

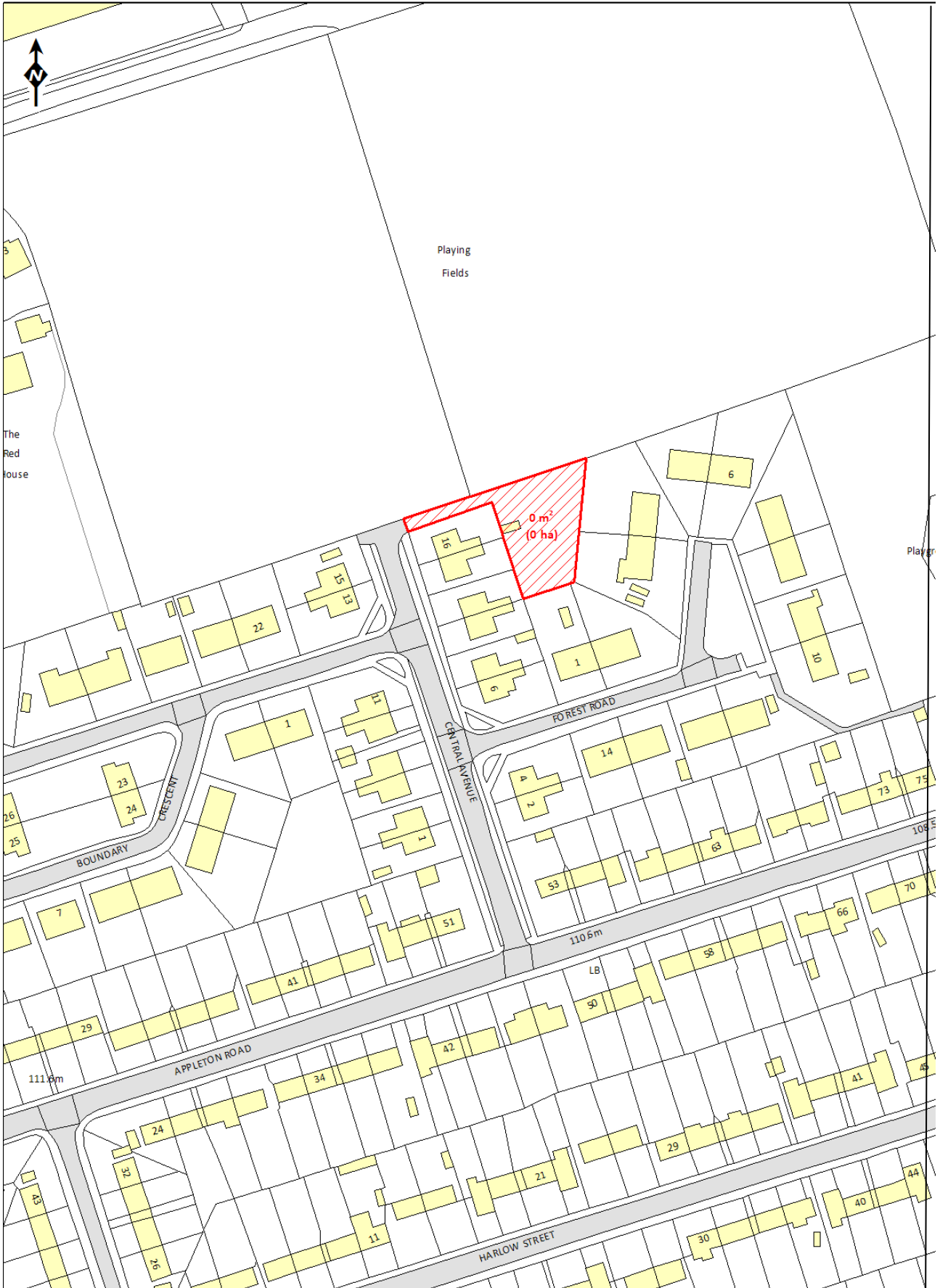
Application case file.

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

Committee Plan - 17/00194/FUL



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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 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.

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. However experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the vicinity. It is therefore considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

Taking these issues in to consideration 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.

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

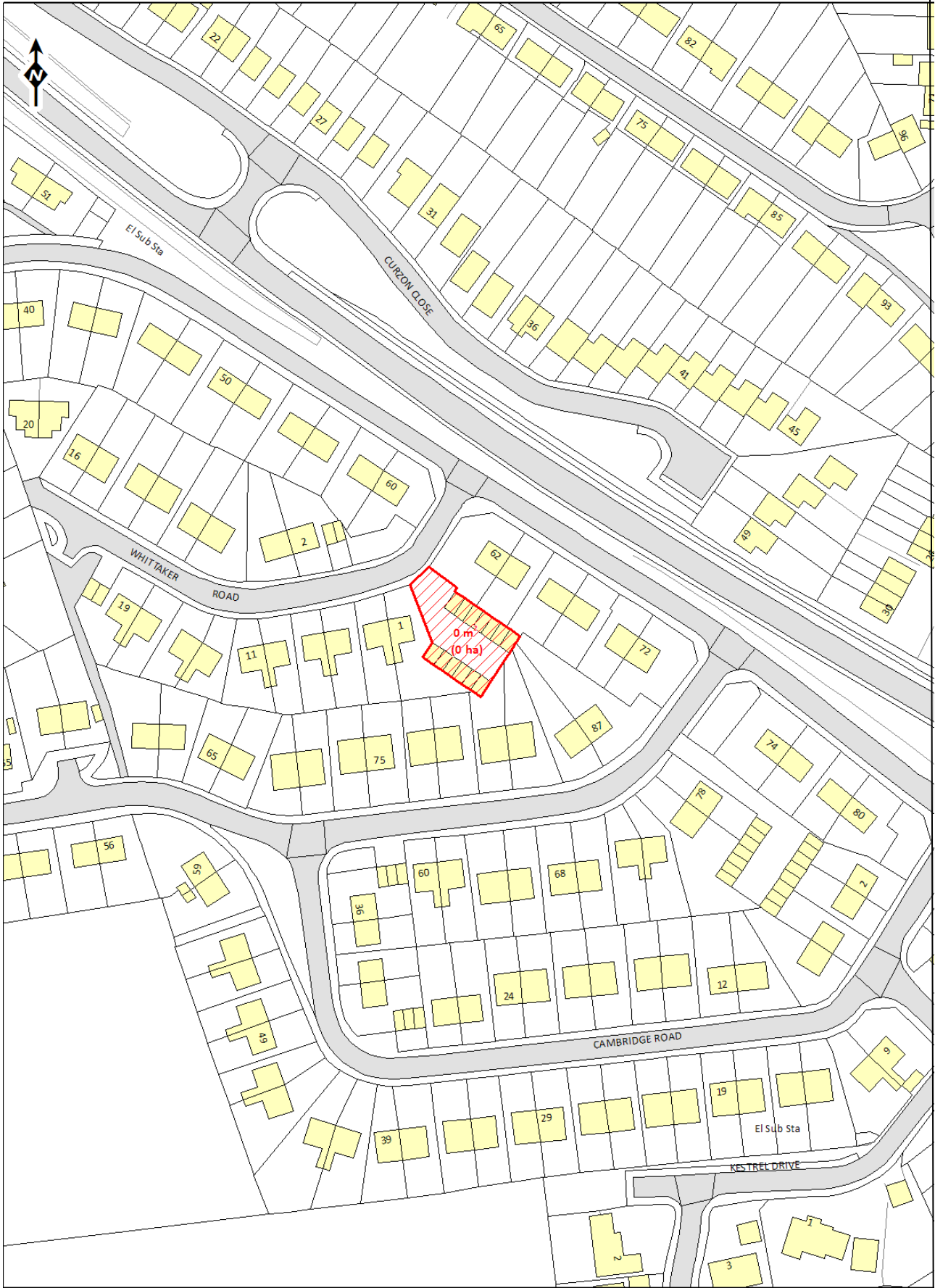
Application case file.

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

Committee Plan - 17/00193/FUL



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Application No:	17/00283/FUL	
Proposal:	Erection 2 No. new two storey houses with garages	
Location:	Billericay, 124 High Street, Collingham, Nottinghamshire, NG23 7NH	
Applicant:	Mr S Dove	
Registered:	13th February 2017	Target Date: 10th April 2017

This application is presented to the Planning Committee because the professional officer recommendation is contrary to the view of Collingham Parish Council.

The Site

Billericay is an extended C20 house, within Collingham Conservation Area. The building itself is of no particular architectural or historic interest and is part of a small cluster of C20 infill development on the main road through Collingham. The land currently contains various dilapidated outbuildings of no architectural or historic interest.

The land proposed for development lies to the south of the main dwelling and is currently an ornamental Italianate garden with domestic outbuildings to the east of the site. The parcel of land already has its own access. To the south of the plot is a garden/yard area associated with 112 High Street with the corner (SW) of the plot adjoining the rear garden of 118 High Street. The boundary treatments of the site comprise fencing to the north and vegetation to the south, west and east.

Relevant Planning History

12/01581/OUTM - Outline application with access, layout and scale to be considered incorporating the demolition of the existing built structures and the erection of 10 dwellings together with associated access road (application withdrawn).

The Proposal

The proposal seeks full planning permission for the erection 2 detached two-storey dwellings on garden land currently associated with the residential property Billericay. House 1 is a 4-bedroom property with a footprint of approximately 106m² and will be situated closest to High Street with an attached single garage. House 2 is a 3-bedroom property which will be situated behind (to the east) of house 1 and will have a detached single garage. House 2 will have a footprint of approximately 100m². Both dwellings will be constructed of brick and pantile with simple detailing and timber joinery and will have a ridge height of 9.3m to the top of the chimneys. The proposed

garages will have a footprint of 22m² and ridge height of 4.4m.

As part of the development, the existing access to the site is proposed to be altered to enable a better visibility splay from that currently achievable.

Public Advertisement Procedure

Occupiers of 12 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 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

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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Collingham Parish Council – *The Parish Council resolved by majority to object to this proposal on the following grounds:*

- *NSDC Plan Review Preferred Approach – Sites and Settlements currently being consulted on clearly identifies that Collingham has more than the required amount of housing for the plan period of 176 dwellings. This is taking into account all houses built since 2013 and site which has planning permission. As part of the allocations process 1 site has been allocated which will deliver 140 units, which will more than deliver the supply required for the current plan period. Additional land has also been identified alongside Co/MU/1 for future development.*

- Collingham is the only principal village in the district which has an A road (High Street) through the middle. Each and every junction off High Street is substandard and any additional access provided is a highway safety concern for all users
- The footway is very narrow at this location and is another highway safety concern
- The Parish Council feel that as the LDF is currently being reviewed and does not include this area of land for additional housing, nor is it required to achieve housing allocations. This therefore is not in line with policy and planning should not be granted for that reason.

NCC Highways Authority – I refer to drawing P-16-302-MT-T-XY-SU-G-002-P4.

The principle of this proposal is acceptable, however I would expect the mouth of the new access to be formed with a simple dropped kerb crossing, rather than have radius kerbs, as shown.

No objections are raised subject to the following conditions:

Notwithstanding the access details shown on drawing P-16-302-MT-T-XY-SU-G-002-P4, the mouth of the access as it joins High Street will be created using a dropped kerb crossing and not radius kerbs as shown. Furthermore, no part of the development hereby permitted shall be occupied until this crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To maintain pedestrian priority; be consistent with other local private driveways, and; ensure the access is constructed to the satisfaction of the Highway Authority for maintenance purposes.

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway to the satisfaction of the Highway Authority.

Reason: To avoid confusion with accesses that are in use; in the interests of highway safety.

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. P-16-302-MT-T-XY-SU-G-002-P4 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

Reason: In the interests of Highway safety.

Note to Applicant:

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

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

NSDC Conservation Officer – *Billericay is an extended C20 house, within Collingham Conservation Area. The building itself is of no particular architectural or historic interest and is part of a small cluster of C20 infill on the main road through Collingham. The land currently contains various dilapidated outbuildings of no architectural or historic interest.*

The building has a large amount of land associated with it and the blue line extends right back to a public footpath running north to south through Collingham. The footpath opens up an attractive green wedge which separates the historic core of Collingham from the mostly C20 development to its east. The Conservation Area Character Appraisal shows how the chunk of land either side of the footpath to the east of number 124 is marked as being an important open area contributing to the setting of the village.

I think there is scope for some development on this proposed site as there is the spacing between 124 and 118 to accommodate a new structure here without harm to the overall character and appearance of the conservation area. Our pre-app discussions stressed that this development should stick towards the street frontage and not stray towards this important wedge of open land at the rear of the plot.

I am happy with the principle of these two dwellings here, which despite one sitting behind the other, does not appear like back-land development in plan form as they are both sited so close to each other and the bulk of the development sits within the building line created by the host building. Together they are comparable in plan size to Billericay. I do appreciate a single garage sits beyond the building line of Billericay but by such a small amount that it still looks like development is clustered at the street end of the plot.

In design the two buildings are relatively modest, simple and reflective of the local vernacular. The use of brick and pantiles is suitable but UPVC windows should ideally be revised for timber.

In terms of access there is already is a driveway and metalled drive leading to this site and I understand the width of the drive opening off the main road will not be increased. As such the same general access arrangement will be retained.

Overall I have no objection and feel the proposed houses are suitable sized, grouped and located to fit in with the general planform of Collingham. Their overall design is suitable but could be

improved by the revision of uPVC to timber for joinery work. The proposal will preserve the special character and appearance of Collingham Conservation Area.

Trent Valley Internal Drainage Board – No objection to the proposal providing surface water run-off rates to receiving watercourses is not increased as part of the development.

Contaminated Land Officer – *The application site was part of an earlier larger development site under application ref: 12/01581/OUTM. A contamination desktop study was carried out as part of this previous application by HSP Consulting Ltd. This document identified several areas of potential contamination (including areas on this application site) and recommended that intrusive investigations be carried out. Given this information, I would expect the use of our full phased contamination condition.*

Two letters of representation have been received from local residents, raising the following comments:

- Concern regarding the current traffic issues along High Street – Nottinghamshire County Council to address the issues and formalise a 24hr weight restriction through the village before allowing further vehicular access on to High Street;
- According to the Village Plan written by the people of Collingham, infill is perfectly acceptable but they would not entertain any major developments. The site already has an established access on to High Street which has not caused any problems over the years.

Comments of the Business Manager

Principle of Development

The site is located within the main built up area of Collingham as defined within the adopted Allocations and Development Management DPD (ADMDPD). Collingham is defined within the Council's adopted Core Strategy as a Principal Village within Spatial Policies 1 and 2 with a strategy for Sustainable Communities. This means it has a level of facilities capable to support additional development, and the role is to provide additional housing to meet local needs as well as support for employment to provide jobs. Indeed Collingham is identified to take c10% of Principal Village Growth.

With the above in mind, I consider the location of the development within the defined built up area of the settlement and the principle of residential development to be acceptable and accords with Spatial Policy 1 and 2 of the Core Strategy.

The site is also located within the defined Collingham Conservation Area which was originally adopted in 1973 but has been subject to boundary revisions in recent years. One of the main issues to consider in this case is whether the proposal would preserve or enhance the character and appearance of the Conservation Area which is a designated heritage asset. The Council has an adopted Collingham CA Appraisal & Management Plan (2006). This document identifies that fields

within this vicinity were included in the boundary due to their 'pleasing open character' (Eastern Edge Character Area, map 4 of Appraisal). In addition, the Appraisal identifies a concentration of positive buildings nearby (High Street Character Area- see maps 4 & 7 of the Appraisal). In addition, the focal Georgian farmhouse opposite called Aberdeen House is Grade II listed and therefore Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to development affecting its setting.

Impact on the Character of the Area (including Heritage)

The site is located within the defined conservation area which is a material planning consideration. Collingham has its roots in the Medieval times which is evident from the historical field and plot patterns which are long thin plots situated along a road or access way.

The site proposed is currently garden area for Billericay and forms open space between Billericay and 118 High Street; there is little significance to this area of open land and as such I am of the view that the site does have scope for residential development, subject to appropriate design, scale and detailing.

The Conservation Officer's comments are relatively positive about the development of the plot and feels it is unlikely that a structure on this site would harm the overall character and appearance of the conservation area. Whilst set one behind the other, in this instance the development does not appear like back-land development in plan form as the dwellings are located close to one another and mostly within the existing building line of Billericay and combined are of a similar scale to the host building. To this end the two properties are considered to be acceptable, with a simple form and detailing which respects the local vernacular in Collingham. I would however agree with the Conservation Officer that timber joinery would be more appropriate owing to the site's location within the Conservation Area where natural materials are encouraged; the applicant's agent has agreed that this detail can be conditioned should Members be minded to approve the application.

Aside from the proposal's impact upon the Conservation Area, the dwellings are relatively modest in scale and therefore in my view will not dominate the existing built form surrounding the site, nor be seen as overly prominent within the street scene. There is some separation distance between house 1 and the public highway which helps limit any potential overbearing impacts upon the character of the area.

I do note that the garden areas for the two dwellings are smaller than those enjoyed by Billericay and 118 High Street, amongst other nearby properties. However, I accept that not all village centre dwellings benefit from large amenity spaces and as such, I am of the view that the level of amenity space provided is appropriate to the size of each dwelling and will not have an adverse impact upon the character of the surrounding area, particularly as the village has other examples of properties with smaller gardens/yards.

On the basis of the above, I am of the view that the proposal is acceptable in terms of its impact upon the character of the area and Collingham Conservation Area, subject to appropriate conditions relating to materials and the removal of permitted development rights to ensure the development continues to preserve the historic significance of the Conservation Area in accordance with local and national planning policy and legislation.

Impact on Residential Amenity

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

Both proposed dwellings will look south towards land associated with 112 High Street which does not appear to be private amenity space but rather a yard associated with an agricultural/storage building. They are also located away from the properties along High Street, although I am mindful that house 1 will be located close to the boundary with 118 High Street but the separation distance between the two dwellings will still be at least 21m with no windows directly overlooking the curtilage. As such I am of the view that these dwellings are unlikely to cause significant detrimental impacts upon the amenity of no.112 and no.118.

With regards to the impact upon Billericay, the principal elevations of the proposed dwellings will face out onto the southern side elevation of the existing dwelling which has windows at ground floor level only and therefore I do not consider there will be any undue impact in terms of privacy. I note the driveway serving the proposed properties will lie between Billericay and the new properties which has the potential to disturb this existing property due to new/increased vehicular movements. However, I do not consider that two new dwellings are likely to result in unacceptable vehicular movements such that there would be a detrimental impact upon this neighbouring property.

In addition to neighbour amenity, I must also have regard for the proposed private amenity spaces for the proposed dwellings. The proposed garden areas for the two dwellings are fairly modest, with house 1 having a private area to its rear and side elevation of the dwelling, extending towards High Street. However, I am of the view that the level of amenity space, subject to appropriate boundary treatments (which I would recommend are conditions such Members be minded to approve the application) is acceptable, particularly as the rear gardens will be south-facing, therefore will enjoy sun/day light throughout much of the day.

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

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 traffic issues along High Street but I am also mindful that the site already benefits from an existing access (although the position of this along the road will be altered slightly) and I do not envisage that 2 additional dwellings are likely to have a significant impact upon the public highway. I understand that many of the issues local residents have with the traffic along High Street relate to the volume of heavy goods vehicles travelling through the village rather than cars.

In terms of highway safety, the Highways Authority have been consulted on the application who have no objection to the proposal, subject to condition including altering kerbs at the entrance to the site, as well as materials, creation of visibility splays and reinstatement of the footpath crossing the existing site access.

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.

5 Year Housing Land Supply

The Council's 5 year land supply position is now well documented and Members have been briefed in detail at the last Committee on 22nd March 2017. This latest position statement (March 2017) is published on line but in brief the Council is satisfied it has a 5 year supply when assessed against its OAN. This scheme for two windfall dwellings in a principal village would offer a minor yet positive boost to housing land supply in the district and meet the family housing needs of the district overall.

Conclusion

The proposal seeks consent for the erection of 2 detached dwellings within the principal village of Collingham and is also situated within the designated Conservation Area. The site is served by an existing access from High Street which the Highways Authority are happy with, subject to conditions.

With regards to the design of the dwellings, it is considered that the simple, traditional detailing is acceptable and will not have an adverse impact upon the character of the Conservation Area; additionally, the two dwellings will be set back from the public highway and therefore will not be overly prominent within the public realm.

The site is located within the main built up area of the village and as such is bounded by 3 residential properties, none of which are considered likely to be detrimentally impacted by the development. Furthermore, it is considered that the proposed dwellings will have sufficient private amenity space, which will be south-facing and therefore enjoy ample sunlight during the day.

The proposal would contribute in a minor yet positive way to boosting the supply of housing in the district, albeit the scheme is considered to be acceptable in any case.

It is therefore concluded overall that the proposal is acceptable in terms of local and national planning policy and is recommended for approval to Members.

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,

- 2013/120 Drawing no. L(08)25
- 2013/120 Drawing no. L(08)28
- 2013/120 Drawing no. L(08)29
- P-16-302-MT-T-XY-SU-G-002 rev.P4

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
- Windows and doors

Reason: In the interests of visual amenity in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

04

Notwithstanding the details submitted as part of the application, the proposed windows and doors shall be of timber construction, details of which shall be submitted (in terms of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 or an alternative format as agreed) to and be 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.

Reason: In the interests of visual amenity and in recognition of its position within the Collingham Conservation Area in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

05

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 in accordance with Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Core Strategy.

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:-

- 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;

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual amenity and biodiversity.

07

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

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

- Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Development within the curtilage of a dwellinghouse.
- Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.
- Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.
- Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc of solar equipment on domestic premises.
- Class B: Installation or alteration etc of standalone solar on domestic premises.
- Class C: Installation or alteration etc of ground source heat pumps on domestic premises.
- Class D: Installation or alteration etc of water source heat pump on domestic premises.
- Class E: Installation or alteration etc of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc of wind turbine on domestic premises
- Class I: Installation or alteration etc of stand-alone wind turbine on domestic premises

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

Reason: In the interests of visual amenity and in order to preserve the setting of the nearby heritage assets.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed at first floor level on the western elevation of house 1 hereby permitted.

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).

010

Notwithstanding the access details shown on drawing P-16-302-MT-T-XY-SU-G- 002-P4, the mouth of the access as it joins High Street will be created using a dropped kerb crossing and not radius kerbs as shown. Furthermore, no part of the development hereby permitted shall be occupied until this crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To maintain pedestrian priority; be consistent with other local private driveways, and; ensure the access is constructed to the satisfaction of the Highway Authority for maintenance purposes.

011

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

012

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway to the satisfaction of the Highway Authority.

Reason: To avoid confusion with accesses that are in use; in the interests of highway safety.

013

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. P-16-302-MT-T-XY-SU-G-002-P4 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

Reason: In the interests of Highway safety.

014

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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

Notes to Applicant

01

The development makes it necessary to construct and remove a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway

Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 01159772275 to arrange for these works to be carried out.

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/

03

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

BACKGROUND PAPERS

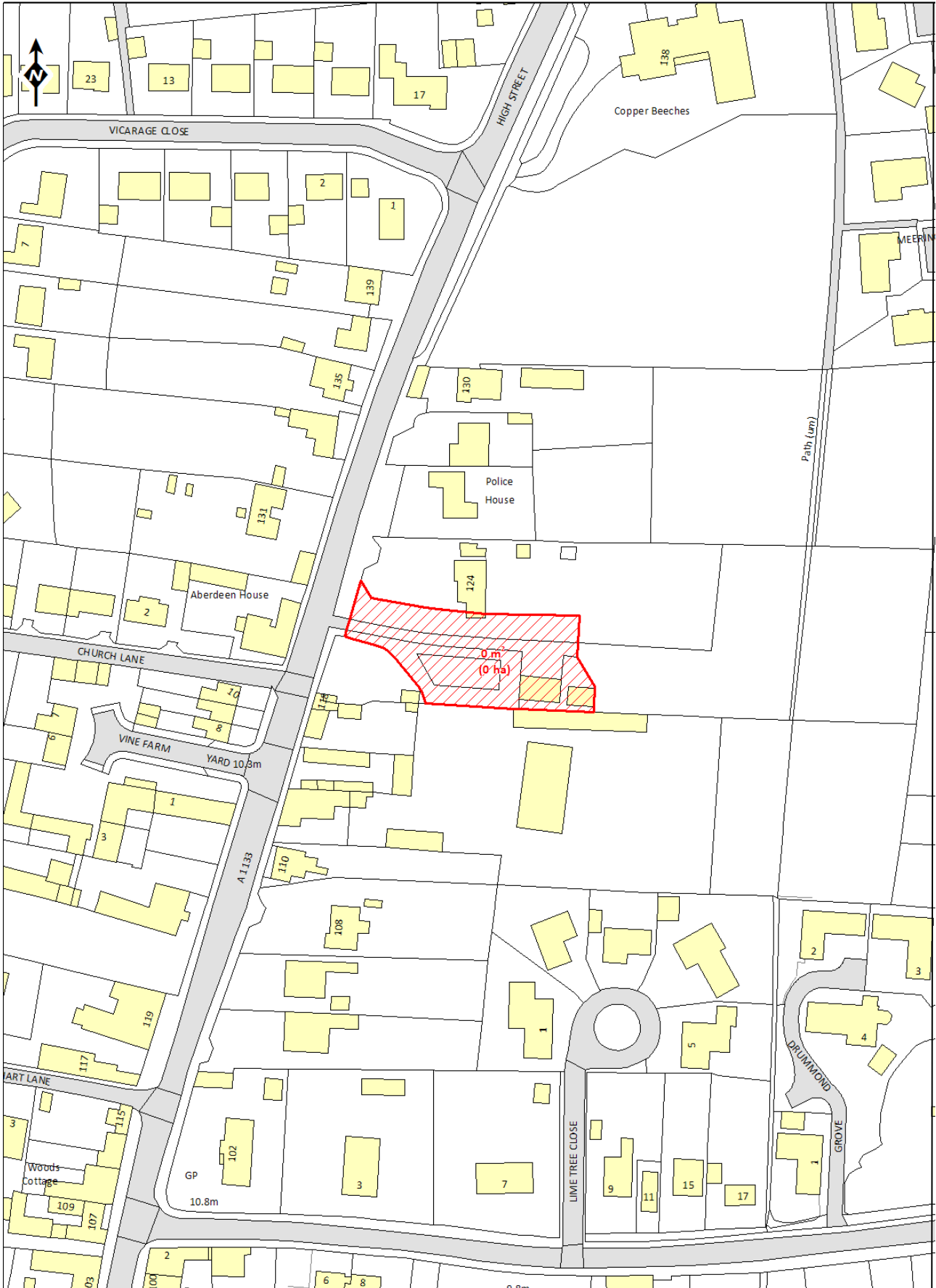
Application case file.

For further information, please contact Nicolla Ellis on ext 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

Committee Plan - 17/00283/FUL



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Application No:	17/00300/FUL	
Proposal:	Householder application for erection of a two storey side and single storey rear extension	
Location:	Sunrise, 63 Main Street, Gunthorpe, Nottinghamshire	
Applicant:	Mr C Windle	
Registered:	15.02.2017	Target Date: 12.04.2017

This application has been called in at the request of Councillor R Jackson on behalf of Gunthorpe Parish Council due to the design of the proposal being out of keeping with surrounding properties, the development being over intensive and no provision for off road parking.

The Site

The application site lies in the centre of Gunthorpe and is positioned on the western side of Main Street. The property is a red brick two storey modern dwelling which is orientated gable end on to the road. The dwelling is set back from the roadside with a beech hedge demarking the front boundary. The property has been extended previously to the side and rear with unsympathetic yet functional flat roof additions and features a box dormer window on the southern roof slope. To the side and front of the extensions is an area of block paving for vehicle parking and turning. Beyond the block paving is a flat roofed garage and beyond this a single storey steeply pitched white rendered outbuilding.

To the rear of the dwelling is an area of decking with the land beyond enclosed by a close boarded fence and used as an allotment by a separate landowner. In addition to the decking area at the rear of the property a grassed area is situated to the side of the property in addition to a small grassed area to the front.

Properties in the vicinity are a variety of styles; there are a collection of white rendered two and two and a half storey cottages to the north and east, a number of which are designated as local interest dwellings. Properties to the west are more modern red brick detached two storey dwellings and immediately to the north on Peacock Close dwellings are typically single storey red brick bungalows.

In accordance with Environment Agency mapping the site is designated as being within Flood Zone 2 and within an area prone to surface water flooding.

Relevant Planning History

No relevant planning history

The Proposal

The application seeks full planning permission to re-design and extend the current property. The extent of new floor space being created is limited to a single storey side and rear extension and the construction of a first floor element above the existing flat roofing on the side of the property.

The overall height of the dwelling would be reduced from 6.5m to 6.2m. The proposed extensions and re-modelling would introduce flat roofing across the property which would be finished in matt grey with a rubberoid finish. The edges of the roof would be lapped in grey zinc. It is proposed that the property be finished in timber cladding and render. Parking arrangements for the property would remain unaltered.

Departure/Public Advertisement Procedure

Occupiers of 10 neighbouring properties have been individually notified by letter.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Policies relevant to this application:

- Core Policy 9: Sustainable Design
- Core Policy 14: Historic Environment

Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)

Policies relevant to this application:

- Policy DM5: Design
- Policy DM6: Householder Development
- Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Considerations

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

Planning (Listed Buildings & Conservation Areas) Act 1990

Historic England Good Practice Advice Note 3 – The Setting of Heritage Assets

Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014.

Consultations

Gunthorpe Parish Council – Objection, as follows:

'Gunthorpe Parish Council object to the proposal unanimously, the proposed alterations make the property totally out of keeping with other village houses, it over develops the site, there are no parking spaces and no garage, this would mean parking on the Main Street which already has parking issues.'

NSDC Conservation Officer – No objection

The host building is not a heritage asset and the site is not within a conservation area or near to any other type of designated heritage asset. Nevertheless, by virtue of its scale, form, appearance and location, the proposal does affect various Local Interest buildings identified on the County Historic Environment Record (HER), including Peacock House, Hawthorne Cottage, Trent Farmhouse, 65 Main Street and outbuildings at the former Anchor Inn. Local Interest buildings are identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process. In this case, the historic and architectural interest of the identified buildings is considered to justify their inclusion on the HER as Local Interest buildings.

Legal and policy considerations

In accordance with Annex 2 of the NPPF, Local Interest buildings are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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 affecting the historic environment are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

Significance of heritage asset(s)

The Local Interest buildings identified consist of 18th and 19th century vernacular architecture. These buildings form a distinct group on Main Street and contribute positively to the street scene. Buildings immediately to the north are noticeably modern, with a variety of styles and contrasting scale and form.

Assessment of proposal

Conservation has reviewed the submitted plans and details and has no objection to the proposal.

The host building is a modern building with no intrinsic architectural or historic interest. It is considered to make a neutral contribution to the setting of the Local Interest buildings.

It is accepted that the form and appearance of the proposed extensions results in a markedly different appearance to the existing building, with the front road facing gabled design changed to a linear block. The altered dwelling will appear bulkier, with a shallow pitched roof that verges on flat. A central raised bay contains distinctive vertical glazing, with side wings comprising timber cladding and smaller windows. The rectilinear form of the side walls will contrast with the traditional gables of the Local Interest buildings.

On balance, however, Conservation finds that the proposal will not be harmful to the setting of the Local Interest buildings. Whilst it is acknowledged that the proposal has an impact on the street, it is felt that the design is not disharmonious when seen in transition from the modern dwellings to the north into the group of Local Interest buildings. The scale of the proposal, furthermore, remains modest, with the highest part of the structure measuring only 6.2m in height. Whilst it is appreciated that the building palette proposed is dissimilar to the host building, it is felt that this is not out of character in this area which contains many rendered buildings.

No details are provided on the roof covering. This should be clarified. Given the prominence of the soffit, thought should be given to a suitable material and finish.

Trent Valley Internal Drainage Board – No objection

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

Neighbours/Interested Parties – Two letters of objection received raising the following concerns:

- The extension is not in keeping with surrounding houses given the substantial increase in glazing & choice of materials and looks out of place creating an overbearing impact;
- There are no other properties in Main Street which have flat roofs which increases the size of the front elevation of the property;
- The proposed building is much too big and imposing for its location and will block out light
- The elevations look like a flat roofed industrial shed you find at a retail park as opposed to the gable ended pitch roof cottages found in the adjoining area;
- The proposal would result in a loss of privacy, first floor windows will overlook four habitable rooms on our front elevation;
- There will be a loss of privacy in relation to the sitting area of the garden where there is a patio, the distance between the properties is approximately 20m according to the site plan.

Comments of Business Manager, Development

Principle of Development

Policy DM6 accepts householder development subject to an assessment of numerous factors including that the proposal respects the significance and setting of any heritage assets, the character of the dwelling and the surrounding area, as well as protects the amenity of neighbouring residents. These issues are now discussed in turn.

Impact on Visual Amenity including the Impact on the Street Scene and Setting of Local Interest Buildings

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.

As detailed by the conservation officer the site is within proximity to a number of local interest buildings situated to the east, south and south east. The properties are predominantly 18th and 19th century vernacular architecture rendered properties with pantile roofs. The properties are considered to contribute positively to the street scene.

The proposed development would result in the re-modelling of the current dwelling which is considered to be of no architectural merit and has been unsympathetically albeit functionally extended to provide for the needs of the current owner through the addition of a number of flat roofed extensions. The proposed development would introduce a relatively symmetrical frontage with areas of vertical glazing, render and timber cladding. Whilst the materials would differ to those currently in situ, render would not be out of keeping with the surrounding area as the local interest buildings are predominantly finished in white smooth render. The introduction of cladding whilst introducing a new material is not considered to be unacceptable, albeit a condition would be attached to any future decision to ensure the finish is appropriate. The comments from the conservation officer in relation to the roof finish are noted and the applicant has confirmed that it would be a matt grey with the edges lapped in a grey zinc which is considered to be acceptable.

The concerns regarding the increase in the bulk of the building are noted; however when the existing and proposed plans are overlaid the increase isn't actually that significant. The proposed development would provide a snug at ground floor level which would infill the gap to the front of the existing play room and infill the gap to the side of the existing rear extension in addition to providing first floor accommodation at the side (south of the property). The overall increase in floor space would be approximately 33%. It is accepted that the front of the property would appear as more bulky through the introduction of the flat roofed elements; however the overall height of the dwelling would be approximately 0.3m lower than existing.

In conclusion it is considered that the proposed extended and altered dwelling would be seen as a transition from the more traditional local interest properties to the south and modern traditionally designed red brick two storey properties to the north. The proposed development would result in a dwelling with a more cohesive appearance of some architectural merit which is considered to be an improvement on the currently unsympathetically altered property. Subject to condition in relation to the finished materials it is not considered that the proposed development would significantly detract from the character of the area and would accord with policies DM5, DM6 and DM9 of the NSDC DPD.

Impact upon Amenity

Policy DM6 states that planning permission will be granted for the alteration or extension of dwellings provided they would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, overshadowing and overbearing impacts.

The proposed development would not introduce glazing at a first floor level into an elevation where it does not already exist. The concerns from the objector regarding overlooking of private garden area and habitable rooms are noted, however it must be recognised that windows serving a bedroom are already in situ in the front elevation of the property. Whilst the proposal would introduce further glazing, the separation distance of 20m across a highway is considered an acceptable degree of

separation to ensure that no significantly greater degree of overlooking occurs than that currently experienced by neighbouring residents.

In terms of overbearing and loss of light; the property is relatively well removed from neighbouring dwellings with No. 65 Main Street approximately 7.5m to the south and the development extends no closer than present and No. 59 is approximately 13m to the north. A new first floor element is proposed on the southern elevation of the property which would have an overall height of 5.4m. However, given the degree of separation and the orientation of the property due north of No. 65 it is not considered that the proposed development would result in loss of light nor an overbearing impact.

On the basis of the above, I am satisfied that the proposal complies with Policy DM6 and the NPPF in terms of impact upon the amenities of neighbouring properties.

Impact on Highway Safety

The proposed development would not alter existing parking and access to the property. At present the property benefits from a single garage with sufficient space to the front to accommodate two further vehicles. This is considered to be sufficient parking provision for the scale of the proposed development. It is as such considered that the proposed development would accord with policy SP7 of the Core Strategy.

Impact on Flood Risk

The site is designated as being within Flood Zone 2 and in an area prone to surface water flooding. In accordance with the guidance issued by the Environment Agency the applicant has stated as part of the application that the proposed floor levels shall be no lower than those existing. As such the proposed development is considered to accord with the current guidance on development within proximity to a flood plain.

Conclusion

The proposed extensions to this dwelling are acceptable in principle. The design of the extensions and remodelling of the dwelling results in an appearance that is different to those dwellings in the vicinity of the site, with its striking expanses of glazing and its contemporary flat roof. Design and taste are matters that are subjective, however it is my firm view that the proposal would have some architectural merit and would improve upon the appearance of the existing dwelling in situ. It is not considered to have an adverse impact on local interest buildings as confirmed by the Council's Conservation Officer. There would be no adverse impacts upon residential amenity, flood risk or parking levels that would amount to reasons for refusal. The proposal is therefore considered to be acceptable and a recommendation of approval is offered.

RECOMMENDATION

That the application 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 references

- Existing and proposed drawings Drawing No. 2016-33-001

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

Reason: So as to define this permission.

03

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

Cladding

Render

Reason: In the interests of visual amenity.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres

02

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

BACKGROUND PAPERS

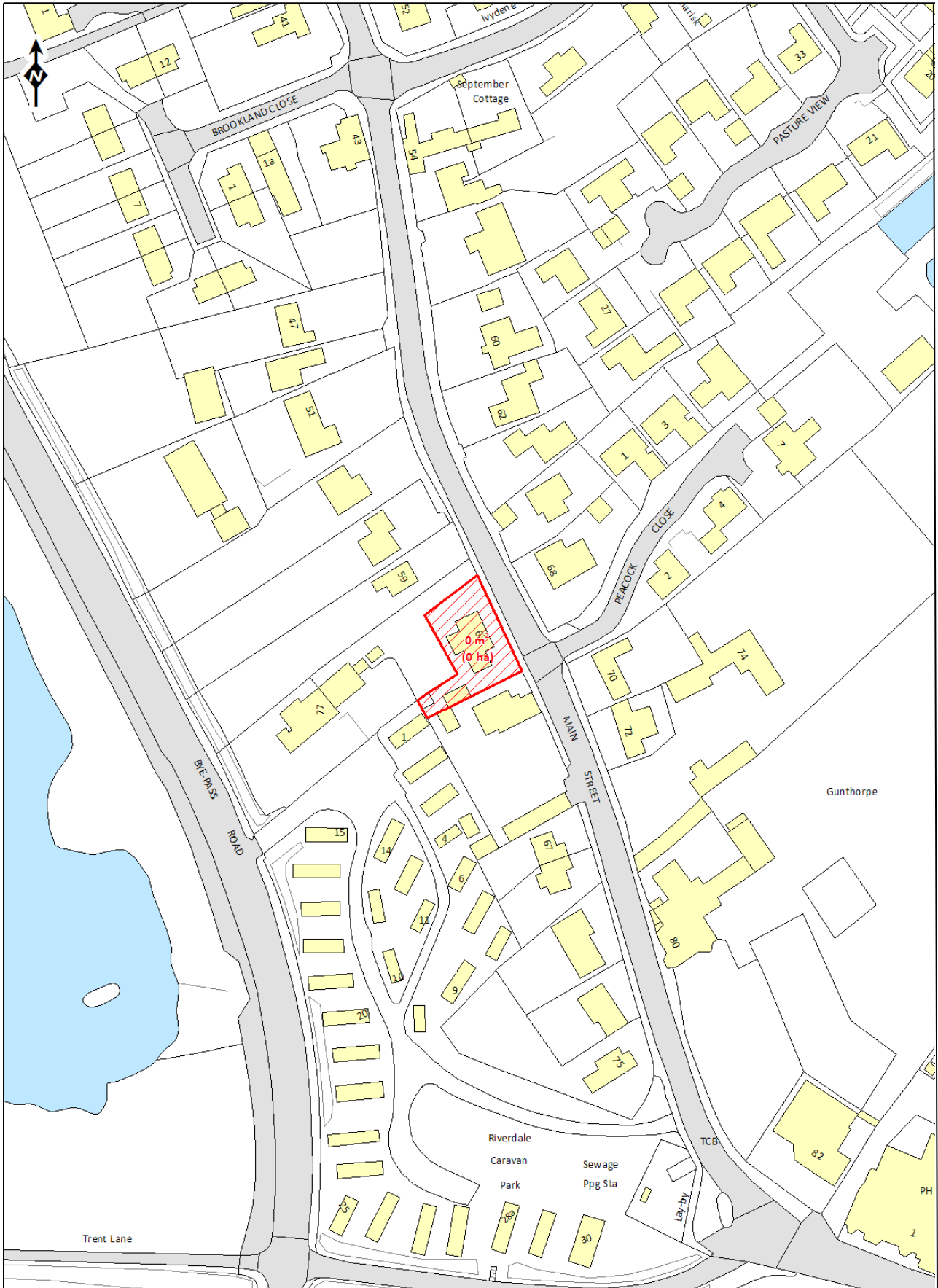
Application case file.

For further information, please contact James Mountain on 01636 655841.

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00300/FUL



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Application No:	16/02163/FULM	
Proposal:	Change of use of Agricultural/grazing land to cricket pitch.	
Location:	Land Adjacent To Newark R And M Cricket Club, Sports Ground, Kelham Road, Newark On Trent, Nottinghamshire	
Applicant:	Mr Gary Hanton	
Registered:	23.12.2016	Target Date: 24.03.2017
	Extension of Time Agreed until 06.04.2017	

This application site is in the ownership of the District Council. Constitutionally this requires the application to be presented to planning committee for determination.

The Site

The application site lies adjacent to the defined Newark Urban Area and comprises an agricultural field and the access road/track that serves the exiting cricket pitch and pavilion immediately to the north east of the main body of the site.

The site sits within a wider “triangle” of land that is visually enclosed by the A46/Newark bypass to the northwest, the railway line to the south and the built up edge of Newark to the east.

Residential development nearest the site is located approximately 100m to the south (off Tolney Lane) and 200m to the east at (off Cullen Close).

The site is situated outside any area of special landscape designation and falls within the Landscape Policy Zone TW33 (Newark West River Meadowlands) and flood zones 2 & 3.

Relevant Planning History

11/01743/FUL - Change of use of land from agricultural to recreational – Permitted 09.03.2012 – Not implemented and now lapsed.

01900554 – Change of use of agricultural land to recreational purposed – Permitted 29.11.1990

The Proposal

The application proposes 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. The area of land proposed to change use is approx. 2.7 hectares.

Public Advertisement Procedure

The occupier of 1 neighbouring property has been individually notified by letter and a site notice has been posted close to the application site.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure

Allocations & Development Management DPD

- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM8: Development in the open countryside
- Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Comments received 2nd February 2017:

“All Members declared a general non prejudicial interest in this application arising from the potential financial support for the project from the Town Council. No Objection was raised to this application. 01.02.17.”

The Environment Agency – “I refer to the above application which was received on the 18 January 2017.

The Agency has no objections to the proposed development but wishes to make the following comments.

There should be no raising of ground levels as part of this proposal. If soil needs to be stripped and not re-used then it must be removed from the floodplain before new material is put down.”

NCC Highways Authority – No objection, comments received 17.03.2017

“Amended site plan

The red line of the application site has now been amended to include the means of access and the parking areas indicated on the plan. The application site is accessed from Kelham Road and there are no alterations proposed to this access arrangement.

This proposal is not expected to have a significant impact on the public highway, therefore, there are no highway objections.”

Comments received on the 30th January 2017:

“The site location plan does not show the means of access within the red line. It is assumed it will be from Kelham Road, however, the plan should be amended to show this. Also, there is minimal information submitted with the application and further details are required relating to the additional visitors/vehicles to the site and the proposed parking arrangements for this.”

N&SDC Environmental Heath Contaminated Land – “No observations in relation to contaminated land.”

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

Trent Valley Internal Drainage Board – “The Board maintained Old Trent Dyke, an open watercourse, exists in close proximity to the site and to which BYLAWS and the LAND DRAINAGE AC 1991 applies.

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

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

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

No comments from local residents or interested parties have been received

Comments of the Business Manager

Principle of development

The proposal site is located outside of the settlement boundaries as defined by Spatial Policies 1 & 2 of the Core Strategy and therefore falls to be considered against the sustainability criteria of policy Spatial Policy 3 relating to Rural Areas. Under this policy, development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policy DM8 contains guidance on such applications which focuses on strictly controlling development in the open countryside to certain types of development of which there are 12. One of these allows for the development of community and leisure facilities if certain criteria are met. Policy DM8 stipulates that recreational facilities will be supported in locations

close to existing settlements. Given that the proposal site is in close proximity to the boundary of the Newark Urban Area and next to the existing R & M Cricket club facility (including a cricket pitch and pavilion building) it is considered to satisfy this element of the policy. Furthermore DM8 supports facilities which demonstrate that they will meet the needs of the community particularly addressing and deficiencies in current provision. It has been confirmed by the agent handling the application that the new cricket pitch is required due to the redevelopment works at an existing cricket pitch at Elm Avenue, which is related to the redevelopment of that area to accommodate athletics and biking facilities. Newark R&M Cricket Club has a large number of playing members and concurrently runs three adult teams, requiring the use of a second home pitch to support their existing current home pitch adjacent to the proposal site at Kelham Road.

Spatial Policy 8 also seeks to promote and encourage the provision of new and enhanced community leisure facilities which I consider applies in this case.

In addition to the above I am also mindful of the approval for the same development which has only recently lapsed. I consider that this approval supports the above in principle acceptability of the proposal.

Members will note that Sport England have not been consulted on this application, given that the scheme has previously been consented, it promotes a replacement provision of an existing pitch at Bowbridge Road (this scheme essentially 'front loading' the provision), and they are not a statutory consultee in any event.

Overall there is no objection in principle to the proposed development in this location. However, the impact upon the character of the area, residential amenity of any neighbouring properties, flooding impact 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 an open field and no built form is proposed at this time. To create a pitch and outfield will clearly require engineering works but I remain satisfied that they will be acceptable, as indeed is the case with the existing pitch nearby.

Further to the above the site is located in Landscape Policy Zone TW33 (Newark West River Meadowlands). This zone is characterised by flat, low-lying topography and views are dominated by highways industry and urban fringe. The landscape condition of this landscape is defined as very poor with low landscape sensitivity. On this basis the landscape actions are to create including conserving existing pasture. The proposed change of use of the proposal site to a cricket pitch would not strictly comply with this action. However, the difference between pasture land and a cricket pitch is not considered to be so different given the site will still be covered with (albeit maintained) grass and will not significantly impact the character of the area overall.

I am satisfied that the proposal use is acceptable in terms of appearance and that the proposed change of use would sit well within the context of the adjoining use and the wider open setting. It is therefore considered that the proposal will accord with Core Policy 9 of the Core strategy, Policy DM5 of the DPD and the NPPF.

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.

As noted above no built form is proposed as part of the change of use to a cricket pitch. The nearest residential properties are over 100m away to the south and over 200m to the west. Due to these separation distances I do not expect that the use of the site as a cricket pitch will have any impact on neighbouring amenity especially bearing in mind that this proposal would result in the expansion of an existing cricket club. On this point I do not expect any negative impact with regard to any substantial increase in noise or disturbance caused by the new pitched given the nature of the game and having received no objections from the authorities Environmental Heath Team.

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. It is therefore considered that the proposal will accord with Policy DM5 of the DPD and the NPPF.

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. It is considered that the location of the proposed cricket pitch is close to the Newark Urban area which contains links to the wider area by train, bus and cycle networks. Furthermore no objection has been raised by Nottinghamshire County Highways following confirmation from the agent handling the application that the existing parking provision at R&M Cricket Club would be sufficient to absorb any increase in onsite parking requirements.

Overall I consider that the proposed change of use would not result in significant highway and is therefore considered to accord with Policy SP7 and DM5.

Flooding

Recreational use of land is classed as being 'less vulnerable' in flood risk terms and is considered appropriate for higher risk flood zones such as this. The Environment Agency has no objections to the proposed development but made the following comment regarding land levels,

"There should be no raising of ground levels as part of this proposal. If soil needs to be stripped and not re-used then it must be removed from the floodplain before new material is put down."

There are no proposals to increase levels however it is considered appropriate to include this as an informative if approval is granted.

Conclusion

Taking the above into account I am of the view that the proposed development is acceptable in principle, would have an acceptable impact on the character of the area and neighbouring amenity and have no adverse flooding or highways impacts and recommend that planning permission be granted.

RECOMMENDATION

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

Conditions

01

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

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

02

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

16082 001 Rev.E

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

Reason: So as to define this permission.

Notes to Applicant

01

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 no new floor area is proposed

02

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

03

There should be no raising of ground levels as part of this proposal. If soil needs to be stripped and not re-used then it must be removed from the floodplain before new material is put down

BACKGROUND PAPERS

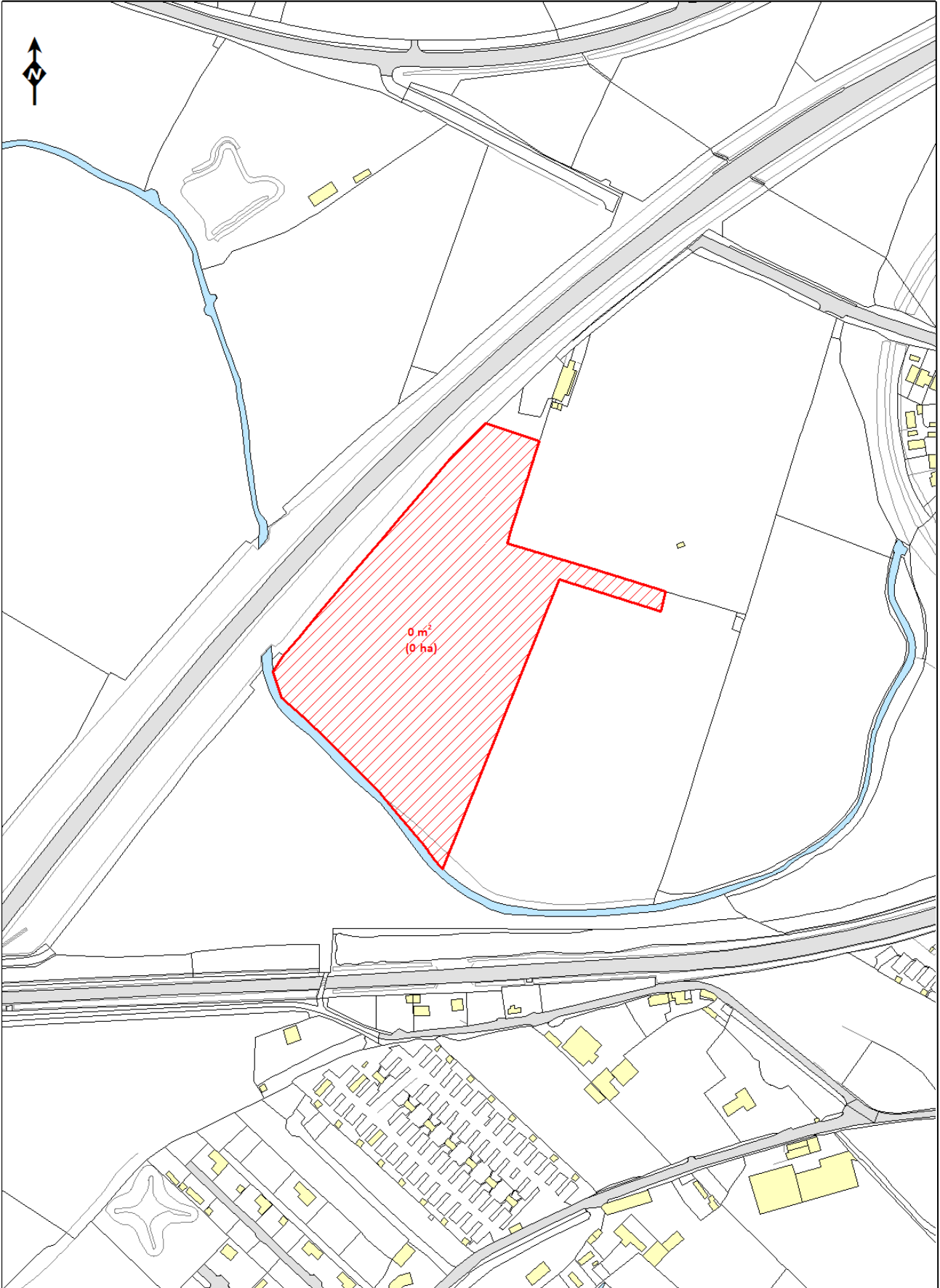
Application case file.

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

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

Kirsty Cole
Deputy Chief Executive

Committee Plan - 16/02163/FULM



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APPEALS A

APPEALS LODGED (received between 17 February to 21 March)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**
That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager Growth and Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/17/3167873	16/01343/FUL	6 Dale Lane Blidworth Nottinghamshire NG21 0TG	CONSTRUCTION OF A DETACHED 4 BED HOUSE WITH GARAGE AND OFF STREET PARKING AND TURNING FOR 3 VEHICLES	Written Representation
APP/B3030/W/17/3168428	16/01745/FUL	Land Adjacent Cherry View Bilthorpe Road Eakring Nottinghamshire	Erection of Two, two- bedroomed dwellings and associated access	Written Representation
APP/B3030/W/17/3168578	16/01840/FUL	Land At Brownlows Hill Coddington Nottinghamshire	Erection of 2(No.) Three Bedroom Houses and associated works to trees covered by Tree Preservation Order.	Written Representation
APP/B3030/W/16/3163833	16/00946/FUL	PrimarySite Ltd 20 Appleton Gate Newark On Trent Nottinghamshire NG24 1LY	Replacement of 1970's aluminium style windows with UPVC double glazed windows (Retrospective)	Written Representation
APP/B3030/D/17/3169639	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	Fast Track Appeal

APPENDIX B: APPEALS DETERMINED (between 17 February and 21 March)

App No.	Address	Proposal	Decision	Decision date
16/00792/HRN	Stud Farm Rufford Nottinghamshire NG22 9HB	Removal of the hedge is to enable farm activities to be undertaken and make the fields easier to work. Plant a new hedge along the northern boundary of approved solar park for screening purposes.	DISMISS	14.03.2017
16/01130/OUT	Land Adjacent Ivy Cottage Hawksworth Road Syerston Nottinghamshire	Erection of two detached dwellings with a single point of access off Hawksworth Road. Off street parking to be provided.	DISMISS	16.03.2017
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	DISMISS	20.03.2017
16/00974/FUL	Hall Farm Westhorpe Southwell Nottinghamshire NG25 0NG	The conversion of an existing dutch barn to form a two storey dwelling.	DISMISS	16.03.2017
16/00803/OUT	Chapel Farm Chapel Lane Spalford NG23 7HD	Erection of 2 detached dwellings	ALLOW	28.02.2017
16/00992/FUL	Newark And Sherwood Play Support Group Edward Avenue Newark On Trent Nottinghamshire NG24 4UZ	Change of use of premises from B1 Offices to A1 (retail) to include a butchery and tea room	ALLOW	17.02.2017

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager Growth & Regeneration

Appeal Decision

Site visit made on 6 February 2017

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2017

Appeal Ref: APP/B3030/W/16/3164242

Land adjacent Chapel Farm, Chapel Lane, Spalford, Newark, Notts NG23 7HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Three Shires Development against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00803/OUT, dated 18 May 2016, was refused by notice dated 6 July 2016.
 - The development proposed is erection of 2 detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application with all matters reserved for the erection of 2 detached dwellings at Land adjacent Chapel Farm, Chapel Lane, Spalford, Newark, Notts NG23 7HD in accordance with the terms of the application ref: 16/00803/OUT, dated 18 May 2016, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. The site address provided in the application form has been updated by the appeal form. As the site is adjacent to Chapel Farm, I have amended the site address accordingly.
3. The application was submitted in outline with all detailed matters reserved for future approval. I determine the appeal on that basis, treating the proposed elevations, site layout, floor plans and site access from Eagle Road identified within the submitted plans as illustrative.

Main Issue

4. The main issue is whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas, including development in areas at risk of flooding.

Reasons

5. Spatial Policy 1 of the Newark and Sherwood Core Strategy (CS), adopted March 2011, sets out the settlement hierarchy for Newark and Sherwood and identifies the settlements central to delivering the Spatial Strategy. Spalford, where the appeal site is located, is not included in settlements listed under the Sub-Regional Centre, Service Centres and Principal Villages categories in Spatial Policy 1. As a consequence, Spalford is categorised under Other
-

Villages in Newark & Sherwood. Spatial Policy 1 indicates that where the development is not in the Green Belt, as would be the case with this proposal, development within the rest of the District will be considered against the sustainability criteria set out in Spatial Policy 3.

6. Spatial Policy 3 of the CS, amongst other things, seeks that local housing need will be addressed by focusing housing in sustainable, accessible villages. To determine such locations it sets out criteria that new development will be considered relative to its location, scale, need, impact and character. Amongst the criteria, it states that new development should be within the main built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages, that it should be appropriate to the proposed location and small scale in nature, and that it should meet an identified proven local need. The policy also states that development away from the main built-up areas of villages, in the open countryside, is strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry and that the Allocations & Development Management DPD would set out policies to deal with such applications.
7. Policy DM8 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (AM&DM), adopted July 2013, relates to development in the open countryside and affirms that development away from the main built up areas of villages, in the open countryside, will be strictly controlled to development types which it lists. In terms of housing specifically the criteria relates to paragraph 55 of the National Planning Policy Framework (the Framework). In that respect, the development types listed include new and replacement rural workers dwellings, conversion of existing buildings, replacement dwellings of similar size, scale and siting to that building replaced and new dwellings where they are of exceptional quality or innovative nature of design.
8. The appeal site lies adjacent to Chapel Farm House, to the east of two recent infill properties (Barn Owl Cottage and Wisteria Cottage) and to the north of Croft House. An existing access road used by Barn Owl Cottage and Wisteria Cottage leads from Eagle Road to the significantly set back position of a group of buildings within the site which consist of stables and livestock pens. The adjacent field consists of grazing land that is identified as within the same ownership as the appeal site.
9. Spalford is a small village with no defined centre or community facilities, and limited public transport provision. The built up area of Spalford consists of a group of dwellings and other rural buildings which are mostly concentrated around Chapel Lane where it meets Rabbithill Lane, Sand Lane and Eagle Road, with some additional intermittent ribbon development along the latter three roads. The village envelope of Spalford is not defined in the CS or the AM&DM. However, the site although immediately adjacent to the main built up area surrounding Chapel Lane, lies within open countryside.
10. Based on the evidence before me and my observations of the site and its surroundings, the existing use appears to fall within the definition of agriculture as defined in Section 336, paragraph (1) of the Town and Country Planning Act 1990 (as amended). Consequently, the site would not fall within the definition of previously developed land in the Framework¹ which excludes land that is or

¹ Annex 2: Glossary

has been occupied by agricultural or forestry buildings. Having regard to the criteria in Spatial Policy 3 of the CS and Policy DM8 of the AM&DM, there is no evidence before me relating to a functional and financial need for the dwellings relating to the existing use. Furthermore, as the application is made in outline with all matters reserved, at this stage I am unable to conclude that the new dwellings would be of exceptional quality or an innovative nature of design.

11. Having regard to the above, the proposal conflicts with Spatial Policy 3 of the CS and Policy DM8 of the AM&DM. The site is located in open countryside where the policies seek to strictly control development and the proposal before me does not conform to any of the listed exceptions.
12. The adoption of the CS predates the publication of the Framework. However, paragraph 211 of the Framework states that policies in Local Plans should not be considered out of date simply because they were adopted prior to the publication of the Framework, and paragraph 215 advises that due weight should be given to such policies according to their degree of consistency with the Framework. However, the Framework also requires local planning authorities to boost significantly the supply of housing². Furthermore, the Framework makes clear that relevant policies for the supply of housing should not be considered up-to-date if local planning authorities cannot demonstrate a five-year supply of deliverable housing sites³.
13. The evidence before me indicates that the housing requirement for Newark and Sherwood as set out in the CS was based on the now revoked East Midlands Regional Strategy and therefore, was not derived to meet the full objectively assessed needs (OAN) for market and affordable housing within the housing market area. As such, the housing requirement in the CS is not consistent with paragraph 47 of the Framework.
14. The Council have recently prepared a Strategic Housing Market Assessment (SHMA). The SHMA document is not before me, but the Council have indicated that it identifies an OAN for Newark and Sherwood of 454 dwellings per annum (dpa) and on that basis a five-year supply could be demonstrated. However, the SHMA will be tested in due course as part of the development plan process. Furthermore, it has been brought to my attention that a subsequent appeal at Land at Southwell Road, Farnsfield⁴, which took account of the SHMA, identified a higher OAN of 550 dpa for Newark and Sherwood and that the Council, therefore, would be unable to demonstrate a five-year supply. The Council contest the findings of the Inspector which followed detailed examination at Public Inquiry. However, there is no substantiated evidence before me that circumstances have significantly changed since the appeal decision or which would lead me to a different view to the Inspector's findings. I, therefore, must conclude that, based on the evidence available to me, the Council cannot demonstrate a five-year supply of deliverable housing sites.
15. With regard to the above and taking account of paragraph 49 of the Framework, the relevant policies for the supply of housing are not up-to-date, and therefore, only limited weight can be given to the conflict with Spatial Policy 3 of the CS and Policy DM8 of the AM&DM. In such circumstances, paragraph 14 of the Framework is also engaged. Where the relevant policies of

² Paragraph 47

³ Paragraph 49

⁴ APP/B3030/W/15/3006252 – Allowed with Conditions – 7 January 2016

the development plan are out-of-date, paragraph 14 of the Framework requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16. With regard to the above, the Framework makes it clear that the policies that it sets out, taken as a whole, constitute what sustainable development means in practice for the planning system. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These dimensions are mutually dependent and should be jointly sought.

Social and economic role

17. The scheme would have a number of benefits relating to its contribution to housing supply and choice in Newark and Sherwood, including economic benefits during construction and support for local services after occupation, which carries significant weight in favour of the development.

The environmental role

18. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside should be avoided unless there are special circumstances, such as an essential need for a rural worker to live permanently at or near their place of work.
19. The proposal is not isolated from the main built up area of Spalford. However, the lack of services in Spalford would require that future occupiers of the dwellings travel further afield for everyday needs such as a convenience store, a post office, schools, a place of worship, a public house, childcare, medical facilities and other community services. There is a very limited bus service from a bus stop on the A1133. However, an absence of street lighting and a continuous footpath linking the site to the bus stop, together with the very infrequent bus services, would preclude the ability to regularly meet everyday needs via public transport. Consequently, it is highly unlikely that occupiers of the proposed dwellings would regularly access services and facilities in other rural communities or urban areas on foot or via bicycle, particularly at night or in inclement weather.
20. The development would, therefore, encourage dependency on private car use to meet day to day needs. The proposal would not, of itself, generate a large number of traffic movements and some dependency upon car use is inevitable in rural locations. Nevertheless, the cumulative effect of allowing development in isolated locations would be likely to increase the amount of unsustainable journeys made. However, greater dependency on the car is inevitable in rural locations and the Framework indicates that different policies and measures will be required in different communities, noting that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Consequently, the harm arising from the provision of 2 dwellings in transport terms would be limited.
21. Paragraph 100 of the Framework states that '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'. The site is mostly within Flood Zone 2

according to Environment Agency Flood Zone Mapping. However, the existing site entrance from Eagle Road and the surrounding area lies within Flood Zone 3 which covers the majority of Spalford and its hinterland, including the adjacent built up area to west of the site and surrounding roads. The shape of the site means that dwellings could only be accommodated within the parts that are in Flood Zone 2. Having regard to Planning Practice Guidance (PPG), dwellings located in Flood Zone 2 are classified as 'more vulnerable'⁵ and require a Sequential Test, but not an Exception Test⁶.

22. The appellant has provided a site-specific flood risk assessment (FRA) as required by paragraph 103 of the Framework. It identifies that the main source of flooding to the site would be fluvial flooding associated with the functional floodplain of the River Trent, which with respect to Flood Zone 2 reflects land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding as identified in the PPG⁷. The FRA also indicates that there are no available alternatives to the site in areas at lower risk of flooding.
23. The Council have provided no contrary evidence to the FRA and rely upon the view that the Sequential Test is not passed as there are allocated settlements and sites in Flood Zone 1 in the CS and AM&DM which take account of areas at risk of flooding. However, as per my previous findings, the housing requirement in the CS is out of date and a five-year supply of deliverable housing has not been demonstrated by the Council. It, therefore, follows there is an inability to identify sufficient sites which would act as a reasonably available alternative in areas with a lower probability of flooding to dwellings in Flood Zone 2 at both a local and district level. Accordingly, in the absence of identifiable alternatives, I find that the Sequential Test is satisfied and as such it is not possible to direct development to an area at lower risk of flooding.
24. In considering the appropriateness of the proposal with respect to flood resilience and resistance, the FRA identifies the residual risks. Furthermore, it suggests a number of means for the effective management of such risks including electrical supply points and services set above floor and ground levels, together with internal finished floor levels set no lower than 7.2m Above Ordnance Datum levels. The FRA also indicates that the small size of the development would have no effect on the floodplain, and that the amount of surface run off would not be increased due to use of permeable hardsurfacing and landscaping. Access is a reserved matter; nevertheless, there are established access points to the site through Flood Zone 3 that are in use by surrounding dwellings. Furthermore, the FRA includes necessary provision for subscription to flood warning services to assist evacuation if flooding were to occur.
25. Having regard to the above, I am satisfied that the measures proposed in the FRA, which can be secured by condition, would be sufficient to make the dwellings safe from flooding and would not increase the risk of flooding to surrounding dwellings. As the Sequential Test is satisfied and an Exception Test is not required, the proposal would not conflict with Core Policies 9 and 10 of the CS, Policy DM5 of the AM&DM or the Framework in that respect.

⁵ Planning and Flood Risk, Table 2: Flood risk vulnerability classifications, Paragraph: 066
Reference ID: 7-066-20140306, Revision date: 06 03 2014

⁶ Planning and Flood Risk, Table 3: Flood risk vulnerability and flood zone compatibility, Paragraph: 067
Reference ID: 7-067-20140306, Revision date: 06 03 2014

⁷ Planning and Flood Risk, Table 1: Flood Zones, Paragraph: 065 Reference ID: 7-065-20140306
Revision date: 06 03 2014

26. The proposed houses would not be in an isolated location in the open countryside and when viewed from Eagle Road the set back position would be surrounded on 2 sides by existing housing that it would be viewed against from public vantage points. In such circumstances, the development would not extend unacceptably into the open countryside and would be viewed as part of an expanded village envelope. Furthermore, subject to future design and layout details to be provided as part of reserved matters, the scheme could reflect the surrounding pattern of development and context. The development of the site would not have a detrimental effect on the character and appearance of the site and its surroundings, given the existing site consists of a number of buildings in poor condition and in disrepair. In principle, there would be no conflict with the design aspect of the environmental dimension of sustainability subject to appropriate details being provided as part of the reserved matters.
27. I have taken into account that the neighbouring dwellings of Barn Owl Cottage and Wisteria Cottage were subject to a previous appeal decision in 2010. However, the full circumstances of that case are not before me. Furthermore, it related to a different site and the decision was made prior to the adoption of the CS, AM&DM and the publication of the Framework. I have, therefore, determined the appeal proposal based on its own merits.

Planning Balance

28. Having regard to all of the above, I conclude that the limited environmental harm resulting from car dependency, and the limited weight given to identified conflict with Spatial Policy 3 of the CS and Policy DM8 of the AM&DM, would not be sufficient to significantly and demonstrably outweigh the benefits of the provision of 2 additional dwellings to be delivered in a location immediately adjacent to existing housing. In this respect, local services, albeit very limited, would be supported by additional residents and participation in community and social events could be increased. With regard to development in areas at risk of flooding, the Sequential Test is satisfied as based on the evidence before me, it would not be possible to direct development to areas at lower risk of flooding either in Spalford or elsewhere in Newark & Sherwood District. The Council having not demonstrated a five-year supply of deliverable housing sites is an overriding consideration in that respect. On balance, I, therefore, conclude that when assessed against the policies of the Framework as a whole, including those relating to the location and supply of housing in rural areas and areas at risk of flooding, the proposal amounts to sustainable development.

Conditions

29. I have had regard to the various planning conditions that have been suggested by the Council, where necessary I have amended the wording to ensure consistency with paragraph 206 of the Framework. In addition to the standard conditions regarding the submission and approval of reserved matters, commencement of development and plans compliance, a condition requiring the proposals for flood resilient and resistant design, and construction techniques and mitigation measures, together with the finished floor levels of the dwellings which shall be in accordance with the appellant's FRA is necessary in the interests of flood risk mitigation. In addition, the FRA makes reference to the need to ensure satisfactory means of foul and surface water drainage within the site in the absence of a nearby sewer and I consider this an appropriate requirement of the development. It is necessary to ensure the

- submission and agreement of those details prior to commencement, including an agreed timetable for implementation and maintenance thereafter.
30. A condition has been requested to remove permitted development rights for Schedule 2, Part 1, Classes A-H. The PPG⁸ advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. The detailed scale, layout and appearance of the dwelling will be determined as part of the reserved matters. However, in that context and in interest of a satisfactory character and appearance in the rural setting at the edge of the settlement I am satisfied that it is reasonable and necessary that permitted development rights are removed for extensions and fenestration (Class A), roof alterations (Classes B and C), outbuildings (Class E) and hardstanding (Class F). However, there is no justification to remove permitted development rights relating to porches (Class D), chimneys, flue or soil and vent pipes (Class G) or microwave antennas (Class H) on that basis. I have, therefore, focused the restrictions accordingly in the wording of the condition.
31. Based on the evidence before me, together with observations during my site visit, a safe means of access to the site would be feasible and there is no evidence to suggest that the proposal would have a detrimental impact on highway capacity or traffic congestion. The Council have recommended that a number of conditions are imposed relating to the use of a shared driveway, surfacing, vehicular access onto Eagle Road and the position of gates. However, it is not necessary to impose the suggested conditions upon an outline application when they relate to an access which has yet to be determined and therefore, the issues could be dealt with as part of a reserved matters submission.
32. Development of the site would be capable of providing adequate separation to surrounding properties to preserve the living conditions of occupiers in terms of outlook and privacy. These are issues which could be appropriately addressed through the reserved matters relating to layout, scale, appearance and landscaping and no conditions are, therefore, required.
33. There is no evidence before me that the development would have a detrimental impact upon ecology or local biodiversity and therefore, no conditions are required in that respect.
34. The Council's Environmental Health section have confirmed that previous investigation of the site showed little evidence of contamination and therefore a condition for future site investigation is not necessary. Based on the evidence before me, I have no reason to take a different view and therefore, a condition of that nature is not imposed.

Conclusion

35. For the reasons given above, I conclude the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

Gareth Wildgoose

INSPECTOR

⁸ PPG, Use of Planning Conditions, Paragraph: 017 Reference ID: 21a-017-20140306 Revision date: 06 03 2014

SCHEDULE

CONDITIONS

- 1) Details of the layout, scale, appearance, landscaping and access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of the approval of the last of the reserved matters to be approved.
- 4) This permission relates to the site as denoted by the red line on Drawing No: TSD/S/003 dated 30 July 2015.
- 5) The reserved matters shall show the finished floor levels of the dwellings set no lower than 7.2m AOD and proposals for flood resilient and resistant design and construction techniques, and mitigation measures, which shall be in accordance with the Flood Risk Assessment submitted with the application. No dwelling shall be occupied until the agreed measures have been completed in accordance with the approved details. The works and mitigation measures shall be retained and maintained thereafter.
- 6) The development hereby permitted shall not begin until details of works for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. The foul and surface water drainage scheme shall be carried out and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and;
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage scheme throughout its lifetime.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration of the dwellings hereby permitted, including no extensions, no insertion or replacement of doors and windows, no alterations to the roof, no porches and no development within the curtilage including no garages, no ancillary curtilage buildings and no swimming pools, other than those expressly authorised by this permission.

END OF SCHEDULE OF CONDITIONS

Appeal Decision

Site visit made on 6 February 2017

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/B3030/W/16/3164759

**Newark and Sherwood Play Support Group, Edward Avenue,
Newark on Trent NG24 4UZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Stephanie Worthington on behalf of Farndon Farmshop Ltd against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00992/FUL, dated 19 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is change of use of premises from B1 offices to A1 (retail) to include a butchery & tea room.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of premises from B1 offices to A1 (retail) to include a butchery & tea room at Newark and Sherwood Play Support Group, Edward Avenue, Newark on Trent NG24 4UZ in accordance with the terms of the application, Ref 16/00992/FUL, dated 19 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; CDD/16/069/01; CDD/16/069/02; CDD/16/069/04.
 - 2) Notwithstanding condition 1, within 3 months of the date of this permission a scheme of hard and soft landscape works, including details of boundary treatments and landscape planting to the Edward Avenue frontage, shall have been submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season following the receipt of approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
 - 3) The use hereby permitted shall not be open to customers and deliveries and vehicle movements to and from the site directly related to the approved use shall not take place outside of the following times:

0800 - 1700 hours on Mondays to Saturdays.
-

Procedural Matter

2. At the time of my visit, the building was in use as a butchery and tea room, removal of leylandii trees on the road frontage had taken place and the car parking area within the site had been laid out. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of Newark Conservation Area, and;
 - the effect on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, disturbance and parking.

Reasons

Character and appearance

4. The appeal site lies within the Newark Conservation Area which covers a large area, comprises a mix of designs and styles of buildings and includes part of the historic town centre and riverside that makes a significant contribution to its significance. The site is located on the eastern side of Edward Avenue and to the west of Victoria Terrace in a predominantly residential area consisting of a variety of buildings that make only a limited contribution to the significance of the Conservation Area.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
6. The areas of hardstanding, low density and modest height of detached buildings within the site, together with the similar character of neighbouring land to the south, are inconsistent with the surroundings of taller two storey terraced rows and larger modern buildings in the compact street network. Consequently, the established presence of the building and hardstanding within the site offers little contribution to the significance of the Conservation Area.
7. The change of use of the site with limited external alterations to the building that have taken place has benefitted the appearance of the building and immediate surroundings. This is reflected in bringing the vacant site back into use, preventing the building falling into disrepair and removal of a shipping container, which would have been an incongruous feature. However, the leylandii trees would have previously provided a more verdant appearance to the Edward Avenue frontage and a degree of screening to mitigate the stark contrast of the site with the predominantly residential character of its surroundings.

8. There is no indication that the leylandii trees were subject to Tree Preservation Order, however, given their location in the Conservation Area they were subject to protection from indiscriminate felling. In this respect, a tree survey undertaken in accordance with BS 5837: 2012 was provided with the application, which categorised all of the trees as 'C', which are described by the British Standard as unremarkable trees of low quality with very little merit. In such circumstances, the leylandii trees were not suitable for long term retention and were suitable for removal. However, the loss of the trees has had an adverse effect upon the character and appearance of the Edward Avenue frontage of the site. To mitigate the impact of the tree loss and prevent permanent harm to the character and appearance of the Conservation Area, a condition is necessary to secure replacement landscaping.
9. It is reasonable to consider that the activity in terms of comings and goings of vehicles and pedestrians to the site consists of an increase when compared with the previously vacant site. However, the evidence before me indicates that a fallback exists whereby a range of lawful B1 uses could be re-established with no control relating to hours of use or associated activities. Furthermore, there is precedent of commercial uses at an adjacent property to the south and a school nearby to the west of Edward Avenue. Associated activity within the surrounding area in terms of pedestrians and vehicles is a feature of the locality during 0800-1700 hours on Mondays to Fridays which reflect the opening and delivery hours proposed. The proposal, therefore, does not have a significant effect on the patterns of activity and established character of the surrounding area during those periods.
10. During the proposed opening hours of 0800-1700 hours on Saturdays, non-residential activity in the immediate surroundings of the site would be less common. However, I must take into account that there is a fallback position of an unrestricted B1 use operating at the site during that period of time. Consequently, if opening hours and deliveries of the proposal are appropriately controlled by condition, there would be no adverse effect on the character of the Conservation Area in terms of activities associated to the use proposed.
11. Having regard to all of the above, I conclude that the development, subject to the imposition of the previously stated condition, would preserve the character and appearance of Newark Conservation Area. The development would not, therefore, conflict with Policies CP9 and CP14 of the Newark and Sherwood Core Strategy (CS), adopted March 2011, and Policies DM5 and DM14 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (AM&DM), adopted July 2013. When taken together the policies seek to ensure the continued preservation and enhancement of the character, appearance and setting of heritage assets and the historic environment, including conservation areas. The policies are consistent with the Framework.

Living conditions

12. Policy DM5 of the AM&DM states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities' of neighbours and land uses are not detrimentally impacted.
13. The site has a single access from Edward Avenue that leads to the main entrance of the building on the facing elevation, a car parking area within the

site and an additional area of hardstanding to the east of the site where delivery vehicles were parked during my visit. On the main elevation of the building facing the main car park, there is an additional customer entrance, together with sliding doors located further towards the rear of the site which is used for deliveries.

14. The building is single storey and there are no changes proposed to existing windows. There are significant boundary treatments between Nos. 43-47 Edward Avenue located to the north and Nos. 5-9 Victoria Terrace to the east which prevent any significant overlooking or loss of privacy. Furthermore, there is also no adverse effect on the properties opposite on Edward Avenue in that regard given the closer relationship of the existing highway and associated footways to those properties.
15. Edward Avenue and Victoria Terrace are predominantly residential in character. However, as previously mentioned, there is an existing commercial use to the south of the site and a school immediately to the west of Edward Avenue. In addition, the site although recently vacant has had a historic commercial use and retains a fallback position of such uses being re-established. In such circumstances, the residential surroundings of the site are likely to experience activity and noise in terms of pedestrians and vehicles for much of the day, particularly on Mondays to Fridays.
16. It is reasonable that the use of the premises as butchery & tea room would result in an increase in vehicle and pedestrian activity when compared to the previously vacant site or a predominantly office use. However, given the small scale of the proposed use there is no substantiated evidence before me that such an increase would be significant relative to the established pattern of activity in the local area. Due to the location of on-site parking, customers arriving in vehicles would have only a short distance to walk to the premises, which would likely restrain levels of external noise and activity. Any increase in noise generated within the building, by the stopping and starting of vehicle engines or the opening or shutting of vehicle doors would not be significant when compared with the fallback position of the established use, which could open earlier in mornings, later into evenings and for longer periods at the weekend than proposed.
17. With regard to the above, the noise generated by customers visiting the appeal premises on foot and by car and deliveries would not be unduly disturbing for residents if opening and delivery hours are suitably restricted. The proposed opening hours and delivery times of 0800-1700 hours on Mondays to Saturdays if secured by condition would appropriately reflect times of closure in the early mornings, evenings and all day on Sundays when a quieter living environment for residents would reasonably be expected. Subject to such restrictions, when taken individually or in cumulative with existing uses, I do not consider that the change of use would result in an adverse impact on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.
18. Turning to parking arrangements, the provision of 13 car parking spaces (including 2 disabled spaces) is an adequate level of off street parking available to serve the scale of the proposed use which is restricted by the floorspace available within the building. Furthermore, I observed that Edward Avenue is subject to resident permit holder parking restrictions between 0800-1800 hours on Monday to Saturday, periods which include the opening hours of the

premises and delivery times which would be restricted by condition. In such circumstances, there is no evidence before me that the development would have an adverse effect on local parking arrangements or result in undue pressure on residents parking. If overspill parking is necessary to serve the development, it would be necessarily dispersed to the wider area where short stay parking on-street is available.

19. Interested parties have raised additional concerns with respect to the butchery use, waste and related issues of odour and vermin. However, the Council's Environmental Health section offered no objection to the proposal and separate legislative controls exist with respect to food safety and waste. The presence of butchery uses in close proximity to residential properties is not an uncommon relationship. Furthermore, there is no evidence that the use would result in significant cooking odours and no ventilation system is proposed.
20. I conclude that, subject to the imposition of a condition to limit the opening hours of the premises and times of delivery, the proposal would not harm the living conditions of occupiers of neighbouring properties. The proposal would not, therefore, conflict with Policy DM5 of the AM&DM. The policy is consistent with the Framework's core planning principle of seeking a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

21. The site is located outside of Newark Town Centre, but is a sustainable location within walking distance of the town centre. The small scale of the proposal is well below the threshold in Policy DM11 of the AM&DM which discourages out of centre locations for retail provision exceeding 2 500 sq.m. There is no local or national policy requirement for a development of the scale proposed to demonstrate a need for the specific retail use.
22. The Council's Highways Authority offered no objections with respect to highway safety and I have no reason to take a different view. There is no substantiated evidence that the increase in vehicle movements or level of parking demand arising from the development would have a residual cumulative impact that would be severe in terms of traffic or highway capacity on Edward Avenue or surrounding streets. Furthermore, the existing access is safe and suitable to serve the development.

Conditions

23. The Council's evidence contained a suggested list of conditions, including provision of landscaping, together with restrictions on opening and delivery hours which I have previously mentioned as reasonable and necessary. Where appropriate, the wording has been slightly amended to accord with paragraph 206 of the Framework and to require the submission and agreement of landscaping and implementation of the agreed scheme within the first planting period thereafter.
24. As the development has commenced a condition to limit the time period of the planning permission is not necessary. However, a plans condition is included to provide certainty in terms of the permission granted.

Conclusion

25. For the reasons given above and taking all other matters in account, I conclude that the proposal would accord with the development plan and the Framework as a whole. Accordingly, the appeal should be allowed and planning permission granted subject to conditions as set out below.

Gareth Wildgoose

INSPECTOR